

**AN EVALUATION OF THE QUESTIONS POSED TO CHILD
WITNESSES IN COURT TO DETERMINE WHETHER THEY ARE
DEVELOPMENTALLY APPROPRIATE**

by

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SUMMARY

Children are often required to testify *viva voce* in criminal trials. The question arises whether children understand what is communicated to them during their testimony in court. In the courtroom, the witness serves as a source of information. In child abuse cases in particular, the meaningful participation of the child in court proceedings is crucial due to the fact that the child is often the key witness, or the only witness, for the prosecution. The proper evaluation of the child's evidence, however, requires that all role-players involved in the judicial process have a sound knowledge of those aspects which deal with child psychology, especially the cognitive and language abilities of children who testify.

The procedure that is followed in court is not understood by the ordinary lay person, even less by children, and the language used is formalistic and very specialized.

Legal language in general often contains cognitively and linguistically inappropriate questions which prevent children from relating their stories. Furthermore their responses do not sufficiently reflect their knowledge and experience of the incident of alleged sexual assault. Court language creates serious problems for children and accordingly prevents them from being effective witnesses and taking part in the judicial process in a meaningful way.

The researcher, in her capacity as a Regional Court Magistrate, realized that children have limited understanding of the criminal trial process and often become secondary victims as a result of a system that does not acknowledge their cognitive and linguistic developmental levels. The purpose of this research was therefore to test the validity of the following hypotheses:

- During the examination of children in a criminal trial developmentally and linguistically inappropriate questions are posed to them; and

- This results in ineffective communication.

Eight court transcripts of criminal cases heard in the regional courts of the Eastern Cape and Mpumalanga by different presiding officers were chosen at random. These transcripts were analyzed and evaluated in order to determine whether questions posed to children when they testify are cognitively and linguistically appropriate.

Each question in each of the eight transcripts was numbered and analyzed. The findings of the analysis were categorized in terms of whether they were cognitively and linguistically inappropriate questions. It was clear that the majority of questions put to the child witnesses were cognitively and linguistically inappropriate.

It is evident from the evaluation that the manner in which the children's evidence in court was presented and the way in which they were questioned created a communication barrier which placed a distorted version of events before the court.

It is therefore recommended that full account be taken of the cognitive and language capabilities of each particular child in order to elicit reliable information during the child's testimony. It is of the utmost importance that questioning be conducted in such a fashion so as to ensure that the child witness understands not only the content of the questions, but also what answers or responses are expected from them.

At present, acknowledgement of linguistic and cognitive developmental appropriateness, concern and comprehension for the psychology of the child witness are ignored at best, and totally exploited at worst. This lack of knowledge about child development impacts adversely upon the child's credibility in court.

To elevate and enhance the credibility of children, it is of the utmost importance for society in general and court role-players in particular to appreciate the various stages and faces of child development.

The main recommendation is that court role-players should make a paradigm shift and children, including victims of sexual assault, should be given the opportunity to tell their own stories in their own language supported by other methods of communication.

In evaluating any possible changes, it is necessary to adopt and develop a holistic and multi-disciplinary approach based on scientific principles. A specialized system is required to deal with children in the criminal justice system and innovative methods to achieve this are necessary.

There is a strong need to change or adjust the present manner in which the criminal justice system accommodates child witnesses. Such a change or adjustment will be in the best interests of children as envisaged in section 28 of the Constitution of the Republic of South Africa Act.

CHAPTER 1

INTRODUCTION AND PROBLEM STATEMENT

1.1 INTRODUCTION

The criminal trial process is a communicative process and this process takes place through the medium of language in both its spoken and written form. In a criminal trial the communication process predominantly takes the form of oral communication.

Children are often required to testify *viva voce* in criminal trials. The question arises whether children understand what is communicated to them during their testimony in court. This research aims to show how a lack of understanding of the cognitive and linguistic developmental levels of children may result in miscommunication.

Society has the responsibility to create an environment that maximizes the completeness and accuracy of children's testimony and minimizes the stress placed on children in the judicial process. In the courtroom, the witness serves as a source of information. In child abuse cases in particular, the meaningful participation of the child in court proceedings is crucial due to the fact that the child is often the key witness, or the only witness, for the prosecution. The proper evaluation of the child's evidence, however, requires that all role-players involved in the judicial process have a sound knowledge of those aspects which deal with child psychology, especially the cognitive and language abilities of children who testify.¹

¹ Louw "Die Bevoegdheid van Kinders as Getuies 1: Die Vol van Ouderdom en Ontwikkelingsvlak in Geheue" (2005) *CARSA* 5(2):3 .

There has been growing awareness and concern over the past decades about the effects that testifying in an adversarial environment has on children. The child is expected to testify in the presence of a group of foreign people, often about personal and embarrassing details. If he is the complainant in the matter, he has the strenuous task of giving evidence in the presence of the alleged offender. The child is cross-examined by the accused's legal representative or, even worse, by the accused himself. Cross-examination is more often than not performed in a hostile fashion as it is firstly employed to elicit favourable information to the party conducting the cross-examination and, secondly, to cast doubt upon the accuracy of the evidence given in chief by the witness.² In an accusatorial system there is a fundamental belief that cross-examination is the chief method for assessing credibility and discovering the truth. It is frequently used to imply to the court that the witness has some other reason to implicate the accused falsely.

A child is furthermore expected to testify in a courtroom, the setting which is in itself alien and intimidating. The procedure that is followed in court is not understood by the ordinary lay person, even less by children, and the language used is formalistic and very specialized.

Legal practitioners employ a deliberate, well-practiced form of control when they examine and cross-examine witnesses. Their linguistic skills are well developed, polished and sophisticated and witnesses in general, and child witnesses specifically, are novices at communicating in court.³ Legal language in general often contains cognitively and linguistically inappropriate questions which prevent children from relating their stories. Furthermore their responses do not sufficiently reflect their knowledge and experience of the incident of alleged sexual assault.⁴

² *Klink v Regional Court Magistrate NO and Others* 1996 (3) BCLR 402 (SE) 410C.

³ Levi and Graffam-Walker *Law, Society and Policy: Language in the Judicial Process* Vol 5 (1990) 159.

⁴ Brennan and Brennan *Strange Language – Child Victims under Cross-examination* (1988) 84-85.

It will be shown later how this very specialized court language creates serious problems for children and accordingly prevents them from being effective witnesses and taking part in the judicial process in a meaningful way. Children are subjected to questions being posed in ways that serve to reduce clarity rather than enhance it.⁵

Dziech and Schudson⁶ adequately describe the position where children are concerned as follows:

“For children, however, the courtroom can do more than encourage civic responsibility – it can terrify and silence”.

From the findings of a number of studies, it would appear that the accusatorial system of procedure gives rise to two major problems when the witness is a child.⁷ Firstly, this system of procedure traumatizes children, and, secondly, it impacts negatively on the accuracy of a child's evidence in court and ultimately his credibility.

The South African Law Commission⁸ accepted that “[o]ne of the great and respected complaints against the present system is directed against the adversary system and everything it implies”.

1.2 REASON FOR SELECTION OF THE TOPIC

The reason why this topic was selected as a research project stems from the fact that the researcher is employed by the Department of Justice as a Regional Court Magistrate and has been presiding over sexual offences matters where children are the complainants for the last decade.

⁵ Brennan and Brennan 64.

⁶ Dziech and Schudson *On trial: America's Courts and Their Treatment of Sexually Abused Children* (1989) 170.

⁷ Saywitz and Nathanson *Children's Testimony and Their Perceptions of Stress In and Out of the Courtroom. Child Abuse and Neglect* (1993) 17: 620-621.

⁸ South African Law Commission (1989) *Protection of the Child Witness* Working Paper 28, Project 71.

The researcher soon realized that children have limited understanding of the criminal trial process and often become secondary victims as a result of a system that does not acknowledge their cognitive and linguistic developmental levels.

1.3 OBJECTIVES AND HYPOTHESES

The objective of this research is to test the validity of the following hypotheses:

- During the examination of children in a criminal trial developmentally and linguistically inappropriate questions are posed to them; and
- This results in ineffective communication.

1.4 STRUCTURE

This dissertation is divided into five chapters and an addendum. The addendum consists of questions taken from eight court transcripts which were used in the verification of the hypotheses.

In Chapter 2 a theoretical exposition of cognitive development and its various stages, as well as problematic words and concepts are set out.

In Chapter 3 a theoretical discussion of linguistic development and its various stages are set out. Communicating in an adversarial environment, legal questioning and aspects of legal language which may create difficulties for children are discussed. Focus will be placed on semantic and syntactical issues.

Chapter 4 covers the evaluation of eight actual court transcripts and reflects whether the hypotheses posed in the research were verified or disproved.

The final chapter contains conclusions and recommendations regarding the pilot project.

1.5 RESEARCH METHODOLOGY

To obtain the necessary information to achieve the said objectives and to test the hypotheses, the following methodology was employed:

A literature study was undertaken regarding the cognitive and linguistic development of children. In particular, emphasis was placed on concepts and words children would have difficulty with, due to their undeveloped cognitive skills.

Secondly, a qualitative research study was conducted. Eight court transcripts of criminal cases heard in the regional courts of the Eastern Cape and Mpumalanga were chosen at random. These transcripts were analyzed and evaluated in order to determine whether questions posed to children when they testify are cognitively and linguistically appropriate.

1.6 IMPORTANCE OF THIS RESEARCH

It is of the utmost importance that children be questioned in court in a manner that they understand. Only then will they be able to play a meaningful role and participate in the proceedings in a fashion that corresponds with their level of cognitive and linguistic development. If this is attained, children will also be treated fairly as they are entitled to in terms of the Constitution of the Republic of South Africa.⁹ If child witnesses are questioned in a manner which enables them to understand what is required of them, section 28 of the Constitution¹⁰ which states that the best interests of the child shall be paramount in every matter, will be abided by.

⁹ Act 108 of 1996.

¹⁰ *Ibid.*

In the following chapter the developmental issues regarding cognition will be dealt with.

CHAPTER 2

DEVELOPMENTAL ISSUES: COGNITIVE DEVELOPMENT

2.1 INTRODUCTION

In this chapter the developmental issues pertaining to the cognitive development of children will be discussed.

Cognition refers to the process whereby a person gains information about the world, how such acquired information is transformed into knowledge and how that knowledge then influences behaviour.¹¹

Children are not miniature adults and they are not usually expected to behave, reason or understand the way adults do in most aspects of their lives. However, when children become victims or witnesses of sexual assault or violence, they are more often than not expected to perform on par with adults in a legal system designed by adults for adult participants.¹²

A lack of or insufficient developmental sensitivity by legal professionals can frustrate children trying to answer questions in a courtroom environment that they are not yet capable of understanding. Children are often questioned in language too complex for them to comprehend, about concepts too abstract for them to understand.¹³

The question to be addressed is whether and to what extent courts take account of children's chronological age and their cognitive development.

¹¹ Louw, Van Ede and Louw *Human Development* 2nd ed (2002) 70.

¹² Brennan and Brennan *Strange Language – Child Victims Under Cross-examination* (1988) 5.

¹³ Aldridge and Wood *Interviewing Children. A Guide for Child Care and Forensic Practitioners* (1998) 109.

The ability of a normal child to answer questions of an investigative nature evolves in a developmentally progressive way. The normal sequence in which children respond to and answer questions depends on both their chronological and developmental age.¹⁴ Despite the fact that developmental delay will disrupt the age progression involved, the developmental sequence generally remains the same, except that each developmental stage will then occur at a later chronological age. This will obviously have implications for the amount and quality of information obtained from a child.¹⁵

The above-mentioned aspects must therefore be explored in order to ascertain the individual child's level of functioning.

2.2 COGNITIVE DEVELOPMENT

The fundamental assumption that children display similar mental, emotional and social skills, and that they undergo similar changes in capacities at roughly comparable ages forms the basis of the study of cognitive development.¹⁶

Jean Piaget, the most well known cognitive development biologist and theorist, postulated that development in children proceeded through four stages: sensorimotor, pre-operational, concrete operational and formal operational. He proposed that each stage is a progression defined by the emergence of a different level of thinking, i.e. an increasingly advanced form of knowledge. Each stage develops into the next where former ways of thinking are integrated and incorporated.¹⁷

Piaget proposed that all children progress through the various stages of cognitive development in the same order, without any stage being skipped. He provided age norms for the acquisition of each stage, but environmental stimuli and experiences may influence and cause some children to reach a

¹⁴ Brennan and Brennan 55.

¹⁵ Brennan and Brennan 56.

¹⁶ Bukatko and Daehler *Child Development: A Topical Approach* (1992) 53.

¹⁷ Bukatko and Daehler 55.

certain stage earlier or later. A child's chronological and developmental age may therefore not be congruent.¹⁸ What follows is a very brief summary of the developmental stages through which children develop based on Piagetion theory as set out in Bukatko and Daehler.¹⁹

2.2.1 The sensorimotor stage

This is the first stage of cognitive development and lasts from birth until approximately two years of age. At start, an infant's movements are reflexive and undeliberate. As the child advances through this stage, his behaviour becomes more deliberate and his actions are employed to achieve a goal. During this stage the child gradually separates himself from the external environment, becomes less focused on the self and more orientated to the outside world. A third aspect of this stage is the realization that disappearing objects continue to exist and children begin to use mental images to represent the absent object. Imitation of an object that is not present marks the end of the sensorimotor stage and involves the primitive beginning of symbolic thought. The ability to represent events and objects internally indicates the beginning of the next stage.

2.2.2 The pre-operational stage

The second stage of development lasts from approximately two to seven years of age. Thought is of a symbolic nature and this powerful cognitive ability allows a child to think about past and present and to employ language. The ability to use a symbol, object or word to represent something is also a prerequisite for imagery, fantasy, play and drawing.

In so far as child witnesses are concerned, this stage has a number of clearly perceptible limitations. Firstly, the thinking of children at this stage is strikingly egocentric and they are unable to separate their own perspective from that of others. When a child in this developmental stage testifies in court, he will be

¹⁸ Müller *The Judicial Officer and the Child Witness* (2002) 40.
¹⁹ Bukatko and Daehler 53.

primarily concerned with his own actions and may therefore not be able to answer questions relating to what people around him were doing, thinking or feeling.²⁰ Because children view their world from their own perspective, they assume that everyone else (all other court role-players) knows what they know and this has the implication that a child giving evidence may omit explanations and details, and will rarely offer information spontaneously.

The second limitation relates to children's under-developed ability to think logically and link reasoning to abstract issues. Replies and explanations that make no sense to adults are typical of pre-logical thinking.²¹ The child's incapacity to think logically includes the tendency to focus on only one aspect of a problem, the inability to mentally reverse an action and the tendency to treat connected events as unrelated. Children's thinking involves juxtaposition where they see events occurring one after the other; they have difficulty grasping the concept of cause and effect and that a sequence of events exists.²² This is also the stage at which thinking is syncretic and children tend to fuse separate events into one event.²³

2.2.3 The concrete operational stage

The third stage of development extends from approximately seven to eleven years and is the stage in which thought becomes logical when stimuli are physically present.²⁴ Children begin to develop a more advanced understanding of events in their lives and their ability to think on an abstract level becomes more complex. Because the child is less egocentric, the perceptions of other people are more readily understood, the ability to perform the mental action of reversibility becomes evident and he has a better comprehension of the sequence of events.²⁵ Children will increasingly be able to answer questions relating to the feelings of others.

²⁰ Mitnick "The Use of Language in Interviewing Children" cited in *Finding Words* American Prosecutors Research Institute (ed) (1998) 3.

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ Mitnick 5.

²⁵ *Ibid.*

2.2.4 The formal operational stage

The last stage of cognitive development lasts from approximately eleven to sixteen years and is the stage in which the ability to think abstractly and hypothetically becomes more advanced. Children are more readily able to manage complex thinking processes because thought becomes logical and abstract.²⁶

Piaget's findings initiated a wealth of research on the topic of cognitive development. Many researchers agree with Piaget's findings, but disagree with his interpretation. The ages at which cognitive abilities are mastered have been challenged, as well as whether development does in fact occur in stages, and whether there are other explanations for the behaviours he detected amongst children.²⁷

Whatever criticism might be leveled against the theory of Piaget, the fact remains that he made an enormous contribution towards an understanding of children's cognitive functioning.

2.3 PROBLEMATIC WORDS AND CONCEPTS

The currency used in the courtroom is language. Language in turn comprises of words and concepts. A child's cognitive development has a direct influence on his ability to understand words and concepts. Psycholinguists have established through research that a number of words and concepts being complex in nature require a certain level of cognitive maturity to be properly understood.²⁸

²⁶ Ruch *Psychology: The Personal Science* (1984) 393.

²⁷ Bukatko and Daehler 358.

²⁸ Aldridge and Wood 190 132 – 135.

2.3.1 When

Children experience difficulties in answering questions relating to time as they do not have the necessary cognitive abilities to understand concepts in this regard. Below ten years of age a child's understanding of time, dates and hours is very limited and this makes it problematic for a child to provide accurate information in this regard. A sense of time only starts to develop towards the end of the concrete operational stage.²⁹ A child will however be able to say if an event happened during the day or night or if it is related to an important event such as Christmas or a birthday.³⁰

Children of different development stages assess time in various ways. A question might therefore not be answered in terms of length of time but in terms of another event.³¹ Temporal words like 'yesterday', 'today' and 'tomorrow' and the terms 'before' and 'after' are problematic for children because children tend to use them before they fully understand their meanings in different contexts.³² Children also experience difficulty with the concept 'times'. They may be able to count, but still not comprehend the meaning of concepts such as once or twice or many.³³

2.3.2 Why

Why-questions require an understanding of evaluative questions. These questions require the child to think about and interpret facts and are perceived by children as requiring them to justify or account for behaviour rather than to describe what led up to the behaviour.³⁴ A why-question is normally not understood before the age of eight to ten years.³⁵

²⁹ Müller *Preparing Children for Court: A Handbook for Practitioners* (2004) 51.

³⁰ Müller and Hollely *Introducing the Child Witness* (2000) 190.

³¹ Müller *The Judicial Officer and the Child Witness* 38.

³² Müller *The Judicial Officer and the Child Witness* 86 – 87.

³³ Müller *The Judicial Officer and the Child Witness* 37.

³⁴ Aldridge and Wood 109 124.

³⁵ Brennan and Brennan 56.

Perry and Wrightsman³⁶ advance that as a child's brain develops, a fatty substance (myelin) begins to cover and protect the neural fibres which have the function of reducing the random spread of impulses from one fibre to another. The last structure to myelinate is the *corpus callosum*, which is the band of fibres joining the left and right halves of the brain. One of the major functions of the *corpus callosum* is to transfer information from one hemisphere of the brain to the other, which would enable children to evaluate and make inferences. Myelination of the *corpus callosum* is not complete before a child is ten years of age.

2.3.3 Truth, lie, know, still, always, explain

Abstract concepts such as 'truth', 'lie', 'know', 'still', 'always' and 'explain' do not usually fall within the comprehension sphere of children under the age of ten years and questions of this nature often result in incomplete responses which lack clarity.³⁷ Being in the pre-operational and concrete operational stages of development children can only process concrete information and their understanding of abstract concepts and answering questions of a non-concrete nature may be very limited. Incomplete answers to these questions give an impression of incompetence on the surface and make the child appear to be an unreliable witness.³⁸

2.3.4 How

Concrete thinking is characterized by a predominance of actual objects and events and the absence of concepts and generalization.³⁹ Initially children commonly answer what, who and where questions because these questions require concrete information (objects, agents and locations) they can understand.⁴⁰ Children below the age of ten have difficulty explaining how

³⁶ Perry and Wrightsman *The Child Witness: Legal Issues and Dilemmas* (1991) 60.

³⁷ Aldridge and Wood 109 108.

³⁸ Aldridge and Wood 109 134.

³⁹ <http://www.answers.com/topic/concrete-thinking>? cot = heath (retrieved 4/1/08).

⁴⁰ Saywitz "The Child Witness: Experimental and Clinical Considerations" cited in La Greca, A, (ed) *Through the Eyes of the Child* (1990) 346.

things work as how–questions require abstract thinking which is only mastered after the age of ten.

Because children's thinking is very concrete, they will not be able to explain how they arrived at a conclusion. Children will therefore have great difficulty in answering questions like “how do you know”.⁴¹

2.3.5 If, could, would

The word “if” is used to express hypothetical thought, which is an essential part of human reasoning and decision making.⁴² Hypothetical thought involves the imagination of possibilities and the explanation of their consequences by a process of mental simulation.⁴³

The words “if”, “could” and “would” help us to imagine and analyze possible states of affairs, and to think about how things might be now or in the future, or how they might have been in the past and sentences of the form ‘if a then b’ are termed conditional statements.⁴⁴ Hypothetical thought, being abstract in nature, falls outside children’s cognitive ability.

2.3.6 Remember

Children use the word ‘remember’ in a different fashion to adults. Under the age of nine years, children understand the word to mean that they must first have forgotten an event before they can remember it. According to Poole and Lamb⁴⁵ this means that a child may deny that he can remember an event after he has just related that event. This is because children are very literal due to concrete thinking.

⁴¹ Mitnick 4.

⁴² <http://fds.oup.com/www.oup.co.uk/pdf/o-19-852513-3.pdf> (retrieved 9/1/08).

⁴³ <http://www.psypress.com/9781841696607> (retrieved 9/1/08).

⁴⁴ Mitnick 4.

⁴⁵ Poole and Lamb *Investigative Interviews of Children: A Guide for Helping Professionals* (1998) 166.

2.4 CONCLUSION

In order to elicit reliable information during the child's testimony and elevate his or her credibility, an assessment of the developmental level of each individual child witness is crucial so that appropriate questions, which will match the child's level of understanding, be asked. The interpretation of the particular child's responses should also be in accordance with his or her level of psychological development.⁴⁶

⁴⁶ Müller *Communicating with Children: Prosecuting the Child Sex Offender* (2001) 3:66.

CHAPTER 3

DEVELOPMENTAL ISSUES: LANGUAGE DEVELOPMENT

3.1 INTRODUCTION

An understanding of language development is vital for communicating effectively with the child. This chapter examines the stages of language development in children, and some of the difficulties they encounter with semantics and syntax.

Language refers to a system of symbols that is used to communicate information, and knowledge and communication is an interaction between parties.⁴⁷ Saywitz states in this regard:

"In order to participate in the legal process, a child must have the ability to communicate in a manner that is understood by the adult listeners. Communication in this context is an interaction between what the speaker (child) and the listener (adult) bring to the context (courtroom/interview room) in which the interchange occurs."⁴⁸

3.2 LANGUAGE DEVELOPMENT

Communicating with children involves an understanding of language development, which in turn involves issues of semantics, syntax and conversational command. Child-adult communication can be an extremely complicated process often resulting in misunderstanding and misinterpretation, because adults do not take cognizance of the developmental stages of the particular child in question.⁴⁹

⁴⁷ Müller *Preparing Children for Court: A Handbook for Practitioners* (2004) 69.

⁴⁸ Saywitz "The Child Witness: Experimental and Clinical Considerations" cited in La Greca, A (ed) *Through the Eyes of the Child* (1990) 345.

⁴⁹ Viljoen "Look Who's Talking in the Courtroom, Too!" (1992) 109(1) *SALJ* 65.

Research has indicated that children, as in other areas of development learn to communicate through a series of stages.⁵⁰ Mastery of language does not magically appear. Long after the child has acquired the ability to speak the process of language growth continues. The fact that children are able to use language does not mean that they have a linguistic competence which matches that of a mature adult speaker. Certain facets of language maturity are only reached during late adolescence.⁵¹

It is, therefore, extremely important to establish what stage a particular child has reached in order for the adult to pose questions that are appropriate for the child's stage of comprehension and to be able to interpret his responses according to his developmental level.⁵²

A brief overview of the stages of language acquisition follows as set out in Bukatko and Daehler.⁵³

3.2.1 Birth to two years

The language capabilities of children at birth are limited to crying, clicks and sighs. Between the ages of six and eight weeks, the child begins to coo and as the weeks progress, the coos become longer and begin to include certain consonants.⁵⁴ Most children begin to babble between the ages of three and six months and refine their skills in the following months so that by the age of nine or ten months the babbling includes more numerous and more sophisticated consonant-vowel combinations. Children begin to utter their first words from approximately twelve months of age and most children speak one word at a time. They acquire their first ten words very slowly, adding one to three words to their vocabulary every month. From eighteen months children

⁵⁰ Crystal, Fletcher and Garman *The Grammatical Analysis of Language Disability* (1976) 285.

⁵¹ Brennan and Brennan *Strange Language – Child Victims Under Cross-examination* (1988) 70-71.

⁵² Müller and Hollely *Introducing the Child Witness* (2002) 186-187.

⁵³ Bukatko and Daehler *Child Development: A Topical Approach* (1992) 277-288.

⁵⁴ Bukatko and Daehler 277.

display a quick acquisition of new words, but the majority of these words are nouns (objects, events or people). They also employ verbs (action words) some adjectives (pretty) while some personal-social words (thank you) also occur.⁵⁵

The findings of studies reveal that children between eighteen and twenty-four months begin to refer to themselves by name.⁵⁶ According to Singleton,⁵⁷ there is sufficient proof of a stable sequence of phases which emerge at relatively similar age-ranges when early language skills are developed.

3.2.2 Two years to five years

From the age of two years children are normally able to produce sentences which contain at least two words consisting of a combination of nouns, verbs and adjectives without any conjunctions.⁵⁸ By twenty-eight months they demonstrate the ability to describe their own mental states, for instance 'hungry'.⁵⁹

At the age of two and a half, children's sentences exceed two words and include more connective words, pronouns and adjectives. Their communication involves language that is personal, unstable and inconsistent and they may confuse pronouns like 'me' and 'he' or 'her' and 'him'. Communication seems to be disorganized as the child will not tell a story from beginning to end. He may begin anywhere and go back and forth in time.⁶⁰

Between the ages of three and five, the grammatical structures in a child's speech become more advanced and different tenses, singulars and plurals as well as more articles and conjunctions (with) are employed. Questions, negatives and passives are also gradually introduced.⁶¹

⁵⁵ Bukatko and Daehler 281.

⁵⁶ Stone and Lemonek "Developmental Issues in Children's Self-reports" cited in La Greca, Allyn and Bacon *Through the Eyes of the Child* (1990) 23.

⁵⁷ Singleton *Language Acquisition: The Age Factor* (1989) 14.

⁵⁸ Crystal, Fletcher and Garman 286.

⁵⁹ Singleton 23.

⁶⁰ Mitnick "The Use of Language in Interviewing Children" cited in *Finding Words* American Prosecutors Research Institute (ed) (1998) 3.

⁶¹ Crystal, Fletcher and Garman 286-8.

3.2.3 Five years to seven years

By the age of five, children have a better use of language although they still exhibit many of the characteristics and shortcomings of the children in the previous age group.⁶²

3.2.4 Seven years to twelve years

During this period communication becomes more organized. The child will start to take the listener into account because he is more aware of the perspectives of others; therefore, the narrative will begin to take the form of a beginning, middle and end.⁶³

3.2.5 Thirteen years to early adulthood

Children above the age of twelve years are usually able to deal with complex vocabulary and language constructions, depending on their cognitive development, level of education and their exposure to the use of language. Therefore, it is still possible for misunderstandings about words and concepts to occur.

3.3 COMMUNICATING IN AN ADVERSARIAL ENVIRONMENT

When communicating in an adversarial environment such as a courtroom, the normal conventions of interaction are subservient to a set of specialized procedures which have been established over generations.⁶⁴ These conventions are, apart from being alien to lay persons, intimidating and confusing. Brennan and Brennan⁶⁵ cite the following examples, illustrating how court procedures interfere with communication:

⁶² Müller *Preparing Children for Court: A Handbook for Practitioners* 49.

⁶³ Mitnick 5.

⁶⁴ Müller and Tait "Little Witnesses: A Suggestion for Improving the Lot of Children" (1999) *THRHR* 62: 248.

⁶⁵ Brennan and Brennan 31.

- the person examining the child often faces the bench whilst the questioning is taking place;
- questions are interrupted by objections of a procedural nature;
- discussions about questions posed to the child and his or her replies take place in his or her presence;
- the alleged perpetrator is seated in a specific place and he seldom speaks.

The prescriptive environment of a court leaves limited room for children to respond and the scope for negotiation or manoeuvre is insufficient.⁶⁶ This situation is in contrast with the child's previous experience of language, where words have been used to learn about, explore, test and generally create relationships with others.⁶⁷ Normal conversation includes language forms such as questions, narratives, explanations and descriptions. In the courtroom only one of these forms is allowed – various people will ask questions which the child will be required to answer or respond to.⁶⁸

“There is no provision, as there is in every other facet of communication, for the child (*sic*) to express their concerns, their possible lack of comprehension about the questions, or to negotiate in any way the context or direction of the line of questioning.”⁶⁹

3.4 LEGAL QUESTIONING

Questions asked in a courtroom are asked for different reasons from those asked in ordinary conversation. In general conversation, questions are aimed at gathering information and a questioner normally shows interest in hearing the answer. In a courtroom, however, questions are asked to test the credibility of a witness and to manipulate replies for the alleged offender's

⁶⁶ Müller “The Effect of the Accusatorial System on the Child Witness” (2000) 1(2) *CARSA* 19.

⁶⁷ Brennan and Brennan 31.

⁶⁸ Müller “The Effect of the Accusatorial System on the Child Witness” 19.

⁶⁹ Brennan and Brennan 59.

benefit. Children do not understand that their replies will be analyzed in the finest detail and their choice of words criticized.⁷⁰

Brennan and Brennan⁷¹ describe courtroom language as a dialect with its own vocabulary and conventions, which sets it apart from ordinary communication. Apart from being masterful language users, legal participants employ highly specialized language:

“They may not be aware of the intricacies of their language usage at a conscious or descriptive level but they have at their disposal the benefits of fine training in the use and abuse of words, phrases, and structures. Their careers are built on words since these are the currency of the law. They know how to choose their words and structures to gain maximum effect, and they are skilled at using the words of others for their own benefit. In few other contexts are words and their meanings so tightly prescribed.”⁷²

It is evident that a great distance can exist between a child’s language capacity which is in turn dependant on age and cognitive development and the language used in the courtroom. Language mismatches between the questioner and the respondent in a combative environment occur on a regular basis. If the distance between the two participants is exacerbated by unfamiliar vocabulary, peculiar structure and unclear speech, then one party to the conversation is excluded from the process of effective understanding.

3.5 ASPECTS OF LEGAL LANGUAGE CREATING DIFFICULTIES FOR CHILDREN

It would not be possible to give a comprehensive overview of the errors commonly found in children’s communications, but it is necessary for the sake of completeness to discuss some of the more general errors. A brief description of language issues relevant to children in the courtroom are addressed here. The topics will be dealt with in terms of the categories semantics and syntax.⁷³

⁷⁰ Brennan and Brennan 60.

⁷¹ Brennan and Brennan 59.

⁷² Brennan and Brennan 33.

⁷³ Poole and Lamb *Investigative Interviews of Children: A Guide for Helping Professionals* (1998) 161-177.

3.5.1 Semantics

Semantics refer to the meaning attached to words. Language users, to declare themselves in any way competent, have to find their roots in basic meaning, otherwise the words will not be heard in a way that will make sense. If language and its meaning falls outside the listeners experience, then the listener will perceive at best 'just words' and at worst 'just sounds'. In either case they will certainly not 'hear language'.⁷⁴

Even when children have mastered the basics of language, a number of concepts still pose difficulties for children and the linguistic characteristics of the child are being ignored and the language barrier exploited for the benefit of the alleged offender.

3.5.1.1 Age-inappropriate vocabulary

Using a word the child doesn't know or understand will obviously result in confusion in communication or a communication breakdown, with either the child not responding or admitting that he does not understand the word used.⁷⁵

3.5.1.1.1 Difficult vocabulary

Difficult vocabulary may create misunderstandings and confusion, which can influence the child's credibility in court. Questions frequently contain complicated vocabulary and intricate concepts which fall outside the child's scope of reference. They have very limited vocabularies and thus experience difficulty with words they have not come into contact with before.

⁷⁴ Brennan and Brennan 7.

⁷⁵ Aldridge and Wood *Interviewing Children. A Guide for Child Care and Forensic Practitioners* (1998) 147.

Throughout their lives, adults acquire more and more words. A child's knowledge of words is not as extensive as that of an adult and there will therefore be occasions when the child does not have a word(s) to express what he wants to say.⁷⁶ This deficit leaves the child open to suggestion. According to Aldridge and Wood⁷⁷ children learn a general word for example "car" before they learn a more specific word like 'Mercedes' which is a particular type of car.

Body parts and sexual terminology is one field where the child's limited word stock becomes evident and research findings indicate that children are not as aware, even of non-sexual body part terminology as adults might expect them to be.⁷⁸ They are often confused about the functions of different body parts and children will describe both an 'anus' and a 'vagina' as a 'bum'. They are also unable to describe sexual acts because they don't have adult-like understanding of the significance of these acts.⁷⁹

3.5.1.1.2 Specialized language

Every profession employs technical terms and vocabulary which are totally specific to that discipline. The law as a profession has highly specialized terminology; the great emphasis on words, concepts and language and the manner in which they are controlled and manipulated are often determinations of innocence and guilt.⁸⁰ This specialized language does not only refer to the use of technical terms such as 'evidence', 'statement' and 'withdraw' but also include grammatical structures arrived at by tradition and generations of usage. An extreme specialized language is created by courtroom procedures and traditions which influence the meaning of words in this context so that only those trained in its peculiarities are able to comprehend it and not children who are relatively inexperienced language users.⁸¹

⁷⁶ Aldridge and Wood 148.

⁷⁷ Aldridge and Wood 147.

⁷⁸ Aldridge and Wood 157.

⁷⁹ Aldridge and Wood 166.

⁸⁰ Brennan and Brennan 68.

⁸¹ *Ibid.*

Legal terminology often used in questions put to witnesses in court includes phrases like 'my learned friend', 'I put it to you' and 'his worship.' These words are foreign to most adults, leave alone young children. In the course of cross-examination the defence often refers to something the child has said earlier and the phrase 'you told His Worship' is frequently used in this respect. The child witness experiences huge difficulties with these precisely defined phrases, since he has in fact been answering questions put to him by the prosecutor or the defence and has not told 'His Worship' anything.⁸² The chances that the child will appreciate that his replies to the questions posed to him are directed to the presiding officer and not the person actually asking the questions are extremely slim.⁸³ This demonstrates how procedures can prescribe the meaning of certain terms in this context.

3.5.1.2 Same word: Different meanings

Child language research has shown that even when children think they understand a word, they may not attribute the same meaning to a word that an adult does. The reason for this is that children tend to interpret words idiosyncratically. A child wearing a swimming costume, for instance, may not regard the costume as clothing, so when asked if she was wearing clothes, the reply may be in the negative.⁸⁴ It is, therefore, necessary to clarify the meanings of words by posing further questions.

Where a child does not understand a word, he may give that word the meaning of a word with a similar sound, for instance a concept such as 'jury' for 'jewellery'.⁸⁵

What should also be kept in mind is that children often use words without completely understanding their meaning. For example, a child may state that her mother is a magistrate or an advocate without knowing what those words in fact mean. Children repeat words they have heard adults use but have no

⁸² Brennan and Brennan 69.

⁸³ *Ibid.*

⁸⁴ Poole and Lamb 161.

⁸⁵ Saywitz 346.

idea what they mean. This is particularly so when a child recites the days of the week or the months of a year without understanding the concept symbolized by these terms.⁸⁶ The fact that a child might be able to recite the days of the week does not mean that the child will be able to distinguish one day from another or be able to explain what transpired on any particular day.⁸⁷

Young children sometimes extend the meaning of a word in their small vocabularies to include actions or objects for which they have no word (over extension). It makes logical sense to children to apply a word to objects that resemble each other although this practice violates the rules of adult language. For instance, all four-legged furry animals may be described as 'doggies'. Courts should therefore be cautious to decipher the specific meanings of words used by young children.⁸⁸

Children often attribute to a word only part of the meaning which the same word has for adults. This is referred to as under extension and is illustrated by the following example in Goodman and Helgeson:⁸⁹

"If a child were asked, 'Did the man take off his clothes? He or she might respond, 'No', but if asked, 'did the man take off his pants?' He or she might respond 'Yes'. In the questioner's mind, the first question might subsume the second, but for the child, clothes and pants may be two distinct ideas. Thus, the child's testimony may appear to be inconsistent when it really is not."

Frequent misunderstandings arise when relational terms to describe the size and shapes of people and things are used. These terms may have different meanings for children. For instance, if a child is asked whether an object is big or small, he will use himself as the standard. If the object is too big for him to hold, then it is big; if it is small enough for him to hold, it is little.⁹⁰ Therefore, if a child is asked whether somebody is fat, what may appear fat and large to the child, could appear slim and small to an adult.

⁸⁶ Müller *The Judicial Officer and the Child Witness* (1998) 85.

⁸⁷ Poole and Lamb 161-162.

⁸⁸ Perry and Wrightsman *The Child Witness: Legal Issues and Dilemmas* (1991) 126.

⁸⁹ Goodman and Helgeson "Child Sexual Assault: Children's Memory and the Law" (1985) *University of Miami Law Review* 40: 197-8.

⁹⁰ Saywitz 347.

The choice of words of the person posing questions should be made cautiously and should accommodate the particular ages of the child witness. Words should be kept as basic as possible so that children understand the concepts that are being introduced.⁹¹

3.5.1.3 Contrastive terms

Terms like 'some', 'all', 'more' and 'less' are contrastive in nature and children do not understand the concepts in these words. Under the age of seven children do not realize that 'some' is subsumed by 'all'. For instance, a young child may deny that he has 'some' of an article when he has 'all' of it.⁹²

3.5.1.4 Identification

Multiple names and nicknames are fairly common and should be explored when questioning a child. Kinship terms especially create difficulties. Children under the age of seven years generally don't have the ability to perform mental actions such as reversibility and concepts like kinship are difficult for them to comprehend. For example, a four year old who has a brother will be able to tell that he has a brother but will not regard himself as a brother to the other one.⁹³

In the South African context cognizance should be taken of the cultural use of kinship terms as reference to a sister or brother may not necessarily refer to a sister or brother by birth. Descriptions or relationships like cousin – brother may also create confusion.⁹⁴ Children under the age of ten years may use kinship terms without fully understanding their meaning.⁹⁵

⁹¹ Müller *Preparing Children for Court: A Handbook for Practitioners* 73.

⁹² Poole and Lamb 166.

⁹³ Müller *The Judicial Officer and the Child Witness* 89.

⁹⁴ *Ibid.*

⁹⁵ Poole and Lamb 167.

3.5.1.5 Shifters

A shifter is a word, the meaning of which depends on the location of the speaker and would include words like 'this', 'that', 'come', 'go', 'here' and 'there'. Shifters create difficulties for children in conversation because they tend to be vague.⁹⁶

3.5.2 Syntax

Syntax or sentence construction is a concept which embodies the principles of order which govern language. It is a set of rules that allow people to communicate with other people. Words are not randomly combined; their choice is governed by unstated rules. If particular syntax is not part of the listener's repertoire, then answering that question becomes problematic.⁹⁷ It is therefore pivotal that the complexity of grammatical structures be reduced when questioning children.

3.5.2.1 Elaborative/restrictive questions

In a courtroom, the child will be faced with two types of questions, namely elaborative or open questions which are usually found in examination-in-chief or restrictive or closed questions normally posed during cross-examination. Elaborative questions require the child to explain, expand, describe and qualify events, as in: 'tell us what happened'⁹⁸ Restrictive questions limit the responses available to the child and these questions are phrased in such a fashion that they force a particular reply or response. They often restrict the child to a yes/no reply and effectively remove his right to offer any more information as the responses are already set out for the child.⁹⁹ The child is therefore constrained to respond to, rather than answer the question.

⁹⁶ *Ibid.*

⁹⁷ Brennan and Brennan 32.

⁹⁸ Brennan and Brennan 60.

⁹⁹ *Ibid.*

According to Brennan and Brennan¹⁰⁰ closed questions are not seeking answers or demanding any information from the child, and he is thus forced to agree, disagree or maintain that he does not know.

3.5.2.2 Vague questions

The vagueness, deliberate or not, of cross-examiners in phrasing questions contributes to the confusion experienced by child witnesses. For example, when a statement does not take the clear form of a question, the child may not interpret it as such and could therefore not deem it necessary to answer.¹⁰¹

3.5.2.3 Word order – use of passive

In English, the order in which words are spoken determines its meaning to a certain extent. A typical English sentence follows a subject–verb–object sequence and these active-voice constructions are understood by children most easily.¹⁰² By implication, and research supports this, children will therefore have difficulty understanding passive sentences.

Young children assume that the actor is always the subject of a sentence. For example, if a child was told ‘the boy was hit by the girl’, he would understand it to mean that the boy was doing the hitting. Adults should use simply-phrased, active-voice sentences, specifying the subject of the sentence first, and avoid passives completely when talking to children.¹⁰³

¹⁰⁰ *Ibid.*

¹⁰¹ Carson “Regulating the Cross-examination of Children” BS & L Network Conference (2 April 1995) 6.

¹⁰² Perry and Wrightsman 128.

¹⁰³ *Ibid.*

3.5.2.4 Use of the negative

Legal language is inundated with the use of negatives, which are frequently placed in unusual positions and functions to break up the content of questions.¹⁰⁴ The grammatical rules regarding the use and position of negatives in a sentence is generally not understood by adults. Children, therefore, find questions with negative constructions even more problematic to comprehend. A few of the problems associated with negative constructions are listed here to illustrate the difficulties children experience in this regard:

- A negative phrase is frequently placed symmetrically between two pieces of information. The following example provided by Brennan and Brennan¹⁰⁵ illustrates the confusion and miscommunication created by this technique: 'Now you had a bruise, did you not, near one of your breasts, do you remember that?'

The negative phrase 'did you not' has been placed in the middle of the question and generates three questions in one question. Examples of these are:

- Did you have a bruise?;
- Was it near your breast?;
- Do you remember that?

The child is confronted with three questions. It is unclear which question he should answer. If he were to answer 'no', it would be impossible for the listener to know precisely to which question he replied.

- The negative is often employed as a rhetorical device in court. It is usually placed at the end of a question and leaves open a variety of interpretations, thereby contributing to the child's confusion. Brennan

¹⁰⁴ Brennan and Brennan 63.

¹⁰⁵ *Ibid.*

and Brennan¹⁰⁶ illustrate this in the following example: “Now, this happened on a Friday, was it not.”

The negative construction ‘was it not’ is employed as a rhetorical device at the end of the question. The inclusion of this phrase gives rise to a number of options for the child, who is a relatively inexperienced language user. Does the inclusion of the phrase ‘was it not’ imply that the question means that ‘it did happen on a Friday’ or does it mean that ‘it did not happen on a Friday’.¹⁰⁷

Another negative rhetorical tag often used in a question is ‘is that not true?’ It poses more difficulty for a child to understand this negative construction as opposed to ‘is that true?’

- Another feature of lawyer language that creates difficulty in comprehension for children is the use of multiple negatives. The following question directed at a thirteen year old taken from Brennan and Brennan illustrate this:¹⁰⁸

“Q. And do you remember another occasion your father, or your stepfather, asked if you were playing sport, did you not say no?

A. I don’t know”.

- Certain negative terms such as ‘dispute’ and ‘deny’ are particular to court dialogue and create difficulty for children as can be seen from a court transcript cited in Brennan and Brennan:¹⁰⁹

“Q. Do you deny going to Cranulla Beach with Marten and your brother before November 1985?

A. What does deny?”

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ Brennan and Brennan 64.

¹⁰⁹ *Ibid.*

Questions containing unnecessary negatives contribute to children's confusion and reduce their confidence and should whenever possible be avoided.¹¹⁰

3.2.5.5 Embeddings

Legal language is very compact and compressed, and examiners will insert a lot of information into a single question. This is achieved by employing complex syntactical structures which make comprehension problematic. This technique is referred to as embedding, for example: 'Did you see the boy sitting in the park with a toy on his lap, watching the other children play?' This sentence contains two embeddings: 'with a toy on his lap' and 'watching the other children play.'¹¹¹ Questions containing a lot of embedded information will severely compromise children's understanding of the content of these questions.¹¹²

Questions should be phrased in simple, one-topic sentences to avoid confusion and misunderstanding on the part of the child.

3.5.2.6 Multiple questions

According to Warren *et al*¹¹³ the use of several questions at once is referred to as multiple questions: 'You don't remember? Did anyone ever make and see this happening?' Poole and Lamb¹¹⁴ advance that children should be asked to provide one piece of information at any given time in an attempt to avoid multiple questions.

¹¹⁰ Müller *The Judicial Officer and the Child Witness* 180.

¹¹¹ Brennan and Brennan 76.

¹¹² *Ibid.*

¹¹³ Warren, Woodall, Hunt and Perry "It Sounds Good in Theory but Do Investigative Interviews Follow Guidelines Based on Memory Research?" (1996) *Child Maltreatment* 1:240.

¹¹⁴ Poole and Lamb 170.

3.5.2.7 Multifaceted questions

Multifaceted questions are long and complicated questions which contain 'convoluted preambles, confused centres and rhetorical endings which invite no response.'¹¹⁵ These questions have been proved to provide the highest degree of miscomprehension. They frequently start with words like 'now', 'so' or 'well' and seem to imply that the question has been arrived at as a result of a process of logical calculation and deduction.¹¹⁶ They often consist of a number of facts which are presented as though they have previously been established (and are therefore true!) and are ended by rhetorical markers which require no answer because of the tone employed:

"Q. Now do you say that whatever it was that happened, or whatever it was that happened to Dianne, you were in the toilet at the time and you obviously heard something, did you?"¹¹⁷

Questions which offer a number of choices (multichoice questions) are one of the most common examples of multifaceted questions. The child is presented certain options but is nevertheless restricted to the choices that have been offered.

In addition, the child is usually required to answer either 'yes' or 'no' which may place him in a predicament where he agrees or disagrees with only some of the propositions. The child has no room to negotiate and may simply opt for a choice to satisfy the examiner.¹¹⁸ He may in addition be confused by the said options, especially if they do not cover what in fact happened.¹¹⁹

3.5.2.8 Tag questions

A tag question is one that transforms a statement into a question by adding on a request for confirmation, for instance 'you were crying then, weren't you?'

¹¹⁵ Brennan and Brennan 66.

¹¹⁶ *Ibid.*

¹¹⁷ Brennan and Brennan 67.

¹¹⁸ *Ibid.*

¹¹⁹ Carson 6.

Research found these questions to be the most highly coercive; they considerably limit the witness' choice of acceptable answers and may even suggest answers:¹²⁰

3.5.2.9 Leading questions

A leading question is one which suggests a particular reply and studies have shown that young children are susceptible to suggestion.¹²¹ The technique of employing leading questions in cross-examination creates enormous problems in comprehension for the child witness.¹²² Spencer and Flin¹²³ advance that the main objection to the use of leading questions is that they bend and distort evidence.

Leading questions are not allowed when a witness is examined-in-chief because they imply answers and are, therefore, unreliable. However, leading questions are allowed when a witness is cross-examined. The anomaly created here is that it is in order to suggest answers to witnesses during cross-examination and consequently influence their evidence. Spencer and Flin¹²⁴ argue that this has the following result: questions that are suggestive in nature and which produce unreliable information are not allowed except when being asked in cross-examination.

Research on the suggestibility of children has shown that children are more likely than adults to provide information that is unreliable when questioned in a leading or suggestive manner.¹²⁵ A further problem with leading questions is that they prove very effective with people, especially children, who are unassertive and are being questioned in an adversarial environment.¹²⁶

¹²⁰ Levi and Graffon-Walker *Law, Society and Policy Language in the Judicial Process* Vol 5 (1990) 157.

¹²¹ Müller "The Effect of the Accusatorial System on the Child Witness" 20.

¹²² Müller and Tait "The Child Witness and the Accused's Right to Cross-examination" (1997) 3 *TSAR* 523.

¹²³ Spencer and Flin *The Evidence of Children: The Law and Psychology* (1990) 223.

¹²⁴ Spencer and Flin 224

¹²⁵ Dent "The Effect of Age on Eye Witnessing Ability" cited in Dent and Flin *Children as Witnesses* (1992) 8.

¹²⁶ Carson 6.

3.5.2.10 Repeating previous responses

Cross-examiners often repeat children's responses to questions. These repetitions will either appear as a preface to another question or as a separate question. According to Brennan and Brennan¹²⁷ the purpose of this technique is not to check the child's answer, because it is usually clear and understandable, but to create an impression of possible disbelief.

When a cross-examiner deliberately repeats a child's response 'cannot remember', there is a subtle implication being created that the child is either lying or his memory is doubtful.¹²⁸

3.2.5.11 Repeating questions

The use of repeated questions gives rise to difficulties for children. The findings of a number of studies have demonstrated that when young children are asked the same question again and again, they change their answer because they interpret it as criticism or disbelief of their original response.¹²⁹ Findings in a number of studies suggested that young children were sensitive to repeated questioning possibly because of a lack of experience, confidence or simply because they are exhausted. Repeated questioning conveys ambiguity and results in children being inconsistent.¹³⁰

3.2.5.12 Peripheral questions

Questions pertaining to peripheral matters are those which relate to surrounding issues and which do not focus on the direct matters in a case. They are aimed at testing the credibility of a witness. Research indicates that it is easier to protract false answers from children by asking them leading

¹²⁷ Brennan and Brennan 74.

¹²⁸ Müller *The Judicial Officer and the Child Witness* 184.

¹²⁹ Müller *The Judicial Officer and the Child Witness* 69.

¹³⁰ *Ibid.*

questions regarding peripheral matters than when dealing with issues that are of central importance.¹³¹

Notwithstanding these findings, the defence is allowed to ask leading questions to children about peripheral matters, thereby reducing their credibility as witnesses. Child witnesses especially, make mistakes when a questioned about matters that they regard as unimportant. This should not be indicative of the credibility of a witness or a means to arrive at the truth.¹³²

3.5.2.13 Quoting of other people's words (accused's version)

Another feature of legal language which appears in the cross-examination of child witnesses is the quotation of other people's words incorporated into the questioning format.¹³³

These questions often start with the words 'I put it to you' or 'I suggest to you' and are not questions directed to the child but assertions on the part of the cross-examiner.¹³⁴

The subtle difference between a rhetorical assertion and a question is a distinction which children cannot be realistically expected to comprehend. Since the majority of these questions only follow after the choice of a yes/no response the child is further constrained.¹³⁵

3.5.2.14 Pronouns

Pronouns have no meaning apart from the specific context in which they are employed. Pronouns are words such as 'she', 'he', 'it', and 'that' and are used to refer to something without repeating its name. The sentence 'did go to school?' will be meaningless unless the listener knows to whom 'he' refers.

¹³¹ Spencer and Flin 225.

¹³² Carson 4.

¹³³ Brennan and Brennan 73.

¹³⁴ Brennan and Brennan 73-74.

¹³⁵ Brennan and Brennan 74.

Pronouns are open for alternative interpretations which can cause problems for children. In the following example 'he' can be used to refer back to John: when John got home, he took a shower. On occasion, a pronoun such as 'he' could be used to refer forward in a conversation. Therefore, the following could also be said where 'he' can refer to John: when he got home, John took a shower. However, in both instances 'he' doesn't necessarily refer to John. In the first example, it could mean that when John got home someone else took a shower and in the second case, it could mean that when somebody else got home John took a shower.¹³⁶ Until the age of ten years, the ability to link pronouns with subsequent or prior nouns is not fully developed and Poole and Lamb¹³⁷ are of the opinion that questioners rather repeat critical information as opposed to using pronouns.

3.5.2.15 Prepositions

Prepositions are words such as 'in', 'on', 'under,' 'by,' 'about,' 'with' and 'near' and are freely used in questions to obtain certain information. Because of their short length questioners assume that children will find them easy to understand.¹³⁸ However, this assumption is misguided because prepositions can carry more than one meaning and their use is thus more complicated than first meets the ear. For example 'by' can be indicative of location or the agent of the action.¹³⁹

The word 'in' is another difficult concept for children, especially when used in relation to the genital area. Poole and Lamb¹⁴⁰ advance that this is due to the fact that young children do not conceptualize their inner anatomy and consider any contact with their bodies to be 'in' them.

¹³⁶ Aldridge and Wood 176.

¹³⁷ Poole and Lamb 171.

¹³⁸ Aldridge and Wood 181-182.

¹³⁹ Aldridge and Wood 182.

¹⁴⁰ Poole and Lamb 163.

3.6 CONCLUSION

The language demands of a courtroom stand in the way of child witnesses telling their stories in a language appropriate to their developmental age. The language competence of these novice participants should be recognized and acknowledged by the court and linguistic adjustments to accommodate the child witness should accordingly be made. If not, the child's story will remain unheard and his credibility compromised.

In the following chapter examples taken from court transcripts will be used to illustrate the above deficiencies in young children's linguistic abilities and the difficulties they struggle with in courtroom questioning.

CHAPTER 4

EVALUATION OF QUESTIONS CONTAINED IN COURT TRANSCRIPTS

4.1 INTRODUCTION

This dissertation hypothesizes that questions posed to children during their testimony in court are cognitively and linguistically inappropriate. Misunderstandings are abundant and are frequently the result of ineffective adult-child communication in this context. As discussed in Chapters 2 and 3, ignorance of cognitive development in children, developmentally inappropriate semantics and complex syntactical structures all add to the problems children encounter when they are examined in court.

Much research has been conducted on children as witnesses, but this empirical study has focused on the way in which the court uses developmentally inappropriate vocabulary and syntactical structures when communicating with children.

4.2 METHODOLOGY OF THE STUDY

With the above in mind, an exploratory project was carried out to investigate the types of questions which pose developmental and cognitive difficulty for children when they testify in court.

In order to test the validity of the hypothesis postulated in Chapter 1, the researcher employed a qualitative research methodology. The term qualitative research refers to social research based on field observations analyzed without statistics.¹⁴¹

¹⁴¹ Dooley *Social Research Methods* 3rd ed (1995) 259.

The four major methods of qualitative research are observations, textual analysis, interviews and transcripts.¹⁴² In this research project court transcripts were analyzed.

4.3 SUBJECTS

Eight court transcripts of criminal cases tried in the regional courts of the Eastern Cape and Mpumalanga were chosen at random. These cases were presided over by different Regional Court Magistrates. The charges leveled against the accused were rape in respect of six of the cases and indecent assault in respect of the remaining two cases. In all eight matters the child witnesses were the complainants as well. Seven of the children were females and one child a male. Their chronological ages ranged from seven to twelve years of age. In three matters the services of an intermediary were employed.

The comments and arguments raised here are applicable to the manner in which questions were phrased and put to the witnesses by the presiding officer, the prosecutor and the legal representative of the accused as reflected in the transcripts, contained in the addendum.

4.4 PROCEDURE

Each question in each of the eight transcripts was numbered and analyzed. The findings of the analysis were categorized in terms of whether they were cognitively and linguistically inappropriate questions. The cognitively inappropriate questions were sub-categorized into seven subheads and the linguistically inappropriate questions were in turn sub-categorized into twenty six subheads; these twenty six subcategories contained semantically inappropriate questions as well as syntactically inappropriate questions. The categories and sub-categories that were used are depicted in table 1 below:

¹⁴² Silverman *Interpreting Qualitative Data: Methods for Analysing Talk, Text and Interaction* (1993) 9.

CATEGORY	SUB-CATEGORY
Cognitively inappropriate questions	Temporal questions
	Why questions
	Abstract questions
	How questions
	Hypothetical questions
	Remember questions
	Reflexive questions
Linguistically inappropriate questions	Age inappropriate
	Technical terms
	Contrastive terms
	Shifters
	Passive sentences
	Negative sentences
	Embedding
	Multiple questions
	Multichoice/closed questions
	Vague questions
	Tag questions
	Leading questions
	Repeating answers
	Repeating questions
	Peripheral questions
	Putting accused's version to child
	Pronoun
	Prepositions
	Long statements: no questions
	Statements voiced as questions
	Incomplete questions
	Complex syntax
	Body part questions
	Nonsensical questions
	Deliberate confusing questions
	Slang

Table 1: Categories of inappropriate questions

4.5 FINDINGS AND RESULTS

The findings of the pilot study and the difficulties experienced by the child witnesses will be outlined and very briefly considered below as a more encompassing discussion can be found in Chapters 2 and 3. Only a few examples are introduced here to highlight a point as it would not be possible within the constraints of this research to list all the examples.

4.5.1 Cognitively inappropriate questions

- *Temporal questions*

As previously discussed in Chapter 2, children have great difficulty with temporal terms and a child below ten years of age will rarely understand concepts such as time, dates and hours.¹⁴³ Children furthermore assess time in various ways at different developmental stages. Examples of temporal questions found in the transcripts include the following:

- “Now I know it is a long time ago and if you can, was it just a little while after – about two weeks – or a month or can’t you tell us?”¹⁴⁴
- “Now aunty Jackie will say that you, in your whole time, you only slept over once there and that was in December 1999. You say that you slept over on two occasions, different occasions?”¹⁴⁵
- “To the police you had said: ‘Every time I slept at uncle Spikkel’s house, he would touch my private parts’, but earlier on you told Mr Roelofse that you have slept there once before when nothing had happened to you. Do you understand?”¹⁴⁶

¹⁴³ Muller *Preparing Children for Court: A Handbook for Practitioners* (2004) 51.

¹⁴⁴ Transcript 7, question 119, Addendum 94.

¹⁴⁵ Transcript 7, question 264, Addendum 108.

¹⁴⁶ Transcript 7, question 419, Addendum 126.

- *Why questions*

Below the age of eight or ten years of age children have difficulty in understanding evaluative questions which requires the child to think and interpret facts and make inferences.¹⁴⁷ The following examples of 'why' questions appear in the transcripts:

- "To do what? Why did she come to fetch you there because you were playing?"¹⁴⁸
- "Why did he come to you? Do you know why he especially did he (*sic*) come to ask about this?"¹⁴⁹
- "Why do you say you are a girl?"¹⁵⁰

- *Abstract questions*

Children in the pre-operational and concrete operational stages of development, which lasts from approximately seven to twelve years of age, still have enormous difficulty answering questions containing abstract concepts because they can only process concrete information.¹⁵¹

The following are examples of abstract questions found in the transcripts:

- "Do you promise to tell the truth and nothing else but the whole truth today?"¹⁵²
- "Treasure, you must remember that you promised to tell us the truth, the whole truth and nothing else but the truth before we adjourned, is that correct?"¹⁵³

¹⁴⁷ Perry and Wrightsman *The Child Witness: Legal Issues and Dilemmas* (1991) 60.

¹⁴⁸ Transcript 4, question 64, Addendum 58.

¹⁴⁹ Transcript 5, question 75, Addendum 69.

¹⁵⁰ Transcript 6, question 16, Addendum 72.

¹⁵¹ Aldridge and Wood *Interviewing Children. A Guide for Child Care and Forensic Practitioners* (1998) 109.

¹⁵² Transcript 2, question 6, Addendum 23.

¹⁵³ Transcript 4, question 68, Addendum 58.

- “Yes, I see you are able to distinguish between truth and lies. Now I want you to speak the truth, the whole truth and nothing else but the truth. Do you understand?”¹⁵⁴
- “Now, have you been told at home or at school what the difference is between the truth and between lies?”¹⁵⁵
- *How questions*

Abstract thinking is only mastered after the age of ten years and children below this age will have difficulty with questions exploring how events came about and how they arrived at a conclusion as their thinking is predominately concrete.¹⁵⁶

The following examples appear in the transcripts:

- “Ja, but how did it come about that your mother came to know from this?”¹⁵⁷
- “Now when he touched you, the time that you might have been dreaming, how did he do it? I know that it is difficult for you, but I must unfortunately ask you how did he do it? What did you tell the police?”¹⁵⁸
- “How were you prepared to go to court?”¹⁵⁹
- *Hypothetical questions*

As discussed in Chapter 2, hypothetical thought being of an abstract nature, involves the imagination of possibilities and an explanation of their consequences.¹⁶⁰ Words like ‘if’, ‘could’ and ‘would’ help us to imagine and analyze possible states of affairs.¹⁶¹ Children cannot accommodate abstract

¹⁵⁴ Transcript 7, question 539, Addendum 141.

¹⁵⁵ Transcript 5, question 20, Addendum 64.

¹⁵⁶ Mitnick *The Use of Language in Interviewing Children* (1998) 3.

¹⁵⁷ Transcript 7, question 174, Addendum 100.

¹⁵⁸ Transcript 7, question 440, Addendum 129.

¹⁵⁹ Transcript 7, question 510, Addendum 137.

¹⁶⁰ <http://www.psypress.com/9781841696607> (retrieved 10/01/08)

¹⁶¹ Mitnick 3.

questions. Below are some hypothetical questions appearing in the transcripts:

- “So tell me then, can a girl rape another girl?”¹⁶²
- “If your statement is saying that you couldn’t tell the police what Thabo used to rape you, would that statement be correct?”¹⁶³
- “If I were to say you were two years old, would I be telling the truth or would I be telling a lie?”¹⁶⁴
- “If he did really rape you for the first time did you go back to him for the second time if he hurt you so much?”¹⁶⁵
- “Now, if Nicole tells your mother that she had done the dishes and that she had cleaned the house, but in fact she hasn’t done that, would that be the truth or would it be a lie?”¹⁶⁶
- *Remember questions*

Children use the word ‘remember’ in a different manner to adults. Below nine years of age, children interpret the word to mean that they must first have forgotten an experience in order to remember it subsequently.¹⁶⁷ The following ‘remember’ questions appear in the transcripts:

- “Now can you still remember this incident of the kissing, did this now happen before or after the toilet incident?”¹⁶⁸
- “Was it the Friday or the Saturday? Do you remember?”¹⁶⁹
- “Anton, ek moet vir jou sê dat jy nie kan onthou van wat daardie – in verband met daardie rokery, en ek gaan vir u nou sê hoekom. Want jy was maar ‘n seuntjie gewees van tussen 2 jaar en 2

¹⁶² Transcript 1, question 53, Addendum 5.

¹⁶³ Transcript 2, question 111, Addendum 33.

¹⁶⁴ Transcript 4, question 28, Addendum 53.

¹⁶⁵ Transcript 6, question 68, Addendum 77.

¹⁶⁶ Transcript 7, question 27, Addendum 83.

¹⁶⁷ Poole and Lamb *Investigative Interviews of Children: A Guide for Helping Professionals* (1998) 166.

¹⁶⁸ Transcript 7, question 161, Addendum 97.

¹⁶⁹ Transcript 7, question 272, Addendum 109.

maande en 3 jaar en 6 maande oud gewees toe jy in Hopestraat gebly het.”¹⁷⁰

- *Reflexive questions*

The ability to master questions of this nature is cognitively only reached at the age of twelve years and older. The following examples from the transcripts clearly illustrate the undeveloped cognitive ability of children in this age group:

- "On the day you were with Zola and you were dragged by Thabo, what happened to Zola that day?"¹⁷¹
- "Then you would have told Mr Nel that: "Look, this is wrong what you are reading to me. This is not how it happened. Right?"¹⁷²
- "Het jy gister ook so aan die Hof gesê dat dit hierdie mense is wat – of laat ek so vra. Jy kan onthou die vraag is ook gister aan jou gevra nê, wie almal daar was wat die lelike goed aan jou gedoen het."¹⁷³

4.5.2 Age-inappropriate questions

As indicated in Chapter 3 questions posed to child witnesses often contain complicated words and concepts which fall outside children's semantic repertoire. The following three questions serve as examples of this type of question:

- "Then on your arrival at – let me just rephrase, I am sorry. Did they accompany you until you reached your home?"¹⁷⁴
- "Right, then you say that you were crying and then the radio was switched to a higher volume, correct?"¹⁷⁵
- "Okay. Alright, we will take you off now, but the lady will come and assist you immediately."¹⁷⁶

¹⁷⁰ Transcript 8, question 174, Addendum 161.

¹⁷¹ Transcript 3, question 50, Addendum 39.

¹⁷² Transcript 7, question 371, Addendum 121.

¹⁷³ Transcript 8, question 194, Addendum 164.

¹⁷⁴ Transcript 4, question 74, Addendum 59.

¹⁷⁵ Transcript 5, question 65, Addendum 68.

¹⁷⁶ Transcript 7, question 425, Addendum 127.

4.5.3 Technical terms

Children, being relatively inexperienced language users, find the specificity of legal terminology extremely difficult to understand.¹⁷⁷ The following three questions from the transcripts contain a magnitude of legal words and concepts:

- “You are now going to be asked questions by the defence – the attorney for the accused.”¹⁷⁸
- “Nandipha, your mother said in a statement she made to the police, that (if the state is not going to call the mother, the defence will ask the court to allow this Your Worship. I can ask the questions from her mother’s statement. It is normally allowed. I don’t have to (intervention)”¹⁷⁹
- “You are now going to be asked questions by the attorney for the accused.”¹⁸⁰
- “You are hereby warned by the court in terms of the Criminal Procedure Act 51 of 1977 to tell us the truth and nothing else but the whole truth?”¹⁸¹
- “But Treasure, I put it to you that if ever the accused raped you, you could not have after the rape, went (*sic*) to play. I am putting it to her that if ever the accused had raped her on that day, she could not have gone to play after the rape?”¹⁸²

4.5.4 Contrastive terms

Contrastive words such as ‘some’, ‘all’, ‘only’ and ‘any’ are problematic for children as they do not comprehend the concepts contained in these words.¹⁸³ The following questions are set out as examples:

- “Is that all?”¹⁸⁴

¹⁷⁷ Brennan and Brennan *Strange Language – Child Victims Under Cross-examination* (1988) 68.

¹⁷⁸ Transcript 1, question 98, Addendum 9.

¹⁷⁹ Transcript 1, question 166, Addendum 17.

¹⁸⁰ Transcript 2, question 63, Addendum 28.

¹⁸¹ Transcript 3, question 8, Addendum 36.

¹⁸² Transcript 4, question 80, Addendum 59.

¹⁸³ Poole and Lamb 166.

- “You stay with your granny and father only?”¹⁸⁵
- “Tell me of any boy you know?”¹⁸⁶
- “Did he do this to you only once or did it happen again?”¹⁸⁷

4.5.5 Shifters

Words such as ‘this’, ‘that’, ‘here’ and ‘there’ are referred to as shifters and the fact that they tend to be vague results in children having difficulty with them. Below the following examples are listed:

- “Reinah, please tell the witness that this is the lady who is speaking now who spoke to her earlier on in that office. Tell her it is the white lady who spoke to her earlier on. Can she remember me?”¹⁸⁸
- “Explain to the witness we are now going to show her a picture of man (*sic*) on the TV. I want to know from her whether she knows that man.”¹⁸⁹
- “You said there was a bed and there was a radio, what else did you see?”¹⁹⁰
- “And then, after he did that, then what?”¹⁹¹

4.5.6 Passive sentences

As referred to in Chapter 3 sentence constructions following a ‘subject-verb-object’ sequence are most easily understood by children. Passive questions

¹⁸⁴ Transcript 5, question 8, Addendum 63.
¹⁸⁵ Transcript 6, question 11, Addendum 71.
¹⁸⁶ Transcript 6, question 18, Addendum 72.
¹⁸⁷ Transcript 6, question 42, Addendum 74.
¹⁸⁸ Transcript 4, question 17, Addendum 51.
¹⁸⁹ Transcript 4, question 32, Addendum 53.
¹⁹⁰ Transcript 5, question 59, Addendum 67.
¹⁹¹ Transcript 6, question 41, Addendum 74.

prove difficult for children because they assume that the actor is always the subject of the sentence.¹⁹² The following examples appear in the transcripts:

- “Well Your Worship then that is as far as I can go with the statement I think. So Nandipha, the contents of statement, in other words, the letters that are written down there, you didn’t tell anyone about that?”¹⁹³
- “Yes Nandipha did you tell the police about that you were threatened with a knife and that you were going to be killed by the accused if you tell anyone?”¹⁹⁴
- “To the police you had said: “Ever time I slept at uncle Spikkel’s house, he would touch my private parts”, but earlier on you told Mr Roelofse that you have slept there once before when nothing had happened to you. Do you understand?”¹⁹⁵

4.5.7 Negative sentences

Negative terms are often placed in unusual positions, resulting in fragmenting the content of questions.¹⁹⁶ The use of the negative contributes to confusion and communication errors as can be seen by the following examples:

- “Okay, you said it out of your own. The Prosecutor didn’t ask you about it. The Court didn’t ask you and I didn’t ask you about it. Right? You said it out of your own and it is on this tape recorder. Mr Nel asked you: ‘Where was Carla’? You said: ‘Carla was walking next to me.’ Right?”¹⁹⁷
- “That was not true. It couldn’t have been. Right, because the first time you slept there, nothing happened to you?”¹⁹⁸
- “Het iemand gesê jy mag nie daarvan praat nie of nie?”¹⁹⁹

¹⁹² Perry and Wrightsman 128.

¹⁹³ Transcript 1, question 137, Addendum 14.

¹⁹⁴ Transcript 1, question 142, Addendum 14.

¹⁹⁵ Transcript 7, question 419, Addendum 126.

¹⁹⁶ Brennan and Brennan 62.

¹⁹⁷ Transcript 7, question 289, Addendum 111.

¹⁹⁸ Transcript 7, question 408, Addendum 125.

¹⁹⁹ Transcript 2, question 114, Addendum 33.

4.5.8 Embedding

Employing complex syntactical structures to squeeze a lot of information into one question is referred to as embedding and this technique poses specific problems for child witnesses.²⁰⁰ Phrasing questions in simple, one-topic sentences in contrast, minimizes confusion. The following examples were found in the court transcripts:

- “To whom exactly in Thabo’s home did you take the cassette?”²⁰¹
- “Now before this rape took place, your family was not friends with Thabo’s family, they were cross with each other, is that correct?”²⁰²
- “Hayley, the first incident when you were carried by uncle Spikkels, you said you had your pajamas – you had on. They were new that mommy bought you.”²⁰³
- “And then very spontaneously you told this court without being asked, that: ‘But I don’t think she noticed anything’?”²⁰⁴
- “And then you also forgot to tell the police and that you pointed out, also out of your own accord, to the court. You forgot about him trying to kiss you on the couch?”²⁰⁵

4.5.9 Multiple questions

Warren *et al*²⁰⁶ describe the use of several questions at once as multiple questions. Children’s thinking cannot accommodate multiple topics simultaneously and the obvious confusion which results in posing these questions is due to the fact that they invite a variation of responses since a lot of information is offered. This is illustrated by the following examples:

²⁰⁰ Brennan and Brennan 76.

²⁰¹ Transcript 2, question 38, Addendum 25.

²⁰² Transcript 2, question 114, Addendum 33.

²⁰³ Transcript 7, question 153, Addendum 96.

²⁰⁴ Transcript 7, question 284, Addendum 110.

²⁰⁵ Transcript 7, question 352, Addendum 119.

²⁰⁶ Warren, Woodall, Hunt and Perry “It Sounds Good in Therapy, but ... Do Investigative Interviews Follow Guidelines Based on Memory Research?” (1996) *Child Maltreatment* 1:240.

- “I think you can first just say that to her, otherwise she is going to forget. Her mother is saying that on 24th January at 7h45 she noticed Nandipha’s pantie is blueish underneath. Can you remember, after this incident took place, did you see your mother shortly after that?”²⁰⁷
- “What caused that pain? Who was making the pain? What made her feel the pain?”²⁰⁸
- “Why did he come to you? Do you know why he especially did he (*sic*) come to ask about this?”²⁰⁹
- “Now ask her that penis she is showing now and the vagina of the doll, where did Zonti put that penis? Did he just leave it there on top like she is showing, or where did he put it?”²¹⁰
- “What did they do? Did they tell you what is going to happen here or did they show you something what is going to happen? Can you just tell us. We don’t know how they work?”²¹¹

4.5.10 Multichoice/closed questions

One of the most common examples of multifaceted questions is multichoice questions which offer a number of restricted options.²¹²

- “Was it very short? Was it like two days, three days or was it longer?”²¹³
- “What did Nandipha do? Or did you see what Nandipha was doing whilst Thabo was allegedly raping you?”²¹⁴
- “Did Thabo say anything there at the house before the rape started?”²¹⁵
- “Was it Friday night? And the Saturday night, you also slept over there or did you go home?”²¹⁶
- “Now, when you wake (*sic*) up were you in the passage already or still in the lounge or where?”²¹⁷

²⁰⁷ Transcript 1, question 167, Addendum 17.

²⁰⁸ Transcript 4, question 50, Addendum 56.

²⁰⁹ Transcript 5, question 75, Addendum 69.

²¹⁰ Transcript 6, question 63, Addendum 76.

²¹¹ Transcript 7, question 515, Addendum 138.

²¹² Brennan and Brennan 67.

²¹³ Transcript 2, question 84, Addendum 30.

²¹⁴ Transcript 2, question 88, Addendum 31.

²¹⁵ Transcript 2, question 119, Addendum 34.

²¹⁶ Transcript 7, question 273, Addendum 110.

4.5.11 Vague questions

The vagueness of cross-examiners in phrasing questions put to child witnesses contributes to the confusion they experience. The following vague questions appear in the transcripts:

- “Did you see a policeman?”²¹⁸
- “Where did you go the following week?”²¹⁹
- “Ja, and then some people said something happened to them and other people said that nothing happened to them. Right?”²²⁰

4.5.12 Tag questions

The technique of transferring a statement into a question by adding a request for confirmation is referred to as tagging. Poole and Lamb²²¹ conducted a study and their findings suggest that tag questions give rise to difficulty for children. Below the following examples are listed:

- “The same day that you told your parents, or don’t you know?”²²²
- “You know the difference between the truth and lies, not so?”²²³
- “Now, it took you 18 months before you gave the police a statement, is that right?”²²⁴

4.5.13 Leading questions

A leading question is one which suggests a specific reply and the use of leading questions is a legal tool frequently employed during cross-

²¹⁷ Transcript 7, question 295, Addendum 112.

²¹⁸ Transcript 1, question 130, Addendum 13.

²¹⁹ Transcript 3, question 83, Addendum 43.

²²⁰ Transcript 7, question 224, Addendum 104.

²²¹ Poole and Lamb 171.

²²² Transcript 1, question 189, Addendum 20.

²²³ Transcript 2, question 82, Addendum 30.

²²⁴ Transcript 5, question 45, Addendum 66.

examination.²²⁵ Research on the suggestibility of children indicates that children are more likely than adults to provide unreliable information when examined in a leading or suggestive manner.²²⁶ Examples from the transcripts include:

- “Did you make a mistake when you said ‘yes’ the previous time?”²²⁷
- “So were you afraid of him?”²²⁸
- “Were you afraid?”²²⁹

4.5.14 Repeating answers

Repeating the child witness’ previous answers is a technique often employed by cross-examiners not to check the child’s answer, but to suggest an impression of dishonesty.²³⁰ Examples include the following:

- “Older than you. Now, let’s take your sister. How old is she?”²³¹
- “Under your knees. Now you also said that after that incident – that was now when you were wearing the pajamas – when you were carried, that uncle Spikkels said you must not tell anyone, when did he tell you that?”²³²
- “And we will come back to that aspect now-now. Alright, now you said and you told us, that there were things that were wrong with your statement. Correct?”²³³
- “Okay, and you say that the bleeding incident only took place in the toilet?”²³⁴

²²⁵ Muller and Tait “The Child Witness and the Accused’s Right to Cross-examination” (1997) 3 *TSAR* 523.

²²⁶ Dent “The Effect of Age on Eye Witnessing Ability” cited in Dent and Flin *Children as Witnesses* (1992) 8.

²²⁷ Transcript 1, question 125, Addendum 12.

²²⁸ Transcript 5, question 48, Addendum 67.

²²⁹ Transcript 5, question 50, Addendum 67.

²³⁰ Brennan and Brennan 74.

²³¹ Transcript 7, question 11, Addendum 82.

²³² Transcript 7, question 156, Addendum 97.

²³³ Transcript 7, question 532, Addendum 140.

²³⁴ Transcript 7, question 536, Addendum 141.

4.5.15 Repeating questions

The findings of a number of studies conducted have demonstrated that when young children are asked the same question repeatedly, they change their answer because they regard it as criticism of their first response.²³⁵ The following examples were identified from transcript 4:

- “To do what? Why did she come to fetch you there because you were playing?”²³⁶
- “My question is why did they come to fetch you while you were playing at Musamani’s home?”²³⁷
- “Treasure I am still on that question why did Grace came (*sic*) to fetch you while you were playing at Musamani’s home?”²³⁸

4.5.16 Peripheral questions

Peripheral questions are those which do not pertain to the direct and central issues in a case, but deal with surrounding, usually irrelevant matters.²³⁹ Child witnesses make mistakes when examined about unimportant matters. Below the following examples are listed:

- “Anton nou daar by die plek waar die lelike goed nou met jou gebeur het, het die mense wat daar was by daardie plek, het hulle eers geëet voordat die goed gebeur het?”²⁴⁰
- “Het hulle gedans die mense wat daar was?”²⁴¹
- “Was die ligte in die huis, was dit aan of af gewees toe die lelike goed gebeur het?”²⁴²

²³⁵ Muller *The Judicial Officer and the Child Witness* (2002) 85.

²³⁶ Transcript 4, question 64, Addendum 58.

²³⁷ Transcript 4, question 66, Addendum 58.

²³⁸ Transcript 4, question 70, Addendum 58.

²³⁹ Spencer and Flin *The Evidence of Children: The Law and Psychology* (1990) 225.

²⁴⁰ Transcript 8, question 205, Addendum 166.

²⁴¹ Transcript 8, question 206, Addendum 166.

²⁴² Transcript 8, question 208, Addendum 166.

4.5.17 Putting accused's version to child

The quotation of the words of other people is a feature of legal language, especially when cross-examination is conducted. Questions are not posed to the child but assertions are made on the part of the cross-examiner.²⁴³ The following examples are listed below:

- “Because the accused is saying that the families are not getting on, and that your mother told you, or forced you to lay this charge against the accused?”²⁴⁴
- “Now the accused is saying if you are saying that he raped you or Asamkele, you are making a mistake.”²⁴⁵
- “But Treasure, I put it to you that if ever the accused raped you, you could not have after the rape, went (*sic*) to play. I am putting it to her that if ever the accused had raped her on that day, she could not have gone to play after the rape?”²⁴⁶

4.5.18 Pronoun

Pronouns are words such as ‘she’, ‘he’ and ‘it’ and they are used to refer to things without repeating their nouns. The ability to couple pronouns with prior or subsequent nouns is not fully developed until the age of ten years.²⁴⁷

These examples were found in the transcripts:

- “He is saying that if it was – he is not disputing that you were raped, but it wasn’t him.”²⁴⁸
- “Now I am going to ask her now to tell us what is it that he did to her. Ask the child that she must tell us or she can show us with the dolls what it is that this man she saw on TV did to her she did not like?”²⁴⁹

²⁴³ Brennan and Brennan 73-74.

²⁴⁴ Transcript 1, question 165, Addendum 17.

²⁴⁵ Transcript 1, question 201, Addendum 21.

²⁴⁶ Transcript 4, question 80, Addendum 59.

²⁴⁷ Poole and Lamb 171.

²⁴⁸ Transcript 1, question 202, Addendum 21.

²⁴⁹ Transcript 4, question 36, Addendum 54.

- “Ask her to explain to us what it is he did when he was on top of her? Ask her to tell us what it is exactly he did when he was on top of her with his pants and her panties down?”²⁵⁰

4.5.19 Prepositions

Words such as ‘in’, ‘on’, ‘about’ and ‘between’ are prepositions and are used to obtain specific information. Prepositions can carry more than one meaning and are therefore complicated and difficult for children to understand.²⁵¹

Below are some examples from the transcripts:

- “Now, you know the difference between right and wrong. You also know the difference between the truth and what is not the truth.”²⁵²
- “Did you do anything about it getting onto your panty?”²⁵³
- “Okay, Right, and there was a part that was read to you by the attorney about the burning and the bleeding at the toilet. Can you remember that – just now – correct?”²⁵⁴

4.5.20 Long statements, no questions

Multifaceted questions are long, complicated questions and are often not questions at all but mere statements and usually start with the words ‘now’ or ‘right’.²⁵⁵ These statements give rise to difficulty for children as they do not know how to respond or what to answer. The following examples were identified:

- “I just want to go back to try and understand some things, a few things which I did not understand. And if I repeat something, it is not because you are lying, which (*sic*) will be just a mistake.”²⁵⁶

²⁵⁰ Transcript 4, question 41, Addendum 55.

²⁵¹ Aldridge and Wood 181-182.

²⁵² Transcript 7, question 32, Addendum 84.

²⁵³ Transcript 7, question 112, Addendum 93.

²⁵⁴ Transcript 7, question 537, Addendum 141.

²⁵⁵ Poole and Lamb 66.

²⁵⁶ Transcript 1, question 62, Addendum 5.

- “Okay. Thank you Your Worship, that will be all.”²⁵⁷
- “I want you to whatever you tell us today, that it must be the truth, the whole truth and nothing but the truth. In other words, only something which you have seen for yourself or have heard for yourself, or that you have experienced yourself, not that you were told by somebody else to come and tell us here today. Do you understand that?”²⁵⁸
- “If you can just, Hayley, keep away from the other witnesses. I do not know who else is out there and perhaps Mr Nel can also just give an indication and not speak to anybody about the case in the meantime and then we can start with your evidence again and we can see how soon we can finish with it.”²⁵⁹
- “And then the worst part is, she said that your dad was sitting barefoot and that you were making that type of movements on his feet in the presence of them and then the accused actually said to him: “Hey, how can you do that?” and then your dad made remarks that I don’t even want to recall here I don’t even want to tell you.”²⁶⁰

4.5.21 Statements voiced as questions

A statement which does not take the clear form of a question might be interpreted as such and children might not deem it necessary to answer.²⁶¹

Questions should therefore not be masked by statements. Below some examples are listed:

- “Now, you know the difference between right and wrong. You also know the difference between the truth and what is not the truth.”²⁶²
- “Because it is very dangerous. If you can’t remember and you are not sure, you must tell His Worship, because all of us, we don’t like what we do here. We don’t like asking you these questions. So this thing that you were sleeping on the couch, only happened

²⁵⁷ Transcript 1, question 96, Addendum 9.

²⁵⁸ Transcript 7, question 33, Addendum 84.

²⁵⁹ Transcript 7, question 166, Addendum 98.

²⁶⁰ Transcript 7, question 499, Addendum 136.

²⁶¹ Carson “Regulating the Cross-examination of Children” BS & L Network Conference (2 April 1995) 6.

²⁶² Transcript 7, question 32, Addendum 84.

on that occasion – you thought it happened on that occasion, but you are not sure. Right?”²⁶³

- “And Spikkel’s wife will tell the Court that that your mother told her that that was’nt the first time they caught you or their children watching movies in your house. I am not saying you, but the children.”²⁶⁴

4.5.22 Incomplete questions

The difficulty children have with incomplete questions is obvious, as any person would experience difficulty with such questions. The following examples are typical of incomplete questions:

- “And then, after he did that, then what?”²⁶⁵
- “And the swimming pool, when you stayed in Rowallan Park?”²⁶⁶
- “On that day or was it just in that period, at that time period?”²⁶⁷
- “Can you tell us?”²⁶⁸

4.5.23 Complex syntax

The use of complex sentence construction during examination of children contributes to miscommunication and the complexity of grammatical structures should therefore be drastically reduced. Questioners must phrase questions to children of all age groups in the simplest possible fashion.²⁶⁹

The examples below contain complex syntax:

- “So Nandipha, when this incident took place, did you go to the doctor the same day?”²⁷⁰

²⁶³ Transcript 7, question 341, Addendum 117.

²⁶⁴ Transcript 7, question 507, Addendum 137.

²⁶⁵ Transcript 6, question 41, Addendum 74.

²⁶⁶ Transcript 7, question 129, Addendum 95.

²⁶⁷ Transcript 7, question 163, Addendum 98.

²⁶⁸ Transcript 7, question 347, Addendum 118.

²⁶⁹ Poole and Lamb 168.

²⁷⁰ Transcript 1, question 124, Addendum 12.

- “Yes, and who did you tell at the end of the day about this what happened to you?”²⁷¹
- “So was there no one who ever asked you why you were crying?”²⁷²

4.5.24 Body part questions

According to Aldridge and Wood ²⁷³ children are not as aware of sexual and non-sexual body part terminology as might be expected and they are frequently confused about the function of different body parts. They also have difficulty describing sexual acts as they lack understanding of the significance of these acts.²⁷⁴ The following examples appear in the transcripts:

- “You didn’t tell us where exactly in you did he rape you with his penis?”²⁷⁵
- “Now, can you tell us: If you talk about your “private parts”, are you talking about the place that you use if you wee-wee or the place that you go and do something else?”²⁷⁶
- “They also wrote it down like that: ‘He had his finger inside my cookie and moved around.’”²⁷⁷

4.5.25 Nonsensical questions

The following question making no sense to the witness, appears in the transcripts:

- “You will tell the truth as before giving him the same answers as you have given to the prosecutor?”²⁷⁸
- “Your mother told the doctor, when you were at the doctor?”²⁷⁹

²⁷¹ Transcript 1, question 177, Addendum 19.

²⁷² Transcript 5, question 67, Addendum 68.

²⁷³ Aldridge and Wood 157.

²⁷⁴ Aldridge and Wood 166.

²⁷⁵ Transcript 1, question 94, Addendum 9.

²⁷⁶ Transcript 7, question 70, Addendum 89.

²⁷⁷ Transcript 7, question 442, Addendum 129.

²⁷⁸ Transcript 1, question 99, Addendum 9.

²⁷⁹ Transcript 1, question 115, Addendum 11.

- “Now did your mother by yourself? Did you go to her and did you tell her that it was Thabo who raped her or was it forced out of you?”²⁸⁰

4.5.26 Deliberate confusing questions

The following questions were clearly phrased to confuse the witness:

- “Why do you say you are a girl?”²⁸¹
- “When did you take off the masking tape?”²⁸²
- “Nou u het gesê dat hulle nou jou neussalf, of jou pa het neussalf gebruik. Is dit reg?”²⁸³
- “Jy het gesê jou pa het salf gebruik.”²⁸⁴

4.5.27 Slang

The following questions contain slang and might have fallen outside the child’s repertoire:

- “I did not get you? I did not get the response, you were talking very softly.”²⁸⁵
- “Like a dress. Was it like a long dress or was it like shorties?”²⁸⁶
- “Ja, your sister was crying and then she said: “No, she watched it there” and then it came out that Spikkels touched her. Right?”²⁸⁷
- The police was investigating other children’s complaints and then they came to you because you people were very close with the van Eeden’s?²⁸⁸

²⁸⁰ Transcript 3, question 99, Addendum 44.

²⁸¹ Transcript 6, question 16, Addendum 728.

²⁸² Transcript 6, question 95, Addendum 79.

²⁸³ Transcript 8, question 37, Addendum 148.

²⁸⁴ Transcript 8, question 38, Addendum 148.

²⁸⁵ Transcript 5, question 52, Addendum 67.

²⁸⁶ Transcript 7, question 155, Addendum 97.

²⁸⁷ Transcript 7, question 213, Addendum 103.

²⁸⁸ Transcript 7, question 221, Addendum 103.

4.6 NUMBER OF INAPPROPRIATE QUESTIONS PER TRANSCRIPT

In this section the number of inappropriate questions per transcript will be depicted by means of graphs, added as an addendum to this chapter. From the graphs it is clear that five types of questions constantly appeared the most per transcript. These five types of questions will be reflected as a percentage of the total number of questions asked per transcript.

In the first transcript a total of 210 questions were posed to the child witness. The five most frequently occurring inappropriate questions in the first transcript were: cognitively inappropriate (90%), age-inappropriate (59%), vague (59%), technical terms (34%) and pronouns (21%).

In the second transcript a total of 126 questions were posed to the child witness. The five most frequently occurring inappropriate questions in the second transcript were: cognitively inappropriate (64%), age-inappropriate (46%), vague (49%), technical terms (45%) and pronouns (36%).

In the third transcript a total of 155 questions were posed to the child witness. The five most frequently occurring inappropriate questions in the third transcript were: cognitively inappropriate (51%), age inappropriate (54%), vague (80%), technical terms (54%) and pronouns (34%).

In the fourth transcript a total of 105 questions were posed to the child witness. The five most frequently occurring inappropriate questions in the fourth transcript were: cognitively inappropriate (84%), age-inappropriate (59%), vague (75%), technical terms (36%) and pronouns (103%).²⁸⁹

In the fifth transcript a total of 83 questions were posed to the child witness. The five most frequently occurring inappropriate questions in the fifth transcript were: cognitively inappropriate (56%), age-inappropriate (51%), vague (34%), technical terms (51%) and pronouns (50%).

²⁸⁹ The reason why the percentage exceeds 100% is due to the fact that some sentences contained more than one pronoun.

In the sixth transcript a total of 99 questions were posed to the child witness. The five most frequently occurring inappropriate questions in the sixth transcript were: cognitively inappropriate (54%), age-inappropriate (43%), vague (52%) technical terms (30%) and pronouns (65%).

In the seventh transcript a total of 555 questions were posed to the child witness. The five most frequently occurring inappropriate questions in the seventh transcript were: cognitively inappropriate (86%), age-inappropriate (68%), vague (58%), technical terms (21%) and pronouns (50%).

In the eighth transcript a total of 327 questions were posed to the child witness. The five most frequently occurring inappropriate questions in the eighth transcript were: cognitively inappropriate (92%), age inappropriate (42%), vague (54%), pronouns (21%) and incomplete questions (18%).

From the above it is evident that cognitively and linguistically inappropriate questions were the most frequently posed to child witnesses. As indicated in Chapter 2 and 3 above these types of questions prevent meaningful communication during the testimony of a child witness.

4.7 CONCLUSION

It is evident from the above evaluation that the manner in which the children's evidence in court was presented and the way in which they were questioned created a communication barrier which placed a distorted version of events before the court. The majority of the questions did not take into account the cognitive and language developmental abilities of the particular children and were therefore inappropriate.

The features of legal language described and the questioning strategies employed which were discussed previously contribute to the mismatch between the cognitive and linguistic abilities of children and the language

demands of the courtroom.²⁹⁰ This in turn will impact negatively on their credibility as witnesses. The questions quoted above serve to illustrate that they are employed to call the credibility of the witness into question.²⁹¹

It is therefore recommended that full account be taken of the cognitive and language capabilities of each particular child in order to elicit reliable information during the child's testimony. It is of the utmost importance that questioning be conducted in such a fashion so as to ensure that the child witness understands not only the content of the questions, but also what answers or responses are expected from them.²⁹²

In the final Chapter conclusions and recommendations will be made.

²⁹⁰ Brennan and Brennan 84.

²⁹¹ Brennan and Brennan 5.

²⁹² Muller *Preparing Children for Court: A Handbook for Practitioners* 69.

4.8 ADDENDUM TO CHAPTER 4

Cognitively inappropriate	Age inappropriate vocabulary	Technical term
Constrative	Shifter	Passive
Negative	Embedding	Multiple
Multichoice	Vague	Tag
Leading	Repeat Answer	Repeat Question
Peripheral	Putting Accused's Version to Child	Pronoun
Preposition	Long Question	Statement voiced as Question
Incomplete	Complex Syntax	Bodypart Question
Nonsensical Questions	Deliberate Confusing	Slang

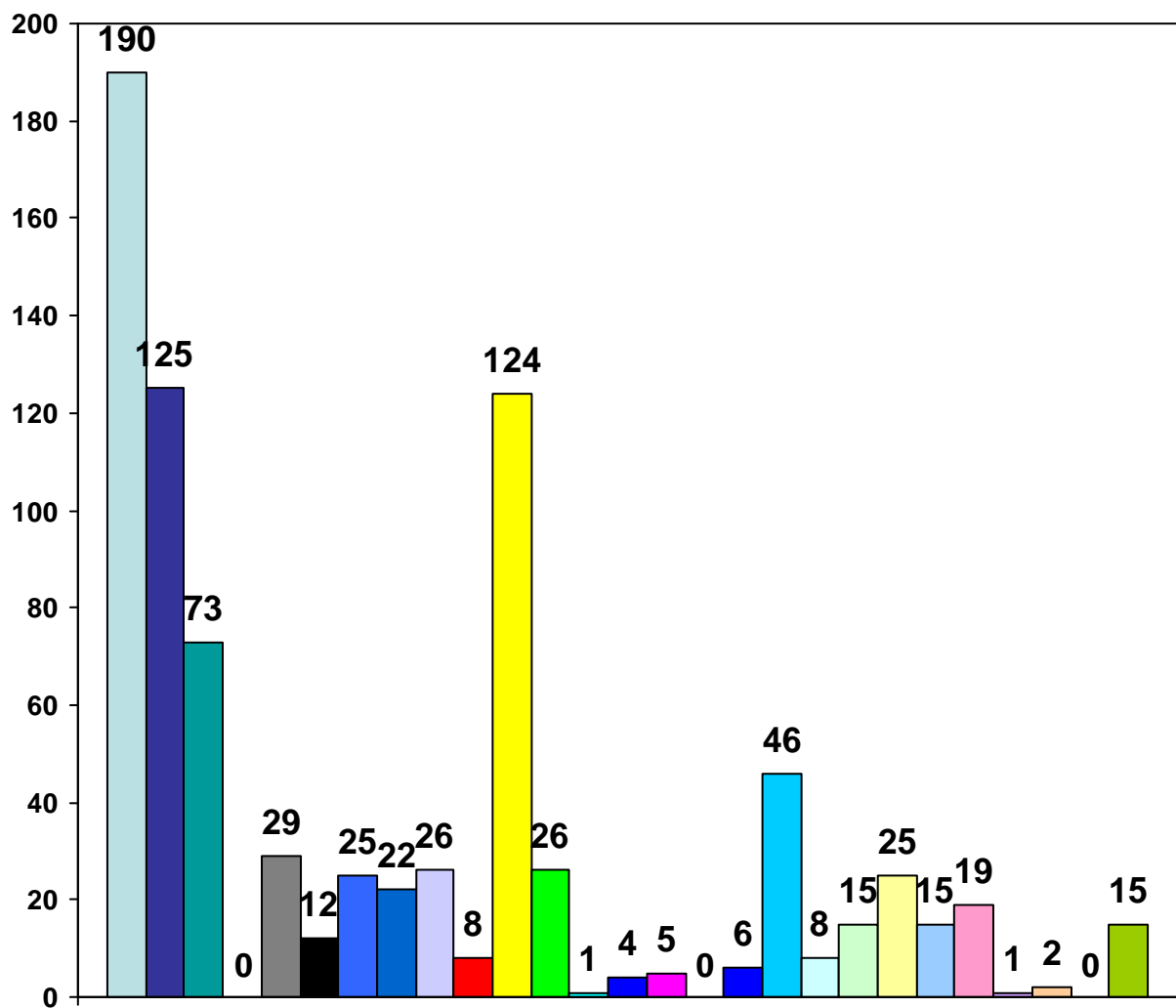


Chart 1 - Transcript 1: Number of inappropriate questions

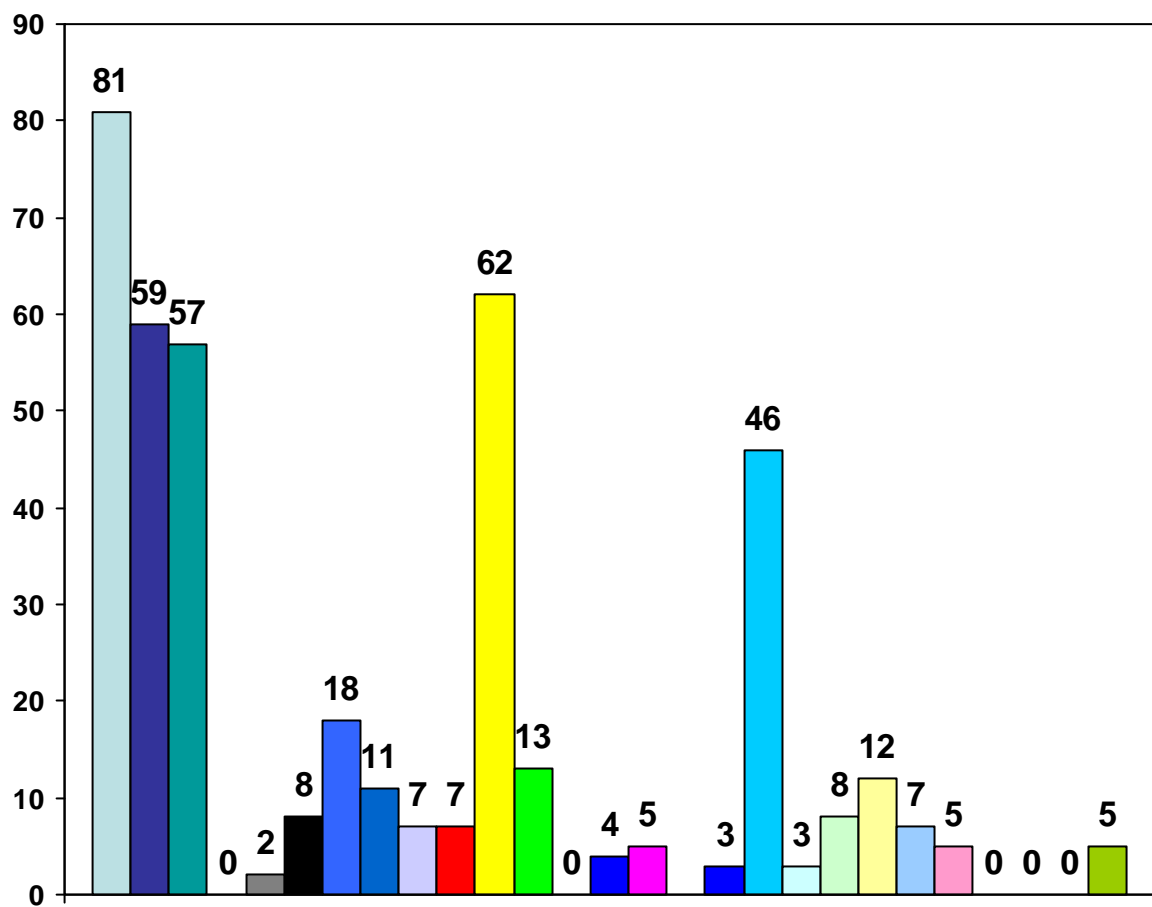
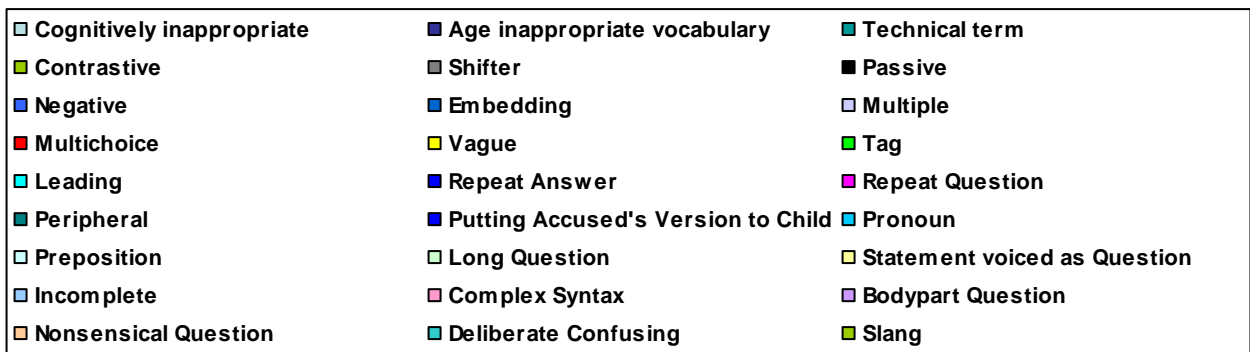


Chart 2 - Transcript 2: Number of inappropriate questions

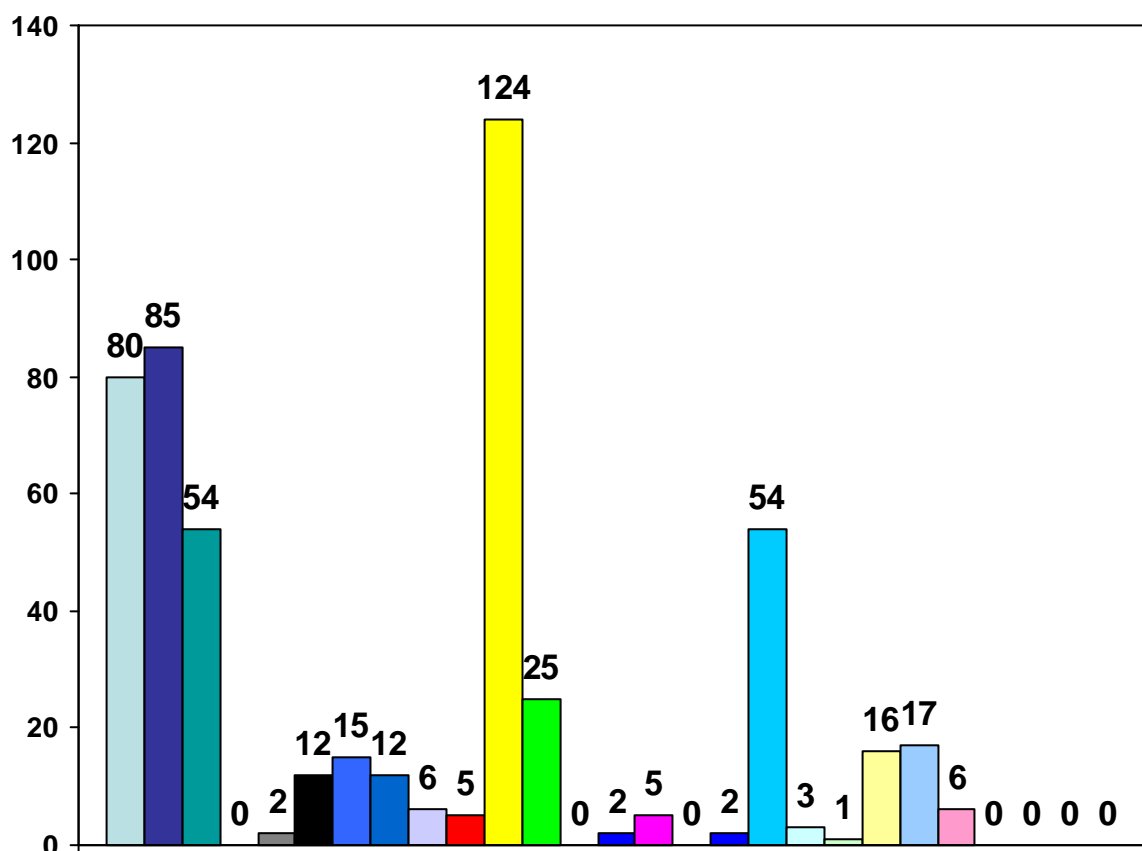
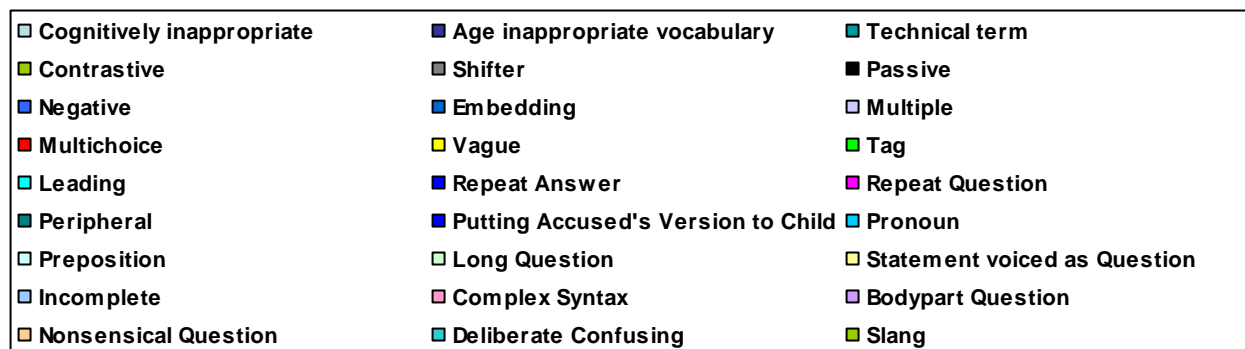


Chart 3 - Transcript 3: Number of inappropriate questions

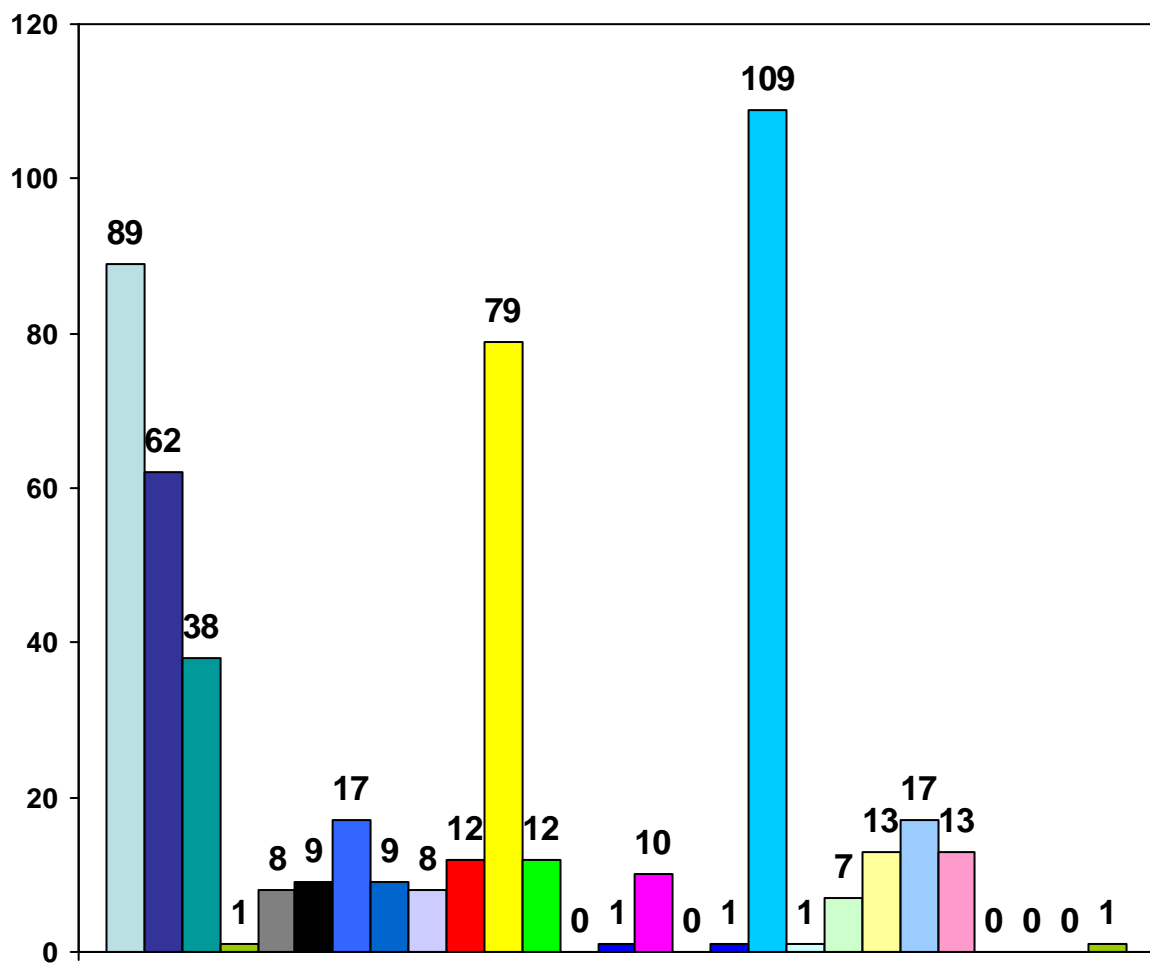
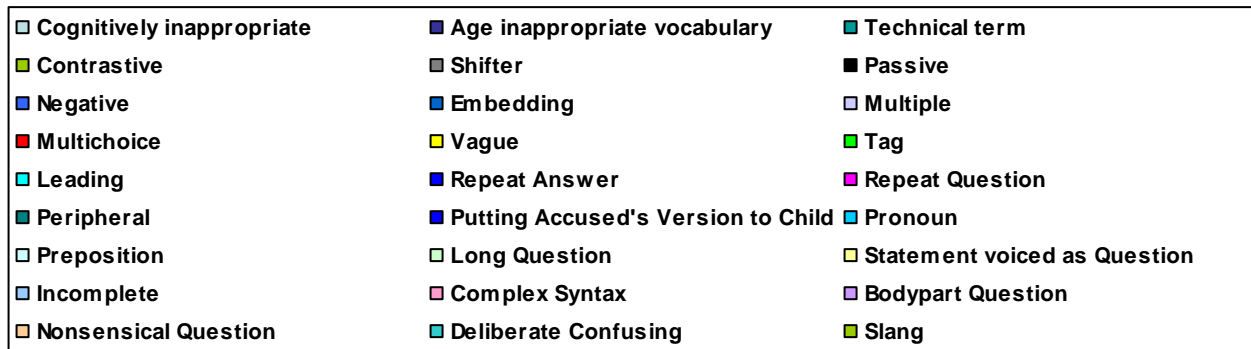


Chart 4 - Transcript 4: Number of inappropriate questions

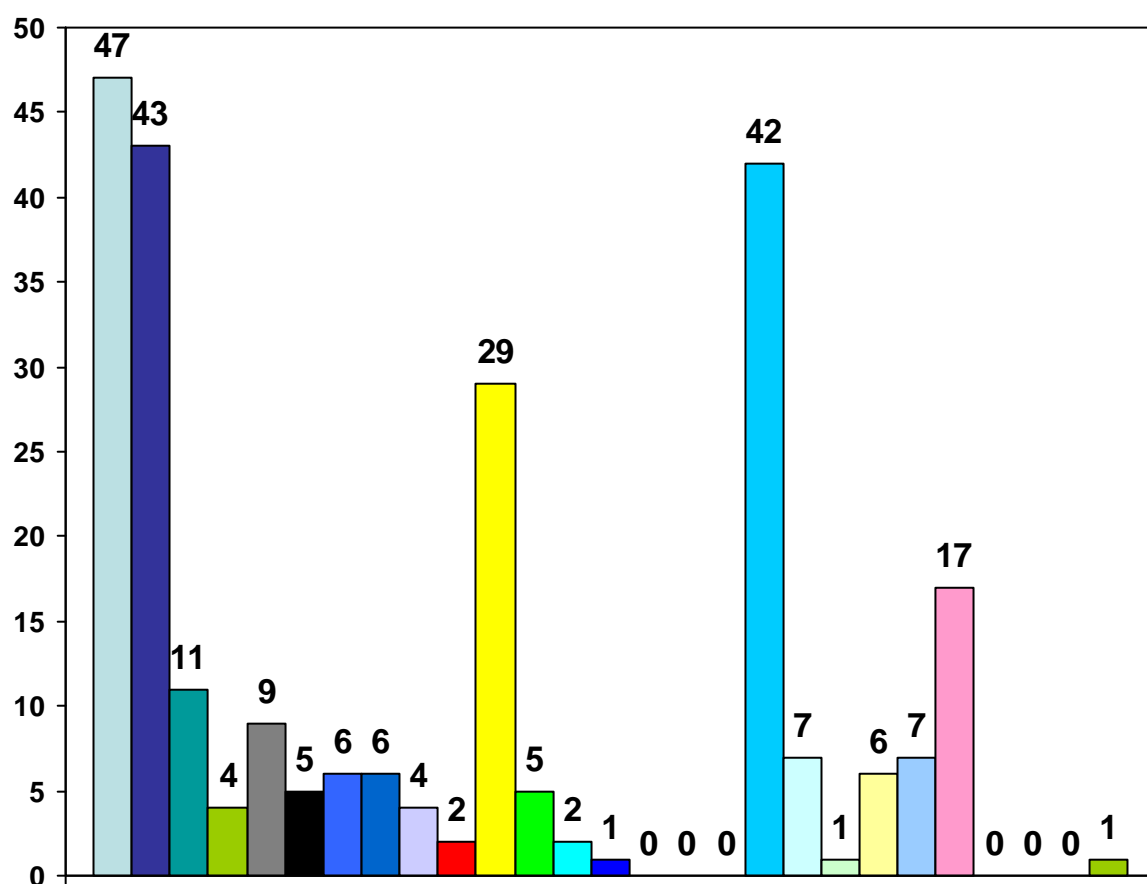
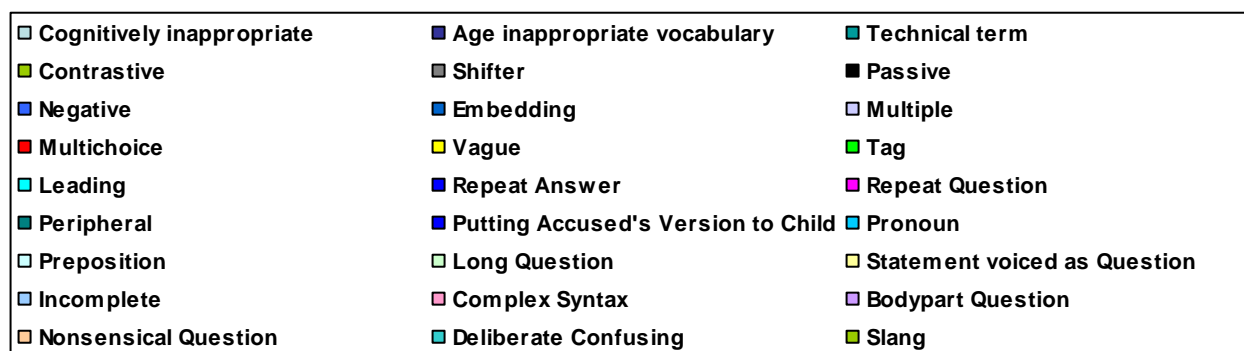


Chart 5 - Transcript 5: Number of inappropriate questions

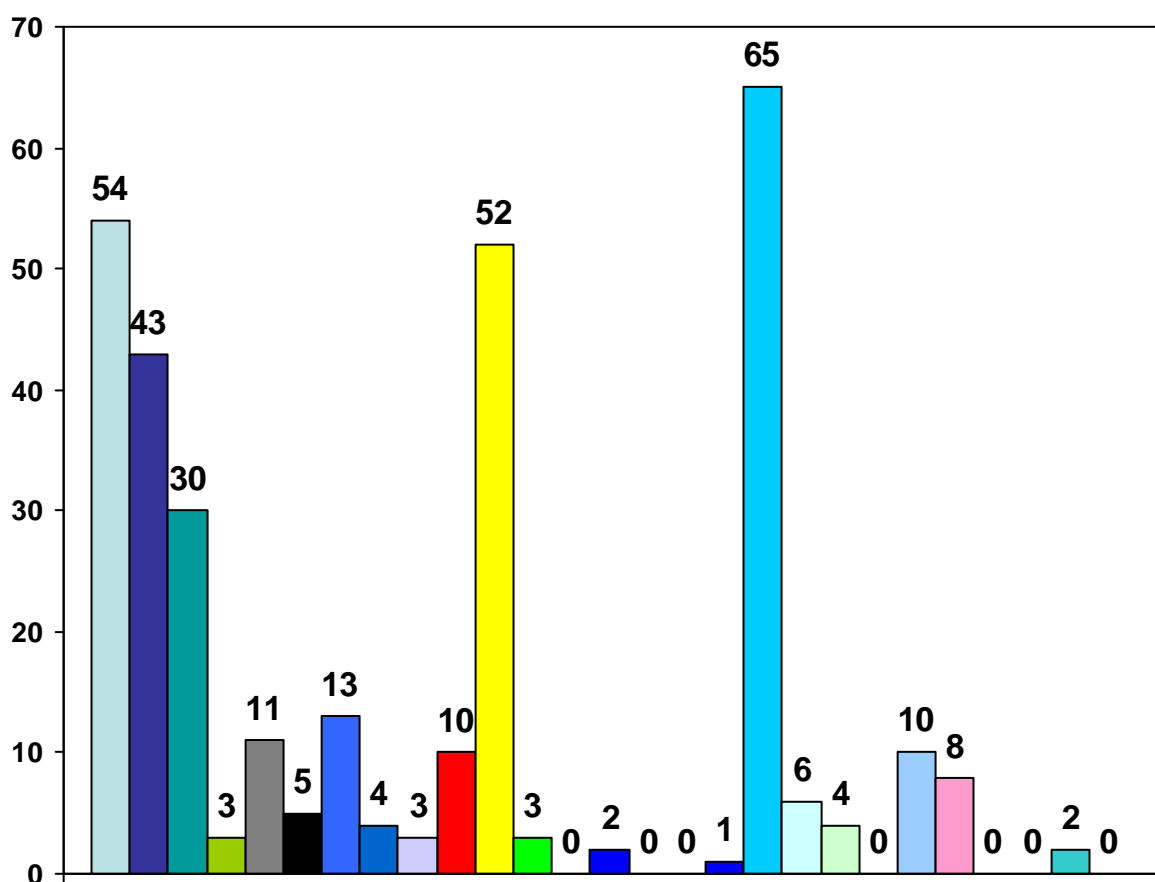
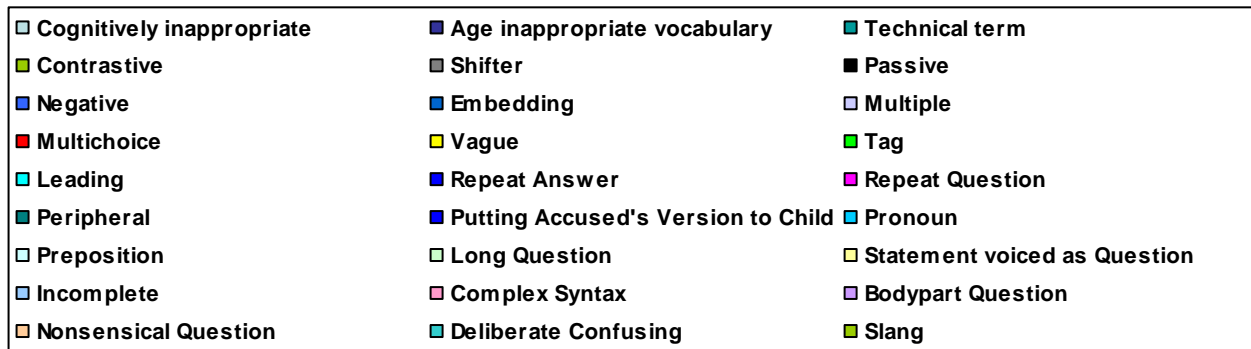


Chart 6 - Transcript 6: Number of inappropriate questions

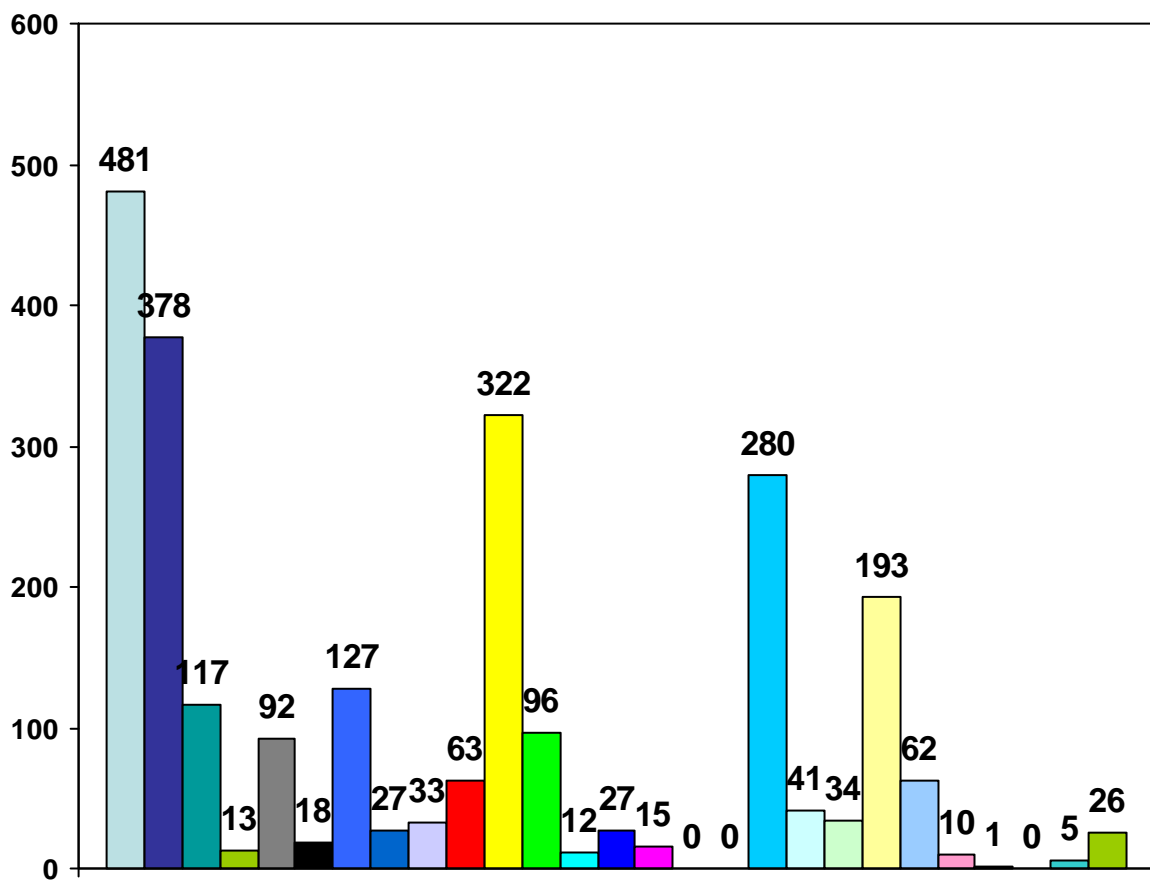
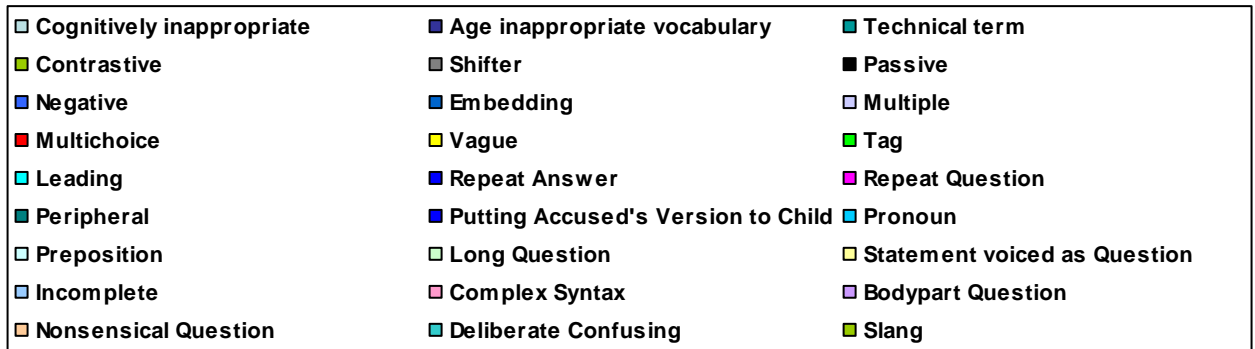


Chart 7 - Transcript 7: Number of inappropriate questions

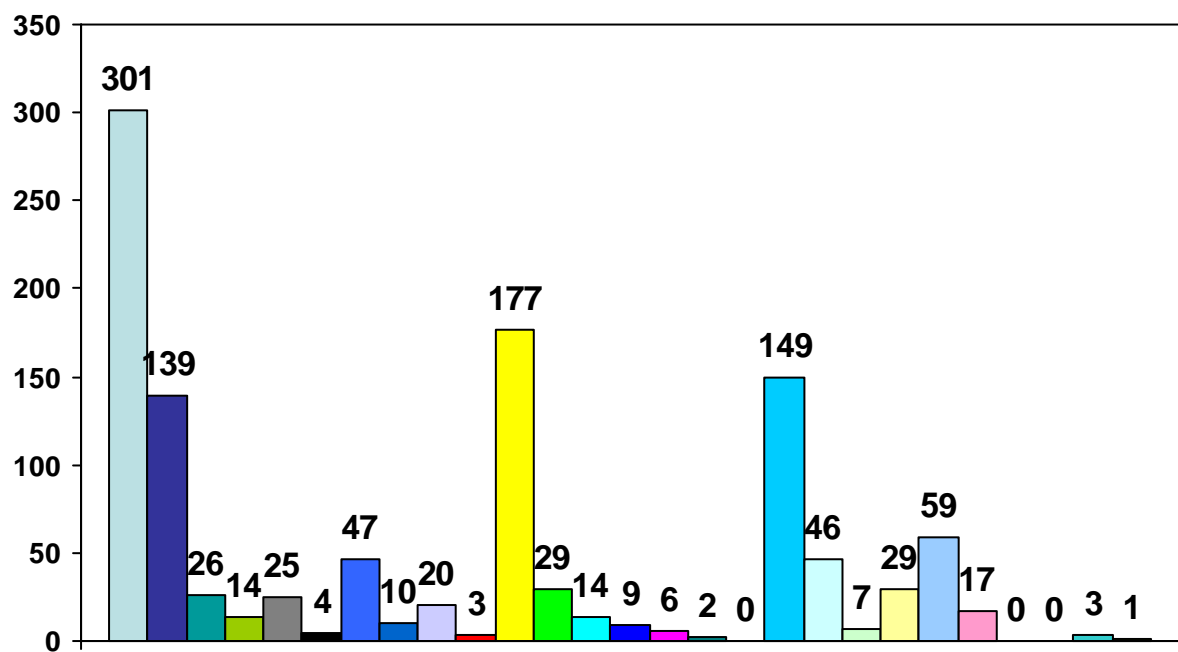
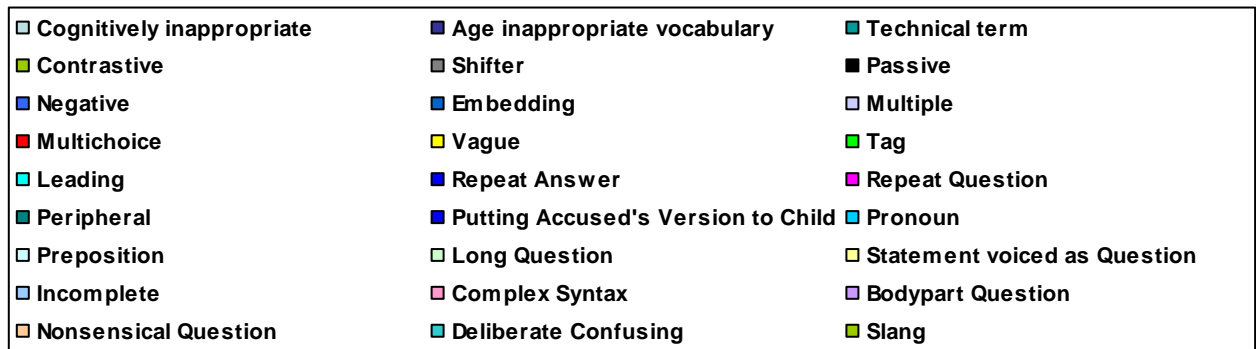


Chart 8 - Transcript 8: Number of inappropriate questions

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

5.1 CONCLUSION AND RECOMMENDATIONS

Court role-players use language which does not admit access to the world of the child and does not allow or enable the child to present his or her evidence in the most convincing way.²⁹³

As illustrated in the preceding Chapters, certain characteristics of the courtroom context, the accusatorial system of procedure and the specialized language used by the relevant role-players, has the effect that children produce inaccurate testimony. The testimony so delivered does not reflect a true picture of what had taken place thus, preventing children from being effective witnesses.

It is evident that the child witness is not just another witness and that a real awareness of their cognitive and linguistic abilities and consideration for the welfare of the child in the context of court are pivotal in an attempt to hear the truth, the whole truth and nothing else but the truth.

At present, acknowledgement of linguistic and cognitive developmental appropriateness, concern and comprehension for the psychology of the child witness are ignored at best, and totally exploited at worst.²⁹⁴ This lack of knowledge about child development impacts adversely upon the child's credibility in court.

²⁹³ Brennan and Brennan *Strange Language – Child Victims under Cross-examination* (1988) 5.

²⁹⁴ Brennan and Brennan 61.

To elevate and enhance the credibility of children, it is of the utmost importance for society in general and court role-players in particular to appreciate the various stages and faces of child development. Brennan and Brennan²⁹⁵ very aptly summarize the situation children find themselves in a courtroom context:

“In a courtroom few provisions have been made to accommodate the world of the child. The language used by the law is perhaps the most glaring example of the uncompromising imposition of adult models on individuals whose age and development put them outside the language. The existence of a mismatch between the language of the speaker and the language of the hearer is attributed to the general incompetence of the child witness whose credibility is reduced by implication”

Children, although their language skills are unpolished, are persistent and retentive language users and seek sense and meaning with vigour. They are not frail in this respect.²⁹⁶

The main recommendation is simple. Court role-players should make a paradigm shift and children, including victims of sexual assault should be given the opportunity to tell their own stories in their own language supported by other methods of communication. In *Klink v Regional Court Magistrate NO and Others*²⁹⁷ Melunsky J remarked that the ordinary procedures of the criminal justice system are inadequate to meet the needs and requirements of the child witness.

The researcher presides over cases where child witnesses are involved on a daily basis. From observations made in court it is clear, that where children are involved, certain changes in approach and procedural and linguistic adjustment are crucial, if the truth which forms the basis of any court proceedings is to be ascertained. Anything that obstructs this purpose should be modified where possible.

²⁹⁵ Brennan and Brennan 89.

²⁹⁶ Brennan and Brennan 93.

²⁹⁷ 1996 (3) BCLR 402 (SE) 411E.

In evaluating any possible changes, it is necessary to adopt and develop a holistic and multi-disciplinary approach based on scientific principles. A specialized system is required to deal with children in the criminal justice system and innovative methods to achieve this are necessary.

Questioning of a child witness is a very specialized task. When child witnesses are involved there is a greater need for judicial involvement. The intensive training of all parties, including presiding officers should be a priority. Presiding officers are in control of their courts and the judicial participants in the trial. They have a duty upon them to protect witnesses and to intervene when it is obvious that children in this capacity do not understand questions and are being confused. In order to control the questioning by the prosecution and the defence, knowledge of child development and communication is necessary. It is the function of a presiding officer to ensure that questions put to child witnesses are appropriate and in accordance with their developmental stages.

Presiding officers should, therefore, become specialists in the field of child witnesses. In the *Klink*²⁹⁸ judgment Melunsky J stated that judicial officers have a discretion to disallow questioning which is irrelevant, unduly repetitive, oppressive or otherwise improper. The court accepted in this matter that it was in the interests of justice for questions to be posed to children in a way that is appropriate to their development.²⁹⁹

Further recommendations are that intermediaries in terms of section 170A of the Criminal Procedure Act³⁰⁰ be appointed in all matters where children have to testify. These intermediaries should be sufficiently trained and available. They should be enabled to develop a proper rapport with a child witness in order not to become just another stranger the child faces on the day of the trial.³⁰¹

²⁹⁸ *Supra* 410A.

²⁹⁹ *Supra* 413A.

³⁰⁰ Act 51 of 1977.

³⁰¹ Müller K *The Judicial Officer and the Child Witness* (2002) 31.

It is in addition proposed that special Child Courts with a child friendly ambiance and facilities be established.

It is finally recommended that experts in the field of child development be appointed to assist the court to evaluate the testimony of child witnesses.

There is a strong need to change or adjust the present manner in which the criminal justice system accommodates child witnesses. Such a change or adjustment will be in the best interests of children as envisaged in section 28 of the Constitution of the Republic of South Africa Act.³⁰² On the 30th of October 2007 Bertelsmann J³⁰³ in the Transvaal Provincial Division of the High Court in terms of Rule 16A *mero motu* raised the following issues:

“Whether, generally speaking, the present provisions of the Criminal Procedure Act 51 of 1977 that require child victims and child witnesses to testify -

- (a) under oath or affirmation or warning to speak the truth in court, albeit through an intermediary, without compulsory assistance by a counselor or similar advisor;
- (b) according to the rules of an adversary procedure

are compatible with the Constitution, which requires in section 28(2) thereof that the interests of children shall be paramount under any circumstances. The rules of evidence governing the adversary procedure are in many ways premised upon confrontation of the witness by the accused and his legal advisor. The constitutional compatibility of applying this procedure to child witnesses and child victims of violent crimes, especially sexual offences, is questionable and may not be in the best interests of the child.”

The matter was argued but judgment has not yet been delivered at the time of completion of this research. It is anticipated that the current accommodation of child witnesses in our criminal justice system will indeed be amended or changed by this judgment. If this does not happen, the child’s version will remain a distorted or untold story.

³⁰² Act 108 of 1996.

³⁰³ *S v Albert Phaswane* (Case No. CC 192/07) and *S v Aaron Mokoena* (Case No. CC 7/07).

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ADDENDUM TO TREATISE

AN EVALUATION OF THE QUESTIONS POSED TO CHILD WITNESSES IN COURT TO DETERMINE WHETHER THEY ARE DEVELOPMENTALLY APPROPRIATE

by

RONELL ERASMUS

TRANSCRIPT 1

S v Myeki
Case number: RC3/49/00
Gender: Female
Age: 12
Race: Black
Complainant: Nandipa Milibo
Charge: Rape
Intermediary: No

Competency

- *1. How old are you madam?
→ "madam" (age-inappropriate vocabulary) [√]
2. Madam do you know the difference between truth and lies?
→ "madam" (age-inappropriate vocabulary)
→ "difference" (cognitively – inappropriate)
→ "truth/lies" (abstract concepts) [X]
- *3. Let's put it this way. Do you attend Sunday School?
→ "it" (pronoun)
→ "this" (shifter)
→ "let's put it this way" (vague/slang)
→ "attend" (age-inappropriate vocabulary) [√]
4. And at Sunday School are you told that truth is bad or good?
→ "are you told" (passive sentence)
→ "truth" (abstract concept)
5. And if somebody tells lies?
→ "if" (hypothetical question)
→ "somebody" (vague)
→ "lies" (abstract concept)
→ incomplete sentence [X]
6. Is he punished, not so?
→ "he" (pronoun)
→ "not so" (tag question)
→ "not so" (negative)
→ leading question []
- *7. Madam if I say your name is Nandipa, is that true?
→ "madam" (age – inappropriate vocabulary)
→ "if I say" (hypothetical question)
→ complex syntax [√]
8. And if I say your name is Azanda, is that true?
→ "if I say" (hypothetical question)
→ complex syntax [√]
9. And I can see therefore that you can differentiate between truth and lies, not so?
→ "therefore" (age – inappropriate vocabulary)

- “differentiate” (age – inappropriate vocabulary)
- “not so” (tag question)
- “not so” (negative)
- truth/lies (abstract concepts)
- []
10. Now you are hereby warned then in terms of the Criminal Procedure Act, to tell us the truth and nothing else but the whole truth as to what happened on that day. Do you understand?
- “hereby” (age – inappropriate vocabulary)
- “warned” (technical term)
- “in terms of” (technical term)
- “Criminal Procedure Act” (technical term)
- “whole” (technical term)
- “truth” (abstract)
- long question
- “that day” (reflexive)
- “us” (vague)
- “understand” (age – inappropriate vocabulary) [X]

Examination in chief

- *11. Hi Nandipha
- *12. Remember I’m the lady who spoke to you in the other room the other day.
- “remember” (cognitively inappropriate)
- “lady” (age – inappropriate vocabulary)
- “other room/other day” (vague)
- embeddings [√]
13. Okay, you say you are 12 years old and are you schooling?
- multiple question
- complex syntax []
- *14. Where do you attend school?
- “where” (vague – name of school or location))
- “attend” (age - inappropriate vocabulary)
- *15. And what standard are you doing? [√]
- *16. Do you stay with anyone?
- “stay” (age-inappropriate vocabulary)
- “anyone” (vague) [√]
- *17. With who? [√]
- *18. Anybody else?
- “anybody” (vague) [√]
- *19. Are these 2 siblings older or younger than you?
- “these” (reflexive, shifter)

- "siblings" (age – inappropriate
vocabulary) [√]
20. Okay, then tell us then, can you cook at home?
→ "us" (vague)
→ "can you cook at home" (vague)
[]
- *21. What can you cook?
→ "what" (vague)
[√]
- *22. Yes?
→ statement voiced as question
[√]
23. Okay Nandipha. Now we are going to the reason why you are here in court today, hey? You understand that you are in court today?
→ "we" (vague)
→ "going to the reason" (age – inappropriate
vocabulary, vague)
→ "court" (technical term)
→ "court" (technical term)
→ "understand" (age – inappropriate
vocabulary)
→ statement voiced as question
→ long question
→ complex question (more than one verb)
→ multiple question
[]
- *24. What do people normally come to court to do?
→ "normally" (age – inappropriate
vocabulary)
→ "court" (technical term)
→ complex sentence
[√]
- *25. About what?
[√]
- *26. And what else?
[√]
27. So then why are you in court today? (cognitively
inappropriate)
→ "why" (cognitively
inappropriate) [√]
→ "court" (technical term)
- *28. Who was raped?
→ "raped" (technical term)
[√]
- *29. You were raped by whom?
→ "you were raped" (passive)
→ "raped" (technical term)
→ "by whom" (age – inappropriate
vocabulary) [√]
- *30. Thabo who?
[√]
- *31. Where does Thabo stay?

- "where" (vague)
→ "stay" (age – inappropriate)
vocabulary) [✓]
- *32. Is that place in Port Elizabeth?
→ "that place" (reflexive)
→ "that" (shifter)
[✓]
- *33. And is this the same area that you stay in?
→ "stay" (vague and age – inappropriate)
→ "area" (vocabulary) (age – inappropriate)
→ "in" (preposition)
[✓]
- *34. And how far does Thabo stay from your home?
→ "how far" (cognitively)
inappropriate – distance))
→ "stay" (vague)
[✓]
- *35. Do you normally go to Thabo's house?
→ "normally" (age – inappropriate)
vocabulary) (✓)
- *36. To do what?
→ vague [✓]
- *37. What is the name of that child?
→ "that" (shifter)
→ "that" (reflexive)
[✓]
- *38. Its okay, Nandipha, do you need some water?
[✓]
- *39. Nandipha are you fine now?
[✓]
- *40. You said what is the name of this child you used to play with?
→ "you said" (irrelevant information)
→ "this" (preposition)
[✓]
- *41. Earlier you mentioned the name 'rape', you said you were raped, do you remember?
→ "earlier" (cognitively)
inappropriate – time, vague, reflexive)
→ "mentioned" (age - inappropriate)
vocabulary) (statement voiced as
→ "earlier raped" question)
→ "do you remember?" (tag question)
→ "remember" (cognitively)
inappropriate)
→ "rape" (technical term)
[✓]
- *42. Okay, I don't understand this English word 'rape', what does it mean?

- "understand" (age – inappropriate vocabulary)
- "this" (reflexive, shifter)
- "I.... rape" (irrelevant statement)
- "rape" (technical term)
- "it" (reflexive)
- [√]
- *43. And do what?
[√]
- *44. And do what?
[√]
- *45. Does a person just take off the bikini and move?
→ "a person" (vague and indefinite)
- statement voiced as question
[√]
- *46. Okay, tell us more so that we can understand this word. After a person then who is going to rape takes off the bikini, what do you see on that person?
- "us" (vague)
- "we" (vague)
- "understand" (age – inappropriate vocabulary)
- "this" (reflexive)
- "after a person" (vague)
- "after bikini" (clumsy)
- "what do you see on" (vague)
- "that" (reflexive)
- "on" (refer to other clothing)
- or bodypart - vague)
- multiple question
- long question
- complex question
- [√]
- *47. How long was this thing, can you show us with your two hands?
- "how long" (measurement difficult, cognitively inappropriate)
- "this thing" (reflexive)
- "us" (vague)
- [√]
- multiple question
- *48. Show us then?
"us" (vague)
- [√]
- *49. Okay, where was this long thing?
- "where" (vague)
- "this long thing" (reflexive/shifter)
- [√]
- *50. And what is this long thing normally used for?
- "used for" (indirect / passive)
- "this long thing" (reflexive)
- "normally" (age - inappropriate vocabulary)
- "used for" (vague)
- [√]

- *51. So when a person is not inserting it into somebody else, what does he normally use this thing for?
- "not" (negative)
 - "it" (reflexive)
 - "into" (preposition)
 - "a person" (vague)
 - "somebody else" (vague)
 - "he" (pronoun)
 - "normally" (age-inappropriate vocabulary)
 - "this thing" (reflexive)
- [√]
- *52. Urinate. So do you have a name for this long thing?
- "urinate" (repeat)
 - "this long thing" (reflexive)
 - "this" (shifter)
- [√]
- *53. So tell me then, can a girl rape another girl?
- "tell me" (command)
 - "me" (vague)
 - "then" (shifter)
 - "can a girl rape another girl?" (hypothetical)
 - "rape" (technical term)
 - multiple question
54. Okay, I see you understand then the word 'rape'. I'm going to let you Nandipha, tell us then, starting from the beginning. You said you were raped?
- "I" (vague)
 - "understand" (age -inappropriate vocabulary)
 - "then" (slang)
 - "rape" (technical term)
 - "I'm going to let you Nandipha tell" (complex syntax)
 - "us" (vague)
 - "then" (slang)
 - "starting from the beginning" (no question - statement)
 - "you said you were raped?" (no question - statement)
- *55. Tell us, where were you on the day you were raped?
- "us" (vague)
 - "where were you" (vague)
 - "raped" (technical term)
- [√]
- *56. Were you alone?
- [√]
- *57. With whom?
- "whom" (age - inappropriate vocabulary)
- [√]
- *58. Yes?
- statement/answer voiced as question
- [√]
- *59. Who called you?
- [√]
- *60. Yes?

- statement voiced as question
[√]
Open ended so witness explains what happened. Although not “tell what happened” instead.
- *61. So is that all?
[√]
→ “that” (shifter and reflexive)
→ “all” (complex/abstract)
[√]
62. I just want to go back to try and understand some things, a few things which I did not understand. And if I repeat something, it is not because you are lying, which will be just a mistake.
→ long statement no question
→ “I” (vague)
→ “want to go back” (vague reflexive)
→ “understand” (age – inappropriate vocabulary)
→ “some things” (vague)
→ “few things” (vague)
→ “I” (vague)
→ “not” (negative)
→ “understand” (age – inappropriate vocabulary)
→ “if” (hypothetical)
→ “repeat” (age – inappropriate vocabulary)
→ “something” (vague)
→ “lying” (abstract, cognitively inappropriate)
→ “which will be just a mistake” (vague)
[]
- *63. Okay, you mentioned Asamkele, how old is Asamkele?
→ “mentioned” (age – inappropriate vocabulary)
→ complex question
→ statement phrased as question
[√]
- *64. What is she to you?
→ “is she to you” (vague – relationship)
→ “she” (pronoun)
→ indirect question
[√]
65. Okay Nandipha. You said you were in Thabo’s home when this happened, hey?
→ “this” (reflexive, shifter)
→ “hey” (tag question)
→ topic change
→ complex sentence
[]
66. Where exactly in Thabo’s home did he rape you? Where were you, were you inside the house or outside?
→ “exactly” (age – inappropriate vocabulary)
→ “rape” (technical term)
→ multiple question
→ closed question – limits choice, multichoice question
[]
- *67. Okay, he called you and Asamkele, correct?
→ “he” (pronoun and reflexive)

- "correct" (age – inappropriate vocabulary)
 → "correct" (tag question)
 [✓]
- *68. So you said he closed the door?
 → "he" (pronoun and reflexive)
 → statement phrased as question
 → leading question
 [✓]
69. So you were inside the house when Thabo raped you?
 → "raped" (technical term)
 → indirect
 → multiple question
 → leading question
 []
- *70. So when Thabo called you – or how many doors are there in Thabo's house?
 → topic change
 → "so when Thabo called you" (incomplete sentence)
 → "how many" (cognitively inappropriate)
 → "doors are then in" (vague – inside/outside doors) [✓]
- *71. Okay, which one – just name these two doors?
 → "okay which one" (incomplete sentence)
 → "name" (vague)
 [✓]
- *72. So when you entered then when Thabo called you, which door did you use?
 → "entered" (age – inappropriate vocabulary)
 → "then" (slang, confuses time)
 → long clumsy question; complex syntax
 [✓]
73. Is it the same door he locked?
 → "it" (reflexive)
 → "same" (vague)
 → "he" (pronoun)
 []
74. Then after he locked the door, what happened?
 → "then" (reflexive, slang confuses time)
 → "after" (temporal)
 → "he" (pronoun)
 → "what" (vague, did something happen?)
 []
75. The front yard, or where?
 → "the front yard" (statement phrased as question and leading question)
 → "or" (multichoice question)
 → "where" (vague)
 → closed question
 []
76. Then you said you laid down on blankets?
 → "then" (slang, confuses time)

- embedding
 - statement phrased as question
[]
77. Still in the front yard?
- statement phrased as question
[]
- *78. With whom does Thabo stay in his home?
- topic change
 - "with whom" (passive sentence and vocabulary)
 - "stay" (age – inappropriate vocabulary) [√]
- *79. Okay, is that all?
- "that" (shifter, reflexive)
 - "all" (vague)
 - incomplete sentence
[√]
- *80. Who else?
- vague
 - incomplete sentence
[√]
- *81. So when you went to Thabo, who else was present? Was there anybody present besides Thabo?
- "who else" (vague)
 - "present" (age-inappropriate vocabulary)
 - "multiple question"
 - "anybody" (vague)
 - "present" (age – inappropriate vocabulary)
 - "besides" (age – inappropriate vocabulary)
 - "long question"
 - repetition
[√]
82. So by the time you said he first started by raping Asamkele, correct?
- "by the time" (vague and cognitively inappropriate)
 - "he" (pronoun)
 - "first started" (vague)
 - "raping" (technical term)
 - "correct" (age – inappropriate vocabulary)
 - "correct" (tag question)
[]
- *83. And at that moment, what were you doing?
- "that" (reflexive)
 - "moment" (time, cognitively inappropriate)
 - "what were you doing" (leading – did you do something – what?)
 - (vague – confusing)
[√]
- *84. And then you said he showed you a knife, how long was this knife?
- "embedding"

- "he" (pronoun)
 → "this" (shifter, reflexive)
 → complex sentence
 [√]
85. Thank you Your Worship. And then you said you went then and reported this?
 → "Your Worship" (technical term)
 → "reported" (age – inappropriate vocabulary)
 → "this" (reflexive)
 []
 → "embedding"
- *86. To whom did you report this?
 → "to whom" (age – inappropriate vocabulary)
 → "report" (age – inappropriate vocabulary)
 → "this" (shifter, reflexive)
 → complex sentence
 [√]
- *87. And what did your mother do immediately after you reported this?
 → "immediately" (age – inappropriate vocabulary)
 → "after" (temporal)
 → "reported" (age – inappropriate vocabulary)
 → "this" (reflexive)
 [√]
- *88. Did you go with her?
 → "her" (pronoun)
 [√]
89. 89. You mentioned then an incident where your mother checked you?
 → "mentioned" (age – inappropriate vocabulary)
 → "then" (time – vague)
 → "incident" (age – inappropriate vocabulary)
 → "where" (vague – time? location?)
 → "checked" (vague, slang)
 []
- *90. What part of you did she check?
 → "what part" (vague)
 → "she" (pronoun)
 → "check" (slang)
 [√]
91. Was it the same day that Thabo raped you?
 → "it" (reflexive, pronoun)
 → "same day" (vague)
 → "raped" (technical term)
 → incomplete question
 []
92. And you said you were taken to the hospital, was it also the same day Thabo raped you?
 → "you were taken" (passive)
 → "it" (reflexive)
 → "raped" (technical term)
 → multiple sentence / complex sentence

- incomplete question
[]
93. Remember you've told us that Thabo raped you with his penis?
→ "remember" (cognitively – inappropriate)
→ "told", "raped", "penis" (embedding)
→ "raped" (technical term)
→ "penis" (technical term)
→ statement
[]
- *94. You didn't tell us where exactly in you did he rape you with his penis?
→ "didn't" (negative)
→ "us" (vague)
→ "where" (vague)
→ "exactly" (age – inappropriate vocabulary)
→ "in" (can't conceptualize inner anatomy)
cognitively
inappropriate)
→ "he" (pronoun)
→ "his" (possessive pronoun)
→ "rape" (technical term)
→ "penis" (technical term)
→ embedding
[√]
95. What do you call that place?
→ "call" (vague, slang, age – inappropriate)
→ "that" vocabulary)
→ "place" (reflexive)
[] (vague)
96. Okay. Thank you Your Worship, that will be all.
→ "Your Worship" (technical term)
→ "that" (reflexive)
→ "all" (vague)
→ statement (how must child respond?)
- Court**
- *97. Can you still continue or are you tired?
→ "continue" (age – inappropriate vocabulary)
→ "or" (multichoice, closed question)
[√]
98. You are now going to be asked questions by the defence – the attorney for the accused?
→ "going to be asked" (passive)
→ "defence" (technical term)
→ "attorney" (technical term)
→ "accused" (technical term)
→ statement phrased as question
[]
99. You will tell the truth as before giving him the same answers as you have given to the prosecutor?
→ "truth" (abstract)
→ "as before" (reflexive / shifter, temporal)

- "him" (pronoun)
- "same answers" (vague, confusing)
- "as you have given" (passive)
- "prosecutor" (technical term)
- statement doesn't make sense []

Cross examination

- *100. Nandipha you said that you were taken to hospital, is that correct?
- "you were taken" (passive)
 - "is that correct" (tag question)
 - "correct" (age – inappropriate vocabulary) [✓]
101. Now what time of the day did this rape – what time did it take place?
- "now" (implies conclusion arrived at as result of calculation) (cognitively)
 - "what time" (inappropriate) (reflexive)
 - "this" (technical term)
 - "rape" (repeat words / question)
 - "what time" (reflexive, pronoun)
 - "it" (age – inappropriate syntax) []
 - "take place"
102. Can you remember if it was in the afternoon or in the morning?
- "remember" (cognitively)
 - "it" (reflexive, pronoun)
 - "or" (multichoice / closed question) []
- *103. Were you in school at that stage?
- "in" (vague, confusing - attending school or present at school)
 - "at that stage" (cognitively)
 - "at that stage" (age inappropriate and age inappropriate and age inappropriate also vague) [✓]
- *104. Can you remember if you went to school on that day?
- "remember" (cognitively)
 - "that" (reflexive)
 - "multiple question" [✓]
- *105. Did you go to school? [✓]
106. Did this incident happen when you came back from school or before you went to school?
- "this" (reflexive)
 - "incident" (age – inappropriate vocabulary)
 - "before" (temporal)
 - "or" (multichoice / closed question) []
- *107. So it was in the morning?
- "it" (reflexive)

- incomplete question
[√]
108. Do you normally go to school yourself?
→ "normally" (age – inappropriate vocabulary)
→ "yourself" (vague / confusing)
→ doesn't make sense – can somebody else go to school for her?
[]
- *109. Can you remember maybe what time you went to school?
→ "remember" (cognitively inappropriate)
→ "maybe" (irrelevant and to sow doubt)
→ "what time" (cognitively inappropriate) [√]
110. What time was that?
→ "what time" (cognitively inappropriate)
→ "that" (reflexive)
[]
111. 12h00 in the day?
[]

Court intervenes, discussion between court and defence

- *112. Nandipha, now on the same day this incident happened, did you report it to your mother?
→ "now" (implies conclusion arrived at as result of calculation)
→ "on the same day this" (reflexive)
→ "incident" (age – inappropriate vocabulary)
→ "report" (age – inappropriate vocabulary)
→ "it" (reflexive, pronoun)
→ clumsy sentence construction
[√]
- *113. And your mother took you to the doctor on the same day, am I correct?
→ "same day" (temporal)
→ "correct" (age – inappropriate vocabulary)
→ "am I correct" (tag question)
→ "I" (vague)
→ multiple questions
[√]
114. Your mother did not take you to the doctor maybe 7 days after the incident?
→ "did not" (negative)
→ "maybe" (irrelevant)
→ "7 days" (cognitively inappropriate)
→ "after" (temporal)
→ "the incident" (reflexive, age – inappropriate vocabulary)
→ embedding
[]
115. Your mother told the doctor, when you were at the doctor?
→ incomplete question

- statement phrased as question
 - "when" (reflexive)
 - makes no sense
- []

Court

- *116. Are you tired?
[√]
117. We can stop then for a while. You must not talk to anyone then about this case now?
- "for a while" (time, cognitively inappropriate)
 - "must not" (negative)
 - "anyone" (vague)
 - "then" (slang – confuses with time)
 - "about" (reflexive, vague)
 - "case" (technical term)
 - "now" (vague)
 - statement phrased as question
- []
118. Nandipha, just before the lunch break I asked you if this incident took place on the same day when you did to the doctor, and you said yes, it was the same day and then you went to the doctor, is that still the situation?
- "before" (temporal)
 - "lunchbreak" (age – inappropriate vocabulary)
 - "I" (vague)
 - "this incident" (reflexive, age – inappropriate vocabulary)
 - "took place" (age – inappropriate vocabulary)
 - "on the same day" (time)
 - "go to the doctor, went to the doctor" (repeat statement)
 - "is that" (reflexive)
 - "still" (cognitively inappropriate)
 - "still the situation" (tag question)
 - "situation" (age – inappropriate vocabulary)
 - long statement / complex
- []
119. Now your mother said to the doctor that this rape took place plus/minus a week back, before you went to the doctor?
- result of
- "now" (implies conclusion as calculation)
 - "this" (reflexive)
 - "rape" (technical term)
 - "took place" (age – inappropriate vocabulary)
 - "plus/minus" (age – inappropriate vocabulary and cognitively inappropriate)
 - "a week back" (time)
 - "before" (temporal)
 - long question
 - statement phrased as question
- []

PP intervenes – discussion. Defence reads J88

120. Nandipha, I'm just going to read to you in Afrikaans and it will be interpreted to you what your mother said to the doctor – supposedly, said to the doctor?
- “it” (reflexive)
 - “interpreted” (age – inappropriate vocabulary)
 - “supposedly” (age – inappropriate vocabulary)
 - “said to the doctor” (repeat)
 - long statement

“Moeder het vanoggend bruin afskeiding op broekie gesien. Volgens die kind is sy verkrag deur 'n ouer man. Penetrasie het plaasgevind volgens haar. Een week gelede gebeur. Het nie gebloei nie. Het pyn gehad.” []

121. Did you understand that Nandipho?
- “understand” (age – inappropriate vocabulary)
 - “that” (reflexive)
 - []

122. So it seems like you went to the doctor a week after this incident? What do you say to that?
- “it” (pronoun)
 - “seems” (age – inappropriate vocabulary)
 - “a week after” (time)
 - “this incident” (reflexive age – inappropriate vocabulary)
 - statement phrased as question
 - “that” (reflexive)
 - long question / statement
 - []

Court intervenes

123. Oh fine. Let's put it this way. Nandipha forget about 'Yes madam' now. If something happened, you say in Xhosa, or it did not happen you say “Hi” also in Xhosa. Because you are not at school here. [X]
- “let's” (vague)
 - “put it this way” (technical term)
 - “madam” (age - inappropriate vocabulary)
 - “now” (shifter)
 - “if” (hypothetical)
 - “something” (vague)
 - “did not” (negative)
 - “here” (shifter)
 - “school” (irrelevant)
 - long statement
 - []

124. So Nandipha, when this incident took place, did you go to the doctor the same day?
- “this” (reflexive)
 - “incident” (age – inappropriate vocabulary)
 - “took place” (complicated grammar)
 - “same day” (time)
 - []

125. Did you make a mistake when you said 'yes' the previous time?
- “when” (reflexive)
 - “previous” (age – inappropriate vocabulary)

- "time"
→ leading question
[]
126. Now you've made a statement to the police, is that correct?
→ "now"
as result of (conclusion arrived at
calculation, shifter)
→ "statement"
vocabulary and (age – inappropriate
technical term)
→ "that"
→ "correct"
vocabulary) (reflexive)
→ "is that correct" (age – inappropriate
(tag question))
127. Your Worship if I can just show this statement to the child?
→ addresses magistrate
- Witness denies signing statement after interpreter showed it to her.
*128. Nandipha can you hear me?
→ "me" (vague)
[√]
129. You saw the statement that was shown to you now, is that correct?
→ "statement"
vocabulary and (age – inappropriate
technical term)
→ "that was shown"
→ "now"
→ "that"
→ "correct"
vocabulary) (passive)
→ "is that correct" (reflexive)
[X] (embedding)
(age – inappropriate
(tag question))
130. Did you see a policeman?
→ "see"
talk to? visit?) (vague, see? meet?)
→ vague question, when?
- Intervention by Prosecutor and defence replies:**
131. You never saw a policeman, is that correct?
→ "never" (negative, time)
→ "correct"
vocabulary) (age – inappropriate
→ "is that correct" (tag question)
→ "saw" (vague meaning)
[X]
132. You saw this signature on this statement, is that correct?
→ "this" (reflexive)
→ "signature"
vocabulary) (age inappropriate
→ "on" (preposition)
→ "this" (reflexive)
→ "statement" (age inappropriate
vocabulary and technical term)
→ "that" (reflexive)
→ "correct" (age inappropriate
vocabulary)

- "is that correct"
[] (tag question)
133. Did you sign there?
→ "sign" (age - inappropriate
vocabulary)
→ "there" (reflexive)
[]
134. Did you ever tell a policeman what happened to you on this day, an incident?
→ "ever" (time)
→ "a" (vague)
→ "on" (preposition)
→ "this day" (shifter, vague,
reflexive)
→ "incident" (age - inappropriate
vocabulary)
→ clumsy question
→ embedding
[]
135. Was it a male or a female, can you remember?
→ "it" (shifter)
→ "male/female" (age - inappropriate
vocabulary)
→ incomplete question
→ "or" (closed question,
multichoice)
→ "remember" (cognitively
inappropriate)
→ "can you remember?" (tag question)
[]
136. But this is not the statement, am I correct?
→ "this" (reflexive)
→ "not" (negative)
→ "statement" (age - inappropriate
vocabulary and
technical term)
→ "correct" (age - inappropriate
vocabulary)
→ "am I correct" (tag question)
[]
137. Well Your Worship then that is as far as I can go with the statement I think. So Nandipha, the contents of statement, in other words, the letters that are written down there, you didn't tell anyone about that?
→ "Your Worship" (technical term)
→ "then" (shifter)
→ "that" (reflexive)
→ "statement" (age - inappropriate
vocabulary and
technical term)
→ "statement" (not question)
→ "contents" (age - inappropriate
vocabulary and
technical term)
→ "statement" (age - inappropriate
vocabulary and
technical term)
→ "in other words" (slang)
→ "there" (reflexive, shifter)
→ "are written down" (passive)
→ "you didn't" (negative)
→ "anyone" (vague)

- “about that” (vague, shifter)
- “tag question”
- question complicated and vague [X]

Court intervenes (discussion)

138. Did you tell the police Nandipha, about that the accused locked you in the yard on the day of the incident?

- embedding
- “on the day” (reflexive)
- “incident” (age – inappropriate vocabulary)
- multiple questions []

139. Why not?

- “why” (cognitively inappropriate)
- “not” (negative)

Interpreter intervenes

Court

140. Look still talk aloud as you did in the past madam.

- “still” (vague and cognitively inappropriate)
- “in the past” (vague – past refers to long ago)
- “madam” (age – inappropriate vocabulary)
- no question []

Court / defence discussion

141. Thank you Your Worship. The question was why did you forget?

- “Your Worship” (technical term)
- “the question was” (reflexive)
- “why” (cognitively inappropriate) [X]

Court intervenes

142. Yes Nandipha did you tell the police about that you were threatened with a knife and that you were going to be killed by the accused if you tell anyone?

- “the police” (vague)
- “threatened” (age – inappropriate vocabulary)
- “you were threatened” (passive)
- “going to be killed” (passive)
- “accused” (technical term)
- “if” (hypothetical)
- “anyone” (vague)
- embedding
- multiple/long question [X]

143. Because they did not put that in your statement?

- “they” (vague and reflexive)
- “did not” (negative)
- “that” (reflexive)
- “your” (vague)
- “statement” (age – inappropriate vocabulary and

- statement phrased as question
[X] technical term)
144. Nandipha, how old were you when this incident took place?
→ topic change
→ "old" (cognitively
inappropriate)
→ "this" (reflexive)
→ "incident" (age – inappropriate
vocabulary)
→ "took place" (age – inappropriate
grammar/syntax)
[√]
- *145. Were you in school already?
→ "in school" (vague – does it mean
attending?)
→ "already" (temporal)
[√]
- *146. Did you know at that stage what the word 'rape' means?
→ "know" (cognitively
inappropriate)
→ "at that stage" (reflexive and age –
inappropriate vocabulary, vague –
what stage)
→ "rape" (technical term)
[√]
- *147. Who told you what the word 'rape' means?
→ "rape" (technical term)
→ embedding/complex sentence
[√]
148. Was that after this incident?
→ "that" (reflexive)
→ "after" (vague)
→ "this" (age – inappropriate
vocabulary)
→ "incident" (age – inappropriate
vocabulary)
→ vague question
[X]
149. Did they tell you at school what rape means after this incident?
→ "they" (vague)
→ "after" (temporal)
→ "this" (reflexive)
→ "incident" (age – inappropriate
vocabulary) []
150. Because the word 'rape' appears in your statement?
→ "rape" (technical term)
→ "appears" (age – inappropriate
vocabulary)
→ "statement" (age – inappropriate
vocabulary and technical term)
→ statement phrased as question
[]

Prosecutor and court intervenes/discussion

151. Yes. Now you were saying you were on your way to school on this day, am I right?
 → topic change
 → "now" (implies conclusion
 arrived at as result of
 calculation)
 → "on this day" (reflexive)
 → "I" (vague)
 → "am I right" (tag question)
 → complex question
 []
152. And your friend, Asamkele, was walking with you, am I correct?
 → "correct" (age – inappropriate
 vocabulary)
 → "am I right" (tag question)
 → multiple question
 []
153. And you were walking to school, is that correct?
 → repeats question no 151
 → "that" (reflexive)
 → "correct" (age – inappropriate
 vocabulary)
 → "is that correct" (tag question)
 → multiple question
 []
- *154. And then the accused called you?
 → "then" (reflexive)
 → "accused" (technical term)
 [✓]

Court intervenes – discussion with defence

155. Yes, I agree with Your Worship. Now were you playing on the stoep?
 → "Your Worship" (technical terms)
 → "now" (implies conclusion
 arrived at as result of
 calculation))
 → embedding
 → talking to magistrate then to complainant
 []
- *156. What stoep is this?
 → "what" (vague, location or
 what it is made of?)
 → "this" (reflexive)
 [✓]
157. So you were not walking to school then?
 → "were not" (negative)
 → "then" (reflexive)
 []
- *158. You were saying – what were you doing sitting there on the stoep?
 → "you were saying" (incomplete)
 → "what were you doing - on the stoep" (clumsy)
 → "sitting there" (assumes they were
 sitting)
 → "there" (vague)
 [✓]
- *159. Did you ever scream for help when you were in the accused's residence?
 → topic change
 → "ever" (time)

- "residence" (age – inappropriate vocabulary)
- "accused" (technical term)
- [√]
- *160. Now the accused is saying that he was'nt even at the house on that day?
- "now" (implies conclusion arrived at as result of calculation)
- "accused" (technical term)
- "the house" (vague)
- "that day" (reflexive, shifter)
- putting accused's version to child
- [√]
161. He is saying he was not staying – in 1998 he was not staying there, he was staying in Xamlana Street?
- "he" (pronoun)
- "staying" (age – inappropriate vocabulary)
- "was not staying" (repeat)
- "1998" (cognitively inappropriate)
- "there" (shifter)
- "not" (negative)
- statement phrased as a question
- []
- putting accused's version to child
- Court intervene – discussion**
- *162. Xamlana street?
- [√]
163. Have you ever been raped before this incident?
- "ever" (time)
- "raped" ((technical term)
- "before" (temporal)
- "this" (reflexive)
- "incident" (age – inappropriate vocabulary)
- []
164. Your mother and the mother of the accused, did they get on well before the incident?
- topic change
- "they" (reflexive)
- "get on well" (slang)
- "before" (temporal)
- "incident" (age – inappropriate vocabulary)
- "accused" (technical term)
- []
165. Because the accused is saying that the families are not getting on, and that your mother told you, or forced you to lay this charge against the accused?
- "accused" (technical term)
- "the families" (vague)
- "are not getting on" (negative/slang)
- "forced" (age – inappropriate vocabulary)
- "lay this charge" (reflexive and technical term)
- "against" (preposition)
- embedding
- multiple question

- statement phrased as question
- long question
- putting accused's version to child
[X]

166. Nandipha, your mother said in a statement she made to the police, that (if the state is not going to call the mother, the defence will ask the court to allow this Your Worship. I can ask the questions from her mother's statement. It is normally allowed. I don't have to (intervention). Objections in between.

- no question – long statement
- "statement" (age – inappropriate vocabulary and technical term)
- "state" (technical term)
- "defence" (technical term)
- "going to call" (technical term)
- "court" (technical term)
- "Your Worship" (technical term)
- "statement" (age – inappropriate vocabulary and technical term)
- "normally" (age – inappropriate vocabulary)
- "allowed" (age – inappropriate vocabulary) []

167. I think you can first just say that to her, otherwise she is going to forget. Her mother is saying that on 24th January at 7h45 she noticed Nandipha's pantie is blueish underneath. Can you remember, after this incident took place, did you see your mother shortly after that?

- "I think ... forget" (statement by court)
- "her" (pronoun)
- "on 24th January at 7h45" (time)
- "she" (pronoun)
- "noticed" (age – inappropriate vocabulary)
- "blueish" (colour)
- "underneath" (preposition)
- "remember" (cognitively inappropriate)
- "after" (temporal)
- "this incident" (reflexive)
- "incident" (age – inappropriate vocabulary)
- "took place" (age – inappropriate vocabulary)
- "shortly after that" (time)
- multiple long question []

Court intervenes/defence – discussion

*168. Nandipha, did you tell anyone at school what happened to you?

- topic change
- "anyone" (vague)
- "what happened" (vague)
- multiple question [✓]

169. Who did you tell?
[✓]

170. What did your teacher say to you?
 → "say" (vagueness – when –
 what is being referred to?)
 [X]
171. Your mother wrote in her statement to the police that when she asked you about this stain on your panties, you didn't want to talk to her?
 → topic change
 → "wrote" (who, wrote)
 → "her" (pronoun)
 → "statement" (age – inappropriate
 vocabulary, and technical term)
 → "when" (vague)
 → "this" (reflexive)
 → "stain" (age – inappropriate
 vocabulary) (age – inappropriate
 → "did'nt" (negative)
 → "her" (pronoun)
 → statement phrased as question
 → multiple questions
 → embedding
 [X]
172. Why didn't you want to?
 → "why" (cognitively
 inappropriate)
 → "did'nt" (negative)
 → want to (vague, do what?)
 [X]
- *173. Did your mother ever ask you about the stain on your panties?
 → "ever" (vague, time)
 → "stain" (age – inappropriate
 vocabulary) [✓]

Court and defence discussion

174. What did you tell your mother then?
 → "what" (what is being referred
 to?)
 → "then" (slang/time –
 confusion) []
175. Why didn't you say anything to her?
 → "why" (cognitively
 inappropriate)
 → "did'nt" (negative)
 → "anything" (vague)
 → "her" (pronoun)
 [✓]
- *176. You were scared of what?
 → "of what" (tag question)
 [✓]
- *177. Yes, and who did you tell at the end of the day about this what happened to you?
 → "at the end" (age – inappropriate
 syntax)
 → "day" (which? confusing)
 → "about this" (reflexive)
 → complex sentence
 [✓]

178. On the same day, is that correct?
 → "same day" (time)
 → "correct" (age – inappropriate vocabulary)
 → "is that correct" (tag question)
 → incomplete question – reflexive, refers back
 []
- *179. Were you not afraid of Thabo then anymore?
 → "not" (negative)
 → "then" (reflexive)
 [✓]
180. So why didn't you tell your mother when your mother said you must tell?
 → "why" (cognitively inappropriate)
 → "didn't" (negative)
 → embedding
 []
- *181. Do you have a father?
 → topic change
 [✓]
- *182. Did you tell your father?
 [✓]
183. Are there other young boys at the house where you are staying, or were staying then?
 → topic change
 → "staying" (age – inappropriate vocabulary)
 → "then" (reflexive)
 → embedding
 []
- *184. Who are they?
 → "they" (pronoun)
 → vague question
 [✓]
185. Oh. Are they brothers and sisters from your mother?
 → changes previous answer into question
 → repeats answer
 []
186. Is it your brothers?
 → "it" (pronoun)
 → "your" (confusing)
 []
- *187. How old are they today, do you know?
 → "how old" (cognitively inappropriate)
 → "they" (pronoun)
 → "today" (confusing)
 → "know" (cognitively inappropriate)
 → "do you know" (tag question)
 → multiple question
 [✓]
188. Can you remember if your lady friend that was with you on the day, told her parents about this?
 → "remember" (cognitively inappropriate)

- "lady" (age – inappropriate vocabulary)
- "on the day" (reflexive, vague)
- "this" (reflexive, vague)
- multiple question
- embedding

[]

*189. The same day that you told your parents, or don't you know?

- "same day" (reflexive)
- "don't" (negative)
- "know" (cognitively inappropriate)
- "or" (multichoice)
- "or don't you know" (tag question)
- incomplete question

[√]

Defence addresses Court Discussion (long)

190. Nandipha you are saying that no one told you, or forced you to put the blame on the accused for what happened to you?

- "no one" (vague)
- "told you or forced you" (multichoice, closed)
- "forced" (age – inappropriate vocabulary)
- "blame" (age – inappropriate vocabulary)
- "on" (preposition)
- "accused" (technical term)
- "what" (vague – referring to what?)
- statement phrased as question
- embedding

[]

*191. Can you remember what clothes Thabo was wearing on that day?

- topic change
- "remember" (cognitively inappropriate)
- "Thabo" (then accused, then Thabo)
- "that" (reflexive)
- multiple questions

[√]

192. Can you remember what clothes you were wearing?

- topic change
- "remember" (cognitively inappropriate)
- incomplete sentence
- multiple questions

[

]

*193. Now was the back door of the house also locked?

- topic change
- "house" (vague – which house?)

[√]

*194. Did the accused tell you both before this incident took place when you were at the house did he tell you both to take

- off your panties?
- "accused" (technical term)

- "you both" (vague, pronoun)
- "before" (temporal)
- "this" (reflexive)
- "incident" (age – inappropriate)
- vocabulary)
- "took place" (age – inappropriate)
- vocabulary)
- "when you were at the house" (embedding)
- "you" (vague confusing)
- "the house" (vague, which house?)
- "he" (pronoun)

[√]

195. What did Asamkele do when he was according to you raping or allegedly raping Asamkele?
- "he" (pronoun)
 - "according" (age – inappropriate)
 - vocabulary)
 - "allegedly" (age – inappropriate)
 - vocabulary and
 - technical term)
- [X]

Court

196. When Asamkele was raped, what did Asamkele do, did she scream? That is the last part of the question.
- "when" (reflexive)
 - "raped" (technical term)
 - "she" (pronoun)
 - multiple questions
- []

197. Was she screaming loudly?
- "she" (pronoun)
 - "loudly" (relative concept)
- []

198. The accused is saying that when he was staying at that house, he was never done there. He has got a sister that's also?
- "accused" (technical term)
 - "when" (reflexive)
 - "he" (pronoun)
 - "staying" (age – inappropriate)
 - vocabulary)
 - "that" (shifter)
 - "never" (cognitively)
 - inappropriate, negative)
 - "there" (shifter)
 - "he" (pronoun)
 - embedding
 - statement phrased as question
 - putting accused's version to child
- []

199. He is saying that his sister was normally there and also his brothers?
- "he" (pronoun)
 - "his" (possessive pronoun)
 - "normally" (age - inappropriate)
 - vocabulary)
 - "there" (shifter)
 - "his" (possessive pronoun)
 - statement phrased as question
- []

200. Now you testified that the families don't get on, is that correct?
 → "now" (implies conclusion)
 arrived at as result of calculation)
 → "testified" (technical term)
 → "the families" (vague)
 → "don't" (negative)
 → "get on" (slang)
 → "correct" (age – inappropriate vocabulary)
 → "is that correct" (tag question)
 []
201. Now the accused is saying if you are saying that he raped you or Asamkele, you are making a mistake.
 → "now" (implies conclusion)
 arrived at as result of calculation)
 → "accused" (technical term)
 → "if" (hypothetical)
 → "he" (pronoun)
 → statement voiced as question
 → putting accused's version to child
 []
202. He is saying that if it was – he is not disputing that you were raped, but it was'nt him.
 → "he" (pronoun)
 → "it" (pronoun)
 → incomplete question
 → "he" (pronoun)
 → "disputing" (age – inappropriate vocabulary and technical term)
 → "it" (pronoun)
 → "was'nt" (negative)
 → "him" (pronoun)
 → statement phrased as question
 → putting accused's version to child
 [√]
203. Were you bleeding?
 → topic change
 → "bleeding" (vague)
 []
204. Was Asamkele bleeding?
 → topic change
 → "bleeding" (vague)
 [X]
- *205. Was you panties dirty?
 → topic change
 → "panties" (plural)
 → "dirty" (confusing concept – dirty means dirt for children not blood)
 → vague question – referring to which?
 [√]
206. Now this happened the morning and then you went to school, is that correct?
 → "now" (implies conclusion)
 arrived at as a result of calculation)
 → "this" (reflexive)

- "the morning" (vague)
→ "then" (shifter)
→ embedding
→ "correct" (age – inappropriate)
→ "is that correct" (tag question)
[]
207. Yes?
→ statement voiced as question
[]
208. Now can you remember the name of the teacher that you told about this incident?
→ topic change
→ "now" (implies conclusion)
arrived at as result of
→ calculation)
→ "remember" (cognitively)
inappropriate)
→ "this" (reflexive)
→ "incident" (age – inappropriate)
vocabulary)
→ multiple questions
[]
- *209. Is it a male or a female, can you remember that?
→ "it" (pronoun)
→ "or" (multichoice, closed
question)
→ "remember" (cognitively)
inappropriate)
→ "that" (shifter)
→ multiple question
[✓]
210. And you did see a doctor, am I correct?
→ topic change
→ "see" (when? vague)
→ "I" (vague)
→ "correct" (age – inappropriate)
vocabulary)
→ "am I correct" (tag question)
-

TRANSCRIPT 2

S v Myeki
Case number: RC3/49/00
Gender: Female
Age: 10
Race: Black
Complainant: Asemkele Jekwe
Charge: Rape
Intermediary: No

Competency

Court

- *1. Lady, how old are you?
→ "lady" (age – inappropriate vocabulary) [√]
2. You know the difference between the truth and lies, not so?
→ "know" (cognitively inappropriate)
→ "difference" (age – inappropriate vocabulary)
→ "truth and lies" (cognitively inappropriate)
→ "not so" (negative)
→ "not so" (tag question) []
- *3. Are you attending church?
→ "attending" (age – inappropriate vocabulary)
4. What are you told to say there in church? Are you told to say the truth or to tell lies?
→ "what are you told" (passive)
→ "say" (vague – referring to what)
→ "there" (reflexive)
→ "are you told" (passive)
→ "truth" (cognitively inappropriate)
→ "or" (multichoice question)
→ "lies" (cognitively inappropriate)
→ multiple questions []
- *5. Does God like lies?
→ "lies" (cognitively inappropriate)
→ hypothetical [√]
6. Do you promise to tell the truth and nothing else but the whole truth today?
→ "truth" (abstract – cognitively inappropriate)
→ "whole" (cognitively inappropriate and technical term)
→ "today" (vague) []
7. You are hereby warned by court then in terms of the Criminal Procedure Act, to tell the truth and nothing else but the whole truth.
→ "hereby" (technical term)
→ "warned" (age – inappropriate vocabulary and technical term)
→ "by court" (vague inappropriate vocabulary and technical term)
→ "in terms of" (age – inappropriate vocabulary and technical term)
→ "Criminal Procedure Act" (technical term)
→ "whole" (cognitively inappropriate and technical term)
→ "truth" (cognitively inappropriate)
→ statement voiced as question []

Examination in chief

- *8. Asamkele, where do you stay?
→ "where" (vague)
→ "stay" (age – inappropriate vocabulary) [√]

*9.	Is that place in Port Elizabeth? → "that"	(reflexive)	[√]
*10.	In which township? In other words, in New Brighton or Kwazakhele? → "in which" → "in other words" → "or"	(incomplete sentence/question) (age – inappropriate syntax) (multichoice question – closed)	[√]
*11.	With whom do you stay at home? → "with whom" → "stay" → clumsy sentence construction	(age – inappropriate vocabulary) (age – inappropriate vocabulary)	[√]
12.	Where is your mother and your father? → "where"	(vague – meaning at this moment?)	[X]
13.	Are you okay Asamkele? → "okay"	(slang, vague)	[]
14.	Are we too fast for you or what? → "we" → "too fast" → "or" → "what" → multiple question	(vague) (vague) (multichoice) (vague)	[]
15.	Okay. Where is your mother? → "where" where	(vague – as in now at the court or does she live?)	
*16.	Your mother is here in Port Elizabeth? → statement voiced as question		[√]
*17.	Do you have any brothers or sisters?		[√]
18.	What is the name of – is it a brother? → "what is the name of" → "it"	(incomplete question) (pronoun)	[]
*19.	And your sister? → incomplete statement voiced as question		[√]
*20.	Okay, you only have one brother?		[√]
*21.	And is he older or younger than you? → "he" → "older or younger"	(pronoun) (multichoice)	[√]
*22.	Okay, Asamkele, you understand that today you are in court? → "understand" → statement voiced as question	(age – inappropriate vocabulary)	[√]
23.	I am going to ask you then to tell us why are you in court today and not at school? → "then" → "us" → "why" → multiple question	(slang, confuses with time) (vague) (cognitively inappropriate)	[X]
*24.	Firstly, do you understand why you in court today? → "understand" → "why" → "today"	(age – inappropriate vocabulary) (cognitively inappropriate) (temporal)	[√]
*25.	Tell us then? → "us"	(vague)	

	→ statement voiced as question		
	→ command		[√]
26.	Okay, what happened to you?		
	→ "what"	(vague/when?)	[X]
*27.	Tell us what happened?		
	→ "us"	(vague)	
	→ statement voiced as question		[√]
*28.	Yes? Okay Asamkele, you say Thabo raped you, who is Thabo?		
	→ "yes"	(statement voiced as question – incomplete)	
	→ repeats answer		
	→ "rape"	(technical term)	
	→ irrelevant information		[√]
*29.	Where does Thabo stay?		
	→ "where"	(vague)	
	→ "stay"	(age – inappropriate vocabulary)	[√]
*30.	Does he stay in the same area with you?		
	→ "he"	(pronoun)	
	→ "stay"	(age – inappropriate vocabulary)	
	→ "with"	(confusing)	[√]
*31.	With whom does Thabo stay at his home?		
	→ "with whom"	(age – inappropriate vocabulary)	
	→ "stay"	(age – inappropriate vocabulary /	
	vague)		
	→ "his"	(passive pronoun)	
	→ embedding		
*32.	Are there any children at Thabo's home?		
	→ "there"	(shifter)	
	→ "any children"	(vague)	[√]
*33.	What are the names of these children?		[√]
*34.	How old is Tsikelelo?		[√]
*35.	Have you ever been to Thabo's home?		[√]
*36.	To do what?		
	→ vague		
	→ incomplete question		[√]
*37.	To do what?		
	→ vague		
	→ incomplete question		[√]
*38.	To whom exactly in Thabo's home did you take the cassette?		
	→ "to whom"	(age – inappropriate vocabulary)	
	→ "exactly"	(age – inappropriate vocabulary)	
	→ embedding		[√]
39.	So then you told us you were raped by Thabo, what does the word 'rape' mean?		
	→ "then"	(reflective)	
	→ "us"	(vague)	
	→ "raped"	(technical term)	
	→ embedding		
	→ long question		
	→ repeating child's evidence		[X]
40.	What did Thabo do to you exactly?		
	→ "exactly"	(age – inappropriate vocabulary)	
			X]

- *41. What does a person do when he rapes another Asamkele?
→ "a person" (vague)
→ "he" (pronoun)
→ "rapes" (technical term) [√]
42. What 'thing' did he insert into you?
→ "he" (pronoun)
→ "insert" (age – inappropriate vocabulary) []
- *43. Does this 'thing' of his have a name?
→ "this" (reflexive)
→ "his" (possessive pronoun) [√]
44. What is it?
→ "it" (pronoun)
→ vague [X]
- *45. Tell us Asamkele, because we don't know his 'thing'
→ "us" (vague)
→ "we" (vague)
→ "don't" (negative)
→ "know" (cognitively inappropriate)
→ "his" (possessive pronoun)
→ "thing" (vague)
→ statement voiced as question [√]
46. Where exactly is this penis on Thabo?
→ "where" (vague)
→ "exactly" (age – inappropriate vocabulary)
→ "this" (reflexive)
→ "penis" (technical term)
→ "on" (vague) [X]
- *47. Listen Asamkele, if you talk fast and you answer all the questions, we are going to finish very soon, but if you keep quiet at some times, it is going to take the whole day. So tell us then where is this penis on Thabo's body?
→ "if" (hypothetical)
→ "we" (vague)
→ "it" (vague)
→ "us" (vague)
→ "then" (slang – confuses with time)
→ "this" (reflexive)
→ "penis" (technical term)
→ "on" (vague)
→ long statement before question [√]
- *48. What does a person normally use this penis for?
→ "a person" (vague)
→ "normally" (age – inappropriate vocabulary)
→ "this" (reflexive)
→ "penis" (technical term) [√]
- *49. And then when you said 'inserted' in you, where exactly in you?
→ "then" (reflexive)
→ "inserted" (age – inappropriate vocabulary)
→ "where in" (vague)
→ "exactly" (age – inappropriate vocabulary) [√]
- *50. What do you call that place?
→ "that place" (reflexive) [√]
- *51. Okay Asamkele, I'm going to ask you just to start from the beginning, then tell us where were you when this rape occurred?
→ "I'm" (vague)
→ "us" (vague)
→ "this" (reflexive)
→ "rape" (technical term)

	→	"occurred"	(age – inappropriate vocabulary)	
	→	long statement		[√]
*52.		Is this the 'thing' you were telling us earlier about?		
	→	"this"	(reflexive)	
	→	"thing"	(vague)	
	→	"us"	(vague)	
	→	"earlier"	(reflexive, time)	[√]
*53.		Yes?		
	→	statement voiced as question		[√]
54.		Is that all?		
	→	"that"	(reflexive, vague)	
	→	"all"	(vague)	[]
*55.		Tell me, where did you learn about the word 'rape'?		
	→	"me"	(vague)	
	→	"where"	(vague)	
	→	"learn about"	(cognitively inappropriate)	
	→	"rape"	(technical term)	[√]
*56.		What did she tell you about this word?		
	→	"she"	(pronoun)	
	→	"this"	(reflexive)	
	→	"about"	(preposition)	
	→	"word"	(vague)	[√]
*57.		And what did she tell you a person must do when she is raped?		
	→	"she"	(pronoun)	
	→	"a person"	(vague)	
	→	"she"	(pronoun)	
	→	"raped"	(technical term)	
	→	embedding		[√]
*58.		Did she say that rape is a good thing or a bad thing?		
	→	"she"	(pronoun)	
	→	"that"	(reflexive)	
	→	"rape"	(technical term)	
	→	"thing"	(vague)	
	→	"or"	(multichoice)	[√]
*59.		Was there anybody else in Thabo's home besides you and Nandipha and Thabo?		
	→	"anybody"	(vague)	
	→	"besides"	(preposition – complicated)	[√]
*60.		And were you taken to the doctor?		
	→	"were you taken"	(passive)	
	→	topic change - suppose he must ask it sometime		[√]
*61.		Who took you to the doctor?		[√]
*62.		And what happened there at the doctor?		
	→	"what"	(vague)	[√]

Court

63.		You are now going to be asked questions by the attorney for the accused.		
	→	"attorney"	(technical term)	
	→	"for"	(technical term)	
	→	"be asked"	(passive)	
	→	"accused"	(technical term)	
	→	statement voiced as question		[]

Cross examination

- *64. Asamkele did anyone tell you that you must come and tell this story in court?
→ “anyone” (vague)
→ “this” (reflexive)
→ long question [√]
- *65. Who told you?
→ incomplete question [√]
- *66. Did they tell you what you must come and say in court, this story about Thabo?
→ “they” (pronoun, vague)
→ “this” (reflexive)
→ “this story about Thabo” (complex syntax – right branching) [√]
- *67. Now you couldn’t tell the police what happened to you, am I correct?
→ “now” (implies conclusion arrived at as result of calculation)
→ “couldn’t” (negative)
→ “correct” (age – inappropriate vocabulary)
→ “am I correct” (tag question) [√]
68. Why is it that you can today then come and tell this court what happened to you?
→ “why” (cognitively inappropriate)
→ “it” (vague)
→ “this” (reflexive)
→ “court” (technical term)
→ embedding []
69. So why didn’t you want to tell the police?
→ “why” (cognitively inappropriate)
→ “didn’t” (negative) [X]

Prosecuter intervenes - court and defence discussion

- *70. At first you didn’t tell the police what happened to you, am I correct?
→ “at first” (cognitively inappropriate)
→ “didn’t” (negative)
→ “correct” (age – inappropriate vocabulary)
→ “am I correct” (tag question) [√]
- *71. And you also did not tell your mother what happened to you at first, is that correct?
→ “did not” (negative)
→ “at first” (cognitively inappropriate)
→ “correct” (age – inappropriate vocabulary)
→ “is that correct?” (tag question) [√]
- *72. When did you tell her?
→ “her” (pronoun) [√]
73. Your mother is not saying that you told her at first what happened. She is saying you didn’t tell her?
→ “not” (negative)
→ “her” (pronoun)
→ “at first” (age – inappropriate syntax)
→ “she” (pronoun)
→ “didn’t” (negative)
→ statement voiced as question [X]
74. Maybe I can put it this way Your Worship. Your mother made a statement to the police and it is written down in the statement that she saw your pantie was dirty and then she suspected that you were molested, and she took you to the police. You didn’t tell her anything.
→ “put it” (technical term)
→ “this” (shifter)
→ “Your Worship” (technical term)
→ “statement” (age – inappropriate vocabulary and technical term)

- "it" (pronoun)
→ "written down" (passive)
→ "statement" (age – inappropriate vocabulary and technical term)
- "she" (pronoun)
→ "suspected" (age – inappropriate vocabulary)
→ "she" (pronoun)
→ "molested" (age – inappropriate vocabulary)
→ "did'nt" (negative)
→ "her" (pronoun)
→ statement voiced as question
→ embedding
→ long statement
- *75. Your mother is saying – or it is written down in her statement that she did ask you what happened and you did'nt reply. Is your mother wrong there?
→ "it" (pronoun)
→ "written down" (passive)
→ "her" (pronoun)
→ "statement" (age – inappropriate vocabulary and technical term)
→ "she" (pronoun)
→ "did'nt" (negative)
→ "there" (reflexive)
→ "is your mother wrong there" (tag question)
→ complex long statement [√]
- *76. You know Nandipha very well, is that correct?
→ "know" (cognitively inappropriate)
→ "correct" (age – inappropriate vocabulary)
→ "is that correct" (tag question) [√]
- *77. And after she testified in court yesterday, did you speak to her?
→ topic change
→ "after" (temporal)
→ "she" (pronoun)
→ "testified" (age – inappropriate vocabulary and technical term)
→ "court" (technical term)
→ "yesterday" (time)
→ "her" (pronoun) [√]
- *78. Did you speak to her today?
→ "her" (pronoun)
→ "today" (time) [√]
- *79. Do you still play with her?
→ topic change
→ "still" (cognitively inappropriate)
→ "her" (pronoun) [√]
- *80. Did she tell you what you must come and say here in court about Thabo?
→ "she" (pronoun)
→ "say" (vague)
→ "court" (technical term) [√]
- *81. You see Thabo is saying he did'nt do this.
→ "he" (pronoun)
→ "did'nt" (negative)
→ "this" (reflexive)
→ putting accused's version to child [√]
82. Now, it took you 18 months before you gave the police a statement, is that right?
→ "now" (implies conclusion arrived at as result of calculation)

	→	"it"	(pronoun)	
	→	"took"	(inappropriate syntax – rather waited)	
	→	"18 months"	(time)	
	→	"before"	(temporal)	
	→	"statement"	(age – inappropriate vocabulary and technical term)	
	→	"that"	(reflexive)	
	→	"is that right"	(tag question)	[]
83.		How long did it take you?		
	→	"how long"	(time)	
	→	"it"	(reflexive)	[X]
84.		Was it very short? Was it like two days, three days or was it longer?		
	→	"it"	(reflexive)	
	→	"short"	(cognitively inappropriate)	
	→	"it"	(preposition)	
	→	"like"	(slang)	
	→	"two ... three ... or"	(multichoice question)	[]
*85.		Is you family friends with Thabo's family?		
	→	topic change		
	→	"family"	(vague)	
	→	"family"	(vague)	[√]
86.		Thabo is saying the families are not getting on and that is why this case was opened against him?		
	→	"the families"	(vague)	
	→	"getting on"	(slang)	
	→	"why"	(cognitively inappropriate)	
	→	"this"	(reflexive)	
	→	"case"	(technical term)	
	→	"opened"	(technical term)	
	→	"him"	(pronoun)	[X]
	→	putting accused's version to child		
*87.		He is saying that you were put up by your family to come and talk lies in court?		
	→	"he"	(pronoun)	
	→	"put up"	(slang)	
	→	"your family"	(vague)	
	→	"lies"	(abstract, cognitively inappropriate)	
	→	"court"	(technical term)	
	→	putting accused's version to child		[√]
88.		What did Nandipha do? Or did you see what Nandipha was doing whilst Thabo was allegedly raping you?		
	→	topic change		
	→	"do"	(when – vague)	
	→	"or"	(multichoice)	
	→	"allegedly"	(age – inappropriate vocabulary)	
	→	"raping"	(technical term)	
	→	long clumsy question	(technical term)	[√]

Court intervenes

*89.		Was she playing?		
	→	repeats previous answer		[√]
*90.		With what? How was she playing, what did she do?		
	→	"with what"	(vague, incomplete)	
	→	"she"	(pronoun)	
	→	"she"	(pronoun)	
	→	multiple questions		[√]
91.		Did'nt she see that Thabo was busy raping you?		
	→	"did'nt"	(negative)	
	→	"she"	(pronoun)	
	→	"raping"	(technical term)	[]

92. Now, if Nandipha come to this court and she told the court that she saw Thabo was raping you, is she talking lies?
→ “now” (implies conclusion arrived at as result of calculation)
→ “if” (hypothetical)
→ “court” (technical term)
→ “she” (pronoun)
→ “court” (technical term)
→ “she” (pronoun)
→ “she” (pronoun)
→ “lies” (abstract, cognitively inappropriate)
→ “is she talking lies” (tag question)
→ she cannot speak on behalf of someone else (cognitively inappropriate) [X]
93. Is she talking the truth?
→ “she” (pronoun)
→ “truth” (abstract, cognitively inappropriate) [X]
- *94. Did you see Thabo raping Nandipha?
→ “raping” (technical term) [√]
- *95. Why didn't you run away?
→ “why” (cognitively inappropriate)
→ “didn't” (negative) [√]
- *96. What did he lock?
→ “he” (pronoun) [√]
97. Yes and how did you get away in the end?
→ “how” (cognitively inappropriate)
→ “in the end” (time) [X]
- *98. How did you get away after the rape took place?
→ “how” (cognitively inappropriate)
→ “after” (temporal)
→ “rape” (technical term)
→ took place (age – inappropriate vocabulary) [√]
99. Did he say anything to you?
→ “he” (pronoun)
→ “anything” (vague) []
- *100. Can you remember that you gave a statement to the police?
→ topic change
→ “remember”
→ “statement” (age – inappropriate vocabulary and technical term)
→ multiple questions [√]
- *101. Now in the statement, and I'm just going to read a sentence to you. Can I show you the statement quickly?
→ “now” (implies conclusion arrived at as result of calculation)
→ “statement” (age – inappropriate vocabulary and technical term)
→ “I'm” (vague)
→ “I” (vague)
→ “statement” (age -inappropriate vocabulary and technical term)
→ “quickly” (cognitively inappropriate time length)
→ first part = statement no question
→ embedding [√]
- *102. Now but just before that. After Thabo had finished raping you, allegedly raping you as you are saying, did you run away?
→ “now” (implies conclusion arrived at as result of

	→ "before"	calculation)	
	→ "that"	(temporal)	
	→ "after"	(reflexive)	
	→ "allegedly"	(temporal)	
	→ long question	(age – inappropriate vocabulary)	[√]
*103.	When he went to put the towel away, is that correct?		
	→ "he"	(pronoun)	
	→ incomplete question		
	→ "correct"	(age – inappropriate vocabulary)	
	→ "is that correct"	(tag question)	
*104.	Did you tell the police that he was using his penis to rape you?		
	→ "he"	(pronoun)	
	→ "his"	(possessive pronoun)	
	→ "penis"	(technical term)	
	→ "rape"	(technical term)	[√]
Defence addresses court			
*105.	Can you read Asamkele?		
	→ topic change		[√]
*106.	And you can also write, is that correct?		
	→ "correct"	(age – inappropriate vocabulary)	
	→ "is that correct"	(tag question)	[√]
107.	Asamkele now when you made the statement to the police, did you read through the statement?		
	→ "statement"	(age – inappropriate voc and technical term)	
	→ "through"	(difficult preposition)	
	→ "statement"	(age – inappropriate vocabulary and technical term)	[√]
*108.	Was your mother with you?		
	→ vague		[√]
109.	Did your mother tell you what was in the statement?		
	→ "what"	(vague)	
	→ "statement"	(age – inappropriate vocabulary and technical term)	[]
*110.	You signed the statement, is that correct?		
	→ "signed"	(age – inappropriate vocabulary)	
	→ "statement"	(age – inappropriate vocabulary and technical term)	
	→ "correct"	(age – inappropriate vocabulary)	
	→ "is that correct"	(tag question)	[√]
*111.	If your statement is saying that you could'nt tell the police what Thabo used to rape you, would that statement be correct?		
	→ "if"	(hypothetical)	
	→ "statement"	(age – inappropriate vocabulary and technical term)	
	→ "could'nt"	(negative)	
	→ "what used"	(vague)	
	→ "rape"	(technical term)	
	→ "that statement"	(reflexive)	
	→ "correct"	(age – inappropriate vocabulary)	[√]
*112.	Did you tell the police that Thabo was using his penis to rape you?		
	→ "penis"	(technical term)	
	→ "rape"	(technical term)	[√]
113.	Did you tell the police that when Thabo was busy raping you, Nandipha was busy playing?		
	→ "raping"	(technical term)	

	→ embedding		
	→ complex sentence		[√]
114.	Now before this rape took place, your family was not friends with Thabo's family, they were cross with each other, is that correct?		
	→ topic change		
	→ "now"	(implies conclusion arrived at as result of	
	→ "before"	calculation)	
	→ "this"	(temporal)	
	→ "rape"	(reflexive)	
	→ "took place"	(technical term)	
	→ "your family"	(age – inappropriate vocabulary)	
	→ "was not"	(vague)	
	→ "Thabo's family"	(negative)	
	→ "they"	(vague)	
	→ "each other"	(pronoun)	
	→ "correct"	(vague)	
	→ "is that correct"	(age – inappropriate vocabulary)	
	→ embedding	(tag question)	[]
115.	Can you remember that the police took your pantie that was dirty?		
	→ "remember"	(cognitively inappropriate)	
	→ "dirty"	(age – inappropriate, different meaning	
	→ for	child)	
	→ embedding		[]
113.	If the police are saying they took your pantie that was dirty, are they not talking the truth?		
	→ "if"	(hypothetical)	
	→ "not"	(negative)	
	→ "they"	(pronoun)	
	→ "truth"	(cognitively inappropriate)	
	→ "dirty"	(age – inappropriate)	[]
	→ embedding		
*117.	Do you still have this pantie?		
	→ "still"	(cognitively inappropriate)	
	→ "this"	(reflexive)	[√]
*118.	Where is it?		
	→ "where"	(vague)	
	→ "it"	(pronoun)	[√]
119.	Did Thabo say anything there at the house before the rape started?		
	→ "anything"	(vague)	
	→ "there"	(reflexive)	
	→ "before"	(temporal)	
	→ "rape"	(technical term)	[]
120.	Were you ever raped before?		
	→ "ever"	(time)	
	→ "raped"	(technical term)	
	→ "before"	(temporal)	[]
121.	Did anyone ever do dirty things with you?		
	→ "anyone"	(vague)	
	→ "ever"	(time)	
	→ "dirty things"	(vague)	[X]
*122.	Now you're already said if Thabo is saying that he didn't rape you, he is not talking the truth, is that correct?		
	→ "now"	(implies conclusion arrived at as result of	
	→ of	calculation)	
	→ "didn't"	(negative)	
	→ "not"	(negative)	

- "truth" (cognitively inappropriate)
- "correct" (age – inappropriate vocabulary)
- "is that correct" (tag question) [✓]

123. Thabo was also very young then, am I correct?

- "very" (cognitively inappropriate)
- "young" (relative concept – relational term)
- "I" (vague)
- "correct" (age – inappropriate vocabulary)
- "am I correct" (tag question) []

Defence addresses court

Re-examination by prosecutor

*124. Asamkele, you told Thabo's lawyer that Nandipha was playing when you were raped by Thabo?

- "lawyer" (technical term) [✓]
- "you were raped" (passive)
- "raped" (technical term) [✓]

*125. And remember you also earlier said that Thabo covered you with a blanket, is it correct?

- "remember" (cognitively inappropriate)
- "earlier" (cognitively inappropriate)
- "covered" (age – inappropriate vocabulary)
- "it" (pronoun)
- "correct" (age – inappropriate vocabulary)
- "is it correct" (tag question)
- multiple question [✓]

*126. Okay, which is the correct one? So did you see what Nandipha was doing whilst Thabo was raping you?

- "correct" (age – inappropriate vocabulary)
- "one" (vague)
- "whilst" (age – inappropriate vocabulary)
- "raping" (technical term)
- multiple questions [✓]

.....

TRANSCRIPT 3

S v Myeki
Case number: RC3/49/00
Gender: Female
Age: 12 years
Race: Black
Complainant: Ntombobongo Hani
Charge: Rape
Intermediary: No

Competency

Court

- *1. How old are you lady?
→ "lady" (age – inappropriate
vocabulary) [✓]
2. Ntombobongo, do you know the difference between the truth and lies?
→ "know" (cognitively
inappropriate)
→ "difference" (cognitively
inappropriate)
→ "truth/lies" (cognitively
inappropriate, abstract) [X]
- *3. And if I say you are Nomalanga, is that true?
→ "if" (hypothetical)
→ "that" (reflexive)
→ "true" (cognitively
inappropriate) [✓]
- *4. And do you attend Sunday school at church?
→ "attend" (age – inappropriate
vocabulary)
→ "at church" (embedding confusing
if Sunday school is
in another room and
not in church) [✓]
5. And there you are told to tell the truth or lies?
→ "there" (reflexive)
→ "you are told" (passive)
→ "truth" (cognitively
inappropriate)
→ "or" (multichoice question)
→ "lies" (cognitively
inappropriate)
→ "statement not question"
[]
6. And you further know that if somebody tells lies he is punished?
→ "further" (age – inappropriate
vocabulary)
→ "know" (abstract)
→ "if" (hypothetical)
→ "somebody" (vague)
→ "lies" (cognitively
inappropriate)
→ "he" (pronoun)
→ "punished" (age – inappropriate
vocabulary) []
- *7. Do you promise to tell us the truth, nothing else but the truth today?

→ "promise" (cognitively inappropriate)
 → "us" (vague)
 → "truth" (abstract)
 → "truth" (abstract)
 [√]

8. You are hereby warned by the court in terms of the Criminal Procedure Act 51 of 1977 to tell us the truth and nothing else but the whole truth?
 → "hereby" (technical term)
 → "warned" (technical term)
 → "court" (technical term)
 → "in terms of the Criminal Procedure Act 51 of 1977" (technical term)
 → "us" (vague)
 → "truth" (abstract)
 → "whole" (technical term and cognitively inappropriate)
 → "truth" (abstract)
 [X]

Examination in chief

*9. Ntombebongo, are you schooling?
 → "schooling" (age – inappropriate vocabulary) [√]

10. Where are you schooling?
 → "where" (vague, location/school's name)
 → "schooling" (age – inappropriate vocabulary) []

*11. Doing what standard?
 → incomplete question [√]

*12. And where do you reside?
 → "reside" (age – inappropriate vocabulary) [√]

*13. Did you always stay in Motherwell?
 → "always" (abstract, cognitively inappropriate)
 → "stay" (age – inappropriate vocabulary) [√]

*14. And with whom do you stay at home?
 → "with whom" (age – inappropriate vocabulary)
 → "stay" (age – inappropriate vocabulary) [√]

*15. In New Brighton, with whom were you staying?
 → "with whom" (age – inappropriate vocabulary)
 → "staying" (age – inappropriate vocabulary) [√]

*16. Tell us then Ntombebongo, why are you not at school today?
 → "us" (vague)
 → "why" (cognitively inappropriate) [√]

- *17. Okay, what thing?
[√]
- *18. Who is Thabo?
[√]
- *19. Where does Thabo stay?
→ "stay" (age – inappropriate
vocabulary) [√]
- *20. Same area where you used to stay?
→ "stay" (age – inappropriate
vocabulary)
→ statement not question
[√]
- *21. And with whom did Thabo stay in his home?
→ "with whom" (age – inappropriate
vocabulary)
→ "stay" (age – inappropriate
vocabulary)
→ "his" (possessive pronoun)
[√]
- *22. How far is the place where you used to stay in New Brighton from Thabo's home?
→ "far" (distance, cognitively
inappropriate)
→ "stay" (age – inappropriate
vocabulary)
→ embedding/complex sentence
[√]
- *23. Have you ever been to Thabo's home before the incident?
→ "ever" (cognitively
inappropriate)
→ "before" (temporal)
→ "incident" (age – inappropriate
vocabulary) [√]
- *24. Okay, you used to go there but scarcely?
→ "there" (reflexive)
→ "scarcely" (age – inappropriate
vocabulary) [√]
- *25. To do what?
→ "what" (vague)
[√]
26. Can you start from the beginning then, you said that Thabo raped you?
→ "raped" (technical term)
→ multiple question
→ statement voiced as question
[]
- *27. Tell us what happened on that day?
→ that (reflexive)
[√]
- *28. Yes?
→ statement voiced as question
[√]
- *29. Okay, you say it was Thabo and his friend?

- "his" (possessive pronoun)
[√]
- *30. What is the name of Thabo's friend?
[√]
- *31. Okay, besides hitting you with a shoe, did Thabo's friend do anything to you?
→ "besides" (preposition – complex)
→ "anything" (vague)
→ complex sentence
[√]
- *32. Okay, did you actually tell anybody about this rape?
→ "actually" (age – inappropriate vocabulary)
→ "anybody" (vague)
→ "this" (reflexive)
→ "rape" (technical term and word!)
she didn't use the
- *33. Who did you tell?
[√]
- *34. What is the name of your aunt?
[√]
- *35. When did you tell Ntombetsha, was it the same day of the rape or another day?
→ "when" (time, cognitively inappropriate)
→ "same day" (time)
→ "rape" (technical term)
→ "or" (multichoice question)
→ "another" (vague)
→ multiple/multichoice question
[√]
36. How old were you when you were raped by Thabo?
→ "were raped" (passive)
→ "raped" (technical term)
[]
- *37. You also use this English word 'rape', what does this word mean?
→ "this" (reflexive)
→ "rape" (technical term)
→ "this" (reflexive)
→ tag question
[√]
- *38. What exactly did he do when he was on top of you?
→ "exactly" (age – inappropriate vocabulary)
→ "he" (pronoun)
→ "he" (pronoun)
[√]
39. What did he use to do dirty things to you?
→ "he" (pronoun)
→ "use" (vague)
[X]

Court intervenes

- *40. And what exactly did he do with his penis?

→ "exactly" (age – inappropriate vocabulary)
 → "he" (pronoun)
 → "his" (pronoun)
 → "penis" (technical term)
 [√]

*41. And then, were you ever taken to the doctor?
 → topic change
 → "then" (reflexive)
 → "ever" (vague)
 → "taken" (passive)
 [√]

*42. By whom?
 → "by whom" (age – inappropriate vocabulary)
 → incomplete question
 [√]

*43. Okay, when she returned from Kimberley?
 → "she" (pronoun)
 → "returned" (age – inappropriate vocabulary)
 → incomplete question
 [√]

Court

44. Now you are going to be asked questions by the attorney of the accused?
 → "now" (implies conclusion arrived at as result of calculation)
 → "attorney" (technical term)
 → "accused" (technical term)
 → statement voiced as question
 [X]

Prosecutor intervenes

*45. Ntombobongo, what happened to Zola?
 → "what" (vague)
 → topic change
 [√]

*46. How?
 → "how" (vague)
 [√]

*47. Her? Zola is a male or a female?
 → "her" (pronoun)
 → "male/female" (age – inappropriate vocabulary)
 → "or" (multichoice question)
 [√]

48. So who dragged Zola to Thabo's home?
 [X]

Court intervenes – discussion with prosecutor

*49. But you say Zola is a girl, hey?
 → "Zola is a girl" (repeats answer)

- "hey" (tag question)
[√]
50. On the day you were with Zola and you were dragged by Thabo, what happened to Zola that day?
→ "on the day" (reflexive)
→ "you were dragged" (passive)
→ "that" (reflexive)
→ embedding/complex sentence
[X]
51. You said you were with Zola, remember?
→ "remember" (cognitively)
→ inappropriate)
→ tag question
[]
- *52. So you were dragged by Thabo?
→ "you were dragged" (passive)
[√]
- *53. And what happened to Zola on that day?
→ "what" (vague)
→ "that" (reflexive)
[√]

Cross examination

54. Miss Hani can you just tell the court how many times did Thabo rape you?
→ "court" (technical term)
→ "many" (cognitively)
→ inappropriate)
→ "rape" (technical term)
[X]
- *55. How many times?
→ "many" (cognitively)
→ inappropriate)
→ repeats question
→ incomplete question
[√]
56. And the friend?
→ topic change
→ "the friend" (vague)
→ statement phrased as question
→ incomplete question
[X]
57. And the friend of Thabo, how many times?
→ "many" (cognitively)
→ inappropriate)
→ incomplete question
[X]

Prosecuter intervenes

- *58. Did Thabo's friend rape you?
→ "rape" (technical term)
[√]
- *59. The friend did nothing to you?
→ "the" (vague)
→ "nothing" (cognitively)
→ inappropriate and vague)

- question phrased as statement
[√]
- *60. You made a statement to the police, is that correct?
→ "statement"
vocabulary and (age – inappropriate
technical term)
→ "correct"
vocabulary and (age – inappropriate
technical term)
→ "is that correct"
[√] (tag question)
61. Now if you said in your statement that Thabo raped you three times, would that be correct?
→ "now"
arrived at as result of (implies conclusion
calculation)
→ "if you said"
statement) (hypothetical
→ "statement"
vocabulary and (age – inappropriate
technical term)
→ "raped"
→ "that"
→ "correct"
vocabulary) (technical term)
(reflexive)
(age – inappropriate
→ "would that be correct"
[X] (tag question)

Prosecutor intervenes, court/defence discussion

- *62. Now Miss Hani you had a look at the statement now, is that correct?
→ "now"
arrived at as result of (implies conclusion
calculation)
→ "statement"
vocabulary and (age – inappropriate
technical term)
→ "now"
arrived at as result of (implies conclusion
calculation)
→ "correct"
vocabulary) (age – inappropriate
→ "is that correct"
[√] (tag question)
- *63. At that stage when you made the statement, could you read?
→ "at that stage"
inappropriate) (cognitively
→ "statement"
vocabulary and (age – inappropriate
technical term)
→ "could you read"
→ complex syntax
[√] (tag question)
- *64. Before you signed the statement, did you read it?
→ "before"
→ "signed"
vocabulary) (temporal)
(age – inappropriate
→ "statement"
vocabulary and (age – inappropriate
technical term)

- "did you read it"
[√] (tag question)
- *65. Was your mother present?
→ "present"
vocabulary) [√] (age – inappropriate)
66. Now if you said in your statement
→ "now" (implies conclusion
arrived at as result of calculation)
→ "if" (hypothetical)
→ "statement" (age – inappropriate
vocabulary and technical term)
[X]

Intervention by prosecutor/long discussion

- *67. Now Miss Hani the policeman wrote in the statement that you were raped three times, is that correct?
→ "now" (implies conclusion
arrived at as result of calculation)
→ "statement" (age – inappropriate
vocabulary and technical term)
→ "you were raped" (passive)
→ "correct" (age – inappropriate
vocabulary) (tag question)
→ "is that correct" [√]
- *68. You told this court you were raped five times by Thabo, is that correct?
→ "court" (technical term)
→ "rape" (technical term)
→ "correct" (age – inappropriate
vocabulary) (tag question)
→ "is that correct" [√]
- *69. You were saying when you testified, you were playing with Zola, is that correct?
→ "testified" (age – inappropriate
vocabulary)
→ "correct" (age – inappropriate
vocabulary)
→ embedding/complex syntax
→ "is that correct" (tag question)
[√]
- *70. What happened then?
→ "then" (reflexive)
[√]
71. Now if you say in your statement that you were called and then you went to Thabo's home and that you saw Thabo and his friend there and that you by yourself then entered the house, which is now the correct story? Sorry if I could just change the last part Your Worship. Will your statement be right then?
→ "now" (implies conclusion
arrived at as result of calculation)
→ "if" (hypothetical)
→ "statement" (age – inappropriate
vocabulary and technical term)

- "you were called" (passive)
→ "his" (possessive pronoun)
→ "there" (shifter)
→ "by yourself" (vague – does it mean
on her own by her own volition?)
→ "entered" (age – inappropriate vocabulary)
- "the house" (preposition)
→ "correct" (age – inappropriate vocabulary)
- "I" (vague)
→ "Your Worship" (technical term)
→ embedding
→ long question
[]
- *72. Did you make another mistake?
→ "another" (reflexive – referring
back to previous mistake)
[✓]
73. You went to the kitchen. It is in your statement that you told the police that you went to the kitchen in Thabo's house, is that correct?
→ "the kitchen" (vague)
→ "it" (pronoun)
→ "statement" (age – inappropriate vocabulary and technical term)
→ "correct" (age – inappropriate vocabulary)
→ "is that correct" (tag question)
→ embedding
[]
- *74. And what did the friend do? Thabo's friend, what did he do?
→ "the friend" (vague)
→ "he" (pronoun)
→ repetition
[✓]
- *75. Did you tell the police that?
→ "that" (reflexive)
[✓]
- *76. Your mother told them?
→ repeats answer – no question
[✓]
- *77. Was your mother present when you talked to the police?
→ "present" (age – inappropriate vocabulary)
[✓]
78. When the police took down the statement?
→ statement voiced as question
[] (incomplete)
79. You told the court before your mother was not present. Did you make another mistake?
→ "court" (technical term)
→ "before" (temporal)
→ "not" (negative)
→ "present" (age – inappropriate vocabulary)

- "another" (reflexive)
 → "did you make another state" (tag question)
 []
- *80. At what stage did Zola run away?
 → "what stage" (cognitively)
 inappropriate) [✓]
- *81. Did'nt she go into the house?
 → "did'nt" (negative)
 → "she" (pronoun)
 → "the house" (vague)
 [✓]
- *82. If you say in your statement or if the police is saying that you told him that you both went into the house, is the policeman wrong?
 → "if" (hypothetical)
 → "statement" (age – inappropriate vocabulary and technical term)
 → "him" (pronoun)
 → "both" (vague)
 → "the house" (vague)
 → "is the policeman wrong" (tag question)
 → vague question
 [✓]
- *83. Where did you go the following week?
 → "where" (vague)
 → "following week" (vague - following what?)
 [✓]
- *84. Are you talking about another time now?
 → "about" (preposition)
 → "another" (reflexive)
 [✓]
- *85. Did this happen to you a lot of times?
 → "this" (reflexive)
 [✓]
86. Were you raped by Thabo twice?
 → "were you" (passive)
 → "raped" (technical term)
 [✓]
- *87. Did you tell your mother the first time?
 → "first time" (incomplete question)
 [✓]
- *88. The first time when it happened?
 → "it" (pronoun)
 → repeat question
 → vague – no question
 [✓]
- *89. And when it happened the second time, also did you tell?
 → "it" (pronoun)
- *90. What did your aunt do the first time?
 → incomplete question
 → vague – do about what?
 [✓]

- *91. Did you tell them who it was that raped you?
 → "them" (pronoun)
 → "it" (pronoun)
 → "raped" (technical term)
 [✓]
- *92. After the second incident you told them?
 → "after" (temporal)
 → "incident" (age – inappropriate vocabulary)
 → "them" (pronoun)
 → incomplete question
 [✓]
- *93. Didn't you tell your aunt after the first incident?
 → "didn't" (negative)
 → "after" (temporal)
 → "incident" (age – inappropriate vocabulary) [✓]
94. But you've just said after the second incident you told her?
 → "after" (temporal)
 → "incident" (age – inappropriate vocabulary)
 → "her" (pronoun)
 → "you told her" (deliberate confusion – confusing child)
 she did not –
 [X]

Intervention by court – long discussion – court/defence

- *95. Who was the person that raped you the first time?
 → "raped" (technical term)
 → embedding
 [✓]
- *96. And did you tell your aunt then?
 → "then" (time)
 → incomplete question
 [✓]
- *97. And who was the person that raped you a week after that, the second time?
 → "raped" (technical term)
 → "a week" (cognitively inappropriate)
 → "after" (temporal)
 [✓]
- *98. Have you told your mother that?
 → "that" (reflexive)
 [✓]
- *99. Now did your mother by yourself? Did you go to her and did you tell her that it was Thabo who raped her or was it forced out of you?
 → "now" (implies conclusion arrived at as result of calculation)
 → "by yourself" (makes no sense)
 → "her" (pronoun)
 → "her" (pronoun)
 → "raped" (technical term)
 → "her" (pronoun)
 → "it" (pronoun)

→ "forced" (age – inappropriate)
 vocabulary)
 → multiple question
 [√]

100. Your mother wrote down in her statement, and I don't know if she is going to testify that that you were taken to the doctor?
 → "statement" (age – inappropriate)
 vocabulary and
 technical term)
 → "don't" (negative)
 → "she" (pronoun)
 → "testify" (age – inappropriate)
 vocabulary)
 → "you were taken" (passive)
 []

*101. and that you were begged to tell them who it was?
 → "were begged" (passive)
 → "begged" (age – inappropriate)
 vocabulary)
 → "them" (pronoun)
 → "it" (pronoun)
 → incomplete question
 [√]

*102. Why did she have to beg and plead with you?
 → "why" (cognitively)
 inappropriate)
 → "she" (pronoun)
 → "plead" (age – inappropriate)
 vocabulary) [√]

*103. So after the first time when you've told your aunt, did you to to the doctor?
 → "after" (temporal)
 → complex syntax
 [√]

*104. And you only told your mother the second time, after the second incident about this, am I right?
 → "after" (temporal)
 → "incident" (age – inappropriate)
 vocabulary)
 → "about this" (reflexive)
 → embedding
 → "am I right" (tag question)
 → vague question
 [√]

105. So the first time when you told your aunt that it was Thabo, were you not afraid of Thabo anymore?
 → "not" (negative)
 → "anymore" (vague)
 → complex sentence
 []

Prosecuter intervenes - defence discussion

*106. Did you tell your aunt – when you told her the first time, after the first incident, did you tell her the name of the person who raped you?
 → "her" (pronoun)
 → "after" (temporal)
 → "incident" (age – inappropriate)
 vocabulary)
 → "her" (pronoun)

- "raped" (technical term)
→ multiple questions
→ repetition [√]
- *107. So you didn't tell your aunt a name?
→ "didn't" (negative)
→ "a name" (vague) [√]
- *108. And then the second time, after the second incident, you told your mother the name am I correct?
→ "after" (temporal)
→ "incident" (age – inappropriate vocabulary)
→ "the name" (vague)
→ "I" (vague)
→ "correct" (age – inappropriate vocabulary)
→ "am I correct" (tag question)
→ embedding
→ repetition [√]
- *109. Did your mother force you to give her the name?
→ "force" (age – inappropriate vocabulary)
→ "the name" (incomplete question) [√]
- *110. Did she beg you?
→ "she" (pronoun)
→ "beg" (age – inappropriate vocabulary – what does it mean – ask?) [√]
- *111. Do you know Nandipha and Asamkele?
→ topic change
→ "know" (cognitively inappropriate) [√]
- *112. Are you friends with them?
→ "them" (pronoun) [√]
- *113. Did you talk to them about this case?
→ "them" (pronoun)
→ "this" (reflexive)
→ "case" (technical term) [√]
- *114. That was in December, am I correct, of 1998?
→ "that" (reflexive)
→ "correct" (age – inappropriate vocabulary)
→ "am I correct" (tag question)
→ 1998 (cognitively inappropriate) []
115. When you told them?
→ "them" (pronoun)
→ incomplete sentence []

116. Now when Thabo raped these five times

Intervention by court – discussion)

[]

117. When you say he raped you three times, did his penis penetrate you?

- “he” (pronoun)
- “raped” (technical term)
- “his” (possessive pronoun)
- “penis” (technical term)
- “penetrate” (age – inappropriate)

vocabulary and

- vague (technical term)

times) []

- embedding (penetrate refer to all 3

*118. Yes, and what happened then, what did he do?

- “then” (reflexive)
- “he’ (pronoun)
- multiple question

[√]

*119. What did he do with his penis?

- “he” (pronoun)
- “his” (possessive pronoun)
- “penis” (technical term)
- vague (what does he mean?)

[√]

Court intervention

120. Yes, okay. And you were 6 years old at that stage, am I correct?

- “that stage” (cognitively)
- inappropriate)
- “I” (vague)
 - “correct” (age – inappropriate)
- vocabulary)
- “am I correct” (tag question)

[]

121. The doctor is saying that your hymen is still intact?

Court intervenes

- topic change
 - “hymen” (technical term)
 - “still” (age – inappropriate)
- vocabulary and

cognitively
inappropriate)
(age – inappropriate)

- “intact”
- vocabulary and

technical term)

[]

*122. Thabo is saying that he did not rape you?

- “he” (pronoun)
- “not” (negative)
- “rape” (technical term)
- statement voiced as question
- putting accused’s version to child

[√]

- *123. That your family are friends with the family of Asamkele and Nandipha's family?
→ "your family" (vague)
→ "family of" (vague)
→ "Nandipha's family" (vague)
→ statement voiced as question
[√]
124. And that the families don't like Thabo and his family?
→ "the families" (vague)
→ "don't" (negative)
→ "his family" (pronoun)
→ incomplete question
[]
- *125. And that this is a made-up story by the children, which was false by their parents?
→ "this" (reflexive)
→ "made-up story" (cognitively inappropriate)
→ "the children" (vague)
→ "false" (age – inappropriate)
vocabulary, cognitively
inappropriate)
→ "their parents" (vague)
→ statement voiced as question
→ question does'nt make sense
[√]
- *126. To open these false cases against Thabo?
→ "false" (age – inappropriate)
vocabulary, cognitively
inappropriate)
→ "cases" (technical term)
→ incomplete statement voiced as question
[√]
- *127. Thabo is saying he is not disputing that if you are saying something happened to you, that it happened to you, but it was not him?
→ "he" (pronoun)
→ "is not" (negative)
→ "disputing" (age – inappropriate)
vocabulary and
technical term)
→ "if" (hypothetical)
→ "something" (vague)
→ "it" (pronoun)
→ "it" (pronoun)
→ "not" (negative)
→ "him" (pronoun)
→ putting accused's version to child
[√]
- *128. That it had to be someone else?
→ "it" (pronoun)
→ "someone" (vague)
→ incomplete statement voiced as question
[√]
129. Did Thabo ever chase you around? Sorry don't ask her that. Now can you explain to me, what happened at the first incident? Was that where you went to Thabo's house?
→ "now" (implies conclusion)
arrived at as result of
calculation)
→ "explain" (cognitively inappropriate)

- "incident" (age – inappropriate)
 vocabulary)
 → "that" (reflexive)
 → multiple questions
 → repeats previously asked question [X]
- *130. So what happened the first time?
 → vague [✓]
- *131. And then? [✓]
- *132. Did he chase you in the street?
 → "he" (pronoun) [✓]
- *133. Was it in the morning or afternoon or when was it?
 → "morning or/or" (multichoice question)
 → "it" (reflexive) [✓]
- *134. Did you scream? [✓]
- *135. But when you were running away from him did you scream?
 → "him" (pronoun)
 → embedding [✓]
- *136. Were there other people in the street?
 → incomplete sentence, vague (when?) [✓]
- *137. And they didn't help you?
 → "they" (pronoun)
 → "didn't" (negative) [✓]
- *138. And the second time when Zola was with you?
 → statement voiced as question
 → there is no question [✓]
- *139. Did you tell the police and your mother about the first incident?
 → topic change
 → "incident" (age – inappropriate)
 vocabulary)
 → repeats previously asked questions [✓]
- *140. Did you tell them about the second incident?
 → topic change
 → "them" (pronoun)
 → "incident" (age – inappropriate)
 vocabulary)
 → repeats previously asked questions [✓]
- *141. Because there is nothing – the police didn't put the first incident in the statement?
 → "there" (shifter)
 → "nothing" (vague)

- "did'nt" (negative)
→ "put" (vague, age – inappropriate use of word)
→ "incident" (age – inappropriate vocabulary)
→ "statement" (age – inappropriate vocabulary and technical term)
[√]
- *142. Did you tell the prosecutor of the first incident?
→ "prosecutor" (technical term)
→ "incident" (age – inappropriate vocabulary) [√]
- *143. Why did'nt you tell her about the first incident?
→ "why" (cognitively inappropriate)
→ "did'nt" (negative)
→ "her" (pronoun)
→ "incident" (age – inappropriate vocabulary) [√]
144. Are you sure you are not telling lies to this court?
→ "are not" (negative)
→ "lies" (cognitively inappropriate)
→ "court" (technical term)
[]
145. Are you not making stories up?
→ "not" (negative)
→ "making stories up" (cognitively inappropriate) [X]
- *146. Now the second incident you say Zola was with you, am I correct?
→ "incident" (age – inappropriate vocabulary)
→ "correct" (age – inappropriate vocabulary)
→ "am I correct" (tag question) [√]
- *147. You were chased by them at that incident – by the friend and Thabo?
→ "were chased" (passive)
→ "them" (pronoun)
→ "that" (reflexive)
→ "incident" (age – inappropriate vocabulary)
→ statement voiced as question [√]
148. So that's a third version now. Your Worship.
→ "that's" (reflexive)
→ "version" (age – inappropriate vocabulary)
→ "Your Worship" (technical term)
→ statement – not a question []

Re-examination by prosecutor

- *149. Ntombobongo, when you were asked the questions you said you told your mother when it came out of your body?

→ "were asked" (passive)
 → "it" (pronoun)
 → statement voiced as question [✓]

*150. What came out of your body?
 [✓]

*151. And do you know colours?
 → "know" (cognitively)
 inappropriate)
 → "colours" (cognitively)
 inappropriate) [✓]

*152. What colour was this discharge?
 → "this" (reflexive)
 →] "discharge" (age – inappropriate)
 vocabulary) [✓]

*153. Did the doctor see this discharge?
 → "this" (reflexive)
 → "discharge" (age – inappropriate)
 vocabulary) [✓]

*154. Okay, and was it treated?
 → "it" (reflexive)
 → "treated" (age – inappropriate)
 vocabulary) [✓]

Defence

155. It was gonorrhoea that you had. Do you know the name, did the doctor tell you that name?
 → "it" (reflexive)
 → "gonorrhoea" (technical term)
 → "know" (cognitively)
 inappropriate)
 → "that" (reflexive)
 → embedding [X]

TRANSCRIPT 4

S v Malatji
Case number: RC22/03
Gender: Female
Age: 7
Race: Black
Complainant: Treasure Malesa
Charge: Rape
Intermediary: Yes

Court

Competency test

- *1. Treasure, where do you come from?
→ "where" (vague)
→ "come from"
(ambiguous, age – inappropriate syntax) [√]
- *2. And with who do you stay?
→ "who" (vague)
→ "stay" (age – inappropriate vocabulary vague)
[√]
3. Do you attend school?
→ "attend" (age – inappropriate vocabulary) []
4. Where?
→ "where" (vague, location or name of school?)
→ incomplete question []
- *5. Where? What is the name of your pre-school?
→ "where" (vague incomplete question)
→ "your" (pronoun)
[√]
- *6. Treasure, tell me what are you wearing?
→ topic change
→ complex syntax
[√]
7. And what else?
→ "else" (vague)
→ incomplete question []
8. And what else?
→ "else" (vague)
→ repeats question
→ incomplete question []
- *9. And what else?
→ "else" (vague)
→ repeats question

- incomplete question
[√]
10. And what else?
→ "else" (vague)
→ repeats question
→ incomplete question
[]
11. Now, if I would say you are wearing a dress would I be telling the truth or will I be lying?
→ "now" (implies conclusion)
arrived at as result of
→ "if" calculation)
→ "truth" (hypothetical)
inappropriate) (cognitively)
→ "lying" (cognitively)
inappropriate)
→ multichoice question
[X]
- *12. Is it the truth that you are wearing a dress?
→ "it" (pronoun)
→ "truth" (cognitively)
inappropriate)
→ complex syntax
[√]
13. And if I were to say you were not wearing shoes, you are bare-footed, will I be telling the truth or will I be lying?
→ "if" (hypothetical)
→ "were not" (negative)
→ "truth" (cognitively)
inappropriate)
→ "or" (multichoice question)
→ "lying" (cognitively)
inappropriate)
→ embedding
→ multichoice
[]
14. I will be telling the truth that you are bare-footed?
→ "I" (vague)
→ "truth" (cognitively)
inappropriate)
→ statement voiced as a question
[]
15. So are you going to tell us the truth today or are you going to lie?
→ "us" (vague)
→ "truth" (cognitively)
inappropriate)
→ "today" (temporal)
→ "lie" (cognitively)
inappropriate)
→ "or" (multichoice question)
[]
16. Do you not want to talk to us? Do you know what the truth is?
→ abrupt topic shift
→ "not" (negative)
→ "us" (vague)
→ "know" (cognitively)
inappropriate)
→ "truth" (cognitively)
inappropriate)

→ multiple question
[]

Examination by prosecutor to establish competency

17. Reinah, please tell the witness that this is the lady who is speaking now who spoke to her earlier on in that office. Tell her it is the white lady who spoke to her earlier on. Can she remember me?

→ "witness" (technical term)
→ "this" (shifter)
→ "lady" (age – inappropriate vocabulary)
→ "earlier" (vague, temporal)
→ "her" (pronoun)
→ "it" (pronoun)
→ "lady" (age – inappropriate vocabulary)
→ "earlier" (temporal)
→ long statement
→ "she" (pronoun)
→ "remember" (cognitively inappropriate)
→ "me" (vague)

[]

18. Ask her whether she is going to tell us today what happened to her?

→ "her" (pronoun)
→ "she" (pronoun)
→ "us" (vague)
→ "today" (temporal)
→ "happened" (vague)

[]

*19. I am asking her whether she knows what is a chicken?

→ topic change
→ "I" (vague)
→ "her" (pronoun)
→ "whether" (age – inappropriate vocabulary)
→ "she" (pronoun)

[√]

*20. Ask her how many legs has a chicken got?

→ "her" (vague)

[√]

21. Now tell her the lady asks her if the lady says a chicken has got five legs will the lady be telling the truth or will the lady be telling a lie?

→ "now" (implies conclusion arrived at as result of calculation)
→ "her" (pronoun)
→ "lady" (vague and age – inappropriate vocabulary)
→ "if" (hypothetical)
→ "lady" (vague and age – inappropriate vocabulary)
→ "lady" (vague and age – inappropriate vocabulary)
→ "truth" (cognitively inappropriate)
→ "lady" (vague and age – inappropriate vocabulary)
→ "lie" (cognitively inappropriate)

- "or" (multichoice question)
 → long question
 []
22. Is it right or is it wrong when I say a chicken has got five legs?
 → "it" (pronoun)
 → "or" (multichoice question)
 → "I" (vague)
 [X]
23. Mrs Molapo explain to her she told us a chicken has got two legs. If the lady says the chicken has five legs is the lady right or is the lady wrong?
 → "explain" (age – inappropriate vocabulary)
 → "her" (pronoun)
 → "she" (pronoun)
 → "us" (vague)
 → statement
 → "if" (hypothetical)
 → "lady" (age – inappropriate vocabulary)
 → "lady" (age – inappropriate vocabulary)
 → "or" (multichoice question)
 → "lady" (age – inappropriate vocabulary) []
24. Is the lady wrong?
 → repeats question
 → "lady" (age – inappropriate vocabulary)
 → incomplete question
 []
25. Is it true if a chicken has got five legs?
 → "it" (pronoun)
 → "true" (cognitively inappropriate)
 → "if" (hypothetical)
 []

Prosecutor addresses court - long discussion

Court competency

- *26. Treasure how old are you?
 [✓]
- *27. 6 years?
 → repeats answer
 → statement voiced as question
 → vague (child won't know what to respond) [✓]
28. If I were to say you were two years old, would I be telling the truth or would I be telling a lie?
 → "if" (hypothetical)
 → "were to say" (passive)
 → "two years" (cognitively inappropriate)
 → "truth" (cognitively inappropriate)
 → "or" (multichoice question)
 → "lie" (cognitively inappropriate) []
 →

*29. Now are you going to tell us the truth today or are you going to lie to us?
 → "now" (implies conclusion
 arrived at as result of calculation)
 → "us" (vague)
 → "truth" (cognitively inappropriate)
 → "today" (temporal)
 → "or" (multichoice question)
 → "lie" (cognitively inappropriate)
 → "us" (vague)
 [✓]

*30. Yes Treasure, I want you to tell us the truth today, the whole truth, nothing else but the truth do you understand?
 → "I" (vague)
 → "us" (vague)
 → "truth" (cognitively inappropriate)
 → "today" (temporal)
 → "whole" (cognitively inappropriate and technical)
 → "truth" (term)
 inappropriate and technical (cognitively)
 → "truth" (term)
 inappropriate and technical (cognitively)
 → understand (term)
 vocabulary) [✓] (age – inappropriate)

Examination by prosecutor

*31. Mrs Molapo, explain to the child the white lady is going to ask her some questions now and I want her to answer me?
 → "explain" (age – inappropriate vocabulary)
 → "white lady" (vague)
 → "her" (pronoun)
 → "some" (contrast)
 → "her" (pronoun)
 → statement voiced as question
 → contextualises child
 [✓]

*32. Explain to the witness we are now going to show her a picture of man on the TV. I want to know from her whether she knows that man.
 → "know" (cognitively inappropriate)
 → "whether" (age – inappropriate vocabulary)
 → "she" (pronoun)
 → "that" (shifter)
 [✓]

*33. Does she know what is his name?
 → "she" (pronoun)
 → "know" (cognitively inappropriate)
 → "his" (pronoun)
 [✓]

34. Tell us what is his name?
 → "his" (pronoun)
 []
- *35. Ask her I want to know whether that man did something to her she did not like?
 → "her" (pronoun)
 → "know" (cognitively inappropriate)
 → "whether" (age – inappropriate vocabulary)
 → "that man" (reflexive)
 → "something" (vague)
 → "her" (pronoun)
 → "she" (pronoun)
 → "not" (negative)
 [✓]
- *36. Now I am going to ask her now to tell us what is it that he did to her. Ask the child that she must tell us or she can show us with the dolls what it is that this man she saw on TV did to her she did not like?
 → "now" (implies conclusion)
 arrived at as result of calculation)
 → "her" (pronoun)
 → "us" (vague)
 → "he" (pronoun)
 → "her" (pronoun)
 → "she" (pronoun)
 → "us" (vague)
 → "or" (multichoice question)
 → "she" (pronoun)
 → "us" (vague)
 → "this man" (reflexive)
 → "she" (pronoun)
 → "her" (pronoun)
 → "she" (pronoun)
 → "not" (negative)
 [✓]
- *37. Okay, tell her she says that he put her on his bed. I want to know from her whose house was this where did it happen?
 → "her" (pronoun)
 → "she" (pronoun)
 → "he" (pronoun)
 → "put" (technical term)
 → "her" (pronoun)
 → "his" (pronoun)
 → "know" (cognitively inappropriate)
 → "her" (pronoun)
 → "this" (reflexive)
 → "it" (pronoun)
 → multiple/long question
 [✓]
38. I want to know from her, this house is it close to her house?
 → "I" (vague)
 → "know" (cognitively inappropriate)
 → "her" (pronoun)
 → "his" (pronoun)
 → "it" (pronoun)
 → "close" (difficult concept, cognitively inappropriate)

- "her" (pronoun)
[]
- *39. Is it far away from her house?
→ "it" (pronoun)
→ "far" (cognitively inappropriate)
→ "her" (pronoun)
[√]
- *40. Now if she says Sonty raped her, I want her to show us with the dolls what is it exactly Sonty did when she says he raped her.....?
→ "now" (implies conclusion arrived at as result of calculation)
→ "she" (pronoun)
→ "raped" (technical term)
→ "her" (pronoun)
→ "us" (vague)
→ "exactly" (age – inappropriate vocabulary)
→ "she" (pronoun)
→ "he" (pronoun)
→ "raped" (technical term)
[√]
41. Ask her to explain to us what it is he did when he was on top of her? Ask her to tell us what it is exactly he did when he was on top of her with his pants and her panties down?
→ "her" (pronoun)
→ "explain" (age – inappropriate vocabulary)
→ "us" (vague)
→ "he" (pronoun)
→ "he" (pronoun)
→ "on top" (vague)
→ "her" (pronoun)
→ "her" (pronoun)
→ "us" (vague)
→ "exactly" (age – inappropriate vocabulary)
→ "he" (pronoun)
→ "he" (pronoun)
→ "on top" (vague)
→ "her" (pronoun)
→ "his" (pronoun)
→ "her" (pronoun)
→ "panties" (plural)
→ multiple question
→ embedding
→ repeats question
[]
42. Yes?
→ incomplete question
[]
43. Yes?
→ incomplete question
→ repeats statement
[]
44. Yes?
→ incomplete question

- repeats statement
[]
- *45. Now I want her to explain to us when Sony was on top of her like she showed to us with the dolls. Did she feel any pain?
→ "now" (implies conclusion
arrived at as result of calculation)
→ "her" (pronoun)
→ "explain" (age – inappropriate
vocabulary)
→ "us" (vague)
→ "on top" (vague)
→ "her" (pronoun)
→ "she" (pronoun)
→ "us" (vague)
→ incomplete question
→ "she" (pronoun)
→ "any" (vague)
→ "pain" (vague – where?)
→ long question
[√]
- *46. Ask her to show us on her body where was the pain she felt. She can show us on her body where did she feel the pain?
→ "her" (pronoun)
→ "us" (vague)
→ "her" (pronoun)
→ "where was the pain" (pain usually not
localized – difficult to be accurate)
→ "she" (pronoun)
→ "she" (pronoun)
→ "us" (vague)
→ "on" (vague)
→ "her" (pronoun)
→ "she" (pronoun)
[√]
47. Yes?
→ incomplete question
[]
48. Yes?
→ incomplete question
→ repeats previous 'question'
[]
49. Ask her what hurt her stomach?
→ "her" (pronoun)
→ "what" (vague – causal link
difficult) []
50. What caused that pain? Who was making the pain? What made her feel the pain?
→ "caused" (age – inappropriate
vocabulary)
→ "that" (reflexive)
→ "her" (pronoun)
→ multiple questions
→ repetition
[]
- *51. Now ask her to look at the male doll. She took down the pants of the male doll. Ask her whether she can see the private parts of that doll?

- "her" (pronoun)
 → "she" (pronoun)
 → "her" (pronoun)
 → whether (age – inappropriate)
 vocabulary)
 → "she" (pronoun)
 → "private parts" (vague)
 → "that" (shifter)
 [✓]
- *52. Ask her whether she saw the private parts of Sonty?
 → "her" (pronoun)
 → "whether" (age – inappropriate)
 vocabulary)
 → "she" (pronoun)
 → "private parts" (vague)
 [✓]
53. What did he do with that private parts of his?
 → "he" (pronoun)
 → "that" (reflexive)
 → "private parts" (vague)
 → "his" (pronoun)
 → vague question
 []
- *54. If she said he raped her with it, she must show to us what did he do with that private part to her body and she can use the other doll to show us what he do with that private part?
 → "if" (hypothetical)
 → "she" (pronoun)
 → "he" (pronoun)
 → "raped" (technical term)
 → "her" (pronoun)
 → "it" (reflexive, vague)
 → "she" (pronoun)
 → "us" (vague)
 → "he" (pronoun)
 → "that" (reflexive)
 → "private part" (vague)
 → "her" (pronoun)
 → "she" (pronoun)
 → "us" (vague)
 → "he" (pronoun)
 → "that" (reflexive)
 → "private part" (vague)
 → long question
 → embedding
 [✓]

Cross examination

- *55. Treasure on that day when you went to Sonty's place, you were with Musamani, correct?
 → "that day" (reflexive)
 → "place" (vague)
 → "correct" (age – inappropriate)
 vocabulary and tag
 → complex syntax
 [✓]
- *56. And you went to fetch water together with this Musamani, correct?
 → "this" (shifter)
 → "correct" (age – inappropriate)
 vocabulary and tag

- question)
[√]
- *57. And after fetching that water you went back to Sonty's place together with Musamani to water the plants, correct?
- "after" (temporal)
 - "that water" (shifter)
 - "place" (vague)
 - "correct" (age – inappropriate)
- vocabulary and tag
- question)
- complex syntax [√]
- *58. Then thereafter Sonty gave you sweets and you and Musamani went to Musamani's home, correct?
- "thereafter" (age – inappropriate)
- vocabulary)
- "embedding"
 - "correct" (age – inappropriate)
- vocabulary and tag
- question)
- statement used as question [√]
- *59. Right, you were never alone with Sonty at his house, correct?
- "never" (negative)
 - "his" (pronoun)
 - "correct" (age – inappropriate)
- vocabulary and tag
- question)
- statement used as question [√]
- *60. Where was Musamani because all the time you were with Musamani?
- "where" (vague, location, when?)
 - "all the time" (cognitively inappropriate) [√]
61. Treasure, I put it to you that you are lying. After watering the plants you went to Musamani and started to play there?
- topic change
 - "put it" (technical term)
 - "lying" (cognitively inappropriate)
 - "after" (temporal)
 - "there" (reflexive)
 - multiple topics
 - statement voiced as question []
- *62. When you were still playing there, that is when Grace came to fetch you at Musamani's home?
- "there" (reflexive)
 - statement voiced as question [√]
- *63. And where did Grace take you to?
- [√]
- *64. To do what? Why did she come to fetch you there because you were playing?
- "what" (vague)
 - "why" (cognitively inappropriate)

- "she" (pronoun)
 → "there" (shifter)
 → multiple question [✓]
65. Why?
 → "why" (cognitively inappropriate) []
66. My question is why did they come to fetch you while you were playing at Musamani's home?
 → complex syntax
 → "why" (cognitively inappropriate)
 → "they" (pronoun)
 → embedding
 → cognitively inappropriate – asking why other people are doing something []
67. Treasure are you tired? Do you want a break?
 → "break" (age – inappropriate vocabulary)
 → multiple questions []

Court

68. Treasure, you must remember that you promised to tell us the truth, the whole truth and nothing else but the truth before we adjourned, is that correct?
 → "remember" (cognitively inappropriate)
 → "promised" (age – inappropriate vocabulary)
 → "us" (vague)
 → "truth" (cognitively inappropriate)
 → "whole" (technical term)
 → "truth" (cognitively inappropriate)
 → "truth" (cognitively inappropriate)
 → "before" (temporal)
 → "we" (vague)
 → "adjourned" (technical term)
 → "that" (reflexive, shifter)
 → "correct" (age – inappropriate vocabulary)
 → "is that correct" (tag question) []
69. No we are not through. Please bear with us, we are not yet through. Questions are going to be posed to you. You must just answer the questions posed to you. Do you understand?
 → "not" (negative)
 → "through" (age – inappropriate vocabulary)
 → "bear" (age – inappropriate vocabulary)
 → "us" (vague)
 → "not" (negative)
 → "through" (age – inappropriate vocabulary)
 → "going to be" (passive)
 → "posed" (age – inappropriate vocabulary and technical term)

→ "posed" (age – inappropriate
vocabulary and technical term)
→ understand (age – inappropriate
vocabulary)
→ "do you understand" (tag question)
[]

Cross examination continues

70. Treasure I am still on that question why did Grace came to fetch you while you were playing at Musamni's home?

→ "still on that question" (slang)
→ "that" (reflexive)
→ "why" (cognitively
inappropriate)
→ embedding
[X]

*71. Then what did Grace tell you on the way when she was accompanying you home?

→ "she" (pronoun)
→ "accompanying" (age – inappropriate
vocabulary)
→ embedding
→ "on the way" (vague)
[√]

*72. What did you tell her?

→ "her" (pronoun)
[√]

73. What about Mkwape?

→ topic change
→ incomplete question
→ question doesn't make sense
[]

*74. Then on your arrival at – let me just rephrase, I am sorry. Did they accompany you until you reached your home?

→ "arrival" (age – inappropriate
vocabulary)
→ "rephrase" (technical term)
→ "I" (vague)
→ "they" (vague)
→ "accompany" (age – inappropriate
vocabulary)
→ "reached" (age – inappropriate
vocabulary)
[√]

75. Where did they leave you?

→ "where" (vague)
→ "they" (pronoun, vague)
[√]

*76. Treasure you said that Mkwape and Grace came to fetch you at Musamani's home, was Musamani's grandmother at home?

→ topic change
→ "was home?" (tag question)
→ complex syntax
→ multiple question
[√]

*77. Did Grace and Mkwape told to Musamani's grandmother before they took you?

→ "before" (temporal)
→ they (pronoun)

- complex syntax
[√]
- *78. Did you hear what they were talking about?
→ "they" (pronoun)
[√]
- *79. Did you not hear what they were talking about?
→ "not" (negative)
→ "they" (pronoun)
[√]
- *80. But Treasure, I put it to you that if ever the accused raped you, you could not have after the rape, went to play. I am putting it to her that if ever the accused had raped her on that day, she could not have gone to play after the rape?
→ "put it" (technical term)
→ "if" (hypothetical)
→ "ever" (time)
→ "accused" (technical term)
→ "raped" (technical term)
→ "could not" (negative)
→ "after" (temporal)
→ "rape" (technical term)
→ "putting" (technical term)
→ "her" (pronoun)
→ "if" (hypothetical)
→ "accused" (technical term)
→ "raped" (technical term)
→ "her" (pronoun)
→ "she" (pronoun)
→ "could not" (negative)
→ "have gone" (passive)
→ "after" (temporal)
→ "rape" (technical term)
→ repeats statement
→ statement voiced as question
[√]
81. You are telling us a different story now. You said that after you left Sonty's home, you went to Musamani's home, to play.
→ "us" (vague)
→ "different" (age – inappropriate vocabulary)
→ "after" (temporal)
→ statement voiced as question
→ complex syntax
[]
- *82. And then thereafter Mkwape Grace came to fetch you and take you home, correct?
→ "thereafter" (age – inappropriate vocabulary)
→ "correct" (age – inappropriate vocabulary and tag question)
[√]
83. Then why are you telling us that after Sonty has finished with you, you went home?
→ "why" (cognitively inappropriate)
→ "us" (vague)
→ "after" (temporal)
→ complex syntax
[X]

84. I am not asking you where Sonty was. I am asking you why are you now telling us that after Sonty has finished raping you you went straight home?
- "not" (negative)
 - "why" (cognitively inappropriate)
 - "us" (vague)
 - "after" (temporal)
 - "raping" (technical term)
 - "straight" (age – inappropriate vocabulary)
 - complex syntax [X]
85. That is still not the answer that you are giving. That is not the answer to my question.
- "that" (vague, reflexive)
 - "not" (negative)
 - "that" (reflexive)
 - "not" (negative)
 - "my" (pronoun)
 - statement voiced as question []
- *86. Treasure it is Grace who told you that you should say that Sonty raped you, correct?
- "raped" (technical term)
 - "correct" (age – inappropriate vocabulary and tag)
 - statement voiced as question question) [√]
- *87. Who told you?
- incomplete question [√]
- *88. You say that you have been raped, but you said you were feeling pains on the stomach and on your hands, correct?
- "have been" (passive)
 - "raped" (technical term)
 - "correct" (age – inappropriate vocabulary and tag)
 - question)
89. Then maybe you can explain to us when you say that Sonty raped you, what exactly did he do to you besides making use of the dolls?
- "maybe" (age – inappropriate vocabulary)
 - "explain" (age – inappropriate vocabulary)
 - "us" (vague)
 - "raped" (technical term)
 - "exactly" (age – inappropriate vocabulary)
 - "he" (pronoun)
 - "besides" (preposition)
 - "making use" (age – inappropriate vocabulary)
 - complex syntax [X]
90. You have not. I am not satisfied.
- "not" (negative)
 - "not" (negative)
 - "satisfied" (age – inappropriate vocabulary)

- incomplete statement
→ statement voiced as question
[X]
- *91. What did he do to you? Show us.
→ "he" (pronoun)
→ "us" (vague)
[√]
92. And then?
→ incomplete question
→ statement voiced as question
[X]
93. I put it to you that you are lying to this court. Sonty never raped you?
→ "put it" (technical term)
→ "lying" (cognitively inappropriate)
→ "this court" (technical term)
→ "never" (negative)
→ "raped" (technical term)
[]
94. You were told by Grace to fabricate this thing. If you were raped you were raped by somebody else, not Sonty.
→ "were told" (passive)
→ "fabricate" (age – inappropriate vocabulary and technical term)
→ "this" (reflexive)
→ "thing" (vague)
→ "if" (hypothetical)
→ "raped" (technical term)
→ "raped" (technical term)
→ "not" (negative)
→ statement voiced as question
[]

Prosecutor intervenes court

Court

95. What is your response?
→ "response" (age – inappropriate vocabulary)
[]

Defence

96. Then when you reached your home you said that your clothes were taken off to take a bath. I hear you correctly?
→ topic change
→ "reached" (age – inappropriate vocabulary)
→ "your" (pronoun)
→ "were taken off" (passive)
→ "correctly" (age – inappropriate vocabulary)
→ embedding
[√]
- *97. Who? Who took off your clothes?
[√]
98. Did you tell your mother that you have been raped?
→ "have been raped" (passive)

- "raped" (technical term)
[]
99. Did she tell her mother that she has been raped?
→ "she" (pronoun)
→ "her" (pronoun)
→ "she" (pronoun)
→ "has been" (passive)
→ "raped" (technical term)
[]
- *100. Then when your mother was bathing you, did she inspect your private parts?
→ "she" (pronoun)
→ "inspect" (age – inappropriate vocabulary)
→ "private parts" (vague)
→ complex syntax
[√]
- Re-examination**
101. I just want to know when you said he raped you, you were alone with him in that room, is that correct?
→ "know" (cognitively inappropriate)
→ "he" (pronoun)
→ "raped" (technical term)
→ "him" (pronoun)
→ "in that room" (embedding)
→ "that" (shifter)
→ "correct" (age – inappropriate vocabulary)
→ "is that correct" (tag question)
→ complex syntax
[]
- *102. Pardon?
→ statement voiced as question
[√]
- *103. And after he raped you, did you go home or did you go and play?
→ "after" (temporal)
→ "he" (pronoun)
→ "raped" (technical term)
→ "or" (multichoice question)
→ not asked what she did first, both will be correct
[√]
- *104. Is it then when you met Grace?
→ "then" (reflexive)
[√]
105. Did Grace tell you to come and tell this court that you were raped or is it really what happened?
→ "court" (technical term)
→ "were raped" (passive)
→ "raped" (technical term)
→ "or" (multichoice question)
→ "it" (reflexive)
→ repeats last question
[]

TRANSCRIPT 5

S v Malatji
Case number: RC22/03
Gender: Female
Age: 10
Race: Black
Complainant: Ngomi Letsoalo
Charge: Rape
Intermediary: No

Court

Competency test

- *1. Your full names?
→ "full" (age – inappropriate
vocabulary) [√]
2. How old are you?
[]
- *3. Do you attend school?
→ "attend" (age – inappropriate
vocabulary) [√]
4. Where?
→ "where" (vague, location,
name?)
→ incomplete question
[]
- *5. In what standard are you?
[√]
- *6. Where do you stay?
→ "stay" (age – inappropriate
vocabulary) [√]
- *7. With who do you stay?
→ "stay" (age – inappropriate
vocabulary) [√]
8. Is that all?
→ "all" (contrastive term)
→ vague question
[X]
9. And what is the name of your teacher?
→ topic change
[]
- *10. Ngomi, do you know colours?
→ topic change
→ "know" (cognitively
inappropriate) [√]
- *11. Tell me the colour of the t-shirt that the social worker is wearing?
→ social worker (technical term)
[√]
12. Now, if I were to say to you that it is not white it is pink, will I be telling the truth or will I be lying?
→ "now" (implies conclusion
arrived at as result of
calculation)

- "if" (hypothetical)
→ "were to say" (passive)
→ "it" (reflexive)
→ "not" (negative)
→ "it" (reflexive)
→ "truth" (cognitively)
inappropriate)
→ "or" (multichoice question)
→ "lying" (cognitively)
inappropriate) []
- *13. What colour is that?
→ "that" (shifter, vague)
[√]
14. Now, if I say it is black, is it the truth?
→ "now" (implies conclusion)
arrived at as result of
→ "if" calculation)
→ "it" (hypothetical)
→ "it" (reflexive)
→ "truth" (reflexive)
(cognitively)
inappropriate)
- *15. Now the social worker is she a black woman or a white lady?
→ "now" (implies conclusion)
arrived at as result of
→ "social worker" calculation)
→ "she" (technical)
→ "or" (pronoun)
→ "lady" (multichoice question)
(age – inappropriate)
vocabulary) [√]
- *16. If I were to say to you that she is a white lady, will I be telling the truth?
→ "if" (hypothetical)
→ "were to say" (passive)
→ "she" (pronoun)
→ "lady" (age – inappropriate)
vocabulary)
→ "truth" (cognitively)
inappropriate) [√]
- *17. So you know what lies are?
→ "know" (cognitively)
inappropriate)
→ "lies" (cognitively)
inappropriate) [√]
- *18. Are you going to lie to us?
→ "lie" (cognitively)
inappropriate)
→ "us" (vague)
[√]
- *19. What are you going to tell us?
→ "us" (vague)
[√]
→ vague question
- *20. Yes, I see you are able to distinguish between truth and lies. Now I want you to speak the truth, the whole truth and nothing else but the truth. Do you understand?

→	"able"	(age – inappropriate
vocabulary)		
→	"distinguish"	(age – inappropriate
vocabulary)		
→	"truth and lies"	(cognitively
inappropriate)		
→	"now"	(implies conclusion
arrived at as result of		
		calculation)
→	"I"	(vague)
→	"truth"	(cognitively
inappropriate)		
→	"whole"	(technical term)
→	"truth"	(cognitively
inappropriate)		
→	"nothing else"	(vague)
→	"truth"	(cognitively
inappropriate)		
→	"understand"	(age – inappropriate
	vocabulary)	
→	"do you understand"	(tag question)
→	long question	
	[√]	

Examination in chief

*21.	Can she remember me?	
→	"she"	(pronoun)
→	"remember"	(cognitively
	inappropriate)	
→	"me"	(pronoun)
→	vague question	
	[√]	
*22.	Explain to her I am going to show her now a picture on the TV there in front of her.	
→	"explain"	(age – inappropriate
vocabulary)		
→	"her"	(pronoun)
→	"I"	(vague)
→	"her"	(pronoun)
→	"there"	(shifter)
→	"her"	(pronoun)
→	"thereher"	(embedding)
	[√]	
*23.	Ask her whether she knows that person appearing on TV now?	
→	"her"	(pronoun)
→	"whether"	(age – inappropriate
vocabulary)		
→	"she"	(pronoun)
→	"knows"	(cognitively
	inappropriate)	
→	"that"	(shifter)
→	"appearing"	(age – inappropriate
	vocabulary)	
	[√]	
*24.	Ask her whether she knows Sony?	
→	"her"	(pronoun)
→	"whether"	(age – inappropriate
vocabulary)		
→	"she"	(pronoun)
→	"knows"	(cognitively
inappropriate		
	[√]	

- *25. Where does he stay?
→ "he" (pronoun)
→ "stay" (age – inappropriate)
vocabulary) [√]
- *26. Where do you stay?
→ "stay" (age – inappropriate)
vocabulary) [√]
- *27. Have you seen Sonty before?
→ "before" (before what? -)
temporal) [√]
- *28. Ask her whether Sonty did something to her she did not like?
→ "whether" (age – inappropriate)
vocabulary)
→ "something" (vague)
→ "her" (pronoun)
→ "did not" (negative)
[√]
29. Can she tell us what it is Sonty did to her?
→ "us" (vague)
→ "it" (pronoun)
→ "her" (pronoun)
→ complex syntax
[]
- *30. Please tell us?
→ "us" (vague)
→ incomplete question
→ statement voiced as question
[√]
- *31. This 'draw' is that a cigarette?
→ "that" (reflexive)
[√]
- *32. So he asked her to go and buy him cigarettes?
→ "he" (pronoun)
→ "her" (pronoun)
→ "him" (pronoun)
→ statement voiced as a question
[√]
- *33. And then did you go and buy him that?
→ "him" (pronoun)
→ "that" (shifter)
[√]
- *34. Where did you get the money from to go and buy the cigarettes?
→ "where" (vague)
→ complex syntax
[√]
- *35. When you were finished buying the cigarettes did you go back to Sonty?
→ complex syntax
[√]
- *36. And then what happened when you came back?
→ "and then" (time)
→ complex syntax
[√]

- *37. Whose house was that?
→ "that" (shifter)
[√]
- *38. And what did the house look like? From what was it built of?
→ "it" (pronoun)
→ "look like" (cognitively inappropriate)
→ multiple question
[√]
- *39. And how many rooms has this house got?
[√]
- *40.. So is it one room?
→ "it" (pronoun)
[√]
- *41. Once you entered this room what happened?
→ "once" (age – inappropriate vocabulary)
→ "entered" (age – inappropriate vocabulary)
→ "this" (reflexive)
→ complex syntax
[√]
42. And when he did that, what did he do?
→ "he" (pronoun)
→ "that" (reflexive)
→ "he" (pronoun)
→ vague question
→ complex syntax
[X]
43. Why did he do that?
→ "why" (cognitively inappropriate)
→ "he" (pronoun)
→ "that" (reflexive)
[]
- *44. Were you making any noise?
[√]
- *45. So if I understand you correctly you were crying and then he put the radio very loud so that nobody can hear you crying?
→ "so" (connective)
→ "if" (hypothetical)
→ "understand" (age – inappropriate vocabulary)
→ "correctly" (age – inappropriate vocabulary)
→ "he" (pronoun)
→ complex syntax (tag at beginning of statement?)
[√]
- *46. When he put his penis into your vagina were you feeling any pain?
→ "he" (pronoun)
→ "his" (pronoun)
→ "penis" (age – inappropriate vocabulary)
→ "into" (preposition)

- "vagina" (age – inappropriate)
 vocabulary) → "feeling any pain" (vague)
 [✓]
- *47. When he was finished doing that did you go home?
 → "he" (pronoun)
 → "that" (reflexive)
 → complex syntax
 [✓]
- *48. So were you afraid of him?
 → "afraid" (age – inappropriate)
 vocabulary) → "him" (pronoun)
 → leading question
 [✓]
- *49. Did you tell anybody what happened?
 → "anybody" (age – inappropriate)
 vocabulary) → complex syntax
 [✓]
- *50. Were you afraid?
 → afraid (age – inappropriate)
 vocabulary) → leading question
 → incomplete question
 [✓]
51. What did you think Sonty is going to do if you tell anyone?
 → "if" (hypothetical)
 → "anyone" (age – inappropriate)
 vocabulary) → complex syntax
 []
52. I did not get you? I did not get the response, you were talking very softly.
 → "not" (negative)
 → "get you" (slang)
 → "not" (negative)
 → "response" (age – inappropriate)
 vocabulary) → statement voiced as question
 []
- *53. What did you think Sonty was going to do to you if you tell?
 → "if" (hypothetical)
 → complex syntax
 → incomplete question
 [✓]
- *54. Did you then at a later stage tell somebody eventually what Sonty did?
 → "then" (time)
 → "later stage" (age – inappropriate)
 vocabulary) → "eventually" (age – inappropriate)
 vocabulary) → "somebody" (vague)
 → embedding
 [✓]

- *55. Who did you tell?
[√]
- *56. Did you then go to the police?
→ "then" (time)
[√]
- *57. And did you go to the hospital so that the doctor can look at you?
→ multiple question
[√]
- *58. I want to know from you, can you remember inside the house of Sonty what did you see?
→ "know" (cognitively)
inappropriate)
→ "remember" (cognitively)
inappropriate)
→ "what" (vague)
→ complex syntax
[√]
- *59. You said there was a bed and there was a radio, what else did you see?
→ "there" (shifter)
→ "there" (shifter)
→ "what else" (vague)
→ embedding
[√]
- *60. Yes?
→ statement voiced as question
[√]
61. Thank you, explain to her that I have finished now and that Sonty's representative is going to ask her now questions as well.
→ "explain" (age – inappropriate vocabulary)
→ "her" (pronoun)
→ "finished" (vague – finished what?)
→ "representative" (technical term)
→ "her" (pronoun)
→ "as well" (age – inappropriate vocabulary)
[]

Cross examination

- *62. In your examination in chief you said that Sonty took off our dresses and our panties. Who was the other one?
→ "examination in chief" (technical term and age – inappropriate vocabulary)
→ "other one" (vague)
→ "our" (pronoun, vague)
[√]
- *63. When Sonty was raping you, Thoniso was also present? She saw everything?
→ "raping" (technical term)
→ "present" (age – inappropriate vocabulary)
→ "she" (pronoun)
→ "everything" (vague - how would she know?)
→ statement voiced as question
→ embedding

- multiple question
[✓]
- *64. So was Thoniso also raped in your presence?
→ "raped" (technical term)
→ "presence" (age – inappropriate vocabulary)
→ "was raped" (passive)
[✓]
- *65. Right, then you say that you were crying and then the radio was switched to a higher volume, correct?
→ "right" (irrelevant)
→ "switched" (age – inappropriate vocabulary)
→ "volume" (age – inappropriate vocabulary)
→ "correct" (age – inappropriate vocabulary and tag question)
→ embedding
→ complex syntax
[✓]
- *66. When did you stop crying?
→ "when" (cognitively inappropriate)
[✓]
- *67. So was there no one who ever asked you why you were crying?
→ "no one" (vague and negative)
→ "ever" (contrastive term)
→ "why" (cognitively inappropriate)
→ complex syntax
[✓]
- *68. And then what about Thoniso? What about Thoniso, was she also crying?
→ "about" (preposition)
→ repeats statement
→ "she" (pronoun)
→ incomplete question
[✓]
- *69. Do you know Grace Ramoredi?
→ topic change
→ "know" (cognitively inappropriate)
[✓]
- *70. Which side?
[✓]
- *71. Yes, that one, do you know her?
→ "that one" (shifter, vague)
→ "know" (cognitively inappropriate)
→ "her" (pronoun)
[✓]
- *72. After this incident occurred have Grace ever talked to you about this?
→ "after" (temporal)
→ "this" (reflexive)
→ "incident" (age – inappropriate vocabulary)
[✓]

- "occurred" (age – inappropriate)
- vocabulary
- "ever" (vague – time)
- "about" (preposition)
- "this" (reflexive)
- [√]
- *73. What about Spanner?
- topic change
- "about" (preposition)
- incomplete sentence
- [√]
- *74. Did you talk to him about – did he come to ask you about this incident?
- "him" (pronoun)
- "about" (preposition)
- "he" (pronoun)
- "about" (preposition)
- "this" (reflexive)
- "incident" (age – inappropriate)
- vocabulary)
- complex syntax
- [√]
- *75. Why did he come to you? Do you know why he especially did he come to ask about this?
- "why" (cognitively)
- inappropriate)
- "he" (pronoun)
- "know" (cognitively)
- inappropriate)
- "why" (cognitively)
- inappropriate)
- "he" (pronoun)
- "especially" (age – inappropriate)
- vocabulary)
- "he" (pronoun)
- "about" (preposition)
- "this" (reflexive)
- incomplete question
- multiple questions
- [X]
- *76. Ngomi, I put it to you that if ever you were raped, you were not raped by Sonty. It is Spanner who told you to say that Sonty raped you?
- "put it" (technical term)
- "if" (hypothetical)
- "ever" (time)
- "were raped" (passive)
- "raped" (technical term)
- "not" (negative)
- "raped" (technical term)
- "raped" (technical term)
- statement voiced as question
- [√]
77. When you were at Sonty's house, how many houses are there in that yard?
- topic change
- "that" (shifter)
- "houses" (vague)
- complex syntax
- [X]
- *78. In Sonty's yard, how many houses are there? Not the rooms.
- [√]

Re-examination

*79. Please ask her, when she was raped by Sonty, was there anybody else in the room watching and looking what Sonty did to her?

- "when" (temporal)
 - "she" (pronoun)
 - "she was raped" (passive)
 - "raped" (age – inappropriate)
- vocabulary)
- complex syntax
 - embedding
 - "her" (pronoun)
 - "anybody else" (vague)
- [✓]

*80.. And who was that person?

- "that" (reflexive)
- [✓]

*81. Who is Thoniso?

[✓]

*82. Do you know what is Thoniso's surname?

- "know" (cognitively inappropriate)
 - "surname" (age – inappropriate)
- vocabulary) [✓]

*83. Tell us?

- "us" (vague)
 - command
- [✓]

.....

TRANSCRIPT 6

S v Malatji
Case number: RC22/03
Gender: Female
Age: 8 years
Race: Black
Complainant: Modjaji Mamokhere
Charge: Rape
Intermediary: Yes

Court

Competency test

- *1. What are your full names?
→ "full" (age – inappropriate
vocabulary) [√]
- *2. Modjaji who?
→ "who" (vague)
→ incomplete question
[√]
- *3. How old are you Modjadji?
[√]
- *4. You attend school?
→ "attend" (age – inappropriate
vocabulary)
→ incomplete sentence
→ statement voiced as question
[√]
- *5. Where?
→ "where" (vague –location?
name?)
→ incomplete question
[√]
- *6. In what standard are you?
[√]
- *7. And who is your teacher?
[√]
8. And where do you come from?
→ topic change
→ "where" (vague)
→ "come from" (vague)
[]
- *9. With whom do you stay?
→ "with whom" (age – inappropriate
vocabulary)
→ "stay" (age – inappropriate
vocabulary)
→ complicated syntax
[√]
- *10. And who else?
→ "else" (vague)
→ incomplete question
- *11. You stay with your granny and father only?

- "stay" (age – inappropriate vocabulary)
- "only" (contrastive term)
- repeats answer
- statement voiced as question [✓]
- *12. Okay Modjaji, are you a boy or a girl?
- topic change
- "or" (multichoice question) [✓]
13. Now if I was to say you are a boy, would I be lying or would I be telling the truth?
- "now" (implies conclusion arrived at as result of calculation)
- "if" (hypothetical)
- "lying" (cognitively inappropriate)
- "or" (multichoice question)
- "truth" (cognitively inappropriate) []
- *14. If I were to say you were a boy will I be lying or will I be telling the truth?
- "if" (hypothetical)
- "lying" (cognitively inappropriate vocabulary)
- "or" (multichoice question)
- "truth" (cognitively inappropriate) [✓]
15. Why?
- "why" (cognitively inappropriate) [X]
16. Why do you say you are a girl?
- "why" (cognitively inappropriate)
- "say" (she didn't say it – deliberate confusing) [X]
17. You know a boy?
- "know" (cognitively inappropriate)
- "a" (vague; referring to whom)
- incomplete question []
18. Tell me of any boy you know?
- "any" (contrastive term)
- "know" (cognitively inappropriate)
- vague question []
- *19. If I were to say Oupa is a girl, will I be telling the truth or will I be lying?
- topic change
- "if" (hypothetical)
- "Oupa" (vague - who is Oupa?)
- "truth" (cognitively inappropriate)

→ "or" (multichoice question)
 → "lying" (cognitively)
 inappropriate) [✓]

20. Now Modjaji, I want you to tell us the truth today.
 → "now" (implies conclusion)
 arrived at as result of
 calculation)
 → "us" (vague)
 → "truth" (cognitively)
 inappropriate)
 → "today" (temporal)
 → statement voiced as question
 []

Examination in chief

21.the lady with the long dark hair spoke to her this morning.
 → "lady" (age – inappropriate)
 vocabulary)
 → "her" (pronoun)
 → "this morning" (temporal)
 []

TV switched on – interruption

22. Please ask the child whether that she knows that person on TV now?
 → "whether" (age – inappropriate)
 vocabulary)
 → "she" (pronoun)
 → "knows" (cognitively)
 inappropriate)
 → "that person" (shifter)
 → "now" (time – vague)
 []

*23. Do you know Zonti?
 → "know" (cognitively)
 inappropriate) [✓]

*24. How do you know him?
 → "how" (cognitively)
 inappropriate)
 → "know" (cognitively)
 inappropriate)
 → "him" (pronoun)
 [✓]

25. And where is that village?
 → "where" (vague)
 → "that" (reflexive and shifter)
 → "village" (age – inappropriate)
 vocabulary) []

*26. And what is the name of your village?
 → "your" (possessive pronoun)
 → "village" (age – inappropriate)
 vocabulary) [✓]

*27. Okay. I want to know from you whether Zont did something to you you did not like?
 → topic change
 → "know" (cognitively)
 inappropriate)

- "whether" (age – inappropriate vocabulary)
- "something" (vague)
- "not" (negative)
- embedding
- complex syntax [√]
- *28. I want you to explain to us what it is Zonti did to you?
→ "explain" (age – inappropriate vocabulary)
- "us" (vague)
- "it" (pronoun)
- complex syntax [√]
- *29. She can tell us.
→ "she" (pronoun)
- "us" (vague)
- statement voiced as question [√]
- *30. Yes, he did?
→ "he" (pronoun)
- statement voiced as question [√]
- *31. Yes?
→ statement voiced as question [√]
32. If you say he raped you, what did he do to your body?
→ "if" (hypothetical)
- "he" (pronoun)
- "raped" (technical term)
- "he" (pronoun)
- "body" (vague) [X]
- *33. Yes?
→ statement voiced as question. [√]
- *34. Now when Tatu took off his jockeys, did you see his private part?
→ "now" (implies conclusion arrived at as result of calculation)
- "his" (pronoun)
- "jockeys" (brand - vague)
- "his" (pronoun)
- "private part" (vague)
- complex syntax [√]
- *35. And what did he do with his private part?
→ "he" (pronoun)
- "his" (pronoun)
- private part (age – inappropriate vocabulary) [√]
- *36. But if you say he raped you with that private part, what did he do with it?
→ "if" (hypothetical)
- "he" (pronoun)
- "raped" (technical term)
- "that" (shifter)

- "private part" (age – inappropriate vocabulary)
- "he" (pronoun)
- "it" (pronoun)
- [√]
- *37. What did he put on your mouth?
→ "he" (pronoun)
[√]
- *38. So he closed your mouth with sello tape?
→ "he" (pronoun)
→ "closed" (vague)
→ statement voiced as question
- *39. Were you feeling any pain?
→ "any" (vague)
[√]
- *40. Did you cry?
[√]
- *41. And then, after he did that, then what?
→ "after" (temporal)
→ "he" (pronoun)
→ "that" (shifter)
→ "then what" (vague)
→ incomplete question
[√]
- *42. Did he do this to you only once or did it happen again?
→ "he" (pronoun)
→ "this" (shifter)
→ "or" (multichoice question)
→ "it" (pronoun)
→ "only" (contrastive)
[√]
- *43. What happened the second time?
→ "happened" (vague - rather what did Zonti do)
→ "time" (age – inappropriate vocabulary)
[√]
44. Yes okay?
→ statement voiced as question.
[]
- *45. Now were you scared of Zonti?
→ "now" (implies conclusion arrived at as result of calculation)
[√]
- *46. Did you tell anybody that Zonti raped you?
→ "raped" (technical term)
→ "anybody" (vague)
[√]
- *47. Did you tell her immediately or did you wait to tell her?
→ "her" (pronoun)
→ "immediately" (age – inappropriate vocabulary)
→ "or" (multichoice question)

- "wait" (vague)
 → "her" (pronoun)
 [✓]
- *48. Why did you not tell immediately?
 → "why" (cognitively inappropriate)
 → "not" (negative)
 → "immediately" (age – inappropriate vocabulary) [✓]
- *49. Did Zonti tell you anything?
 → "anything" (vague)
 → incomplete question [✓]
- *50. Is that why you did not tell immediately?
 → "why" (cognitively inappropriate)
 → "not" (negative)
 → "immediately" (age – inappropriate vocabulary) [✓]
- *51. Were you scared?
 [✓]
- *52. Did you think he was going to cut off your finger if you tell anybody?
 → "he" (pronoun)
 → "if" (hypothetical)
 → "anybody" (vague)
 → complex syntax
- *53. You told Sibongele's mother that Zonti raped you?
 → "raped" (technical term)
 → statement voiced as question
 → complex statement [✓]
- *54. Did you thereafter tell anybody else that you were raped?
 → "thereafter" (age – inappropriate vocabulary)
 → "anybody else" (vague)
 → "you were raped" (passive)
 → "raped" (technical term) [✓]
- *55. Who did you tell?
 → incomplete question [✓]
- *56. Is that Tiny?
 → incomplete question [✓]
- *57. Okay. Did you ever tell Tiny anything?
 → "ever" (temporal)
 → "anything" (vague) [✓]
- *58. What is the name of your sister?
 → topic change [✓]

59. Okay. Now I am going to give you dolls to play with, a male doll and a female doll. You told us that Zonti took out his penis and raped you, and I want you to show us now with the dolls what did he do with that?
- topic change
 - "now" (implies conclusion)
 - arrived at as result of calculation)
 - statement
 - "male" (age – inappropriate vocabulary)
 - "female" (age – inappropriate vocabulary)
 - "us" (vague)
 - "his" (pronoun)
 - "penis" (technical term)
 - "raped" (technical term)
 - "us" (pronoun)
 - "he" (pronoun)
 - "that" (reflexive)
- [X]
60. I want you to show us what did Zonti do with his penis?
- "show" (vague)
 - "us" (vague)
 - "his" (pronoun)
 - "penis" (technical term)
 - complex syntax
- []
61. I beg your pardon?
- "beg your pardon" (age – inappropriate vocabulary)
- []
- *62. She told us that Zonti took off his clothes and took off her clothes. Explain to her that she can show with the dolls exactly what Zonti did.
- "she" (pronoun)
 - "us" (vague)
 - "his" (pronoun)
 - "her" (pronoun)
 - statement
 - "explain" (age – inappropriate vocabulary)
 - "her" (pronoun)
 - "she" (pronoun)
 - "exactly" (age – inappropriate vocabulary)
 - irrelevant information
- [√]
- *63. Now ask her that penis she is showing now and the vagina of the doll, where did Zonti put that penis? Did he just leave it there on top like she is showing, or where did he put it?
- "her" (pronoun)
 - "that" (reflexive)
 - "penis" (technical term)
 - "she" (pronoun)
 - "vagina" (technical term)
 - "that" (reflexive)
 - "penis" (technical term)
 - "he" (pronoun)
 - "leave" (vague)
 - "it" (pronoun)
 - "on top" (vague, preposition)
 - and cognitively inappropriate)

→ "she" (pronoun)
 → "or" (multichoice question)
 → "he" (pronoun)
 → "it" (pronoun)
 → "put" (vague)
 → long, multiple question
 [√]

*64. And where does she show where was the penis?

→ "she" (pronoun)
 → "penis" (technical term)
 → multiple question
 [√]

*65. She said on top of the vagina, did he leave it there on top or did it go in?

→ "she" (pronoun)
 → "on top" (vague, preposition)
 and cognitively
 → "vagina" (inappropriate)
 (technical term)
 → "he" (pronoun)
 → "leave" (vague)
 → "it" (pronoun)
 → "there" (shifter)
 → "on top" (vague, preposition)
 and cognitively
 → "or" (inappropriate)
 (multichoice question)
 → "it" (pronoun)
 → "go in" (vague and
 preposition) [√]

*66. Is that what she is demonstrating?

→ "that" (shifter)
 → "she" (pronoun)
 → "demonstrating" (age – inappropriate
 vocabulary) [√]

Cross examination

*67. You say that Zonti raped you twice, correct?

→ "raped" (technical term)
 → "correct" (age – inappropriate
 vocabulary and tag
 → "twice" (question)
 (age – inappropriate
 vocabulary) [√]

68. If he did really rape you for the first time, why did you go back to him for the second time if he hurt you so much?

→ first second time (cognitively)
 inappropriate)
 → "if" (hypothetical)
 → "he" (pronoun)
 → "really" (age – inappropriate
 vocabulary)
 → "rape" (technical term)
 → "why" (cognitively)
 inappropriate)
 → "him" (pronoun)
 → "if" (hypothetical)
 → "much" (cognitively)
 inappropriate)

- multiple question
[X]
- *69. Yes that is your evidence, why did you not say that before, that he said you must come and?
→ "evidence" (technical term)
→ "why" (cognitively incorrect)
→ "not" (negative)
→ "that" (shifter)
→ "before" (temporal)
→ "he" (pronoun)
[√]
- *70. But the question is he hurt you for the first time as you say correct?
→ "he" (pronoun)
→ "first time" (cognitively inappropriate)
→ "as you say" (vague)
→ "correct" (age – inappropriate vocabulary and (tag question)
[√]
71. Then for the second time when he called you, why did you not run away?
→ "second time" (cognitively inappropriate)
→ "he" (pronoun)
→ "why" (cognitively inappropriate)
→ "not" (negative)
[]
- *72. You still have not answered my question, but I will leave it. Right, you said that for the first time Zonti sent you to buy BB?
→ "still" (temporal)
→ "not" (negative)
→ "my" (pronoun)
→ "it" (pronoun)
→ "first time" (cognitively inappropriate)
→ statement voiced as question
→ irrelevant information
[√]
- *73. At Madi's place, if I heard you correctly?
→ "place" (vague)
→ "if" (hypothetical)
→ "correctly" (age – inappropriate vocabulary) [√]
- *74. Then who sold you that BB?
→ peripheral matter
[√]
75. Who is Madi's uncle?
→ "who" (vague – what is uncle's name)
→ peripheral
[]
76. Okay. So then you came back and Zonti closed the door and started raping you.
→ embedding
→ "raping" (technical term)
→ "started" (vague)
→ statement voiced as question
[]

- *77. And you told the court that he took off your clothes and he also took off his clothes, correct?
 → "court" (technical term)
 → "he" (pronoun)
 → "he" (pronoun)
 → "his" (pronoun)
 → "correct" (age – inappropriate
 vocabulary and) tag question)
 [√]
78. Then Modjadji, you have got two dolls in front of you and you were told exactly what happened in that room. Why did you not do it with those dolls? I am not saying do it.
 → "then" (vague)
 → "were told" (passive)
 → "exactly" (age – inappropriate
 vocabulary)
 → "happened" (vague)
 → "that" (shifter)
 → statement voiced as question
 → "why" (cognitively
 inappropriate)
 → "not" (negative)
 → "it" (reflexive)
 → "those" (shifter)
 → "not" (negative)
 → "it" (pronoun)
 → statement
 [X]
79. I put it to you that it is because there is nothing that happened between you and Zonti you could have easily demonstrated it with the dolls.
 → "put it" (technical term)
 → "it" (pronoun)
 → "nothing" (negative)
 → "between" (preposition)
 → "demonstrated" (age – inappropriate
 vocabulary)
 → "it" (reflexive)
 → statement voiced as question
 [X]
- *80. And you further said that you were feeling pain, where were you feeling pains?
 → "further" (age – inappropriate
 vocabulary)
 → "where" (vague –can't
 conceptualise inner anatomy)
 → "pains" (plural)
 [√]
- *81. And you left Zonti's home, you were able to walk until home?
 → topic change
 → "home" (vague)
 → "able to" (age – inappropriate
 vocabulary) [√]
- *82. And even for the second time you were able to walk home?
 → "even" (age – inappropriate
 vocabulary)
 → "second time" (cognitively
 inappropriate)
 → "able to" (age – inappropriate
 vocabulary)

- "home" (vague)
[√]
- *83. What happened?
→ incomplete vague question
[√]
- *84. It is because you are lying.
→ "it" (pronoun)
→ "lying" (cognitively
inappropriate vocabulary))
→ statement voiced as question
[√]
- *85. Zonti never did anything to you?
→ "never" (negative)
→ "anything" (vague)
→ statement voiced as question
[√]
86. So tell us, between you and Zonti, who went to buy fishes?
→ topic change
→ "us" (vague)
→ "between" (preposition)
[X]
87. Fish?
→ repeats question
[]
88. Then why did you tell us that Zonti went to buy fish?
→ "why" (cognitively
inappropriate)
→ "us" (vague)
→ complex syntax
[]
- *89. And when he went to buy that fish where were you?
→ "he" (pronoun)
→ "that" (shifter)
→ embedding
→ complex syntax
[√]
- *90. Then when did you go to Zonti's home?
→ "when" (temporal)
[√]
- *91. You are lying to us?
→ "lying" (cognitively
inappropriate)
→ "us" (vague)
→ statement voiced as question
[√]
92. So tell me when did Spanner come to your home?
→ topic change
→ "when" (temporal)
[]
- *93. So you are the one who volunteered to tell Mama Sibongile that you have been raped?
→ topic change
→ "are the one" (embedding)
→ "volunteered" (age – inappropriate
vocabulary)

- "have been raped" (passive)
 → "raped" (technical term)
 → long question
 [√]
94. So when you were telling Sibongile's mother, were you not afraid then that Zonti will cut off your finger?
 → "when" (temporal)
 → "not" (negative)
 → "then" (time)
 → long question
 []
- *95. When did you take off the masking tape?
 → topic change
 → "when" (temporal)
 → "masking tape" (deliberately confusing)
 – not masking tape,
 sello tape and she
 never said she took it
 off)
 [X]
- *96. Modjadji I put it to you that if ever really you were raped, you were not raped by Zonti?
 → "put it" (technical term)
 → "if" (hypothetical)
 → "really" (age – inappropriate vocabulary)
 → "you were raped" (passive)
 → "raped" (technical term)
 → "were not" (negative)
 → "raped" (technical term)
 → statement voiced as question
 [√]
97. You were told to say that Zonti raped you?
 → "you were told" (passive)
 → "raped" (technical term)
 → statement voiced as question
 []

Re-examination

98. Zonti says that he didn't rape you, in other words that you are making a mistake as to who raped you. I want to know now from you did you know Zonti prior to when he raped you or did you get to know him on the day that he raped you?
 → "didn't" (negative)
 → "rape" (technical term)
 → "as to who" (age – inappropriate grammar)
 → "raped" (technical term)
 → "know" (cognitively inappropriate)
 → "know" (cognitively inappropriate)
 → "prior" (age – inappropriate vocabulary)
 → "raped" (technical term)
 → "or" (multichoice question)
 → "get to know" (age – inappropriate vocabulary)
 → "him" (pronoun)
 → "he" (pronoun)
 → "raped" (technical term)

- very long question
 - putting accused's version to child
- []

Objection from defence – discussion

99. Did you know Zonti from prior to the day that he raped you, or did you learn to know him on the day that he raped you?
- “know” (cognitively inappropriate)
 - “prior” (age – inappropriate vocabulary)
 - “he” (pronoun)
 - “raped” (technical term)
 - “or” (multichoice question)
 - “learn to know” (age – inappropriate vocabulary)
 - “him” (pronoun)
 - “he” (pronoun)
 - “raped” (technical term)
- []

Objection defence / prosecutor / court discussion

TRANSCRIPT 7

S v van Eeden
Case number: RC6/22/2003
Gender: Female
Age: 11
Race: White
Complainant: Hayley Bower
Charge: Indecent assault
Intermediary: No

Court

Competency Test

- *1. Hayley, how old are you?
[✓]
- *2. Hayley, do you attend school?
→ "attend" (age – inappropriate
vocabulary) [✓]
- *3. Which school do you go to?
→ "which" (vague – location?
name?) [✓]
- *4. 4. Which grade are you in?
[✓]
- *5. Hayley, do you know what it means to take the oath?
→ "know" (cognitively
inappropriate)
→ "it" (pronoun)
→ "take the oath" (technical term)
→ "oath" (cognitively/age –
inappropriate vocabulary)
[✓]
- *6. Alright, now Hayley, I would just like to put a few questions to you. Now you must just excuse my ignorance. I haven't been to school for a long, long time, so I have forgotten a lot of things. Can you just put up your right hand for me. Just put your right hand up in the air. Okay, alright. Now, if I tell you that that hand that you have just put up into the air, that there are seven fingers to that hand, would that be right or would it be wrong?
→ "now" (implies conclusion
arrived at as result of
calculation)
→ "put" (technical term)
→ "ignorance" (age – inappropriate
vocabulary)
→ "long, long time" (temporal)
→ "haven't" (negative)
→ "things" (vague)
→ "put up" (incomplete sentence)
→ "me" (pronoun)
→ "now" (implies conclusion
arrived at as result of
calculation)
→ "if" (hypothetical)
→ "or" (multichoice question)
→ long statement prior to question
[✓]
- *7. Why is that Hayley?

- "why" (cognitively inappropriate)
- "that" (shifter)
- [√]
- *8. There is only five. Now Hayley, do you have any sisters or brothers?
- topic change
- repeats answer
- "now" (implies conclusion arrived at as result of calculation)
- "or" (multichoice question)
- []
- *9. What is it that you have?
- "it" (reflexive)
- complex syntax
- [√]
- *10. Are they older or younger than you?
- "they" (pronoun)
- "older" (cognitively inappropriate)
- "or" (multichoice question)
- "younger" (cognitively inappropriate)
- "than" (preposition)
- [√]
- *11. Older than you. Now, lets take your sister. How old is she?
- "older than you" (repeats previous answer)
- "now" (implies conclusion arrived at as result of calculation)
- "lets" (vague)
- "take" (slang)
- statement
- "she" (pronoun)
- [√]
- *12. Sixteen?
- repeats answer
- statement voiced as question
- [√]
- *13. Now, does she have to do certain chores at home?
- topic change
- "now" (implies conclusion arrived at as result of calculation)
- "she" (pronoun)
- "certain" (vague)
- "chores" (age – inappropriate vocabulary)
- [√]
- *14. What does she have to do?
- she (pronoun)
- [√]
- *15. Clean up the house?
- repeats answer
- statement voiced as question
- [√]

- *16. And how often does she have to do that?
 → "often" (cognitively
 inappropriate)
 → "she" (pronoun)
 → "that" (shifter)
 [✓]
- *17. Every day?
 → repeats answer
 → statement voiced as question
 [✓]
18. And with what does she clean the house?
 → "what" (vague)
 → "she" (pronoun)
 [X]
- *19. Alright, now do you know the difference between right and wrong?
 → "now" (implies conclusion
 arrived at as result of
 calculation)
 → "know" (cognitively
 inappropriate)
 → "difference" (age – inappropriate
 vocabulary)
 → "and" (multichoice question)
 [✓]
- *20. Now, when I told you that you have seven fingers on your hand, was that right or was that wrong?
 → "now" (implies conclusion
 arrived at as result of
 calculation)
 → "or" (multichoice question)
 → that (shifter)
 [✓]
- *21. Alright, because you only have five?
 → incomplete question
 → statement voiced as question.
 [✓]
- *22. Okay now, what is your sister's name?
 → topic change
 → "now" (implies conclusion
 arrived at as result on
 calculation)
 [✓]
- *23. Nicole?
 → repeats answer
 → statement voiced as question
 [✓]
- *24. Now, have you been told at home or at school what the difference is between the truth and between lies?
 → "now" (implies conclusion
 arrived at as result of
 calculation)
 → "have you been told" (passive)
 → "or" (multichoice question)

- "difference" (age – inappropriate vocabulary)
- "between" (preposition)
- truth (cognitively inappropriate)
- "and" (multichoice question)
- "lies" (cognitively inappropriate) [✓]
- *25. Now, do you live with your mother or your father or both?
- topic change
- "now" (implies conclusion arrived at as result of calculation)
- "or" (multichoice question)
- "or" (multichoice question)
- [✓]
- *26. Both together?
- repeats answer
- statement phrased as question [✓]
- *27. Now, if Nicole tells your mother that she had done the dishes and that she had cleaned the house, but in fact she has'nt done that, would that be the truth or would it be a lie?
- "now" (implies conclusion arrived at as result of calculation)
- "if" (hypothetical)
- "she" (pronoun)
- "she" (pronoun)
- "in fact" (age – inappropriate vocabulary)
- "she" (pronoun)
- "has'nt" (negative)
- "that" (shifter)
- "that" (shifter)
- "truth" (cognitively inappropriate)
- "or" (multichoice)
- "lie" (cognitively inappropriate) [✓]
- *28. Now, what happens to her – to Nicole – if she tells lies to your mother?
- "now" (implies conclusion arrived at as result of calculation)
- "what happens" (vague)
- "her" (pronoun)
- "if" (hypothetical)
- "she" (pronoun)
- "lies" (cognitively inappropriate) [✓]
- *29. Okay, she gets shouted or she gets punished?
- "she" (pronoun)
- repeats answer
- statement voiced as question [✓]
- *30. How does she get punished?
- "how" (cognitively inappropriate)
- "she" (pronoun)

- "get punished" (passive)
[√]
- *31. Okay. Alright now Hayley, you have been asked to come to Court today, to come and tell us a little story.
- "have been asked" (passive)
→ "Court" (technical term)
→ "us" (vague)
→ "little story" (vague)
→ statement voiced as question
[√]
- *32. Now, you know the difference between right and wrong. You also know the difference between the truth and what is not the truth.
- "now" (implies conclusion
arrived at as result of
calculation)
→ "know" (cognitively
inappropriate)
→ "difference" (age – inappropriate
vocabulary)
→ "or" (multichoice question)
→ "know" (cognitively
inappropriate)
→ "difference" (age – inappropriate
vocabulary)
→ between (preposition)
→ "truth" (cognitively
inappropriate)
→ "is not" (negative)
→ "truth" (cognitively
inappropriate)
→ statements voiced as questions
[√]
- *33. I want you to whatever you tell us today, that it must be the truth, the whole truth and nothing but the truth. In other words, only something which you have seen for yourself or have heard for yourself, or that you have experienced yourself, not that you were told by somebody else to come and tell us here today. Do you understand that?
- "whatever" (vague)
→ "us" (vague)
→ "today" (temporal)
→ "it" (pronoun)
→ "truth" (cognitively
inappropriate)
→ "whole" (technical term)
→ "truth" (cognitively
inappropriate)
→ "truth" (cognitively
inappropriate)
→ "something" (vague)
→ "or" (multichoice question)
→ "or" (multichoice question)
→ "experienced" (age – inappropriate
vocabulary)
→ "not" (negative)
→ "you were told" (passive)
→ "somebody" (vague)
→ "us" (vague)
→ "understand" (age – inappropriate
vocabulary)
→ "that" (shifter)
→ long multiple statement
[√]

- *34. Alright, now you also have met Mr Phillip Nel, the Prosecutor in this case. Is that correct?
→ "now" (implies conclusion
arrived at as result of
calculation)
→ "prosecutor" (technical term)
→ "case" (technical term)
→ "that" (shifter)
→ "correct" (age – inappropriate
vocabulary)
→ "is that correct" (tag question)
[✓]
- *35. Now, Mr Nel will now put questions to you, asking you to tell us your story. Once he has finished with his questions, Mr Roelofse, who is with us in Court, will also be given an opportunity to put questions to you and I may also put questions to you.
→ "now" (implies conclusion
arrived at as result of
calculation)
→ "put" (technical term)
→ "us" (vague)
→ "he" (pronoun)
→ "us" (vague)
→ "Court" (technical term)
→ "be given" (passive)
→ "opportunity" (age – inappropriate
vocabulary)
→ "put" (technical term)
→ "put" (technical term)
→ long statement voiced as question
[✓]
- *36. Alright, so a lot of questions will be put to you. You must just listen carefully to these questions. If there is anything that you do not understand or perhaps something you want us to explain or repeat, you can just stop and say: "I am sorry, I don't understand" or whatever the case may be.
→ "will be" (passive)
→ "put" (technical term)
→ "these" (shifter)
→ "if" (hypothetical)
→ "anything" (vague)
→ "do not" (negative)
→ "understand" (age – inappropriate
vocabulary)
→ "or" (multichoice question)
→ "something" (vague)
→ "us" (vague)
→ "or" (multichoice question)
→ "repeat" (age – inappropriate
vocabulary)
→ "understand" (age – inappropriate
vocabulary)
→ "whatever" (vague)
→ "the case may be" (age – inappropriate
vocabulary) [✓]
37. Now just to explain to you a little what happens here in Court, you can probably not see us. If you can see us in Court, it is just basically our clients. Only the Court staff members are present here. Nobody else. In other words, no other people or strangers that you don't know. From the documents that were placed before me by Mr Nel, I can gather that what you have to tell us is perhaps of a sensitive nature – something that you may feel uncomfortable with or embarrassed, but I just want to give you the assurance that we deal with these kind of cases every day and you really do not have to be ashamed or scared or anything. Do you understand?

→	"now"	(implies conclusion
arrived at as result of		
→	"little"	calculation)
→	"court"	(contrastive)
→	"probably"	(technical term)
vocabulary)		(age – inappropriate
→	"not see"	(negative)
→	"us"	(vague)
→	"it"	(hypothetical)
→	"us"	(vague)
→	"court"	(technical term)
→	"it"	(pronoun)
→	"basically"	(age – inappropriate
vocabulary)		
→	"our"	(pronoun)
→	"clients"	(age – inappropriate
vocabulary and		
→	"court staff members"	technical term)
→	"present"	(technical term)
vocabulary)		(age – inappropriate
→	"here"	(reflexive)
→	"nobody"	(vague)
→	"or"	(multichoice question)
→	"don't"	(negative)
→	"know"	(cognitively
	inappropriate)	
→	"documents"	(age – inappropriate
	vocabulary)	
→	"placed"	(age inappropriate
	vocabulary and	
→	"me"	technical term)
→	"gather"	(vague)
vocabulary)		(age – inappropriate
→	"us"	(vague)
→	"perhaps"	(age – inappropriate
vocabulary)		
→	"sensitive"	(age – inappropriate
vocabulary)		
→	"nature"	(age – inappropriate
vocabulary)		
→	"something"	(vague)
→	"uncomfortable"	(age – inappropriate
vocabulary)		
→	"embarrassed"	(age – inappropriate
vocabulary)		
→	"assurance"	(age – inappropriate
vocabulary)		
→	"we"	(vague)
→	"deal"	(age – inappropriate
vocabulary)		
→	"cases"	(technical term)
→	"do not"	(negative)
→	"ashamed"	(age – inappropriate
vocabulary)		
→	"or"	(multichoice question)
→	"or"	(multichoice question)
→	"anything"	(vague)
→	"understand"	(age – inappropriate
	vocabulary)	
→	long statement	

→ tag question

[]

- *38. Alright, if you perhaps feel that you have been sitting there for too long or if you do not feel very comfortable – you perhaps want to go to the bathroom or just stretch your legs, you can just stop us and then we will help you.

→ “if” (hypothetical)
→ “perhaps” (age – inappropriate vocabulary)
→ “there” (shifter)
→ “too long” (cognitively inappropriate)
→ “or” (multichoice question)
→ “if” (hypothetical)
→ “do not” (negative)
→ “comfortable” (age – inappropriate vocabulary)
→ “perhaps” (age – inappropriate vocabulary)
→ “or” (multichoice question)
→ “stretch” (age – inappropriate vocabulary)
→ “us” (vague)
→ “we” (vague)
→ “help” (vague)
→ long statement voiced as requested
[✓]

39. You must just speak loud and clear please Hayley. Everything that you say and everything that is said here, is recorded by a recording machine, but the machine is not as good as you are. It cannot pick up when you just nod your head or just shake your head from side to side. Do you understand?

→ “everything” (vague)
→ “everything” (vague)
→ “is said” (passive)
→ “recorded” (technical term and age – inappropriate vocabulary)
→ “is not” (negative)
→ “it” (pronoun)
→ “cannot” (negative)
→ “pick up” (slang)
→ “or” (multichoice question)
→ “understand” (age – inappropriate vocabulary)
→ long statement
→ tag question
[]

Examination in chief

- *40. Now Hayley, you have told us that you are 11 years old. That’s correct, right?

→ “us” (vague)
→ “that’s” (reflexive)
→ “correct” (age – inappropriate vocabulary)
→ “right” (tag question)
[✓]

- *41. Now, when you were in grade 2, was that in 1999?

→ “now” (implies conclusion arrived at as result of calculation)
→ “that” (shifter)

- "1999" (temporal)
[√]
- *42. And where were you staying at that stage?
→ "where" (vague)
→ "staying" (age – inappropriate
vocabulary)
→ "that stage" (age – inappropriate
vocabulary) [√]
- *43. And did you know a Mr van Eeden?
→ "know" (cognitively
inappropriate) [√]
- *44. How did you come to know Mr van Eeden?
→ "how" (cognitively
inappropriate)
→ "come to know" (age – inappropriate
vocabulary) [√]
- *45. Do you know whether your families were friends?
→ "know" (cognitively
inappropriate)
→ "whether" (age – inappropriate
vocabulary)
→ "your" (vague)
[√]
- *46. And he has a daughter called Carla. Is that right?
→ "he" (pronoun)
→ "that" (shifter)
→ "is that right" (tag question)
[√]
- *47. And were you friends with her?
→ "her" (pronoun)
[√]
48. I see. Now,
→ "I" (vague)
→ "see" (vague)
→ "now" (implies conclusion
arrived at as result of
calculation)
[]

Intervention / Discussion / Prosecutor / Court / Defence

49. Now Hayley, you have a brother and a sister. That's correct?
→ topic change
→ "now" (implies conclusion
arrived at as result of
calculation)
→ "that" (reflexive)
→ "correct" (age – inappropriate
vocabulary)
→ "that's correct" (tag question)
[√]
- *50. What is your brother's name?
[√]
- *51. And how old is he? Do you know that?
→ "he" (pronoun)

- "know" (cognitively)
 inappropriate) → "that" (reflexive)
 → multiple question
 [✓]
- *52. I see. Now, you said that you know Mr van Eeden. Do you know whether he has a nickname?
 → "see" (vague)
 → "now" (implies conclusion)
 arrived at as result of calculation)
 cognitively
- "know" (cognitively)
 inappropriate) → "know" (cognitively)
 inappropriate) → "whether" (age – inappropriate)
 vocabulary) → "he" (pronoun)
 → "nickname" (age – inappropriate)
 vocabulary) [✓]
- *53. I see, and you say that you used to play at Carla's house?
 → "see" (vague)
 → "used to play at" (deliberately confusing)
 - she never said that)
 → leading question
 [✓]
- *54. And that you were friend's with Carla?
 → statement voiced as question
 [✓]
- *55. Now, did you ever sleep over at their house?
 → "now" (implies conclusion)
 arrived at as result of calculation)
 (time)
 → "ever" (pronoun)
 → "their" (pronoun)
 [✓]
- *56. Can you tell us how many times you slept over?
 → "us" (vague)
 → "how many" (cognitively)
 inappropriate) → incomplete question
 [✓]
- *57. Pardon?
 → "pardon" (age – inappropriate)
 vocabulary) [✓]
- *58. Yes, and did you enjoy sleeping over there?
 → "there" (vague – place)
 [✓]
- *59. Can you tell us why you say that?
 → "us" (vague)
 → "why" (cognitively)
 inappropriate) → "that" (reflexive)
 [✓]
- *60. Okay, now I am going to take you through and I will ask you questions and then I ask you to tell us about those times. Okay, I am going to ask you to take your time. Take a nice big deep

- breath. Think carefully and then tell us in your own words how this came about. You say, did it happen while you were sleeping over at Carla's house?
- "now" (implies conclusion)
- arrived at as result of
- "take you through" calculation)
- "us" (technical term)
- "those" (vague)
- "those times" (shifter)
- "us" (vague)
- "us" (vague)
- "how" (cognitively)
- inappropriate)
- "this" (shifter)
- "came about" (age – inappropriate)
- vocabulary)
- "it" (pronoun)
- long statement
- [√]
- *61. Now, I am going to ask you to just talk in short sentences or just a little bit and then I am going to say "stop" so that we can write the things down. Okay?
- "now" (implies conclusion)
- arrived at as result of
- "or" calculation)
- "then" (multichoice question)
- "we" (reflexive)
- "the things" (vague)
- "okay" (tag question)
- [√]
- *62. Right, okay, when you are ready would you begin?
- incomplete question
- [√]
- *63. Okay?
- statement voiced as question.
- [√]
- *64. Okay, hold on. Okay, you say that he carried you to the room?
- "hold on" (vague)
- "he" (pronoun)
- [√]
- *65. Who do you mean by "he"?
- [√]
- *66. And what room was he carrying you to?
- "he" (pronoun)
- [√]
- *67. Were you going to sleep in Carla's room?
- [√]
- *68. And what happened?
- [√]
- *69. Yes, now where did he touch you?
- "he" (pronoun)
- "where" (vague – on bed / on body?)
- [√]
- *70. Now, can you tell us: If you talk about your "private parts", are you talking about the place that you use if you wee-wee or the place that you go and do something else?

- "now" (conclusion arrived at
as result of calculation)
- "us" (vague)
- "if" (hypothetical)
- "or" (multichoice question)
- "something else" (vague)
- [√]
- *71. I see, and you say you were sleeping and he was carrying you?
→ "see" (vague)
→ "he" (pronoun)
→ statement voiced as question
[√]
- *72. Now do you know what made you wake up?
→ "now" (implies conclusion
arrived at as result of calculation)
→ "know" (cognitively
inappropriate) [√]
- *73. What was it?
→ "it" (pronoun)
→ incomplete question
[√]
- *74. Are you talking about the touching?
→ "incomplete question"
[√]
- *75. And was it sore that time?
→ "it" (pronoun)
→ "that" (shifter)
→ incomplete question
→ leading question
[√]
- *76. And what did you do?
→ incomplete question
[√]
- *77. Yes, and did you go to bed that night?
→ "that" (reflexive)
→ leading question
[√]
- *78. Now can you tell us what you were wearing – whether you were wearing anything at the time?
→ "now" (implies conclusion
arrived at as result of calculation)
→ "us" (vague)
→ "whether" (age – inappropriate
vocabulary)
→ "anything" (vague)
→ "at the time" (vague)
→ multiple question
[√]
79. I see. What sort of pajamas were they?
→ "see" (vague)
→ "sort of" (vague)
→ "they" (shifter and reflexive)
[]

80. Did they have legs on them?
 → "they" (reflexive and shifter)
 → "legs" (clumsy and vague)
 → "them" (preposition)
 → leading question
 []
- *81. I think you misunderstood me. Did they have Was it a one-piece pajama or was it a two-piece pajama?
 → "misunderstood" (age – inappropriate vocabulary)
 → "I me" (statement)
 → "did they have" (incomplete question)
 → "they" (reflexive)
 → "it" (pronoun)
 → "pajama" (single)
 → "or" (multichoice question)
 [✓]
- *82. Were you wearing panties that night?
 → "that" (shifter)
 → leading question
 [✓]
- *83. You say that uncle Spikkels touched you. Was it over your pajamas or under your pajamas?
 → "you you" (statement)
 → "it" (pronoun)
 → "pajamas" (plural)
 → "or" (multichoice question)
 [✓]
- *84. Did you see any blood after that happened?
 → "any blood" (vague)
 → "after" (temporal)
 → "that" (reflexive)
 → leading question
 [✓]
- *85. And were you able to tell what happened to you?
 → "able" (age – inappropriate vocabulary)
 → "happened" (vague)
 [✓]
- *86. Were you able to tell someone else what happened to you after that? I am talking about that occasion?
 → "able" (age – inappropriate vocabulary)
 → "someone" (vague)
 → "happened" (vague)
 → "after" (temporal)
 → "that" (shifter)
 → "about" (preposition)
 → "that" (shifter)
 → "occasion" (age – inappropriate vocabulary)
 → multiple questions
 [✓]
- *87. Can you tell us why not?
 → "us" (vague)
 → "why" (cognitively inappropriate)

- "not" (negative)
[√]
- *88. Why or what were you afraid of? Can you tell us?
→ "why" (cognitively
inappropriate)
→ "or" (multichoice question)
→ "what" (vague)
→ "us" (vague)
→ multiple question
[√]
- *89. Did he say why you must'nt tell anyone?
→ "he" (pronoun)
→ :why" (cognitively
inappropriate)
→ "must'nt" (negative)
→ "anyone" (vague)
[√]
- *90. Had anything like that ever happened to you before?
→ "anything" (vague)
→ "that" (shifter)
→ "ever" (temporal)
→ "before" (temporal)
[√]
- *91. I see. Now, did that ever happen You said it happened on two occasions. Did it happen ever again?
→ "see" (vague)
→ "now" (implies conclusion
arrived at as result of
calculation)
→ "that" (reflexive)
→ "ever" (temporal)
→ incomplete question
→ "youoccasions" (statement)
→ "occasions" (age – inappropriate
vocabulary)
→ "it" (pronoun)
→ "ever" (temporal)
→ multiple questions
[√]
- *92. Yes, and how did that happen?
→ "how" (cognitively
inappropriate)
→ "that" (shifter)
[√]
- *93. Okay, and now whose toilet were you at?
→ "at" (preposition)
[√]
- *94. Is that in Rowallan Park?
→ "that" (shifter)
→ incomplete question
[√]
95. Now, I want you to remember: We weren't there and I am going to ask you to tell us, as far as you possibly can, how this came about that he touched you and where he touched you. Okay?
→ "now" (implies conclusion
arrived at as result of
calculation)

- “remember” (cognitively inappropriate)
- “we” (vague)
- “were’nt” (negative)
- “there” (shifter)
- “us” (vague)
- “as far as” (cognitively inappropriate)
- “possibly” (age – inappropriate vocabulary)
- “how” (cognitively inappropriate)
- “this” (reflexive)
- “came about” (age – inappropriate vocabulary)
- “he” (pronoun)
- “where” (vague – body? location?)
- “he” (pronoun)
- “okay” (statement voiced as question)
- long statement
- []
- *96. Okay, you say that you went to the toilet?
→ statement voiced as question
[√]
- *97. Okay, right. You say that you were busy weeing and he came in.
→ “he” (pronoun)
→ statement voiced as question
[√]
- *98. Is there a door to this toilet?
→ “this” (reflexive)
→ complex syntax
[√]
- *99. Was the door left open or was it closed?
→ “or” (multichoice question)
→ “it” (pronoun)
[√]
- *100. Where did he touch you?
→ “where” (vague)
→ “he” (pronoun)
[√]
- *101. Are you talking about What do you call your private part – that private part?
→ “areabout” (incomplete question)
→ “that” (shifter)
[√]
- *102. Is that what you call it – your “cookie”?
[√]
- *103. I see. Is that what you use for weeing with?
→ “see” (vague)
→ “that” (reflexive)
[√]
- *104. And you say he was standing when he touched you there?
→ “he” (pronoun)
→ “he” (pronoun)

- "there" (reflexive)
→ statement voiced as question
[✓]
- *105. Yes, and did it end there?
→ "it" (pronoun)
→ "there" (swifter)
[✓]
- *106. Did he touch you every time on the same place?
→ "he" (pronoun)
→ "everytime" (temporal)
→ "on" (preposition)
→ "same place" (vague)
[✓]
- *107. Did you feel sore then?
→ "then" (reflexive)
→ leading question
[✓]
- *108. And did you see any blood?
→ "any" (vague)
→ incomplete question (when?)
→ leading question
[✓]
- *109. Where was the blood coming from?
[✓]
- *110. And did it get onto any of your clothes?
→ "it" (pronoun)
→ "onto" (preposition)
→ "any" (vague)
[✓]
- *111. What clothes did it get onto?
→ "it" (pronoun)
→ "onto" (preposition)
[✓]
- *112. Did you do anything about it getting onto your panty?
→ "do" (vague)
→ "anything" (vague)
→ "about" (preposition)
→ "it" (pronoun)
→ "onto" (preposition)
[✓]
- *113. I see. Did'nt you want anyone to know about it?
→ "see" (vague)
→ "did'nt" (negative)
→ "anyone" (vague)
→ "know" (cognitively inappropriate)
→ "about" (preposition)
→ "it" (pronoun)
→ leading question
[✓]
- *114. Now, you say he told you not to tell anyone?
→ "now" (implies conclusion
arrived at as result of calculation)

- "he" (pronoun)
→ "not" (negative)
→ "anyone" (vague)
→ statement voiced as question
[✓]
- *115. Did he say why you must'nt tell anyone?
→ "he" (pronoun)
→ "why" (cognitively)
inappropriate)
→ "must'nt" (negative)
→ "anyone " (vague)
[✓]
- *116. Now, is that all that ever happened to you, that you can remember?
→ "now" (implies conclusion)
arrived at as result of
calculation)
→ "that" (reflexive)
→ "all" (contrastive)
→ "ever" (temporal)
→ "remember" (cognitively)
inappropriate)
→ multiple question
[✓]
- *117. Did you or do you know how the people find out about this?
→ "or" (multichoice question)
→ "know" (cognitively)
inappropriate)
→ "how" (cognitively)
inappropriate)
→ "the people" (vague)
→ "about" (preposition)
→ "this" (shifter)
[✓]
- *118. Was it a long time after this happened to you or just a little while after?
→ "it" (preposition)
→ "long time" (cognitively)
inappropriate)
→ "after" (temporal)
→ "this" (reflexive)
→ "or" (multichoice question)
→ "little while" (temporal – cognitively)
inappropriate)
→ "after" (temporal)
[✓]
- *119. Now I know it is a long time ago and if you can, was it just a little while after – about two weeks – or a month or can't you tell us?
→ "now" (implies conclusion)
arrived at as result of
calculation)
→ "know" (cognitively)
inappropriate)
→ "long time" (temporal – cognitively)
inappropriate)
→ "if" (hypothetical)
→ "it" (pronoun)
→ "little while" (temporal – cognitively)
inappropriate)
→ "after" (temporal)
→ "or" (multichoice question)

- "or" (multichoice question)
 → "can't" (negative)
 → "us" (vague)
 [✓]
- *120. I see. Now, you say that it came out when you went to stay at Tobago Place?
 → "see" (vague)
 → "now" (implies conclusion)
 arrived at as result of
 calculation)
 → "it" (reflexive)
 → "stay" (age – inappropriate)
 vocabulary)
 → statement voiced as question
 [✓]
- *121. Is that in Cotswold?
 → "that" (shifter)
 [✓]
- *122. Did it came out on a weekend? Did the people find out over a weekend?
 → "it" (reflexive)
 → "on" (preposition)
 → "people" (vague)
 → "over" (preposition)
 → multiple question
 → leading question
 [✓]
- *123. I see, and as a result of it coming out, did you go to see a doctor?
 → "see" (vague)
 → "as a result" (age – inappropriate)
 vocabulary)
 → "it" (pronoun)
 → word order clumsy
 [✓]
- *124. Did the doctor examine you?
 → "examine" (age – inappropriate)
 vocabulary) ✓]
- *125. Who took you to the doctor?
 [✓]
- *126. Now, you say that you used to play at Carla's house. Correct?
 → topic change
 → "now" (implies conclusion)
 arrived at as result of
 calculation)
 → "correct" (age – inappropriate)
 vocabulary and tag
 question)
 [✓]
- *127. Did Carla's house have a swimming pool?
 [✓]
- *128. Did you people have a swimming pool?
 → "you people" (vague)
 [✓]
- *129. And the swimming pool, when you stayed in Rowallan Park?
 → incomplete question
 [✓]

- *130. Did you have a swimming pool there?
→ "there" (vague)
[√]
- *131. Did anyone else in the neighbourhood have a swimming pool?
→ "anyone" (vague)
→ "neighbourhood" (age – inappropriate
vocabulary) [√]
- *132. Who else had a swimming pool?
→ "who else" (vague)
[√]
- *133. I see. Can you describe this person?
→ "see" (vague)
→ "describe" (age – inappropriate
vocabulary)
→ "this" (shifter)
[√]
- *134. I see, and who used to go and swim there? Do you know?
→ "see" (vague)
→ "there" (vague)
→ "know" (cognitively
inappropriate)
→ multiple question
[√]
- *135. And that was in spite of having a swimming pool yourselves?
→ "in spite of" (age – inappropriate
vocabulary)
→ "yourselves" (pronoun)
→ statement voiced as question
[√]

Court

- *136. Who is Francois Hayley? Francois, who is that?
→ multiple question
[√]

Prosecutor

- *137. Francois, is he older than you or not?
→ "or" (multichoice question)
→ "not" (negative)
→ "than" (preposition)
[√]
- *138. Now, if I think about things, it seems that you were the youngest of the lot? Is that correct?
→ "now" (implies conclusion
arrived at as result of
calculation)
→ "if" (hypothetical)
→ "things" (vague)
→ "that" (reflexive)
→ "correct" (age – inappropriate
vocabulary)
→ "is that correct" (tag question)
[√]
- *139. And did you like Carla?
[√]

- *140. Would she have been like a big sister to you?
 → “been like a big sister” (cognitively
 inappropriate) [√]
- *141. Because if I am correct, she is older than even Nicole, your older sister?
 → “if” (hypothetical)
 → “correct” (age – inappropriate
 vocabulary)
 → “she” (pronoun)
 → “older” (cognitively
 inappropriate)
 → statement voiced as question
 [√]
- *142. Now, when you first met uncle Spikkels, did you like him?
 → topic change
 → “now” (implies conclusion
 arrived at as result of
 calculation)
 → “him” (pronoun)
 [√]
- *143. And do you still like him?
 → “him” (pronoun)
 [√]
- *144. Why is that?
 → “why” (cognitively
 inappropriate)
 → “that” (incomplete sentence)
 → “that” (reflexive)
 [√]
- *145. I see. So to recap then, you say that you only slept twice at his house. Is that correct?
 → “see” (vague)
 → “recap” (slang)
 → “his” (pronoun)
 → “correct” (age – inappropriate
 vocabulary)
 → “is that correct” (tag question)
 → complex syntax
 [√]
- *146. Do you know if anyone else ever slept there or not?
 → “know” (cognitively
 inappropriate)
 → “anyone else” (vague)
 → “there” (shifter, reflexive)
 → “or” (multichoice question)
 → “not” (negative)
 [√]
- *147. When uncle – as you say uncle Spikkels touched you when he was carrying you from the couch to the room, to the bedroom, you say that you wake up with him touching you?
 → embedding
 → “he” (pronoun)
 → “him” (pronoun)
 → long statement voiced as question
 → complex syntax
 [√]
- *148. Would you know where Carla was at that stage?
 → would you know (passive)

→ "know" (cognitively
inappropriate)
→ "at that stage" (age - inappropriate
vocabulary)
→ incomplete sentence
[√]

*149. I see. Who was the first person you told about these things that happened to you?

→ "see" (vague)
→ "these things" (reflexive)
[√]

*150. Is that Nicole?

[√]

*151. And when did you first tell her?

→ "her" (pronoun)
[√]

*152. When you were in grade 2, about how old were you?

→ "about" (preposition)
[√]

Court

*153. Hayley, the first incident when you were carried by uncle Spikkels, you said you had your pajamas – you had on. They were new that mommy bought you.

→ "incident" (age – inappropriate
vocabulary)
→ "you were carried" (passive)
→ embedding
→ "they" (reflexive, pronoun)
→ statement voiced as question
[√]

*154. Now you also said that it was a one-piece. What do you mean by a one-piece? Wat it like a dress or was it like a suit with pants?

→ "now" (implies conclusion
arrived at as result of
calculation)
→ "it" (reflexive, pronoun)
→ statement (irrelevant information)
→ "it" (reflexive)
→ "or" (multichoice question)
→ "it" (pronoun)
→ multiple question
[√]

*155. Like a dress. Was it like a long dress or was it like shorties?

→ repeats answer
→ "it" (pronoun)
→ "or" (multichoice question)
→ "it" (pronoun)
→ "shorties" (confusing – short
dress)
[√]

*156. Under your knees. Now you also said that after that incident – that was now when you were wearing the pajamas – when you were carried, that uncle Spikkels said you must not tell anyone, when did he tell you that?

→ "now" (implies conclusion
arrived at as result of
calculation)
→ "after" (temporal)

→	"incident"	(age – inappropriate
	vocabulary)	
→	"thatpajamas"	(embedding)
→	"when carried"	(embedding and
	passive)	
→	"must not"	(negative)
→	"anyone"	(vague)
→	"when"	(cognitively
	inappropriate)	
→	"he"	(pronoun)
→	"that"	(reflexive)

[√]

*157. So it was during that same period that he carried you to the room, that he said that?

→	"it"	(pronoun)
→	"period"	(cognitively
	inappropriate)	
→	"he"	(pronoun)
→	"he"	(pronoun)
→	statement voiced as question	

[√]

*158. What do you mean? You didn't mention in what statement?

→	"didn't"	(negative)
→	"mention"	(age – inappropriate
	vocabulary)	
→	"statement"	(technical term and
	age – inappropriate	

vocabulary)

[√]

*159. Was that now the same date as the toilet incident?

→	"that"	(reflexive)
→	"date"	(temporal)
→	"incident"	(age – inappropriate
	vocabulary)	
	[√]	

*160. So just say again?

→	statement voiced as question	
→	vague	(say what?)
	[√]	

*161. Now can you still remember this incident of the kissing, did this now happen before or after the toilet incident?

→	"now"	(implies conclusion
	arrived at as result of	
		calculation)
→	"remember"	(cognitively
	inappropriate)	
→	"this"	(shifter)
→	"incident"	(age – inappropriate
	vocabulary)	
→	"this"	(reflexive)
→	"before"	(temporal)
→	"or"	(multichoice question)
→	"after"	(temporal)
→	"incident"	(age – inappropriate
	vocabulary)	
	[√]	

*162. Now you said that you were moving. I don't quite follow what you say "you were moving". What do you mean by that? Were you in the process, on that specific day, of moving or what do you actually mean?

→	"now"	(implies conclusion
	arrived at as result of	

- statement calculation)
→ "don't" (negative)
→ repetition of information
→ "follow" (age – inappropriate vocabulary)
→ "that" (reflexive)
→ "process" (age – inappropriate vocabulary)
→ "on that specific day" (embedding)
→ "specific" (age – inappropriate vocabulary)
→ "or" (multichoice question)
→ "actually" (age – inappropriate vocabulary) [√]
- *163. On that day or was it just in that period, at that time period?
→ "that day" (shifter)
→ "or" (multichoice question)
→ "it" (pronoun)
→ "in that period" (temporal, cognitively inappropriate)
→ "that time period" (temporal, cognitively inappropriate)
→ incomplete question [√]
- *164. Hayley, I will now give Mr Roelofse an opportunity to put questions to you, but before we start with that, are you still okay to continue or would you like us to adjourn for a while?
→ "opportunity" (age – inappropriate vocabulary)
→ "put" (technical term)
→ "before" (temporal)
→ "we" (vague)
→ "that" (reflexive shifter)
→ "continue" (age – inappropriate vocabulary)
→ "or" (multichoice question)
→ "us" (vague)
→ "adjourn" (technical term and age – inappropriate vocabulary)
→ "while" (time and cognitively inappropriate) [√]
165. Would you like to have a break. Alright, you can just sit down there. I will ask the kind lady to come and assist you again and then we will start in about 10 to 15 minutes again.
→ "would break" (repeats answer)
→ "there" (shifter)
→ "lady" (age – inappropriate vocabulary)
→ "assist" (age – inappropriate vocabulary)
→ "we" (vague)
→ long statement voiced as question []
166. If you can just, Hayley, keep away from the other witnesses. I do not know who else is out there and perhaps Mr Nel can also just give an indication and not speak to anybody about the case in the meantime and then we can start with your evidence again and we can see how soon we can finish with it.
→ "if" (hypothetical)
→ "keep away" (age – inappropriate vocabulary)

→	"witnesses"	(technical term)
→	"do not"	(negative)
→	"know"	(cognitively)
inappropriate)		
→	"who else"	(vague)
→	"out there"	(slang, vague – out
where?)		
→	"indication"	(age – inappropriate
vocabulary)		
→	"not"	(negative)
→	"anybody"	(vague)
→	"case"	(technical term)
→	"meantime"	(time – vague)
→	"we"	(vague)
→	"evidence"	(technical term and
age inappropriate		
		vocabulary)
→	"we"	(vague)
→	"see"	(vague)
→	"soon"	(temporal)
→	"we"	(vague)
→	"it"	(pronoun)
→	long statement voiced as question	
	[]	

*167. Hayley, are you okay. Can we proceed now?

→	"we"	(vague)
→	"proceed"	(age – inappropriate
vocabulary)		
→	multiple question	
	[√]	

*168. Hayley, the position is the same as before. Only the truth, the whole truth and nothing but the truth. Do you understand?

→	"position"	(age – inappropriate
vocabulary)		
→	"before"	(temporal)
→	"truth"	(cognitively)
	inappropriate)	
→	"whole"	(technical term)
→	"truth"	(cognitively)
	inappropriate)	
→	"truth"	(cognitively)
	inappropriate vocabulary)	
→	"understand"	(age – inappropriate
	vocabulary)	
→	"do you understand"	(tag question)
	[√]	

Cross examination

169. Hayley, can you just tell us again: How did this thing came out in the open – this thing that uncle Spikkels has done to you?

→	"us"	(vague)
→	"how"	(cognitively)
	inappropriate)	
→	"this thing"	(vague)
→	"came out"	(slang)
→	"this thing"	(reflexive)
	[X]	

*170. You told the Court what happened to you – that uncle Spikkels touched you?

→	"court"	(technical term)
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- statement voiced as question
[√]
- *171. On two occasions. Right?
→ "occasions" (age – inappropriate vocabulary)
→ statement voiced as question
→ "right" (tag question)
[√]
- *172. And that he only touched you on two occasions. Right?
→ "he" (pronoun)
→ "only" (contrastive)
→ "occasions" (age – inappropriate vocabulary)
→ statement voiced as question
→ "right" (tag question)
[√]
173. Now, is it also so that you didn't tell your mom and you didn't tell your sister?
→ "now" (implies conclusion arrived at as result of calculation)
→ "it" (pronoun)
→ "didn't" (negative)
→ "didn't" (negative and deliberately confusing)
→ multiple question
[X]
- *174. Ja, but how did it came about that your mother came to know from this?
→ "how" (cognitively inappropriate)
→ "came about" (age – inappropriate vocabulary)
→ "came to know" (age – inappropriate vocabulary)
→ "this" (reflexive, shifter)
[√]
- *175. Yes?
→ statement phrased as question
[√]
- *176. Ja?
→ statement phrased as question
[√]
- *177. Watched a movie?
→ "watched movie" (repeat previous answer)
→ no question
[√]
- *178. They were thinking it was "Idle Hands"?
→ whole statement (repeat previous answer)
[√]
- *179. What type of a movie was that?
→ "that" (reflexive shifter)
[√]
- *180. It wasn't a sex movie, was it?
→ "it" (pronoun)
→ "wasn't" (negative)

- "sex" (cognitively inappropriate)
- "it" (pronoun)
- "was it?" (tag question)
- *181. Oh, what movie did they have there?
- "they" (pronoun)
- "there" (shifter)
- [√]
- *182. Sorry, where was this movie now?
- "this" (reflexive)
- vague
- [√]
- *183. Sorry, did they have the one movie, Idle Hands?
- "they" (pronoun)
- [√]
- *184. The movie that they were watching?
- "they" (pronoun)
- incomplete question
- [√]
- *185. Ja, ja. Just slowly. So, by mistake – do you understand what I am saying?
- "ja.....slowly" (statement)"
- "understand" (age – inappropriate vocabulary)
- incomplete question
- [√]
- *186. By mistake they put a sex movie on the video. Is that what you are saying to the Court?
- "they" (pronoun)
- "sex movie" (age – inappropriate vocabulary)
- "on" (preposition)
- "that" (shifter)
- "court" (technical term)
- [√]
- *187. Ja?
- statement voiced as question
- [√]
- Court**
- *188. So, did they actually want to watch this "Idle Hands" movie?
- "they" (pronoun)
- "actually" (age – inappropriate vocabulary)
- "this" (shifter)
- [√]
189. It was something else?
- "it" (pronoun)
- "something" (vague)
- statement voiced as question
- []
- *190. And I see that as you try and show with your hands, was that now putting it into the video machine?
- "see" (vague)
- "that" (reflexive)
- "it" (preposition)
- [√]

Defence

- *191. Okay, they put it into the video machine and you were also there?
 → "they" (pronoun)
 → "it" (pronoun)
 → "there" (place – vague)
 [√]
- *192. You had to watch?
 → "you watch" (repeats previous answer)
 → incomplete question
 [√]
- *193. To see if they weren't doing anything wrong?
 → "if" (hypothetical)
 → "they" (pronoun)
 → "were'nt" (negative)
 → "anything" (vague)
 [√]
- *194. So your mother gave you the duty to oversee over your bigger sister and brother?
 → "duty" (age – inappropriate vocabulary)
 → "oversee" (age – inappropriate vocabulary)
 → "over" (preposition)
 [√]
- *195. And you had to tell your mother if they did something wrong?
 → "if" (hypothetical)
 → "they" (pronoun)
 → "something" (vague)
 [√]
- *196. I see, and then you saw them putting in the sex movie and when your mother came home, your mother asked you what they did. Right?
 → "see" (vague)
 → "then" (pronoun)
 → "sex movie" (age – inappropriate vocabulary)
 → "they" (pronoun)
 → "right" (tag question)
 [√]
- *197. And then you said to your mother: "they were watching a sex movie?"
 → "they" (pronoun)
 → "sex movie" (age – inappropriate vocabulary)
 → statement voiced as question
 [√]
198. And then your mother asked you: "what is a s. movie"? and you said to your mother: "it is a sex movie". Right?
 → "s. movie" (vague)
 → "it" (pronoun)
 → "sex movie" (age – inappropriate vocabulary)
 → "right" (tag question)
 []
- *199. Alright, so you knew all about s. movies and sex movies, at that point in time?

- "s. movies" (vague)
→ "sex movies" (age – inappropriate)
vocabulary)
→ "that" (reflexive shifter)
→ "point in time" (age – inappropriate)
vocabulary)
→ statement voiced as question
[√]
200. Ja, okay and when was that?
→ "when" (cognitively)
inappropriate)
→ "that" (reflexive, vague)
→ incomplete question
[]
- *201. Was that in 2001?
→ "that" (reflexive)
→ "2001" (time)
→ incomplete question
[√]
- *202. What grade were you in then?
→ "then" (reflexive)
→ incomplete question
[√]
- *203. Okay, and after this incident with the movie, your mother told your father?
→ "after" (temporal)
→ "this" (reflexive shifter)
→ "incident" (age – inappropriate)
vocabulary)
→ statement voiced as question
[√]
- *204. That your sister and your brother were naughty. Right?
→ statement voiced as question
→ "right" (tag question)
[√]
- *205. Watching a blue movie?
→ "blue movie" (age – inappropriate)
vocabulary))
→ statement voiced as question
[√]
- *206. Ja, and then your father came and gave them a good talking?
→ "them" (pronoun)
→ "good talking" (vague, slang)
[√]
- *207. And your sister was crying?
→ statement voiced as question
→ incomplete question
[√]
- *208. And the next day your sister told your mother: "look, it was'nt the first time I saw this type of movie. I saw it at Spikkel's house as well". Right?
→ "it" (pronoun)
→ "it" (pronoun)
→ statement voiced as question
→ "right" (tag question)
[√]

- *209. And your sister was crying?
→ "and crying" (repeat former
question)
→ statement voiced as question
→ incomplete question
[✓]
- *210. And obviously your mother was upset?
→ "obviously" (age – inappropriate
vocabulary)
→ "upset" (age – inappropriate
vocabulary) [✓]
211. Blaming your sister?
→ statement voiced as question
→ incomplete sentence
→ deliberately confusing
[X]
- *212. Blaming your sister?
→ "blamingsister" (repeating previous
not understood statement)
→ statement voiced as question
→ incomplete sentence
→ deliberately confusing
[✓]
- *213. Ja, your sister was crying and then she said: "No, she watched it there" and then it came out
that Spikkels touched her. Right?
→ "she" (pronoun)
→ "she" (pronoun)
→ "it" (pronoun)
→ "it" (pronoun)
→ "came out" (slang)
→ "her" (pronoun)
→ "right" (statement voiced as
question and tag question)
[✓]
- *214. And then they came to you and asked you a lot of questions. Right?
→ "then" (reflexive)
→ "they" (pronoun)
→ "right" (statement voiced as
question and tag question)
→ multiple question
[✓]
- *215. And then you said: "no, but I was touched as well"?
→ statement voiced as question
[✓]
- *216. Right, now we know at least how it came out in your house. Right?
→ "we" (vague)
→ "know" (cognitively
inappropriate)
→ "at least" (contrastive)
→ "came out" (slang)
→ "right" (statement voiced as
question and tag)

- question)
[√]
- *217. Did your mother then go to the police or not?
→ "or"
→ "not"
[√] (multichoice question)
(negative)
- *218. Ja?
→ statement voiced as question
[√]
- *219. Ja, but actually the police, in the end, came to you?
→ "actually" (age – inappropriate
vocabulary)
→ "in the end" (embedding, temporal
- vague)
→ statement voiced as question
[√]
- *220. You never went to the police?
→ "never" (negative – temporal)
→ statement voiced as question
[√]
221. The police was investigating other children's complaints and then they came to you because
you people were very close with the van Eeden's?
→ "investigating" (age – inappropriate
vocabulary)
→ "complaints" (age – inappropriate
vocabulary)
→ "then" (reflexive)
→ "they" (pronoun)
→ "you people" (vague)
→ "close with" (slang)
→ long statement voiced as question
[]
- *222. Ja, and they asked all the friends that came there questions. Right?
→ "they" (pronoun)
→ "all the friends" (vague)
→ "right" (statement voiced as
question and tag
question)
[√]
- *223. Do you know that?
→ "know" (cognitively
inappropriate)
→ "that" (reflexive, vague)
[√]
224. Ja, and then some people said something happened to them and other people said that
nothing happened to them. Right?
→ "some people" (vague)
→ "something" (vague)
→ "other people" (vague)
→ "nothing" (negative and vague)
→ "them" (pronoun)
→ "right" (statement voiced as
question and tag
question)
[]

225. Ja?
→ statement voiced as question
[]
- *226. How many times did you saw Childline's people? Can you remember?
→ "many times" (cognitively
inappropriate)
→ "people" (vague)
→ "remember" (cognitively
inappropriate)
→ multiple question
[√]
- *227. And your sister also saw them?
→ "them" (vague, pronoun)
→ statement voiced as question
[√]
- *228. And you made a statement to the police as well?
→ statement (technical term and
age – inappropriate vocabulary)
→ statement voiced as question
[√]
- *229. And I suppose you and Mr Nel went through that statement again?
→ "suppose" (age – inappropriate
vocabulary)
→ "went through" (age – inappropriate
vocabulary and technical term)
→ "that" (reflexive, shifter)
→ "statement" (technical term and
age – inappropriate vocabulary)
→ "again" (vague)
→ statement voiced as question
[√]
- *230. Once, twice or how many times?
→ "once, twice, or" (multichoice question)
[√]
- *231. Once, when was that?
→ "once" (repeats previous
answer)
→ "when" (cognitively
inappropriate)
→ "that" (reflexive)
[√]
232. Hayley, you have got quite a good memory, haven't you?
→ "quite" (age – inappropriate
vocabulary)
→ "memory" (age – inappropriate
vocabulary)
→ "haven't" (negative tag question)
[]
- *233. Have you?
→ incomplete question
[√]

234. Yes. Now, when you made this statement, it was quite a while ago. It was, according to the statement I don't know whether Mr Nel can help us out there because my copy of the statement says on "01" and then just the year, not the month. Maybe we can just get an indication from the investigating guy Your Worship. But in any event Hayley, while Mr Nel is looking, it is a lady that took your statement. Right?
- "now" (implies conclusion)
- arrived at as result of calculation)
- "this" (reflexive, shifter)
- "statement" (technical term and
- age – inappropriate vocabulary)
- "it" (pronoun)
- "quite" (age – inappropriate
- vocabulary)
- "a while ago" (cognitively
- inappropriate)
- "01" (technical)
- "it" (preposition)
- "according" (age – inappropriate
- vocabulary)
- "statement" (technical term and
- age – inappropriate vocabulary)
- "know" (cognitively
- inappropriate)
- "whether" (age – inappropriate
- vocabulary)
- "us" (vague)
- "help us out" (slang)
- "there" (shifter)
- "copy" (technical term and
- age – inappropriate vocabulary)
- "statement" (technical term and
- age – inappropriate vocabulary)
- "indication" (age – inappropriate
- vocabulary)
- investigating (technical term and
- age – inappropriate vocabulary)
- "guy" (vague)
- "Your Worship" (technical term)
- "in any event" (age – inappropriate
- vocabulary)
- "it" (pronoun)
- "lady" (age – inappropriate
- vocabulary)
- "statement" (technical term and
- age – inappropriate vocabulary)
- "right" (long statement voiced
- as question and tag question)
- []
- *235. A blonde lady?
- "lady" (age – inappropriate
- vocabulary)
- statement voiced as question
- [√]
236. Ja. Right, did you tell her everything you remembered at that stage?
- "her" (pronoun)

→	"everything"	(vague)
→	"remembered"	(cognitively
	inappropriate)	
→	"at that stage"	(cognitively
	inappropriate)	

[]

Intervention

Defence

*237. Now Hayley, your statement, seemingly, was taken in August 2001.
 → "now" (implies conclusion
 arrived at as result of calculation)
 → "statement" (technical term and
 age – inappropriate vocabulary)
 → "seemingly" (technical term and
 age – inappropriate vocabulary)
 → "was taken" (passive)
 → "in August 2001" (temporal)
 → statement voiced as question
 [✓]

*238. That is almost three years ago?
 → "that" (reflexive, shifter)
 → "three years" (temporal)
 → statement voiced as question
 [✓]

239. Now, at that time, did you think that you would remember better than now. What happened to you in Spikkel's house?
 → "now" (implies conclusion
 arrived at as result of calculation)
 → "at that time" (cognitively
 inappropriate) (cognitively)
 → "remember" (hypothetical)
 → "would remember"
 → multiple question
 []

*240. Ja. Tell me, can you remember when it was that you slept over at uncle Spikkel's house?
 → "remember" (cognitively
 inappropriate) (cognitively)
 → "when" (cognitively
 inappropriate) [✓]

*241. Was it on the same weekend that you slept over – the two times?
 → "it" (pronoun)
 [✓]

*242. Ja, but you didn't sleep there and then a week or two or three or a month passed and then you slept over again?
 → "didn't" (negative)
 → "there" (vague)
 → "a week or .. or ... or" (multichoice question)
 → "passed" (age – inappropriate
 vocabulary) [✓]

Intervention

*243. Do you know aunty Jackie?

- topic change
 → "know" (cognitively
 inappropriate) [√]
244. Do you like her a lot?
 → "her" (pronoun)
 []
- *245. Did you like her a lot?
 → "her" (pronoun)
 → repeats previous question
 [√]
246. Not really?
 → "not really" (repeats answer)
 []

Court

- *247. Who is aunty Jackie Hayley?
 [√]

Defence

- *248. Can you remember that Francois's birthday was the 4th of December, and that was in 1999?
 → "remember" (cognitively
 inappropriate)
 → "4th of December" (cognitively
 inappropriate)
 → "in 1999" (cognitively
 inappropriate) [√]
249. You can't remember that, but I mean then you were close friends and you were there basically every day. Right, in their house and they at your house?
 → "can't" (negative)
 → "remember" (cognitively
 inappropriate)
 → "that" (reflexive)
 → "there" (vague)
 → "basically" (age – inappropriate
 vocabulary)
 → "everyday" (temporal)
 → "their" (vague)
 → "they" (pronoun, vague)
 → embedding
 → long statement voiced as question
 → complex syntax
 [X]
250. Ja, but do you remember that aunty Jackie bought Francois a finger-board?
 → topic change
 → "remember" (cognitively
 inappropriate)
 → "finger-board" (age – inappropriate
 vocabulary) [X]
251. A finger-board you know – that you play with. A finger-board, that you push the little of how name that stuff?
 → "finger-board" (age – inappropriate
 vocabulary)
 → "know" (cognitively
 inappropriate)
 → "finger-board" (age – inappropriate
 vocabulary)

→	"that"	(vague shifter)
	[X]	
Court intervenes		
252.	He bought him a board like that?	
→	"he"	(pronoun – she?
confusing)		
→	"him"	(pronoun)
	[]	
*253.	Ja, and then the evening that you slept over there. Right?	
→	"there"	(reflexive)
→	"right"	(statement voiced as
question and tag		question)
	[√]	
254.	Do you remember that you and Francois and Carla and aunty Jackie, in her presence, on her bed, played finger-board?	
→	"remember"	(cognitively
	inappropriate)	
→	"in her presence, on her bed"	(embedding)
→	"presence"	(age – inappropriate
	vocabulary)	
→	"her"	(pronoun)
→	"her"	(pronoun)
	[√]	
*255.	Do you remember that?	
→	"remember"	(cognitively
inappropriate)		
→	"that"	(vague)
→	repeats previous question	
	[√]	
*256.	Now, that night it seems to me that aunty Jackie has got a very, very good memory and we will test that later, but that night, she said was the only night that you ever slept over at her place alone, apart from one night that the whole family slept over when they were still staying in St Albans and that was in 1996/1995. But, that night was the only night that you ever slept over there.	
→	"now"	(implies conclusion
arrived at as result of		calculation)
→	"that"	(reflexive, shifter)
→	"it"	(pronoun)
→	"seems to"	(age – inappropriate
vocabulary)		
→	"memory"	(age – inappropriate
vocabulary)		
→	"we"	(vague)
→	"test"	(technical term)
→	"that"	(reflexive, vague)
→	"she"	(pronoun)
→	"ever"	(time)
→	"her"	(pronoun)
→	"apart"	(age – inappropriate
vocabulary and		preposition)
→	"whole family"	(vague)
→	"they"	(pronoun)
→	"that"	(reflexive)
→	"1996/1995"	(temporal)
→	"that"	(reflexive)

→ "ever" (time)
 → "there" (reflexive)
 → very long question
 [✓]

*257. Is it on two occasions? I am going to ask you again: is that the Friday and the Saturday night that you slept over?

→ "on two occasions" (repeats last three words of answer)
 → "it" (pronoun)
 → "occasions" (age – inappropriate vocabulary)
 → "that" (reflexive)
 → repeats formerly asked question
 [✓]

258. But not on two separate – like a week apart, a month apart. Okay?

→ "not" (negative)
 → "separate" (age – inappropriate vocabulary)
 → "week" (time)
 → "apart" (age – inappropriate vocabulary)
 → "a month" (time)
 → "apart" (age – inappropriate vocabulary)
 → multichoice
 → statement voiced as question
 []

Court

*259. The Friday night and then again the following night?

→ "following" (age – inappropriate vocabulary)
 → "and" (multiple question)
 [✓]

*260. Ja?

→ statement voiced as question
 [✓]

*261. Oh, so what you are saying is that you slept over there the Friday night and you stayed there until the Saturday morning?

→ "there" (reflexive and vague)
 → "there" (reflexive)
 → multiple question
 [✓]

*262. And then you left?

→ statement voiced as question
 [✓]

*263. And then a week had passed and then again you slept the next Saturday night?

→ "week" (cognitively inappropriate – time)
 → "passed" (age – inappropriate vocabulary)
 → statement voiced as question
 [✓]

Defence

264. Now aunty Jackie will say that you, in your whole time, you only slept over once there and that was in December 1999. You say that you slept over on two occasions, different occasions?

→ "now" (implies conclusion
arrived at as result of
calculation)
→ "whole time" (cognitively
inappropriate)
→ "there" (reflexive and vague)
→ "in December 1999" (cognitively
inappropriate)
→ "occasions" (age – inappropriate
vocabulary)
→ "different" (age – inappropriate
vocabulary)
→ "occasions" (age – inappropriate
vocabulary)
→ embedding
→ statement voiced as question
[]

*265. But she is right in as far as the playing with the finger-board is concerned. Right?

→ "she" (pronoun)
→ "in as far" (age – inappropriate
vocabulary)
→ "finger-board" (age – inappropriate
vocabulary)
→ "concerned" (age – inappropriate
vocabulary)
→ "right" (statement voiced as
question and tag
question)
[√]

266. And that you were playing in her room that night?

→ "her" (pronoun)
→ "that" (reflexive)
→ statement voiced as question
[]

267. She says and you fell half-asleep, not totally asleep, while you were playing finger-board there on her bed and then she said to you: "Come, come, come. Let's go to bed" and then she took you and Carla to bed and you wanted to sleep on top of the double-bunk and then she said: "No, you are going to fall off" and she then put you in bed at the bottom and Carla on the top. Is that right?

→ "she" (pronoun)
→ "totally" (age – inappropriate
vocabulary)
→ "finger-board" (age – inappropriate
vocabulary)
→ "her" (pronoun)
→ "she" (pronoun)
→ "she" (pronoun)
→ "she" (pronoun)
→ "she" (pronoun)
→ "is that right?" (tag question)
→ embedding
[]

268. Ja, and she says that night was the only night that you ever slept over in that house there in Rowallan park?

→ "she" (pronoun)
→ "that" (reflexive and shifter)
→ "ever" (temporal)
→ "that" (reflexive and shifter)
[]

Court

- *269. Do you agree with that?
 → "agree" (age – inappropriate
 vocabulary)
 → "that" (reflexive)
 [✓]

Defence

- *270. Okay, tell us about the other night?
 → "us" (vague)
 → "other" (vague)
 → statement voiced as question
 [✓]

271. Well, when you played finger-board on that occasion. Right?
 → "that" (reflexive)
 → "occasion" (age – inappropriate
 vocabulary)
 → "right" (statement voiced as
 question and tag
 question)
 []

- *272. Was the Friday or the Saturday? Do you remember?
 → "or" (multichoice question)
 → "remember" (cognitively
 inappropriate)
 → multiple question
 [✓]

- *273. Was it Friday night? And the Saturday night, you also slept over there or did you go home?
 → "it" (pronoun)
 → "there" (reflexive and vague)
 → "or" (multichoice question)
 [✓]

- *274. On the Saturday night you went home. Right?
 → "right" (statement phrased as
 question and tag
 question)
 [✓]

- *275. So nothing happened to you until it happened to you on the Friday night?
 → "nothing" (vague)
 → "until" (conjunction and
 vague)
 → "it" (pronoun)
 → embedding
 → statement voiced as question
 [✓]

276. Ja, because the aunty put you in bed, not the uncle. Right?
 → "aunty" (vague)
 → "not the uncle" (negative)
 → "uncle" (vague)
 → "right" (statement voiced as
 question and tag
 question)
 []

- *277. Do you agree with me? I don't want you to say things that you don't agree with.

- "don't" (negative)
→ "things" (vague)
→ "don't" (negative)
→ "Iwith" (statement,
embedding) [√]
278. Ja, so on that one occasion nothing happened to you. Right?
→ "that" (reflexive and shifter)
→ "occasion" (age – inappropriate
vocabulary)
→ "nothing" (vague)
→ "right" (statement voiced as
question and tag question)
[]
- *279. Now the next time you say was a week later when you slept over on the Saturday night?
→ "now" (implies conclusion
arrived at as result of calculation)
→ "next time" (cognitively
inappropriate)
→ statement voiced as question
[√]
- *280. How did it come about that you slept over there? Can you tell His Worship?
→ "how" (cognitively
inappropriate)
→ "come about" (age – inappropriate
vocabulary)
→ "there" (reflexive and vague)
→ "His Worship" (technical term)
→ multiple question
[√]]
- *281. Ja?
→ statement voiced as question
[√]
- *282. Ja?
→ statement voiced as question
[√]
- *283. Ja, and Carla was walking next to you.
→ statement voiced as question
[√]
- *284. And then very spontaneously you told this court without being asked, that: "But don't think she noticed anything"?
→ "spontaneously" (age – inappropriate
vocabulary)
→ "this" (shifter)
→ "court" (technical term)
→ "without being asked" (embedding)
→ "don't" (negative)
→ "she" (pronoun)
→ "noticed" (age – inappropriate
vocabulary)
→ "anything" (vague)
→ statement voiced as question
[√]
- *285. That was your exact words. Right?
→ "that" (reflexive)

→ "right" (statement voiced as
question and tag question)
[√]

*286. Why did you say that Hayley?
→ "why" (cognitively
inappropriate)
→ "that" (reflexive and shifter)
[√]

287. Why would you say that so spontaneously: "I didn't think she noticed anything"?
→ "why" (cognitively
inappropriate)
→ "that" (reflexive and shifter)
→ "spontaneously" (age – inappropriate
vocabulary)
→ "didn't" (negative)
→ "she" (pronoun)
→ "noticed" (age – inappropriate
vocabulary)
→ "anything" (vague)
→ repeats previously asked question
[]

Prosecutor Intervenes

Court

*288. Hayley, do you know what "spontaneously" means?
→ "know" (cognitively
inappropriate)
→ "spontaneously" (age – inappropriate
vocabulary) [√]

Defence

289. Okay, you said it out of your own. The Prosecutor didn't ask you about it. The Court didn't ask you and I didn't ask you about it. Right? You said it out of your own and it is on this tape recorder. Mr Nel asked you: "Where was Carla"? You said: "Carla was walking next to me" Right?
→ "it" (pronoun)
→ "prosecutor" (technical term)
→ "didn't" (negative)
→ "it" (pronoun)
→ "court" (technical term)
→ "didn't" (negative)
→ "didn't" (negative)
→ "it" (pronoun)
→ "right" (long statement voiced
as question)
→ "it" (pronoun)
→ "it" (pronoun)
→ "this" (shifter)
→ "right" (statement voiced as
question and tag question)
→ lots of irrelevant information
[]

290. "... but I didn't think she noticed it." Why did you say that?
→ "didn't" (negative)
→ "noticed" (age – inappropriate
vocabulary)
→ "it" (pronoun)

- "why" (cognitively)
 inappropriate)
 → "that" (reflexive and shifter)
 [X]
- *291. Ja?
 → statement voiced as question
 [√]
- *292. I don't understand this. You are sleeping on the couch. He didn't do it while he was picking you up because you didn't wake up while he was picking you up. Right?
 → "don't" (negative)
 → "understand" (age – inappropriate vocabulary)
 → "this" (reflexive)
 → "he" (pronoun)
 → "didn't" (negative)
 → "it" (pronoun)
 → "he" (pronoun)
 → "he" (pronoun)
 → "right" (statement voiced as question)
 question and tag
 [√]
- *293. Now he was carrying you. How far is that couch, would you say, from the bedroom where you were going to be?
 → "now" (implies conclusion)
 arrived at as result of
 calculation)
 → "he" (pronoun)
 → "now you" (statement)
 → "how far" (cognitively)
 inappropriate)
 → "that" (reflexive and shifter)
 → "would you say" (hypothetical)
 → "to be" (vague)
 [√]
- *294. But it is far or is it quite close. Those houses isn't big, are they?
 → "it" (pronoun)
 → "far" (cognitively)
 inappropriate)
 → "or" (multichoice question)
 → "it" (pronoun)
 → "quite" (age – inappropriate vocabulary)
 → "close" (age – inappropriate vocabulary)
 → "those" (reflexive and reflexive)
 → "isn't" (negative)
 → "are they" (tag question)
 → multiple question
 → answers last question
 [√]
- *295. Now, when you wake up were you in the passage already or still in the lounge or where?
 → "now" (implies conclusion)
 arrived at as result of
 calculation)
 → "already" (time)
 → "or/or" (multichoice question)
 → "where" (vague)
 [√]

- *296. In the passage?
 → "in passage" (repeats answer)
 → statement voiced as question
 [✓]
- *297. But you were sleeping, so did you immediately realise what was going on with you now or what?
 → "immediately" (age – inappropriate
 vocabulary)
 → "realise" (age – inappropriate
 vocabulary)
 → "going on" (slang and vague)
 → "or" (multichoice question)
 → "what" (vague)
 [✓]
- *298. But did you immediately realise what happened to you?
 → "immediately" (age – inappropriate
 vocabulary)
 → "realise" (age – inappropriate
 vocabulary)
 → repeats previous question
 [✓]
- *299. And you say Carla was walking and you immediately noticed Carla walking next to you in the passage? I mean, those passages are very narrow in those houses?
 → "immediately" (age – inappropriate
 vocabulary)
 → "noticed" (age – inappropriate
 vocabulary)
 → "mean" (vague)
 → "those" (reflexive and shifter)
 → "those" (reflexive and shifter)
 → statements voiced as questions
 → irrelevant information
 [✓]
- *300. Where, behind you or in front of you?
 → "where" (vague)
 → "or" (multichoice question)
 [✓]
- *301. Not next to you?
 → "not" (negative)
 → statement voiced as question
 [✓]
- *302. Did you say anything, when you felt that this is happening to you now?
 → "anything" (vague)
 → "this" (reflexive)
 [✓]
- *303. He asked you what's wrong?
 → "he" (pronoun)
 → repeats previous answer
 → statement voiced as question
 [✓]
- *304. Oh. That Carla must have heard?
 → "that" (reflexive and shifter)
 → statement voiced as question
 [✓]
- *305. Ja did you ask her whether she heard it?

- "her" (pronoun)
→ "whether" (age – inappropriate vocabulary)
→ "she" (pronoun)
→ "it" (pronoun)
[✓]
- *306. So how do you know that she heard it?
→ "how" (cognitively inappropriate)
→ "know" (cognitively inappropriate)
→ "she" (pronoun)
→ "it" (pronoun)
[✓]
- *307. Her what?
→ "her" (pronoun)
→ "what" (vague)
→ incomplete statement voiced as question
[✓]
- *308. Was the light on in the passage?
[✓]
- *309. But you said nothing? You didn't say "eina" or "shoo" or anything like that?
→ "nothing" (vague)
→ statement not question
→ "didn't" (negative)
→ "or/or" (multichoice question)
→ "anything" (vague)
→ "that" (reflexive)
[✓]
- *310. You knew the uncle very well at that stage, right?
→ topic change
→ "knew" (know, cognitively inappropriate))
→ "uncle" (vague)
→ "at that stage" (age – inappropriate vocabulary and vague)
→ "right" (statement voiced as question and tag question)
[✓]
- *311. Didn't you say to him: "No uncle, what are you doing?" or something like that?
→ "didn't" (negative)
→ "him" (pronoun)
→ "uncle" (vague)
→ "or" (multichoice question)
→ "something" (vague)
→ "that" (reflexive)
[✓]
- *312. Nothing at all?
→ "nothing" (vague)
→ "at all" (contrastive)
→ statement voiced as question
[✓]
- *313. But you should have still been very sleepy at that stage. Right?

→ "at that stage" (age – inappropriate
 vocabulary and vague)
 → "right" (statement voiced as
 question and tag question)
 [✓]

314. Do you remember whether you had a dream just before that, lying on the couch?
 → "remember" (cognitively
 inappropriate)
 → "whether" (age – inappropriate
 vocabulary)
 → "before" (temporal)
 → "that" (reflexive, vague)
 → "lying couch" (embedding)
 [X]

315. Can you remember that night, whether you had a dream?
 → "remember" (cognitively
 inappropriate)
 → "that" (reflexive and shifter)
 → "whether" (age – inappropriate
 vocabulary)
 → multiple question
 [X]

316. No, no, no. There on the couch, while you were sleeping?
 → "there" (shifter)
 → statement voiced as question
 [X]

Court

*317. Can you remember if you had a dream, while you were lying on the couch?
 → repeats previously asked question
 → "remember" (cognitively
 inappropriate)
 → "if" (hypothetical)
 → multiple question
 [✓]

Defence

*318. You can't remember?
 → "can't" (negative)
 → "remember" (cognitively
 inappropriate)
 → statement voiced as question
 [✓]

319. Now this touching on you, I mean it could'nt have lasted long, could it, because it was just in the passage and then you realised it and then a couple of steps away in the bedroom?
 → "now" (implies conclusion
 arrived at as result of calculation)
 → "this" (reflexive)
 → "on" (preposition)
 → "mean" (slang)
 → "it" (pronoun)
 → "could'nt" (negative)
 → "lasted" (cognitively
 inappropriate)
 → "long" (cognitively
 inappropriate)
 → "could" (hypothetical)

- "could it" (tag question)
→ "realised" (age – inappropriate)
vocabulary)
→ "and then bedroom" (incomplete statement)
[]
- *320. It didn't happen in the bedroom?
→ "it" (pronoun)
→ "didn't" (negative)
→ statement voiced as question
[✓]
- *321. Just that little piece in the passage?
→ "that little piece" (vague)
→ statement voiced as question
[✓]
- *322. Oh. I want you to think very carefully. Could it be that you had a bad dream at that stage?
→ "Oh... carefully" (statement)
→ "could" (hypothetical)
→ "it" (pronoun)
→ "at that stage" (age – inappropriate)
vocabulary and vague)
[✓]
- *323. What do you mean?
[✓]
- *324. Did you have a bad dream?
→ "did dream" (vague)
→ incomplete question
[✓]
- *325. After that or before that or during that?
→ "after" (temporal)
→ "that" (reflexive and shifter)
→ "or" (multichoice question)
→ "before" (time)
→ "that " (reflexive)
→ "or" (multichoice question)
→ "during" (age – inappropriate)
vocabulary)
→ "that" (reflexive and shifter)
→ incomplete question
[✓]
326. Is it possible that you could have dreamt that, because you were sleeping? It happened in a very short time. Is there a possibility that you could have been dreaming?
→ "it" (pronoun)
→ "possible" (age – inappropriate)
vocabulary)
→ "could" (hypothetical)
→ "it" (pronoun)
→ "because you were sleeping" (embedding)
→ "short time" (cognitively inappropriate)
→ statement not question
→ "possibility" (age – inappropriate)
vocabulary)
→ multiple question
→ complex syntax
[X]

*327. Because you see you knew the uncle very well and he never did something like that to you before, did he?

- "see" (vague)
- "knew" (cognitively inappropriate)
- "uncle" (vague)
- "he" (pronoun)
- "never" (negative)
- "something" (vague)
- "that" (reflexive)
- "before" (temporal)
- "did he" (tag question)

[√]

328. Even the previous weekend that you were there, nothing happened to you. Right?

- "previous" (age – inappropriate vocabulary)
- "there" (place – vague)
- "nothing" (negative)
- "right" (statement voiced as question and tag question)

[]

*329. Am I right?

[√]

*330. No, no, no. You told us already nothing happened. Is it possible that you could have dreamt that something had happened to you?

- "us" (vague)
- "nothing" (vague, contrastive)
- "possible" (age – inappropriate vocabulary)
- statement not question
- "could" (hypothetical)
- "something" (vague)

[√]

*331. Right. You are not very sure about what happened because you were still small and you were sleepy. Right?

- "are not sure" (negative)
- "small" (relational term)
- embedding
- "right" (statement voiced as question and tag question)

[√]

*332. And you could have made a mistake, dreaming, and thought it really happened to you. Right?

- "could have" (hypothetical)
- "dreaming" (embedding)
- "it" (pronoun)
- "right" (statement voiced as question)

[√]

*333. This thing in the toilet, was that after the first one?

- "this thing" (vague)
- "after" (temporal)
- "one" (vague)

[√]

*334. The second night when you slept there?

- repeats previous answer
- "there" (place – vague)

→ statement voiced as question
[√]

*335. Are you sure about that?

→ "that" (reflexive and shifter)
[√]

Intervention

Court

*336. Hayley, can you just tell us: Okay, I am sorry, I misunderstood you. This incident of the toilet, can you give us an indication if you can remember, how long after the first incident did the second – the toilet incident – take place?

→ "us" (vague)
→ "misunderstood" (age – inappropriate vocabulary)
→ "incident" (age – inappropriate vocabulary and technical term)
→ "us" (vague)
→ "indication" (age – inappropriate vocabulary)
→ "if" (hypothetical)
→ "remember" (cognitively inappropriate)
→ "how long" (cognitively inappropriate)
→ "after" (temporal)
→ "incident" (age – inappropriate vocabulary and technical term)
→ "the toilet incident" (embedding)
→ "incident" (age – inappropriate vocabulary and technical term)
→ "take place" (age – inappropriate vocabulary)
→ irrelevant information
→ complex syntax [√]

*337. But you know that that happened after?

→ "know" (cognitively inappropriate)
→ "that" (reflexive and shifter)
→ "after" (temporal)
[√]

*338. The first incident?

→ "incident" (age – inappropriate vocabulary and technical term)
→ statement voiced as question
[√]

Defence

*339. But you were'nt sleeping over then, were you?

→ "were'nt" (negative)
→ "then" (reflexive)
→ "were you" (tag question)
[√]

- *340. You see Hayley, it is very difficult to remember these things. One must be very very careful not to say things because you just thought something happened to you. Do you understand?
- "see" (vague)
 - "it" (pronoun)
 - "remember" (cognitively inappropriate)
 - "these" (shifter)
 - "things" (vague)
 - "one" (vague)
 - "not to say" (negative)
 - "things" (vague)
 - "something" (vague)
 - "understand" (age – inappropriate vocabulary)
 - "do you understand" (tag question)
- [√]

341. Because it is very dangerous. If you can't remember and you are not sure, you must tell His Worship, because all of us, we don't like what we do here. We don't like asking you these questions. So this thing that you were sleeping on the couch, only happened on that occasion – you thought it happened on that occasion, but you are not sure. Right?
- "it" (pronoun)
 - "dangerous" (age – inappropriate vocabulary)
 - "if" (hypothetical)
 - "can't" (negative)
 - "remember" (cognitively inappropriate)
 - "are not" (negative)
 - "His Worship" (technical term)
 - "all" (contrastive)
 - "us" (vague)
 - "we" (vague)
 - "don't" (negative)
 - "we" (vague)
 - "we" (vague)
 - "don't" (negative)
 - "these" (reflexive)
 - "this thing" (vague)
 - "that" (reflexive)
 - "occasion" (age – inappropriate vocabulary)
 - "it" (pronoun)
 - "that" (reflexive and shifter)
 - "occasion" (age – inappropriate vocabulary)
 - "not sure" (negative)
 - "right" (statement voiced as question)
 - embedding
- []

- *342. Ja. There was'nt a second incident of sleeping on the couch and of him carrying you?
- "was'nt" (negative)
 - "incident" (age – inappropriate vocabulary)
 - multiple question
 - repeats previously asked question
- [√]

343. Have you ever told somebody that there was a second occasion? Can you remember?
- "ever" (cognitively inappropriate)
 - "somebody" (vague)

- "occasion" (age – inappropriate
vocabulary)
→ "remember" (cognitively
inappropriate)
→ multiple question [X]
- *344. Have you ever told somebody else that there was two occasions that you were sleeping on the couch and it happened?
→ "ever" (cognitively
inappropriate)
→ "somebody else" (vague)
→ "occasions" (age – inappropriate
vocabulary)
→ "it" (pronoun)
[√]
- *345. When Mr Nel, this morning, went through your statement with you, did you see any mistakes in your statement?
→ "this morning" (embedding
→ "went through" (slang, technical)
→ "statement" (technical term and
age – inappropriate
vocabulary)
→ "mistakes" (vague)
→ "see" (vague)
→ "statement" (technical term and
age – appropriate
vocabulary)
[√]
346. What?
→ incomplete question
[X]
- *347. Can you tell us?
→ "us" (vague)
→ incomplete question
[√]
- *348. Sorry?
→ statement voiced as question
[√]
- *349. Ja?
→ statement voiced as question
[√]
- *350. Misunderstood in your statement?
→ repeats last part of previous answer
→ "misunderstood" (word court used when
asked question
336)
→ "statement" (technical term and
age – inappropriate
vocabulary)
[√]
- *351. Ja, but is that the only mistake?
→ "that" (reflexive)
→ "only" (contrastive)
→ incomplete question
[√]

- *352. And then you also forgot to tell the police and that you pointed out, also out of your own accord, to the court. You forgot about him trying to kiss you on the couch?
 → "pointed out" (age – inappropriate vocabulary)
 → "accord" (age – inappropriate vocabulary)
 → "also accord" (embedding)
 → "court" (technical term)
 → "him" (pronoun)
 → "on the couch" (embedding)
 → long statement voiced as question
 [√]
- *353. Ja, but further on you didn't see anything wrong in this statement. Right?
 → "further on" (vague)
 → "didn't" (negative)
 → "anything" (vague)
 → "this" (reflexive and shifter)
 → "statement" (technical term and age – inappropriate vocabulary)
 → "right" (statement voiced as question and tag question)
 [√]
- *354. Nothing?
 → statement voiced as question
 [√]
355. Mr Nel didn't point out to you? Did you tell Mr Nel exactly the same that you told the court here?
 → "didn't" (negative)
 → "point out" (age – inappropriate vocabulary)
 → incomplete statement
 → "exactly" (age – inappropriate vocabulary)
 → "court" (technical term)
 → "here" (shifter)
 [X]
356. When Mr Nel was asking you question just now?
 → "when" (cognitively inappropriate)
 → "just now" (temporal)
 → incomplete question
 [X]
- *357. You know that His Worship told you that Mr Nel is going to ask you questions and you tell the court what happened. Right?
 → "know" (cognitively inappropriate)
 → "His Worship" (technical term)
 → "court" (technical term)
 → "right" (statement voiced as question and tag question)
 [√]
- *358. And then you told the Court what happened. Right?
 → repeats last part of previous question
 → "court" (technical term)
 → "right" (statement voiced as question and tag)
 [√]

- question)
[√]
- *359. Now, what you told Mr Nel this morning was it the same that you told the court now while you were sitting there with a microphone?
→ “now” (implies conclusion
arrived at as result of calculation)
→ “this” (reflexive and shifter)
→ “it” (pronoun)
→ “court” (technical term)
→ “there” (shifter)
→ “microphone” (age – inappropriate
vocabulary) [√]
- *360. Can't you think of any difference in what you told him?
→ “can't” (negative)
→ “difference” (age – inappropriate
vocabulary)
→ “him” (pronoun)
[√]
- *361. I just want to make sure: There was only one occasion on the couch and then You know what an occasion is – you have used the word out of your own. Right?
→ “occasion” (age – inappropriate
vocabulary)
→ “know” (cognitively
inappropriate)
→ “occasion” (age – inappropriate
vocabulary and tag
question)
→ “right” (statement voiced as
question and tag
question)
[√]
- *362. Ja, and then the thing that happened in the toilet, was also one occasion. That is what you told the court?
→ “the thing” (vague)
→ “occasion” (age – inappropriate
vocabulary)
→ “court” (technical)
→ statement voiced as question
[√]
- *363. Definitely not three occasions?
→ “definitely” (age – inappropriate
vocabulary)
→ “not” (negative)
→ “occasions” (age – inappropriate
vocabulary) [√]
- *364. Now, Hail, at the bottom of your statement that you made to – I think it is – Inspector Bosch, there is a word written: “Hail” Is it you that wrote there: - “Brave little girl”, “Hail, brave little girl”. Is it you that wrote it and at the end of your statement also: “Hail, brave little girl. I will always tell my parents the truth”?
→ “now” (implies conclusion
arrived at as result of calculation)
→ “statement” (technical term and
age – inappropriate vocabulary)
→ “think” (cognitively
inappropriate)
→ “it” (pronoun)

- "there" (shifter)
→ "there" (shifter)
→ "it" (pronoun)
→ "statement" (technical term and
age – inappropriate vocabulary)
- "truth" (cognitively
inappropriate) [✓]
- *365. "Never a lie." Is it you that wrote that there?
→ "never" (negative)
→ "lie" (cognitively
inappropriate vocabulary)
→ "that" (reflexive)
→ "there" (shifter)
[✓]
- *366. In your own handwriting?
→ statement voiced as question
[✓]
- *367. Did Mr Nel read your statement this morning to you?
→ "statement" (technical term and
age – inappropriate vocabulary)
→ "this morning" (reflexive)
[✓]
- *368. Did you read yourself?
→ incomplete question
[✓]
369. And you told this court that you know when something is not right. Do you understand?
→ "this" (shifter)
→ "court" (technical term)
→ "know" (cognitively
inappropriate)
→ "something" (vague)
→ "is not" (negative)
→ "understand" (age – inappropriate
vocabulary)
→ do you understand" (tag question)
[]
370. If a story was told in this statement, you are intelligent enough. You will understand the difference between right and wrong and the truth and a lie. Right?
→ "if" (hypothetical)
→ "a story" (vague)
→ "this" (reflexive, shifter)
→ "statement" (technical term and
age – inappropriate vocabulary)
→ "intelligent" (age – inappropriate
vocabulary)
→ "enough" (cognitively
inappropriate and vague)
→ "understand" (age – inappropriate
vocabulary)
→ "difference" (age – inappropriate
vocabulary)
→ "between" (preposition)
→ "truth" (cognitively
inappropriate)

- "lie" (cognitively inappropriate)
- "right" (statement voiced as question and tag question)
- multiple question []
- *371. Then you would have told Mr Nel that: "Look, this is wrong what you are reading to me. This is not how it happened. Right?"
- "this" (reflexive)
- "this" (reflexive)
- "this" (reflexive)
- "is not" (negative)
- "right" (statement voiced as question and tag question) [✓]
- *372. And you saw only two things wrong?
- "things" (vague)
- incomplete statement voiced as question [✓]
- *373. The bleeding of the first incident. Right?
- "incident" (age – inappropriate vocabulary)
- "right" (statement voiced as question) [✓]
374. And then what was the other one again?
- "then" (reflexive)
- "other one" (vague) []

Court answers defence

- *375. Ja, and the other thing that was wrong was that you left out the incident of the kissing. Right?
- "other thing" (vague)
- "incident" (age – inappropriate vocabulary)
- "right" (statement voiced as question and tag question) [✓]
- *376. Its not that the police woman wrote something wrong. It is that you could'nt remember that one?
- "not" (negative)
- "something" (vague)
- "could'nt" (negative)
- "remember" (cognitively inappropriate)
- "that one" (reflexive) [✓]
- *377. The incident on the couch, you never told it to the police. Right?
- "incident" (age – inappropriate vocabulary)
- "never" (negative)
- "it" (pronoun)
- "right" (statement voiced as question and tag question) [✓]

- *378. Because you forgot about it?
 → "about" (preposition)
 → "it" (reflexive and pronoun)
 → statement voiced as question
 [√]
- *379. It only came to you later on. It came back?
 → "it" (pronoun)
 → "came to you" (slang)
 → "later" (temporal)
 → "it" (pronoun)
 → statement voiced as question
 [√]
- *380. Ja, but this bleeding on the first occasion, that you say is a misunderstanding between you and the person who wrote down the statement. Right?
 → "this" (reflexive and shifter)
 → "occasion" (age – inappropriate vocabulary)
 → "misunderstanding" (age – inappropriate vocabulary)
 → "statement" (technical term and age – inappropriate vocabulary)
 → "right" (statement voiced as question and tag question)
 [√]

Intervention

381. Now Hayley, I am just going to show you this statement now. I will ask somebody to show it to you and then you can just see if this is the statement that you and Mr Nel went through and if it is you that wrote at the bottom: "Hayley, brave little girl" and "I will never tell a lie". Okay?
 → "now" (implies conclusion arrived at as result of calculation)
 → "this" (reflexive and shifter)
 → "statement" (technical term and age – inappropriate vocabulary)
 → "somebody" (vague)
 → "it" (pronoun)
 → "statement" (technical term and age – inappropriate vocabulary)
 → "went through" (slang)
 → "lie" (cognitively inappropriate vocabulary)
 → "okay" (statement voiced as question)
 []

Court

- *382. statement to you. I just want you to have a look at it and then we just want to clarify something. Maybe you can just tell the lady to just wait there with you and then she can bring it back to us again.
 → "statement" (technical term and age – inappropriate vocabulary)
 → "it" (pronoun)
 → "we" (vague)
 → "clarify" (age – inappropriate vocabulary)
 → "something" (vague)

- "there" (reflexive)
- "she" (pronoun)
- "it" (pronoun)
- "us" (vague)
- long statement voiced as question [✓]

Defence

- *383. Okay?
→ statement voiced as question [✓]
- *384. Is it you that wrote there?
→ "there" (reflexive and shifter) [✓]
- *385. And on the other page as well?
→ statement voiced as question [✓]
- *386. Hayley, I want you to listen carefully now.
→ "carefully" (age – inappropriate vocabulary)
→ statement voiced as question [✓]
- *387. I am not going to frighten you. I just want to clear certain things up. Okay?
→ "not" (negative)
→ "frighten" (age – inappropriate vocabulary)
→ "clear up" (age – inappropriate vocabulary)
→ "things" (vague)
→ "okay" (statement voiced as question and tag) [✓]
388. Now, according to what is written in this statement, you told the police the next: Okay, the following story:
→ "now" (implies conclusion arrived at as result of calculation)
→ "according" (age – inappropriate vocabulary)
→ "this" (reflexive and shifter)
→ "statement" (technical term and age – inappropriate vocabulary)
→ "following" (age – inappropriate vocabulary) []
- *389. You say: "I am an eight year old girl, residing at 28 Tobago Place, Westering."
→ "residing" (age – inappropriate vocabulary) [✓]
- *390. That is right?
→ "that" (reflexive)
→ statement voiced as question [✓]
- *391. At that stage you know where your address is, you knew your age, everything. Right?
→ "at that stage you knew" (age – inappropriate vocabulary)

- "knew" (cognitively
inappropriate)
- "address" (age – inappropriate
vocabulary)
- "knew" (cognitively
inappropriate)
- "everything" (vague)
- "right" (statement voiced as
question and tag
question)
[√]
- *392. "I am in grade 3 at Moregrove Primary School." Right?
→ "right" (statement voiced as
question and tag
question)
[√]
- *393. Is that right?
→ "that" (reflexive)
→ incomplete question
[√]
394. "Before I lived in Tobago Place we lived in Rowallan Park at 42 Crompton Avenue"
→ "before" (temporal)
→ statement voiced as question
[]
- *395. Ja?
→ statement voiced as question
[√]
- *396. Ja: "Across the road from us lived uncle Spikkels."
→ statement voiced as question
[√]
- *397. "He was a good friend of our family"
→ "he" (pronoun)
→ statement, not question
[√]
- *398. "My sister, Nicole, and I used to sleep at uncle Spikkel's house often."
→ "often" (age – inappropriate
vocabulary)
- statement, not question
[√]
- *399. Now, that is wrong?
→ "now" (implies conclusion
arrived at as result of
calculation)
→ "that" (reflexive)
→ statement, not question
[√]
400. It is obviously wrong, but the question is: Did you tell that to the police or where would she get
it if you didn't tell her that?
→ "it" (pronoun)
→ "obviously" (age – inappropriate
vocabulary)
- "or" (multichoice question)
- "where" (vague)
- "she" (pronoun)
- "get it" (slang)
- "if" (hypothetical)

- "did'nt" (negative)
 → "her" (pronoun)
 → "that" (reflexive)
 [X]
- *401. Ja. Did you tell that to the police? Maybe you made a mistake when you said that you slept there often or do you think the police woman made a big mistake when she wrote it down?
 → "that" (reflexive)
 → "often" (age – inappropriate vocabulary)
 → "or" (multichoice question)
 → "think" (pronoun)
 → "she" (pronoun)
 → "it" (pronoun)
 → multiple question [✓]
- *402. I also think you told her: "He also has a daughter named Carla who we played with." Right?
 → "think" (pronoun)
 → "her" (pronoun)
 → "he" (pronoun)
 → "we" (vague)
 → "right" (statement voiced as question and tag question)
 → statement [✓]
- *403. "Every time I slept at uncle Spikkel's house, he would touch my private parts"?
 → "every time" (temporal)
 → "he" (pronoun)
 → "private parts" (age – inappropriate vocabulary)
 → statement [✓]
- *404. "Which made me feel scared"
 → statement [✓]
- *405. That was'nt true, was it?
 → "that" (reflexive)
 → "was'nt" (negative)
 → "true" (cognitively inappropriate vocabulary)
 → "was it" (tag question) [✓]
- *406. Ja, but the first time you slept there, nothing happened to you, when the aunty put you in the bed?
 → "there" (reflexive)
 → "nothing" (vague)
 → embedding [✓]
407. Ja, but say here in the statement – you told her: - "Every time I slept at uncle Spikkel's house, he would touch my private parts, which made me feel scared."
 → "statement" (technical term and age – inappropriate vocabulary)
 → "every time" (temporal)
 → "he" (pronoun)
 → "he" (pronoun)

→ "private parts" (age – inappropriate
vocabulary) []

*408. That was not true. It couldn't have been. Right, because the first time you slept there, nothing happened to you?

→ "that" (reflexive)
→ "not" (negative)
→ "true" (cognitively)
inappropriate)
→ "it" (pronoun)
→ "couldn't" (negative)
→ "nothing" (negative, vague)
→ statement voiced as question
[√]

*409. Do you agree with me?

→ "agree" (age – inappropriate
vocabulary) [√]

*410. So this "every time" is not true. It is not every time that you slept there, that he touched your private parts. Do you see what I mean?

→ "this" (reflexive)
→ "every time" (temporal)
→ "not" (negative)
→ "true" (cognitively)
inappropriate vocabulary))
→ "it" (pronoun)
→ "not" (negative)
→ "every time" (temporal)
→ "there" (reflexive)
→ "he" (pronoun)
→ "private parts" (age – inappropriate
vocabulary)
→ "see" (vague)
→ "mean" (cognitively)
inappropriate) [√]

411. So this statement that he was wrong there, you told the police the wrong story. Isn't that?

→ "this" (reflexive and shifter)
→ "statement" (technical and age –
inappropriate vocabulary)
→ "he" (pronoun)
→ "there" (reflexive)
→ "isn't" (negative)
→ "isn't that" (negative tag question)
[]

412. You are not sure? Now look: If you said in your statement: "Every time I slept there, he touched my private parts", it

cannot be right because the first time you slept there, he did not do it. Okay?

→ "you Sure" (repeats previous
answer)

→ "look" (vague and slang)
→ "if" (hypothetical)
→ "statement" (technical term and
age – inappropriate vocabulary)

→ "every time" (temporal)
→ "there" (place – vague)
→ "he" (pronoun)
→ "private parts" (age – inappropriate
vocabulary)
→ "cannot" (negative)

- "there" (place – vague)
→ "he" (pronoun)
→ "did not do" (negative)
→ "it" (pronoun)
→ "okay" (statement voiced as
question and tag question)
[X]
413. Do you understand that?
→ "understand"
→ "that" (reflexive)
→ incomplete question
[X]
414. But the first time, you told us that you recall it. That's what you told us in this court, and you agreed with that.
→ "first time" (temporal)
→ "us" (vague)
→ "recall" (age – inappropriate
vocabulary)
→ "it" (pronoun)
→ "us" (vague)
→ "this" (reflexive)
→ "court" (technical term)
→ "agreed" (age – inappropriate
vocabulary)
→ "that" (reflexive)
→ statement voiced as question
[X]
415. Hayley, that is what you told us.
→ "that" (reflexive)
→ "us" (vague)
→ statement voiced as question
[X]
416. Are you now saying that you can't recall telling us?
→ "now" (shifter)
→ "can't" (negative)
→ "recall" (age – inappropriate
vocabulary)
→ "us" (vague)
[X]
- Court**
- *417. Hayley, can you still hear us?
→ "us" (vague)
[√]
- *418. Do you understand the question?
→ "understand" (age – inappropriate
vocabulary)
→ "the question" (incomplete question)
→ "understand" (age – inappropriate
vocabulary)
[√]
- *419. To the police you had said: "Ever time I slept at uncle Spikkel's house, he would touch my private parts", but earlier on you told Mr Roelofse that you have slept there once before when nothing had happened to you. Do you understand?
→ "you had said" (passive)
→ "every time" (temporal)
→ "he" (pronoun)

→ "private parts" (age – inappropriate
 vocabulary)
 → "earlier" (temporal)
 → "there" (vague)
 → "before" (temporal)
 → "nothing" (vague)
 → "understand" (age – inappropriate
 vocabulary)
 → "do you understand" (tag question)
 [✓]

*420. So what Mr Roelofse says to you now is that obviously then, when the police statement states
 "every time", that cannot be correct. Do you follow?
 → "obviously" (age – inappropriate
 vocabulary)
 → "statement" (technical term and
 age – inappropriate
 vocabulary)
 → "states" (age – inappropriate
 vocabulary)
 → "every time" (temporal, contrastive)
 → "that" (reflexive)
 → "cannot" (negative)
 → "correct" (age – inappropriate
 vocabulary)
 → "follow" (age – inappropriate
 vocabulary, slang)
 → "do you follow" (tag question)
 [✓]

Defence

*421. Thank you Hayley. Did you understand now what you told the police here, was not correct.
 Right?
 → "understand" (age – inappropriate
 vocabulary)
 → "here" (place – vague)
 → "was not" (negative)
 → "correct" (age – inappropriate
 vocabulary)
 → "right" (statement voiced as
 statement and tag
 question)
 [✓]

422. But that also is not correct.
 → "that" (reflexive)
 → "is not": (negative)
 → "correct" (age – inappropriate
 vocabulary)
 → statement voiced as question
 [X]

Court

*423. Hayley, are you okay?
 [✓]

*424. Alright, I see. Hayley, it is normally the lunch time now and we have been busy now for quite a
 while. We will come back later on. Just sit there. The lady will come and help you again and
 then if you can just go to the ladies room again and just relax for a while and then we can come
 back again and start with your evidence, but the same as before: You are not allowed to talk to
 other witnesses now. Do you understand?
 → "see" (vague)
 → "it" (pronoun)

→	"normally"	(age – inappropriate
vocabulary)		
→	"we"	(vague)
→	"quite"	(age – inappropriate
vocabulary)		
→	"while"	(cognitively
inappropriate)		
→	"we"	(vague)
→	"later"	(temporal)
→	"there"	(place – vague)
→	"if"	(hypothetical)
→	"ladies room"	(age – inappropriate
vocabulary)		
→	"relax"	(age – inappropriate
vocabulary)		
→	"a while"	(cognitively
inappropriate)		
→	"we"	(vague)
→	"start"	(confusing – started
long ago)		
→	"evidence"	(technical term and
age – inappropriate		
		vocabulary)
→	"before"	(temporal)
→	"not"	(negative)
→	"allowed"	(age – inappropriate
vocabulary)		
→	other	(vague)
→	"witnesses"	(technical term and
age – inappropriate		
		vocabulary)
→	"understand"	(age – inappropriate
vocabulary)		
→	"do you understand"	(tag question)
→	long statement	
	[√]	

425.	Okay. Alright, we will take you off now, but the lady will come and assist you immediately.	
→	"we"	(vague)
→	"take you off"	(vague)
→	"lady"	(age – inappropriate
vocabulary)		
→	"assist"	(age – inappropriate
vocabulary)		
→	"immediately"	(age – inappropriate
vocabulary)	[]	

Court

*426.	Hayley, can you hear us?	
→	"us"	(vague)
	[√]	
*427.	Okay, are you alright now?	
→	"now"	(temporal)
	[√]	
*428.	Hayley, now the position is still the same as before. You are only to tell the truth in this matter.	
	Do you understand?	
→	"position"	(vague and age –
inappropriate vocabulary)		
→	"before"	(temporal)
→	"truth"	(cognitively
inappropriate)		

→	"this"	(reflexive)
→	"matter"	(technical term)
→	"understand"	(age – inappropriate
	vocabulary)	
→	"do you understand"	(tag question)
	[√]	

Defence

*429. Thank you your Worship. Hayley, we last were where I was reading out of your statement. Do you remember that?

→	"Worship"	(technical term)
→	"we"	(vague)
→	"where"	(reflexive)
→	"statement"	(technical term and
	age – inappropriate	vocabulary)
		(cognitively
→	"remember"	
	inappropriate)	
→	"that"	(reflexive)
→	"do that"	(tag question)
	[√]	

*430. And I read. The last statement I read: "I don't remember the dates that it happened, but I know that it happened while I have been eight years old."

→	"statement"	(technical term and
	age – inappropriate	vocabulary)
		(negative)
→	"don't"	
→	"remember"	(cognitively
	inappropriate)	
→	"it"	(pronoun)
→	"know"	(cognitively
	inappropriate)	
→	"it"	(pronoun)
→	"I have been"	(passive)
→	"statement voiced as question"	
→	complex syntax	
	[√]	

*431. That can't be right, can it, because you also made the statement when you were eight years old. Right?

→	"that"	(reflexive)
→	"can't"	(negative)
→	"can it"	(tag question)
→	"statement"	(technical term)
→	"right"	(statement voiced as
	question and tag	question)
	[√]	

432. Ja?

→	statement voiced as question
	[]

*433. "I can remember when I slept there on two occasions"

→	"remember"	(cognitively
	inappropriate)	
→	"there"	(reflexive)
→	"occasions"	(age – inappropriate
	vocabulary)	
→	statement – no question	
	[√]	

- *434. You told that to the police. Right?
 → "that" (reflexive)
 → "right" (statement voiced as question)
 question and tag [✓]
- *435. "I fell asleep on the couch. I woke up on two occasions when uncle Spikkels was carrying me to bed and he was touching my cookie". That's not right, is it?
 → "occasions" (age – inappropriate vocabulary)
 → "he" (pronoun)
 [✓]
- *436. Ja, but you told the police "two occasions".
 → "occasions" (age – inappropriate vocabulary)
 → statement voiced as question
 [✓]
- *437. Ja, but have you told the police "two occasions."
 → "occasions" (age – inappropriate vocabulary) [✓]
- *438. You can't remember?
 → repeats last answer
 → "can't" (negative)
 → "remember" (cognitively inappropriate)
 → statement voiced as question
 [✓]
- *439. Is it possible that you told them "on two occasions"?
 → "it" (pronoun)
 → "possible" (age – inappropriate vocabulary)
 → "them" (pronoun)
 → "occasions" (age – inappropriate vocabulary) [✓]
- *440. Now when he touched you, the time that you might have been dreaming, how did he do it? I know that it is difficult for you, but I must unfortunately ask you how did he do it? What did you tell the police?
 → "now" (implies conclusion arrived at as result of calculation)
 → "he" (pronoun)
 → "time" (cognitively inappropriate)
 → "how" (cognitively inappropriate)
 → "he" (pronoun)
 → "it" (pronoun)
 → "know" (cognitively inappropriate)
 → "it" (pronoun)
 → "unfortunately" (age – inappropriate vocabulary)
 → "how" (cognitively inappropriate)
 → "he" (pronoun)
 → "it" (pronoun)
 → multiple question

- embedding
[√]
- *441. Oh, okay. This is what you told the police. Right?
→ "this" (reflexive)
→ "right" (statement voiced as question)
question and tag [√]
- *442. They also wrote it down like that: "He had his finger inside my cookie and moved around."
→ "they" (pronoun)
→ "it" (pronoun)
→ "like that" (vague)
→ "he" (pronoun)
→ "his" (pronoun)
→ statement voiced as question
[√]
- *443. "The first time I slept there, he also put his finger inside the hole in my cookie."
→ "time" (temporal)
→ "there" (place – vague)
→ "he" (pronoun)
→ "his" (pronoun)
[√]
- *444. That is not right. Hey?
→ "that" (reflexive and shifter)
→ "is not" (negative)
→ "hey" (statement voiced as question)
question and tag [√]
- *445. Do you remember whether you told the police that?
→ "remember" (cognitively inappropriate)
→ "whether" (age – inappropriate vocabulary)
→ "that" (reflexive, vague)
[√]
- *446. Is it possible that you told them that?
→ "it" (pronoun)
→ "possible" (age – inappropriate vocabulary)
→ "them" (pronoun)
→ "that" (reflexive)
→ complex syntax
[√]
- *447. Then you said: "... but not all the way in." That is wrong?
→ "in" (preposition)
→ "that" (reflexive)
→ "that is wrong" (statement voiced as question)
question) [√]
- *448. Then you said: "My cookie bled a little bit and was burning"
→ "little bit" (cognitively inappropriate)
→ statement voiced as question
[√]
- *449. Is that also not true?

- "that" (reflexive)
 → "not" (negative)
 → "true" (cognitively)
 inappropriate) [✓]
- *450. "I washed my panty because I was too scared to tell." That is also not true?
 → "I" (vague)
 → "I" (vague)
 → "that" (reflexive)
 → "not" (negative)
 → "true" (cognitively)
 inappropriate)
 → statement voiced as question
 [✓]
- *451. Was it only one occasion at the toilet?
 → "occasion" (age – inappropriate vocabulary)
 → "at" (preposition ... at toilet?
 outside? inside?
 next to? – vague)
 [✓]
452. And that was'nt when you were sleeping over. Right?
 → "was'nt" (negative)
 → "right" (statement voiced as question)
 → "right" (tag question)
 []
453. But you told us this morning that it was when you were sleeping over.
 → "us" (vague)
 → "this morning" (time)
 → "it" (pronoun)
 → statement voiced as question
 [X]

Intervention court / defence

Defence

454. Ja. Your statements says: "I can also remember on three occasions I went to the shop which uncle Spikkels has at his house."
 → "statement" (technical term and age – inappropriate vocabulary)
 → "I" (vague)
 → "remember" (cognitively)
 inappropriate)
 → "occasions" (age – inappropriate vocabulary)
 → "I" (vague)
 → "his" (pronoun)
 → statement voiced as question
 []
455. And then the statement reads: "When I was at the shop I needed to go to the toilet. When I was in the toilet, having a wee, uncle Spikkels walked in the toilet and closed the door."
 → "statement" (technical term and age – inappropriate vocabulary)
 → "I" (vague)
 → "I" (vague)
 → "I" (vague)
 → statement voiced as question
 []

456. "The first time he stand in front of me and bend over and put his finger up the little hole in my cookie...."

- "he" (pronoun)
- "his" (pronoun)
- statement voiced as question
[]

457. "... and moved his finger around"

- "his" (pronoun)
- statement voiced as question
[]

458. Now, why did you say that you went there on three occasions?

- "now" (implies conclusion arrived at as result of calculation)
(cognitively)
- "why" (inappropriate)
- "there" (reflexive)
- "occasions" (age – inappropriate vocabulary) []

459. Because this sounds as if it happened on three occasions. It actually says that you went there to the shop on three occasions: "The first time when I was in the toilet, having a wee, uncle Spikkels walked into the toilet and closed the door. The first time, he stands in front of me and bend over and put his finger up the little hole in my cookie and moved his finger around. The second time he was on his knees in front of me and put his finger in my cookie and wheeled it around. The third occasion, he sat on the floor, on his bum, and put his finger in my little hole in my cookie and moved his finger around. My cookie bled after he did the first three times. My cookie always burned and was sore."

Now to me it sounds if you told the police that you went there three times and it happened three times, every time in a different position. What have you told the police Hayley?

- "now" (implies conclusion arrived at as result of calculation)
(vague)
- "it" (preposition)
- "sounds" (vague and slang)
- "if" (hypothetical)
- "there" (reflexive)
- "it" (pronoun)
- "every time" (temporal)
- "different" (age – inappropriate vocabulary)
- "position" (age – inappropriate vocabulary)
- long statement followed by question
[]

*460. If you can't remember, fine with me?

- "if" (hypothetical)
- "can't" (negative)
- "remember" (cognitively inappropriate)
- "fine" (slang)
- "me" (pronoun)
- statement voiced as question
[✓]

*461. But because you were so small and they took your statement so much later, you could have made mistakes. Right?

- "they" (pronoun)

- "statement" (technical term and
age – inappropriate vocabulary)
- "much later" (cognitively
inappropriate)
- "right" (statement voiced as
question and tag question)
(hypothetical)
- "could have"
[√]
- *462. And you could'nt remember very clearly?
→ "could'nt" (negative)
→ "remember" (cognitively
inappropriate)
→ "very" (contrastive – vague)
→ statement voiced as question
[√]
- *463. "Each time uncle Spikkels did this to me, he also gave me french kisses." That is also not true,
is it?
→ "that" (reflexive and shifter)
→ "not" (negative)
→ "true" (cognitively
inappropriate)
→ "is it" (tag question)
[√]
- *464. No, but that was'nt on one of the occasions?
→ "that" (reflexive)
→ "was'nt" (negative)
→ "occasions" (age – inappropriate
vocabulary)
→ statement voiced as question
[√]
- *465. But your statement says: "Each time uncle Spikkels did this to me, he also gave me french
kisses." That is totally wrong. Right?
→ "statement" (technical term and
age – inappropriate vocabulary)
- "that" (reflexive)
→ "totally" (age – inappropriate
vocabulary)
→ "right" (statement voiced as
question and tag question)
[√]
- *466. Can you remember whether you told the police that?
→ "remember" (cognitively
inappropriate)
→ "that" (reflexive)
→ incomplete question
[√]
467. "He put his tongue in my mouth when he did this. He made me feel sad and funny."
[X]
468. "This is all I can remember"
- Intervention** (statement handed in)
[X]

*469. Hayley, can you tell the Court: Look, you knew that you didn't have to go back to uncle Spikkels. Right?

→ "court" (technical term)
 → "knew" (cognitively inappropriate)
 → "didn't" (negative)
 → "right" (statement voiced as question and tag question)
 [√]

*470. And you knew what was right and wrong. You knew that wasn't right. I mean, we have already spoken about the sex video and everything. Right?

→ "knew" (cognitively inappropriate)
 → "knew" (cognitively inappropriate)
 → "that" (reflexive)
 → "wasn't" (negative)
 → "we" (vague)
 → "sex video" (age – inappropriate vocabulary)
 → "everything" (contrastive)
 → "right" (statement voiced as question and tag question)
 [√]

*471. And did you trust your mommy?

→ topic change
 → "trust" (age – inappropriate vocabulary) [√]

*472. And did you trust your sister?

→ "trust" (age – inappropriate vocabulary) [√]

*473. And did you trust your dad?

→ "trust" (age – inappropriate vocabulary) [√]

*474. Can you explain to us why you didn't tell them?

→ "explain" (age – inappropriate vocabulary)
 → "us" (vague)
 → "why" (cognitively inappropriate)
 → "didn't" (negative)
 → "them" (pronoun)
 [√]

*475. Afraid of what? What would he have done? What could he have done to you?

→ "afraid of what" (repeats previous answer)
 → "what" (vague)
 → "he" (pronoun)
 → "he" (pronoun)
 → multiple question [√]

*476. Ja, that was the danger. Carrying on with the story if it didn't come out. But why didn't you tell your mommy?

→ "that" (reflexive)

→ "danger" (age – inappropriate vocabulary)

→ "if" (hypothetical)

→ "it" (pronoun)

→ "did'nt" (negative)

→ "why" (cognitively inappropriate)

→ "did'nt" (negative)

→ long statement before question [✓]

*477. But why listen to him?

→ "why" (cognitively inappropriate)

→ "him" (pronoun)

→ incomplete question [✓]

*478. And in the end, why did you tell? Did'nt you feel scared anymore?

→ "in the end" (age – inappropriate vocabulary)

→ "why" (cognitively inappropriate)

→ "did'nt" (negative)

→ multiple question [✓]

*479. You knew you had to tell?

→ "knew" (cognitively inappropriate)

→ statement voiced as question [✓]

480. Were you pressured to tell?

→ "pressured" (age – inappropriate vocabulary)

→ incomplete question [X]

481. When your sister tell things, did you feel – were you pressured then to also tell things?

→ "when" (time)

→ "things" (vague)

→ "feel" (cognitively inappropriate)

→ "pressured" (age – inappropriate vocabulary)

→ "then" (reflexive)

→ "things" (vague)

→ complex syntax []

Court

*482. Did you feel that you also had to tell things?

→ "feel" (cognitively inappropriate)

→ "things" (vague) [✓]

Defence

*483. But you did'nt do it out of your own. Right?

→ "did'nt" (negative)

→ "it" (pronoun)

- "right" (statement voiced as question and tag question)
- [√]
- *484. Who was asking you questions when you told – your mother?
→ embedding
[√]
- *485. Did your mother say anything, why you must tell?
→ "anything" (vague)
→ "why" (cognitively inappropriate) [√]
486. Hayley, I have got to put some things to you that I really don't want to, but I have got to do it, unless the Court tells me not to. Did you have a big doll?
→ topic change
→ "put" (technical term)
→ "some" (contrastive)
→ "things" (vague)
→ "don't" (negative)
→ "it" (pronoun)
→ "unless" (conjunction)
→ "court" (technical term)
→ "not" (negative)
[X]
- *487. Ja, a big doll?
→ incomplete question
[√]
- *488. Your brother is Clint. Is that right?
→ topic change
→ "that" (reflexive)
→ "right" (tag question)
[√]
- *489. Did you also sometimes lie with him in bed?
→ "sometimes" (vague)
→ "lie with" (vague)
→ "him" (pronoun)
[√]
- *490. Are you sure about that?
→ "that" (reflexive)
→ incomplete question
[√]
- *491. I see that you shake your head. Are you sure about that?
→ "that" (reflexive)
→ repeats previous incomplete question
[√]
- *492. Never lied with him in bed?
→ "never" (temporal)
→ "him" (pronoun)
→ incomplete question
[√]
- *493. Because uncle Spikkel's wife will say that she was at your house when your sister shouted to your mother: "Mummy, Clint is fiddling with Hayley" and then she and your mother went to the bedroom where you were lying under the blankets. Is that totally untrue?
→ "she" (pronoun)

- "fiddling" (age – inappropriate vocabulary)
- "she" (pronoun)
- "totally" (cognitively inappropriate vocabulary)
- "untrue" (cognitively inappropriate vocabulary)
- long statement before tag question [✓]
- *494. Totally untrue?
- "totally" (cognitively inappropriate vocabulary)
- "untrue" (cognitively inappropriate vocabulary)
- repeats last question [✓]
- *495. She is making that up, totally?
- "she" (pronoun)
- "making up" (slang)
- "that" (reflexive)
- "totally" (cognitively inappropriate vocabulary, contrastive)
- statement voiced as question [✓]
- *496. Ja, she also said that there was an occasion in her presence and in the accused's presence, that you were making suggestive moves on a Coke bottle and your mother spoke to you about it and you just went behind the couch to do it again.
- "she" (pronoun)
- "occasion" (age – inappropriate vocabulary)
- "her" (pronoun)
- "presence" (age – inappropriate vocabulary)
- "accused" (technical term)
- "presence" (age – inappropriate vocabulary)
- "suggestive" (age – inappropriate vocabulary)
- "on" (preposition)
- "about" (preposition)
- "it" (reflexive and shifter)
- "behind" (conjunction)
- "it" (reflexive and shifter) [✓]
497. You never done that?
- repeats previous answer
- "never" (negative)
- "that" (reflexive and shifter) [X]
- *498. And she also said that on one occasion that she was there, you were lying on top of that big doll and also made the same movements?
- "she" (pronoun)
- "occasion" (age – inappropriate vocabulary)
- "she" (pronoun)
- "there" (reflexive, place – vague)
- "on" (preposition)

- "that" (reflexive)
 → long statement voiced as question
 [√]
- *499. And then the worst part is, she said that your dad was sitting barefoot and that you were making that type of movements on his feet in the presence of them and then the accused actually said to him: "Hey, how can you do that?" and then your dad made remarks that I don't even want to recall here I don't even want to tell you.
- "part" (vague)
 → "she" (pronoun)
 → "on" (preposition)
 → "his" (pronoun)
 → "presence" (age – inappropriate
 vocabulary)
 → "them" (pronoun)
 → "accused" (technical term)
 → "actually" (age – inappropriate
 vocabulary)
 → "him" (pronoun)
 → "that" (reflexive)
 → "remarks" (age – inappropriate
 vocabulary)
 → "don't" (negative)
 → "recall" (age – inappropriate
 vocabulary)
 → "here" (shifter)
 → "don't" (negative)
 → long statement voiced as question
 [√]
- *500. You see, I also gain the impression from your mother's statement and you must tell me if it is true, that that blue movie that was watched, wasn't an accident. The children was watching the movie in the house.
- "see" (vague)
 → "gain" (age – inappropriate
 vocabulary)
 → "impression" (age – inappropriate
 vocabulary)
 → "statement" (technical term and
 age – inappropriate
 vocabulary)
 → "me" (vague)
 → "if" (hypothetical)
 → "it" (pronoun)
 → "true" (cognitively
 inappropriate)
 → "blue movie" (age – inappropriate
 vocabulary)
 → "was watched" (passive)
 → "was'nt" (negative)
 → long statement voiced as question
 [√]
- *501. Whose movie was that?
 → "that" (reflexive)
 → incomplete question
 (√)
- *502. Did your dad also have movies like that?
 → "that" (reflexive)
 [√]
- *503. Why do you say no? Do you know it for a fact that he didn't have? You say "no" so quick.

- "why" (cognitively
inappropriate)
- "know" (cognitively
inappropriate)
- \ → "it" (pronoun)
→ "for a fact" (age – inappropriate
vocabulary)
- "he" (pronoun)
→ "did'nt" (negative)
→ incomplete question
→ embedding
[√]
- *504. How do you Do you know where that movie come from that was in your house, that your sister and brother was watching?
→ "know" (cognitively
inappropriate)
→ "wherecome from" (vague)
→ "that thatwatching" (embedding)
[√]
- *505. Whose father's safe?
→ repeats previous answer
→ incomplete question
[√]
- *506. Because you know that uncle Spikkels says that him and your father used to swop out movies like that. So that type of movie was in your house?
→ "know" (cognitively
inappropriate)
→ "him" (pronoun)
→ "swop" (slang)
→ "that" (reflexive)
→ long statement voiced as question
[√]
- *507. And Spikkel's wife will tell the Court that that your mother told her that that was'nt the first time they caught you or their children watching movies in your house. I am not saying you, but the children.
→ "court" (technical term)
→ "her" (pronoun)
→ "was'nt" (negative)
→ "their" (pronoun)
→ "not" (negative)
→ long statement voiced as question
[√]
- *508. Uncle Spikkels says he never touched you there in his house. He never touched you.
→ "he" (pronoun)
→ "never" (temporal)
→ "there" (reflexive, place and
vague)
→ "his" (pronoun)
→ "he" (pronoun)
→ "never" (temporal)
→ repeats statement voiced as question
[√]
- *509. Ja. Tell me Hayley, were you prepared to go to court by Childline's people and other people?
→ "me" (vague)
→ "prepared" (age – inappropriate
vocabulary)
→ "court" (technical term)

- "other" (vague)
[√]
510. How were you prepared to go to court?
→ "how" (cognitively
inappropriate)
→ "prepared" (age – inappropriate
vocabulary)
→ "court" (technical term)
[X]
511. Very?
→ repeats answer
→ incomplete question
[X]
- *512. But tell His Worship how were you prepared to go to court.
→ "His Worship" (technical term)
→ "how" (cognitively
inappropriate)
→ "prepared" (age – inappropriate
vocabulary)
→ "court" (technical term)
→ statement
[√]

Court

- *513. What do you mean "you were prepared"? Can you tell us?
→ "mean" (cognitively
inappropriate)
→ "prepared" (age – inappropriate
vocabulary)
→ "us" (vague)
→ multiple question
[√]

Defence

514. No, no. That is actually not what I have asked here. There is a misunderstanding here.
→ "actually" (age – inappropriate
vocabulary)
→ "not" (negative)
→ "here" (shifter)
→ "there" (shifter)
→ "misunderstanding" (age – inappropriate
vocabulary)
→ "here" (shifter)
[]

Intervention

Court

- *515. What did they do? Did they tell you what is going to happen here or did they show you something what is going to happen? Can you just tell us. We don't know how they work?
→ "they" (pronoun)
→ "they" (pronoun)
→ "here" (reflexive)
→ "or" (multichoice)
→ "they" (pronoun)
→ "something" (vague)
→ "us" (vague)
→ "we" (vague)
→ "don't" (negative)

→ "know how" (cognitively
 inappropriate)
 → "they" (pronoun)
 → multiple question
 [√]

Defence

516 Ja, who did that?
 → "that" (reflexive)
 → incomplete question
 []

*517. The people from Childline?
 → incomplete question
 [√]

*518. How long ago was that?
 → "long ago" (temporal)
 → "that" (reflexive)
 → incomplete question
 [√]

*519. Three years ago?
 → repeats previous answer
 → "years" (cognitively
 inappropriate)
 → incomplete question
 [√]

*520. And did they go through your statement with you?
 → "they" (pronoun)
 → "go through" (technical term and
 age - inappropriate vocabulary)
 → "statement" (technical term and
 age – inappropriate vocabulary)
 [√]

*521. And did they tell you that you must stick to your story?
 → "they" (pronoun)
 → "stick" (slang)
 → leading question
 [√]

*522. And did they tell you that you must'nt tell the Court, anything different from what is in that statement?
 → "they" (pronoun)
 → "must'nt" (negative)
 → "court" (technical term)
 → "anything" (vague)
 → "difference" (cognitively
 inappropriate vocabulary)
 → "that" (reflexive)
 → "statement" (technical term and
 age – inappropriate vocabulary)
 [√]

*523. And did they tell you that uncle Spikkels may deny it and that you must stick to your story.
 Right?
 → "they" (pronoun)

→ "deny" (age – inappropriate
 vocabulary)
 → "it" (pronoun)
 → "stick" (slang)
 → "right" (statement voiced as
 question and tag question)
 [√]

*524. They didn't tell you to lie?
 → "they" (pronoun)
 → "didn't" (negative)
 → "lie"
 → statement voiced as question
 [√]

*525. But they told you that this statement, they are going to think that you lie if you deviate from this statement – if you say something else. Right?
 → "they" (vague)
 → "this" (reflexive)
 → "statement" (technical term and
 age – inappropriate vocabulary)
 → "they" (vague)
 → "lie" (cognitively
 inappropriate vocabulary)
 → "if" (hypothetical)
 → "deviate" (age – inappropriate
 vocabulary)
 → "this" (reflexive)
 → "statement" (technical term and
 age – inappropriate vocabulary)
 → "if" (hypothetical)
 → "something" (vague)
 → "right" (statement voiced as
 question and tag question)
 → leading question
 → deliberate confusing
 [√]

*526. And you must stick to that statement. Right?
 → "stick" (slang)
 → "that" (reflexive)
 → "statement" (technical term and
 age – inappropriate vocabulary)
 → "right" (statement voiced as
 question and tag question)
 → repeats previously asked question
 [√]

Court

*527. Hayley, Mr Roelofse is now finished. Mr Nel will now just clarify as few issues and then we are finished.
 → "clarify" (age – inappropriate
 vocabulary)
 → "few" (cognitively
 inappropriate)
 → "issues" (age – inappropriate
 vocabulary)

→ "we" (vague)
 → statement voiced as question
 [✓]

Re-examination

*528. Okay. Now Hayley, you can hear me, hey?
 → "now" (implies conclusion
 arrived at as result of calculation)
 → "hey" (tag question)
 [✓]

*529. Okay, look we are nearly finished. There are just a few things, as the Magistrate has said, that I just need to clear up. I want to come back to this what you have just asked what you were asked now. Okay. Now, when you spoke to the Childline people, did they tell you to tell only the truth?
 → "magistrate" (technical term)
 → "look" (vague)
 → "we" (vague)
 → "nearly" (cognitively inappropriate)
 → "few" (cognitively inappropriate)
 → "things" (vague)
 → "magistrate" (technical term)
 → "this" (reflexive)
 → "have just (been) asked" (passive)
 → "now" (temporal)
 → "now" (implies conclusion arrived at as result of calculation)
 → "they" (pronoun)
 → "only" (contrastive)
 → "truth" (cognitively inappropriate) [✓]

*530. Okay, as you remember it. Is that correct?
 → "remember" (cognitively inappropriate)
 → "it" (reflexive)
 → "that" (shifter)
 → "correct" (age – inappropriate vocabulary)
 → "is that correct" (tag question)
 [✓]

*531. The statement that you are talking about, that you were asked about, was that a police statement or was it something that you said to them – that statement?
 → "statement" (technical term and age – inappropriate vocabulary)
 → "about" (preposition)
 → "about" (preposition)
 → "that" (reflexive)
 → "police statement" (technical term and age – inappropriate vocabulary)
 → "or" (multichoice question)
 → "it" (pronoun)
 → "something" (vague)
 → "them" (pronoun)
 → "that" (reflexive)

- “statement” (technical term and
age – inappropriate vocabulary)
[√]
- *532. And we will come back to that aspect now-now. Alright, now you said and you told us, that there were things that were wrong with your statement. Correct?
- “we” (vague)
→ “that” (shifter)
→ “aspect” (age – inappropriate vocabulary)
→ “now-now” (temporal)
→ “us” (vague)
→ “things” (vague)
→ “statement” (technical term and vocabulary)
age – inappropriate
→ “correct” (age – inappropriate vocabulary and tag question)
[√]
- *533. Okay, and you also told me that this morning as well – too?
- “me” (vague)
→ “that” (reflexive)
→ “this morning” (temporal)
→ “too” (vague)
→ statement voiced as question
[√]
- *534. Is that correct?
- “correct” (age – inappropriate vocabulary)
→ incomplete question
[√]
- *535. Now, things were pointed out to you just now that were wrong with your statement and one of them was the bleeding incident.
- “now” (implies conclusion arrived at as result of calculation)
→ “things” (vague)
→ “pointed out” (age – inappropriate vocabulary)
→ “just now” (temporal)
→ “statement” (technical term and vocabulary)
age – inappropriate
→ “then” (reflexive)
→ “incident” (age – inappropriate vocabulary)
→ statement voiced as question
[√]
- *536. Okay, and you say that the bleeding incident only took place in the toilet?
- “incident” (age – inappropriate vocabulary)
→ “took place” (age – inappropriate vocabulary)
→ statement voiced as question
[√]
537. Okay, Right, and there was a part that was read to you by the attorney about the burning and the bleeding at the toilet. Can you remember that – just now – correct?

- "there" (reflexive)
 → "a part" (cognitively)
 inappropriate)
 → "that was read" (passive)
 → "attorney" (technical term)
 → "about" (preposition)
 → "at" (preposition)
 → "remember" (cognitively)
 inappropriate)
 → "that" (reflexive)
 → "just now" (temporal)
 → "correct" (age – inappropriate)
 vocabulary and tag
 question) → "correct" (statement voiced as
 []
- *538. Now, when you were telling the policeman, was it a policeman or a policewoman? Can you remember?
 → "now" (implies conclusion)
 arrived at as result of
 calculation)
 → "when" (temporal)
 → "it" (pronoun)
 → "or" (multichoice question)
 → "remember" (cognitively)
 inappropriate)
 → multichoice question
 [✓]
- *539. Now, do you know that when you were telling them, whether they always understand what you were trying to tell them?
 → "now" (implies conclusion)
 arrived at as result of
 calculation)
 → "know" (cognitively)
 inappropriate)
 → "them" (pronoun)
 → "whether" (age – inappropriate)
 vocabulary)
 → "they" (pronoun)
 → "always" (cognitively)
 inappropriate)
 → "understand" (age – inappropriate)
 vocabulary)
 → "them" (pronoun)
 [✓]
- *540. Did they make sure or don't you know?
 → "they" (vague)
 → "or" (multichoice question)
 → "don't" (negative)
 → "know" (cognitively)
 inappropriate)
 → "make sure" (of what? - incomplete)
 question) [✓]
541. Now, what was read to you with regard to what seems like "three occasions in the toilet"
 → "now" (implies conclusion)
 arrived at as result of
 calculation)
 → "was read" (passive)
 → "with regard" (age – inappropriate)
 vocabulary)

- "seems" (age – inappropriate vocabulary)
- "occasions" (age – inappropriate vocabulary)
- incomplete statement voiced as question [X]
- *542. Did you tell me the story whether it was right or did you tell me whether it was wrong?
- "me" (vague)
- "story" (reflexive, vague)
- "whether" (age – inappropriate vocabulary)
- "it" (pronoun)
- "or" (multichoice question)
- "me" (vague)
- "whether" (age – inappropriate vocabulary)
- "it" (pronoun)
- [√]
543. You can't remember, and you were concerned about something which you thought was off in the statement. Correct?
- "can't" (negative)
- "remember" (cognitively inappropriate)
- "concerned" (age – inappropriate vocabulary)
- "something" (vague)
- "off" (slang and vague)
- "statement" (technical term and age – inappropriate vocabulary)
- "correct" (age – inappropriate vocabulary)
- "correct" (statement voiced as question and tag question)
- []
544. Now when you told when these things came out, was it easier to tell the people after Nicole told the people or was'nt it?
- "now" (implies conclusion arrived at as result of calculation)
- "when" (temporal)
- "when" (temporal)
- "these" (reflexive)
- "things" (vague)
- "after" (preposition)
- "people" (vague)
- "people" (vague)
- "or" (multichoice question)
- "was'nt" (negative)
- []
545. Pardon?
- "pardon" (age – inappropriate vocabulary)
- statement voiced as question []
546. I will repeat the question: When the things came out, okay?
- "repeat" (age – inappropriate vocabulary)
- "when" (temporal)

- "things" (vague)
 → incomplete statement voiced as question
 [X]
547. Was it easier to tell about what had happened to you or was it harder?
 → "it" (pronoun)
 → "about" (preposition)
 → "what" (vague, reflexive)
 → "or" (multichoice)
 → "it" (pronoun)
 → repeats previously asked question 544
 []
- *548. This is after Nicole had actually told everyone?
 → "this" (reflexive)
 → "after" (temporal)
 → "actually" (age – inappropriate vocabulary)
 → "everyone" (vague)
 → statement voiced as question
 [√]
- *549. And you were then asked to tell the things.
 → "then" (reflexive)
 → "the things" (vague)
 → statement voiced as question
 [√]
- *550. Correct?
 → correct (age – inappropriate vocabulary)
 → statement voiced as question
 [√]
- *551. But up until then you had'nt told anyone?
 → "then" (reflexive and shifter)
 → "had'nt" (negative)
 → "anyone" (vague)
 [√]
- *552. Now, when Nicole told her told what had happened to her, you say that it was harder to tell the people?
 → "now" (implies conclusion)
 arrived at as result of
 calculation)
 → "when" (temporal)
 → "her" (pronoun)
 → "her" (pronoun)
 → "it" (pronoun)
 → "people" (vague)
 → statement voiced as question
 [√]
- *553. Can you tell us why?
 → "us" (vague)
 → "why" (cognitively inappropriate)
 → incomplete question
 [√]
- *554. Now, it was also mentioned that there was something else in the statement that was said to you that was wrong. That is about you being eight years old.
 → "now" (implies conclusion)
 arrived at as result of

→	"it"	calculation)
→	"mentioned"	(pronoun)
	vocabulary)	(age – inappropriate
→	"there"	(reflexive)
→	"something"	(vague)
→	"that"	(reflexive)
→	"statement"	(technical term and
	age – inappropriate	
→	"was said to you"	vocabulary)
→	"that"	(passive)
→	"about"	(reflexive)
→	statement voiced as question	(preposition)

[√]

*555. Now, when I spoke to you this morning, did you say that it happened when you were in grade 2?

→	"now"	(implies conclusion
	arrived at as result of	

→	"when"	calculation)
→	"this morning"	(temporal)
→	"it"	(temporal)
→	"when"	(pronoun)
		(temporal)

[√]

.....

TRANSCRIPT 8

S v Lombardt en andere
Case number: Regional Court 5/21/00
Gender: Male
Age: 7
Race: White
Complainant: Anton Lombardt
Charge: Indecent assault
Intermediary: Yes

Court

Competency test

- *1. Hoe oud is jy Anton?
[✓]
- *2. Is jy al op skool?
[✓]
- *3. Watter standerd is jy of watter graad?
→ "of" (multichoice question)
→ incomplete question
[✓]
- *4. Nou Anton weet jy wat dit beteken om die waarheid te praat?
→ "nou" (conclusion arrived at as result of
calculation)
→ "weet" (know,
cognitively inappropriate))
→ "beteken" (means)
→ "waarheid" (truth)
[✓]
5. Weet jy ook wat dit beteken om 'n leuen te vertel?
→ "weet" (know)
→ "beteken" (means)
→ "leuen" (lie)
[✓]
- *6. Wie het u geleer wat is die verskil tussen die waarheid en 'n leuen?
→ "verskil" (difference)
→ "waarheid" (truth)
→ "leuen" (lie)
[✓]
- *7. So net weer?
→ "weer" (again)
→ incomplete question
(✓)
- *8. Nou die ooms hier gaan vir u vra. Oom Phillip gaan vir u eerste vra en daarna die oom prokureurs. En u moet nou maar net mooi luister na die vrae en die vrae beantwoord asseblief. Beloof en bevestig u dat u die waarheid sal praat en net die waarheid en niks anders as die waarheid nie.
→ "nou" (now,
conclusion arrived at as
result of
calculation)
→ "ooms" (vague)
→ "hier" (shifter)
→ "prokureurs" (technical)

- “bevestig” (technical
 - and age – inappropriate vocabulary)
 - “waarheid” (truth)
 - “net” (only,
 - technical)
 - “waarheid” (truth)
 - “niks anders” (negative)
 - “waarheid” (truth)
 - long statement voiced as question
- [√]

Examination in chief

- *9. Nou Anton waar woon jy nou?
 → “nou” (conclusion
 arrived at as result of calculation)
- [√]
- *10. Nou Anton kan jy vir my sê of jy weet wat is dagga?
 → topic changes
 → “nou” (conclusion
 arrived at as result of calculation)
 → “my” (vague)
 → “weet” (know)
 → “dagga” (age –
 inappropriate vocabulary)
- [√]
- *11. Nou wat maak die mense as hulle te doen het met dagga?
 → “nou” (conclusion
 arrived at as result of calculation)
 → “die mense” (vague)
 → “hulle” (pronoun)
 → “te doen het” (clumsy word
 construction and slang –
 vague)
 → “dagga” (age –
 inappropriate vocabulary)
- [√]
- *12. En wat maak hulle met die bierbottel se kop?
 → “hulle” (pronoun)
 [√]
- *13. En toe?
 → incomplete statement voiced as a question
 [√]
- *14. En kom daar rook uit êrens of nie?
 → “daar” (shifter)
 → “êrens” (vague)
 → “of nie” (negative and
 multichoice) [√]
- *15. Het jy enige iemand dit sien doen?
 → “enige iemand” (vague)
 → “dit” (reflexive)

- “doen” (vague)
[√]
- *16. Wie was dit gewees?
→ “dit” (pronoun)
→ incomplete question
[√]
- *17. Kan jy onthou waar hulle dit gedoen het?
→ “onthou” (remember)
→ “hulle” (pronoun)
→ “dit” (pronoun)
→ incomplete question
[√]
- *18. Kan u nog verder vir ons sê waar in Hopestraat het dit gebeur?
→ “u” (formal, age
– inappropriate vocabulary)
→ “verder” (age –
inappropriate vocabulary)
→ “ons” (vague)
→ “dit” (pronoun)
→ incomplete question
[√]
- *19. Nou u sê dat u pa en oom Frans dagga gerook het in die garage. Nou sê my Anton het enige iets leliks met jou gebeur?
→ “nou” (conclusion
arrived at as result of calculation)
→ “u” (formal, age
– inappropriate vocabulary)
→ “dagga” (age –
inappropriate vocabulary)
→ “enige iets” (vague)
[√]
- *20. Watse lelike goed was dit gewees?
→ “dit” (pronoun)
→ incomplete question
[√]
- *21. Waar?
→ incomplete question
[√]
- *22. En was dit seer gewees?
→ “dit” (pronoun)
→ incomplete question
→ leading question
[√]
- *23. Nou het enige iets anders met jou gebeur wat lelik was?
→ “nou” (conclusion
arrived at as result of calculation)
→ “enige iets” (vague)
[√]
- *24. Watse lelike goed was dit gewees?
→ “goed” (vague)
→ “dit” (reflexive)

- incomplete question
[√]
- *25. En was sy nou die enigste een wat jou tottie gesuig het?
→ “sy” (pronoun)
→ complex syntax
[√]
- *26. Ken u vir tannie Ronel?
→ “u” (formal and
age – inappropriate vocabulary)
- *27. Hou jy van tannie Ronel?
[√]
- *28. Hoekom nie?
→ “hoekom” (why)
→ “nie” (negative)
→ incomplete question
[√]
- *29. Watse lelike goed het sy gedoen?
→ “sy” (pronoun)
[√]

Intervention

- *30. Nou was dit al wat met jou gebeur het?
→ “nou” (conclusion
arrived at as result of
calculation)
→ “al” (cognitively
inappropriate and contrastive)
[√]
- *31. Watse ander lelike goed het met jou gebeur?
→ “goed” (vague)
[√]
- *32. Was jou pa die enigste een wat dit gedoen het?
→ “enigste” (contrastive)
→ “dit” (vague)
→ incomplete question
[√]
- *33. Wie was die ander dan?
→ incomplete question
[√]
- *34. Was daar nog gander?
→ “ander” (vague)
→ incomplete question
[√]
- *35. Enige ander?
→ “ander” (vague)
→ incomplete question
[√]
- *36. Nou wat het jou ma gedoen?
→ “nou” (conclusion
arrived at as result of calculation)

- vague and incomplete question
[√]
37. Nou u het gesê dat hulle nou jou neussalf, of jou pa het neussalf gebruik. Is dit reg?
→ "nou" (conclusion)
arrived at as result of
→ "u" calculation)
age – inappropriate (formal and
→ "hulle" vocabulary)
→ "neussalf" (pronoun)
confusing – said (deliberately
→ "is dit reg" "salf")
[] (tag question)

Intervention

- *38. Jy het gesê jou pa het salf gebruik.
→ "pa" (deliberately)
confusing – said was own salf)
→ statement voiced as question
[√]
- *39. Nou waar het hy hierdie salf gekry, weet jy?
→ "nou" (conclusion)
arrived at as result of
→ "hy" calculation)
→ "hierdie" (pronoun)
shifter) (reflexive and
→ "weet" (know)
→ multiple question
[√]
- *40. Nou wie se salf was dit gewees, kan jy onthou?
→ "nou" (conclusion)
arrived at as result of
→ "dit" calculation)
→ "onthou" (pronoun)
→ multiple question (remember)
[√]
- *41. Kan u net vir ons weer sê wat he thy gemaak as hy hierdie salf gebruik het?
→ "u" (formal and
age – inappropriate vocabulary)
→ "ons" (vague)
→ "hy" (pronoun)
→ "hy" (pronoun)
→ "hierdie" (shifter)
[√]
- *42. Waar het hy dit aangesmeer?
→ "hy" (pronoun)
[√]
- *43. Nou u het gesê hy het sy tottie ingedruk nê?
→ "nou" (conclusion)
arrived at as result of calculation)

- "u"
age – inappropriate (formal and vocabulary)
- "hy"
→ "sy"
→ "nê"
[√] (pronoun)
(pronoun)
(tag question)
- *44. Nou waar het hy sy tottie ingedruk, kan u vir ons se?
→ "nou"
arrived at as result of (conclusion)
- "hy"
→ "sy"
→ "u"
age – inappropriate calculation)
(pronoun)
(pronoun)
(formal and vocabulary)
(vague)
- "ons"
→ multiple question
[√]
45. Nou is dit waar jy nou poefie of nie?
→ "nou"
arrived at as result of (conclusion)
- "dit"
→ "of nie"
question) calculation)
(pronoun)
(multichoice)
- leading question
[]
- *46. En was dit seer of was dit nie seer gewees nie?
→ "dit"
→ "of"
question) (pronoun)
(multichoice)
- "nie"
→ incomplete, leading question
[√] (negative)
- *47. En wat het jy gemaak as dit seer was?
→ "dit"
[√] (pronoun)
- *48. En het hulle opgehou as u gehuil het?
→ "hulle"
→ "u"
age – inappropriate (pronoun)
(formal and vocabulary)
√]
- *49. Nou as hulle so gemaak het, hoe was u aangetrek gewees?
→ "nou"
arrived at as result of (conclusion)
- "hulle"
→ "so gemaak"
→ "u"
age – inappropriate calculation)
(pronoun)
(reflexive)
(formal and vocabulary)
[√]
- *50. En het die ander mense klere aangehad?

- "ander mense" (vague)
→ "klere" (clothing,
vague)
→ incomplete question
[✓]
- *51. Goed. Nou was dit okay om te praat omtrent hierdie goed?
→ "nou" (conclusion
arrived at as result of
calculation)
→ "hierdie" (shifter)
→ "goed" (vague)
[✓]
52. Het iemand gesê jy mag nie daarvan praat nie of nie?
→ "iemand" (vague)
→ "mag nie" (negative)
→ "daarvan" (pronoun)
→ "of" (multichoice
question)
→ "nie" (negative)
[]
- *53. Wie het so gesê?
→ "so" (reflexive)
→ incomplete question
[✓]
- *54. Nou, het u ooit gesien of enige iets leliks met Willem gebeur?
→ "nou" (conclusion
arrived at as result of
calculation)
→ "u" (formal and
age – inappropriate
vocabulary)
→ "ooit" (temporal)
→ "enige iets" (vague)
[✓]
- *55. Ek het u gevra jammer vir die onderbreking Edelagbare. U het gesê u het nie gesien of iets leliks met Willem gebeur. Het ek u reg gehoor?
→ "onderbreking" (age –
inappropriate vocabulary)
→ "Edelagbare" (technical)
→ "u" (formal and
age – inappropriate
vocabulary)
→ "u" (formal and
age – inappropriate
vocabulary)
→ "nie" (negative)
→ "iets" (vague)
→ "u" (formal and
age – inappropriate
vocabulary)
→ "het gehoor" (tag question)
[✓]
- *56. Nou u het gesê as hulle, hulle totties in jou – was dit net jou pa wat so gemaak het of daar ander ook gewees wat hulle totties ingedruk het?
→ "nou" (conclusion
arrived at as result of
calculation)
→ "u" (formal)

- "hulle" (pronoun and
age – inappropriate vocabulary)
- "hulle" (pronoun)
→ "in" (preposition)
→ "so gemaak" (vague)
→ "of" (multichoice question)
- "ander" (vague)
→ "hulle" (pronoun)
- [√]
- *57. Nou wat ek wil weet is, het u ooit gesien dat enige dames met mekaar speel?
→ "nou" (conclusion)
arrived at as result of calculation)
- "weet" (know)
→ "u" (formal and
age – inappropriate vocabulary)
- "ooit" (vocabulary)
→ "dames" (temporal)
inappropriate vocabulary) (age –
→ "speel" (ambiguous)
[√]
- *58. Weet u wat hierdie tannie se name was?
→ "weet" (know)
→ "u" (formal and
age – inappropriate vocabulary)
- "hierdie" (vocabulary)
[√] (reflexive)
- *59. Wat het hulle gemaak?
→ "hulle" (pronoun)
→ vague question
[√]
60. Kan u hierdie lelike goed beskryf?
→ "u" (formal and
age – inappropriate vocabulary)
- "hierdie" (vocabulary)
→ "goed" (reflexive)
→ "beskryf" (vague)
inappropriate vocabulary) (age –
[X]

Intervention

- *61. Nou u het gesê u ma het u met 'n sigaret gebrand. Is dit reg?
→ "nou" (conclusion)
arrived at as result of calculation)
- "u" (formal and
age – inappropriate vocabulary)
- "u" (formal and
age – inappropriate vocabulary)
- "dit" (vocabulary)
→ "is..... reg" (reflexive)
[√] (tag question)

- *62. Was daar 'n merk gelos?
 → "daar" (shifter)
 → incomplete question
 [✓]
- *63. Kan u dalk vir ons wys?
 → "u" (formal and
 age – inappropriate vocabulary)
 → "ons" (vague)
 → incomplete question
 [✓]
- Intervention**
- *64. Ken u 'n tannie Maude?
 → "ken" (know)
 → "u" (formal and
 age – inappropriate vocabulary)
 → "n" (vague,
 indefinite) [✓]
- *65. Waar ken jy haar vandaan?
 → "ken" (know)
 → "haar" (pronoun)
 → "vandaan" (vague)
 [✓]
66. En het sy ooit kom kuier by julle huis?
 → "sy" (pronoun)
 → "ooit" (temporal)
 [X]
67. En waar hy gewoon het op enige stadium?
 → "waar" (vague)
 → "hy" [sy] (pronoun)
 → "enige" (vague)
 → "stadium" (age –
 inappropriate vocabulary)
 → incomplete question
 [X]
- *68. Ja, het sy ooit daar kom kuier?
 → "sy" (pronoun)
 → "ooit" (temporal)
 → "daar" (reflexive)
 [✓]
- *69. En ken u 'n tannie Suzette?
 → topic change
 → "u" (formal and
 age – inappropriate vocabulary)
 → "n" (vague)
 [✓]
- *70. Nou waar het hierdie mense gebly, tannie Maude?
 → "nou" (conclusion
 arrived at as result of calculation)
 → "hierdie" (vague,
 reflexive)
 → "mense" (vague)

- confusing question
[√]
71. Waar was dit gewees, in die groot huis?
→ "dit" (reflexive)
→ "in" (preposition)
→ multiple question
[X]
72. Ja. Waar het hulle gewoon?
→ "hulle" (pronoun)
[X]
- Intervention**
- *73. U sê dit was 'n klein huisie gewees. Wie het almal in haardie klein huisie gewoon, saamgebly?
→ "u" (formal and
age – inappropriate
vocabulary)
→ "dit" (pronoun)
→ "in" (preposition)
→ "daardie" (reflexive)
[√]
- *74. Kan u die oom se naam onthou?
→ "u" (formal and
age – inappropriate
vocabulary)
→ "die oom" (vague)
→ "onthou" (remember)
[√]
- *75. Nou Anton as jy praat van 'n tottie, wat bedoel jy as jy praat van jou tottie, of 'n tottie?
→ "nou" (conclusion
arrived at as result of
calculation)
→ "bedoel" (cognitively
inappropriate)
→ "as" (hypothetical)
→ multiple question
[√]
- *76. Het jy 'n tottie?
[√]
- *77. En het jou pa 'n tottie?
[√]
78. Goed. Waar sit jou pa se tottie?
→ "waar" (vague)
[]
- *79. Kan u vir ons sê?
→ "u" (formal and
age – inappropriate
vocabulary)
→ "ons" (vague)
→ incomplete question
[√]
- *80. Kan u onthou of u geneem is na 'n dokter toe om te laat sien of jy nog reg daar is?
→ "u" (formal and
age – inappropriate
vocabulary)
→ "onthou" (remember)

→ "u" (formal and
age – inappropriate vocabulary)
→ "om te laat sien" (vague)
→ "daar" (reflexive)
→ multiple question
[√]

Intervention

*81. Kan u nie onthou dat u geneem is na 'n dokter toe nie?
→ "u" (formal and
age – inappropriate vocabulary)
→ "nie" (negative)
→ "onthou" (remember)
→ "u" (formal and
age – inappropriate vocabulary)
→ incomplete question
[√]

*82. Nou as jou ma jou tottie gesuig het, was dit lekker of was dit seer. Wat was dit gewees?
→ "nou" (conclusion
arrived at as result of calculation)
→ "as"
→ "of" (multichoice
question)
→ "dit" (vague)
→ multichoice question
[√]

Adjourns till next day

Interruption before cross-examination

*83. Nou Anton kan u vir oom Phillip wys – hier is die mense, hulle name noem soos hulle daar staan. Sê vir my
→ "nou" (conclusion
arrived at as result of calculation)
→ "u" (formal and
age – inappropriate vocabulary)
→ "die mense" (vague)
→ "hulle" (pronoun)
→ "hulle" (pronoun)
→ statement voiced as question
[√]

*84. Waar is jou ma?
[√]

Court

*85. Sê net. Oom Japie, u ma?
→ "u" (formal and
age – inappropriate vocabulary)
→ incomplete statement voiced as question
[√]

86. Tannie Ronel.

→ repeats last answer
[]

Prosecutor

87. Het jy gesê jou pa. Praat net 'n bietjie harder. Waar is jou pa?
→ "bietjie" (cognitively
inappropriate)
→ multiple question
[]

*88. Is dit die man hier op die einde of is dit die een in die middel?
→ "dit" (pronoun)
→ "die man" (vague)
→ "hier" (reflexive)
→ "op die einde" (vague)
→ "of" (multichoice
question)
→ "die een" (vague)
[√]

Court

*89. U het gesê oom Japie, u ma, tannie Ronel. Is daar nog iemand wat u sien?
→ "u" (formal and
age – inappropriate
→ "u" vocabulary)
→ "iemand" (formal)
→ "u" (vague)
→ incomplete question (formal)
[√]

Prosecutor

90. Waar staan jou ma?
[]

91. Is dit die persoon tweede van die einde of waar?
→ "dit" (pronoun)
→ "einde" (vague)
→ "of" (multiple
question)
→ "waar" (vague)
[]

Court

92. Anton kan u tel. 1 2 3 4 5 6 7 8 9 10?
→ "u" (formal and
age – inappropriate)
[]

93. Nou as u daar begin by u pa wat u nou reeds gesê het dit is nommer 1, dit is nommer 2, dan is dit nommer 3, dan is dit nommer 4, dan is dit nommer 5, dan is dit nommer 6. Kan u dit so onthou?
→ "nou" (conclusion
arrived at as result of
→ "as" calculation)
→ "u" (hypothetical)
age – inappropriate (formal and
→ "daar" vocabulary)
(reflexive)

→ "u" (formal and
age – inappropriate vocabulary)
→ "u" (formal and
age – inappropriate vocabulary)
→ "dit" (pronoun)
→ "dit" (pronoun)
→ "dit" (pronoun)
→ "dit" (pronoun)
→ "dit" (pronoun)
→ "dit" (pronoun)
→ "u" (formal and
age – inappropriate vocabulary)
→ "dit" (reflexive)
→ "onthou" (remember)
[]

94. U sê u pa is nommer 1. Watter een is u ma?
→ "u" (formal and
age – inappropriate vocabulary)
→ "u" (formal and
age – inappropriate vocabulary)
→ "een" (vague)
→ "u" (formal and
age – inappropriate vocabulary)
[]

*95. En tannie Ronel?
→ incomplete question
[✓]

*96. En Thomas?
→ incomplete question
[✓]

Prosecutor

97. Wie is nommer 6?
→ incomplete question
[]

*98. Jy het gesê nommer 1. Wie is nommer 2?
→ incomplete question
[✓]

Court

*99. Bevestig u dat u nog die waarheid sal praat, die hele waarheid en niks anders as die waarheid?
→ "bevestig" (age –
inappropriate vocabulary and technical
term)
→ "u" (formal and
age – inappropriate vocabulary)
→ "u" (formal and
age – inappropriate vocabulary)
→ "waarheid" (truth)
→ "hele" (contrastive)
→ "waarheid" (truth)

- “niks anders” (negative)
 → “waarheid” (truth)
 [✓]
- *100. En toe u nou die uitwysing hier in die hof gedoen het, het u toe die waarheid gepraat?
 → “u” (formal and
 age – inappropriate vocabulary)
 → “nou” (temporal)
 → “uitwysing” (age –
 inappropriate vocabulary)
 → “hof” (technical)
 → “u” (formal and
 age – inappropriate vocabulary)
 → “toe” (reflexive)
 → “waarheid” (truth)
 [✓]

Cross examination

- *101. Anton, in watter standerd is jy in die skool?
 → “standerd” (confusing)
 [✓]
- *102. → Wat is jou juffrou se naam?
 [✓]
- *103. Het jy baie maatjies daar by die skool?
 → “daar” (reflexive)
 [✓]
- *104. Is daar nie maatjies saam met wie jy speel nie?
 → “daar” (reflexive)
 → “nie” (negative)
 [✓]
- *105. Hoekom speel jy nie saam met maatjies nie?
 → “hoekom” (why)
 → “nie” (negative)
 [✓]
- *106. Het julle geleer om somme te maak in die skool?
 → “julle” (pronoun)
 [✓]
- *107. En gaan jy Sondagskool toe?
 → topic change
 [✓]
- *108. Leer jy van Liewe Jesus, of waarvan leer jy in die Sondagskool?
 → “of” (multichoice
 question) [✓]
- *109. Het jy al gehoor van die duiwel?
 → vague question (when?)
 [✓]
- *110. Dink jy daar is ‘n ding soos ‘n duiwel?
 → “n ding” (vague)
 [✓]
- *111. Hoe lyk die duiwel?

- “lyk” (cognitively
inappropriate question)
[√]
112. Rooi. Het jy al een gesien?
→ “rooi” (repeats
answer) (vague)
→ “een”
[√]
- *113. So jy dink maar net hy lyk rooi nê?
→ “hy” (pronoun)
→ “nê” (tag question)
[√]
- *114. Behalwe dat hy rooi is, hoe lyk hy nog verder?
→ “hy” (pronoun)
→ “lyk” (cognitively
inappropriate)
→ “hy” (pronoun)
[√]
- *115. Swart. Het hy horings op sy kop?
→ “swart” (repeats
previous answer?)
→ “hy” (pronoun)
→ “sy” (pronoun)
→ leading question
[√]
- *116. Wie het vir jou gesê hy het horings op sy kop?
→ “hy” (pronoun)
→ “hy” (pronoun)
[√]
- *117. Wie het vir jou gesê hy is rooi en swart?
→ “hy” (pronoun)
[√]
- *118. Het jy sommer so gedink, goed Anton, as ek nou vir jou sou sê dat jy moet sê dat daardie more in daardie kamer waarin jy nou sit dat dit blou gevef is, sal jy dit so sê?
→ “so gedink” (repeats
previous answer)
→ “as” (hypothetical)
→ “nou” (temporal)
→ “daardie” (reflexive and
shifter)
→ “daardie” (reflexive)
→ “waarin” (preposition)
→ “nou” (temporal)
→ “dit” (pronoun)
[√]

Intervention

- *119. Hoekom nie?
→ “hoekom” (why)
→ “nie” (negative)
→ incomplete question
[√]
- *120. Goed. Weet jy wat beteken dit om te jok?

- "weet" (know)
 → "beteken" (cognitively)
 inappropriate)
 → "dit" (pronoun)
 → "jok" (lie)
 [√]
121. Wat beteken dit?
 → "beteken" (cognitively)
 inappropriate)
 → "dit" (pronoun)
 → incomplete question
 [X]
- *122. Wat beteken dit as jy 'n leuen vertel?
 → "beteken" (cognitively)
 inappropriate)
 → "dit" (pronoun)
 → "as" (hypothetical)
 → "leuen" (cognitively)
 inappropriate) [√]
123. Jy weet nie. Is dit wat hy gesê het?
 → "jy weet nie" (repeats)
 previous answer)
 → "dit" (pronoun)
 → "hy" (pronoun)
 []
- *124. Weet jy wat is die waarheid Anton?
 → "weet" (know)
 → "waarheid" (truth)
 [√]
125. Wat is die waarheid?
 → "waarheid" (truth)
 []
- Intervention / arguments**
126. Anton wat doen 'n mens as jy nou sou jok?
 → "doen" (vague)
 → "'n mens" (vague)
 → "as" (hypothetical)
 → "jok" (lie)
 [X]
- Intervention / arguments**
- *127. Anton het jy al gejoj?
 → "gejoj" (lie)
 [√]
- *128. Watter kere het jy al gejoj, kan jy onthou?
 → "watter kere" (when)
 → "gejoj" (lie)
 → "onthou" (remember)
 → multiple question
 [√]
129. As jy sê jy het al gejoj, hoekom sê jy, jy het al gejoj. Wat het jy gedoen omdat jy nou vir ons sê dat jy al gejoj het?
 → "as" (hypothetical)
 → "gejoj" (lie)

→	“hoekom”	(why)
→	“gejok”	(lie)
→	“gedoen”	(vague)
→	“ons”	(vague)
→	“gejok”	(lie)
→	multiple question	
	[]	

Intervention / argument

*130.	Jy het nou gesê jy het al gejok, is dit reg Anton?	
→	“gejok”	(lie)
→	“is Anton”	(tag question)
	[√]	

*131.	En toe het jy gesê jy kan nie onthou nie. Is dit so?	
→	“toe”	(reflexive)
→	“kan nie”	(negative)
→	“onthou”	(remember)
→	“nie”	(negative)
→	“dit”	(reflexive)
→	“is.....so”	(tag question)
	[√]	

132.	Nou wat het jy gedoen toe jy gejok het?	
→	“nou”	(conclusion
	arrived at as result of	
		calculation)
→	“gedoen”	(vague)
→	“gejok”	(lie)
	[]	

Intervention / argument (long)

Prosecutor with regard to competency

*133. Anton dit is oom Phillip wat jou nou vrae gaan vra. Nou jy sit in die kamertjie nê, en nou as jy nou kyk daar is 'n silwer ding hier voor jou op daardie blou stoel, daardie boksie daar. Kan jy hom sien?

→	“nou”	(conclusion
	arrived at as result of	
		calculation)
→	“nê”	(tag question)
→	“as”	(hypothetical)
→	“daar”	(shifter)
→	“silwer”	(cognitively
	inappropriate – colour)	
→	“silwer ding”	(vague)
→	“hier”	(shifter)
→	“op”	(preposition)
→	“daardie”	(reflexive)
→	“daardie”	(reflexive)
→	“boksie”	(vague)
→	“daar”	(shifter)
→	“hom”	(pronoun)
→	tag question	
	[√]	

*134.	Nou kan jy 'n prentjie daar teen die muur net bokant hom sien?	
→	topic change	
→	“nou”	(conclusion
	arrived at as result of	

- “daar” calculation)
 → “hom” (shifter)
 [√] (pronoun)
- *135. As jy na daardie prentjie kyk, kan u vir my sê wat is daardie ding in daardie prentjie?
 → “as” (hypothetical)
 → “daardie” (shifter)
 → “u” (formal and
 age – inappropriate vocabulary)
 → “daardie” (shifter)
 → “ding” (vague)
 → “daardie” (shifter)
 [√]
- *136. En nou Anton, as jy vir die mense sê dat dit is nie ‘n hasie nie dit is ‘n olifant, praat jy reg of praat jy verkeerd?
 → “as” (hypothetical)
 → “die mense” (vague)
 → “dit” (pronoun)
 → “nie” (negative)
 → “dit” (pronoun)
 → “of” (multichoice)
 question) [√]
137. Is dit nou soet of is dit stout om dinge te sê wat verkeerd is?
 → “dit” (pronoun)
 → “of” (multichoice)
 question) []
 → “dinge” (vague)
 []
- Intervention**
- *138. Nou as jy iets sê wat nie so is nie, wat verkeerd is, is jy soet of is jy stout?
 → “nou” (conclusion)
 arrived at as result of calculation)
 → “as” (hypothetical)
 → “iets” (vague)
 → “nie” (negative)
 → “wat verkeerd is” (embedding)
 → “of” (multichoice)
 question) [√]
- *139. Ek sien. Wat gebeur met stout mense, weet u?
 → “sien” (vague)
 → “mense” (vague)
 → “u” (formal and
 age – inappropriate vocabulary)
 → multiple question
 [√]
- *140. En as jy gevra word om net te sê wat reg is en nie stout te wees nie, sal jy so wees?
 → “as” (hypothetical)
 → “net” (only)
 → “nie” (negative)
 → “stout te wees nie” (embedding)
 → “so wees” (vague)
 [√]

Re-examination

- *151. Anton wanneer is jy soet?
 → "wanneer" (when)
 [√]
- *152. Nee maar goed. Is jy soet as die juffrou vir jou sê jy moet op jou stoeltjie stilsit in die klaskamer en dan doen jy wat sy vir jou sê?
 → "is" (hypothetical)
 → "op jou stoeltjie klaskamer" (embedding)
 → "sy" (pronoun)
 → long question
 [√]
- *153. Dit is wat jy onder soet verstaan?
 → "dit" (reflexive)
 → "verstaan" (age –
 inappropriate vocabulary)
 → statement voiced as question
 [√]
- *154. En as jy stout is?
 → statement voiced as question
 [√]
- *155. Nou kan ek so vir jou vra. As die juffrou nou vir jou sê jy moet nu stilsit op jou bankie en jy sit nou nie stil op jou bankie nie, is jy dan stout?
 → "nou" (conclusion
 arrived at as result of
 calculation)
 → "as" (vague)
 → "juffrou" (pronoun)
 → "op jou bankie" (embedding)
 → "jou" (pronoun)
 → "nie" (negative)
 [√]
- *156. En as jy dan stout is dan gaan jy in die hel brand?
 → "as" (hypothetical)
 → "dan" (time, vague)
 → "dan" (time, vague)
 → statement voiced a squestion
 [√]
- *157. Nou wanneer gaan jy dan in die hel brand?
 → "wanneer" (when)
 → "dan" (reflexive)
 [√]
- *158. Watse lelike goed, soos byvoorbeeld. Sê vir ons waste lelike goed?
 → "byvoorbeeld" (age –
 inappropriate vocabulary)
 → "ons" (vague)
 → repeats question twice
 [√]

Intervention

Court

- *159. Anton bevestig u dat u nog die waarheid sal praat en net die hele waarheid?

→	“bevestig”	(age	–
inappropriate vocabulary)			
→	“u”	(formal	and
age – inappropriate			
→	“u”	vocabulary)	
age – inappropriate		(formal	and
→	“waarheid”	vocabulary)	
→	“hele”	(truth)	
term)		(technical	
→	“waarheid”	(truth)	
→	statement voiced as question		

Cross – examination continues

*160.	Anton, u het gister getuig in verband met dagga rokery, is dit korrek?		
→	“u”	(formal	and
age – inappropriate			
→	“gister”	vocabulary)	
→	“getuig”	(temporal)	
term)		(technical	
→	“in verband met”	(age	–
inappropriate vocabulary)			
→	“korrek”	(age	–
inappropriate vocabulary)			
→	tag question		
	[√]		
*161.	Weet jy waste goed is pyptabak?		
→	“weet”	(know)	
→	“watse goed”	(vague)	
→	“pyptabak”	(age	–
inappropriate vocabulary)			
	[√]		
*162.	Jy weet seker ook nie wat is dagga dan nie nê		
→	“weet”	(know)	
→	“nie”	(negative)	
→	“nê”	(tag question)	
	[√]		
*163.	Kom dit uit sigarette uit?		
→	“dit”	(pronoun)	
→	“uit”	(preposition)	
→	“uit”	(preposition)	
→	incomplete question		
	[√]		
*164.	Hierdie rokery waaroor u gister gepraat het Anton, hoeveel keer het dit gebeur?		
→	“hierdie”	(reflexive)	
→	“u”	(formal	and
age – inappropriate			
→	“gister”	vocabulary)	
→	“hoeveel keer”	(temporal)	
inappropriate)		(cognitively	
→	“dit”	(reflexive)	
	[√]		
*165.	Waar het dit gebeur?		
→	“dit”	(pronoun)	

- incomplete question
[√]
- *166. Waar in Hopestraat?
→ "waar" (vague)
→ incomplete question
[√]
- *167. Het jy ooit in Hopestraat gebly?
→ "ooit" (temporal)
[√]
- *168. Kan jy dit onthou of het iemand maar net vir jou vertel dat julle in Hopestraat gebly het?
→ "dit" (reflexive)
→ "onthou" (remember)
→ "of" (multichoice)
question)
→ "iemand" (vague)
→ "julle" (pronoun)
→ "in" (preposition)
[√]
- *169. Kan jy onthou hoe oud was jy gewees toe julle in Hopestraat gebly het Anton?
→ "onthou" (remember)
→ "hoe oud" (cognitively inappropriate)
→ "toe" (when)
→ "julle" (pronoun)
→ "in" (preposition)
[√]
- *170. Was dit verlede jaar gewees wat julle in Hopestraat gebly het?
→ "dit" (reflexive)
→ "verlede jaar" (temporal)
→ "julle" (pronoun)
[√]

Intervention

- *171. Soos die Hof behaag. Anton, is dit nie maar net so dat jy net raai dat die ding van die dagga rokerie in Hopestraat gebeur het nie?
→ "Hof" (technical term)
→ "behaag" (technical term)
→ "die ding" (vague)
→ "in" (preposition)
→ incomplete question
[√]
- *172. Goed. Wie het almal daar dagga gerook?
→ "daar" (reflexive)
[√]
- *173. Was daar nie ander ooms ook by gewees nie?
→ "nie" (negative)
→ "ander ooms" (vague)
→ incomplete question
[√]
174. Anton, ek moet vir jou sê dat jy nie kan onthou van wat daardie – in verband met daardie rokerie, en ek gaan vir u nou sê hoekom. Want jy was maar 'n seuntjie gewees van tussen 2 jaar en 2 maande en 3 jaar en 6 maande oud gewees toe jy in Hopestraat gebly het.
→ "ek" (vague)

→	"nie"	(negative)
→	"onthou"	(remember)
→	"daardie"	(reflexive)
→	"in verband met"	(age –
inappropriate vocabulary)		
→	"ek"	(vague)
→	"u"	(formal and
age – inappropriate		
→	"hoekom"	vocabulary)
→	"want"	(why)
cognitively		(because –
→	"tussen"	inappropriate)
cognitively		(because –
→	"2 jaar en 2 maande"	inappropriate)
inappropriate)		(cognitively
→	"3 jaar en 6 maande"	(cognitively
inappropriate)		
→	"toe"	(when)
→	"in"	(preposition)
→	statement voiced as question	
	[]	

Intervention

*175.	Jy was maar nog 'n ou klein seuntjie gewees. Is dit nie so nie?	
→	"dit"	(reflexive)
→	"nie"	(negative)
→	tag question	
	[]	
*176.	So jy kan eintlik nie onthou wat in Hopestraat gebeur het nie omdat jy so klein was?	
→	"so"	(implies
conclusion arrived at as		result of
		calculation)
→	"eintlik"	(age –
inappropriate vocabulary)		
→	"nie"	(negative)
→	"onthou"	(remember)
→	"wat"	(vague)
→	"in"	(preposition)
→	"omdat"	(because –
cognitively		inappropriate)
→	statement voiced as question	
	[√]	
*177.	Goed. Jy sien Anton, jou pappa sê ook dat hy nooit dagga gerook het in Hopestraat nie.	
→	"sien"	(vague)
→	"hy"	(pronoun)
→	"nooit"	(contrastive)
→	"in"	(preposition)
→	"nie"	(negative)
	[√]	
178.	Nou toe die lelike goed nou plaasgevind het, waar was dit gewees. Was dit in die garage, was dit in die huis, was dit in 'n kamer, was dit in 'n woonstel. Waar was dit gewees?	
→	"nou"	(implies
conclusion arrived at as		result of
		calculation)
→	"toe"	(when –
vague)		

→	"die"	(vague,
reflexive)		
→	"goed"	(vague)
→	"plaasgevind"	(age –
inappropriate vocabulary)		
→	"dit"	(reflexive)
→	"dit"	(reflexive)
→	"in"	(preposition)
→	"dit"	(reflexive)
→	"in"	(preposition)
→	"dit"	(reflexive)
→	"in"	(preposition)
→	"n"	(vague)
→	"dit"	(reflexive)
→	"in"	(preposition)
→	"dit"	(reflexive)
→	multiple question	
	[]	

*179. Wie se huis was dit?
→ "dit" (pronoun)
[√]

*180. Nou voordat die lelike goed nou gebeur het met jou, wie was almal daar gewees voordat dit nou gebeur het met jou?
→ "nou" (implies
conclusion arrived at as result of
calculation)
→ "voordat" (before)
→ "die lelike goed" (reflexive)
→ "daar" (reflexive)
→ "voordat" (before)
→ "dit" (pronoun)
→ irrelevant information
→ incomplete question
→ complex syntax
[√]

Intervention

*181. Wie was in die huis gewees voordat die lelike goed gebeur het met jou?
→ "in" (preposition)
→ "die huis" (vague)
→ "voordat" (before)
→ "die lelike goed" (reflexive)
[√]

Intervention

*182. Het hierdie lelike goed wat met jou gebeur het net een keer gebeur met jou?
→ "hierdie" (reflexive)
→ "een keer" (cognitively)
inappropriate) [√]

Intervention

*183. Was dit in die dag of in die aand toe die lelike goed met jou gebeur het?
→ "dit" (reflexive)
→ "of" (multichoice)
question)
→ "toe" (when)
→ "die lelike goed" (reflexive)
[√]

Intervention

Court

184. sal praat soos wat u nou-nou belooft het?
→ “u” (formal and
age – inappropriate vocabulary)
→ “nou-nou” (temporal)
→ “belooft” (age –
inappropriate vocabulary)
[]

Defence

185. Anton, voordat hierdie lelike goed nou met jou plaasgevind het, was net jou pa daar gewees en toe doen hy die lelike goed met jou?
→ “voordat” (before)
→ “hierdie” (reflexive)
→ “plaasgevind” (age –
inappropriate vocabulary)
→ “daar” (reflexive)
→ “toe” (reflexive)
→ “hy” (pronoun)
→ “lelike goed” (reflexive)
[]
186. Wie was almal daar gewees?
→ “daar” (reflexive)
→ incomplete question
[]

Intervention

- *187. En toe hierdie lelike goed gebeur het met jou, was jou pa alleen toe in die huis gewees?
→ “toe” (when)
→ “hierdie” (reflexive)
→ “toe” (then,
reflexive)
→ “die huis” (vague)
[√]
- *188. Kan jy onthou of jou ma daar was toe die lelike goed met jou plaasgevind het?
→ “onthou” (remember)
→ “daar” (shifter)
→ “toe” (when)
→ “die lelike goed” (reflexive)
→ “plaasgevind” (age –
inappropriate vocabulary)
[√]
- *189. Was sy daar gewees?
→ “sy” (pronoun)
→ “daar” (shifter)
[√]
- *190. Wie was almal nog daar gewees toe die lelike goed met jou gebeur het?
→ “daar” (reflexive,
shifter)
→ “toe” (when)
→ “die lelike goed” (vague)
[√]

- *191. Nog ander mense?
 → "ander mense" (vague)
 → incomplete question
 [✓]
- *192. En al hierdie mense het lelike goed met jou gedoen?
 → "al" (contrastive)
 → "hierdie" (reflexive)
 → "lelike goed" (vague)
 → statement voiced as question
 [✓]
- *193. Dit is nou die ooms wat lelike goed daar agter by jou boudjies gedoen het met jou na hulle piepies?
 → "dit" (pronoun)
 → "ooms" (pronoun)
 → "lelike goed" (vague)
 → "daar agter" (reflexive, vague)
 → "met" (with, preposition)
 → "boudjies" (vague)
 → "hulle" (pronoun)
 → statement voiced as question
 [✓]
194. Het jy gister ook so aan die Hof gesê dat dit hierdie mense is wat – of laat ek so vra. Jy kan onthou die vraag is ook gister aan jou gevra nê, wie almal daar was wat die lelike goed aan jou gedoen het.
 → "gister" (temporal)
 → "so" (vague)
 → "Hof" (technical)
- term)
 → "hierdie" (reflexive)
 → "onthou" (remember)
 → "die vraag" (reflexive)
 → "gister" (temporal)
 → "nê" (tag question)
 → "daar" (shifter)
 → "lelike goed" (reflexive)
 → statement voiced as question
 []

Intervention

- *195. En toe het jy ook al hierdie genoem?
 → "toe" (time, vague)
 → "hierdie" (reflexive)
- *196. Ja. En jy het gesê jy het al hierdie name genoem?
 → "hierdie" (reflexive)
 → statement voiced as question
 [✓]
197. Anton, ek moet nou vir jou sê dat jy nie die waarheid praat as jy sê dat jy al hierdie name genoem het gister soos wat jy nou sê jy het dit genoem nie?
 → "nou" (temporal)
 → "nie" (negative)
 → "waarheid" (truth)
 → "as" (hypothetical)
 → "hierdie" (reflexive)
 → "gister" (temporal)
 → "nou" (temporal)

- length
 - complex syntax
- [X]

198. Kan ek net vir jou so stel, Anton laat ek net vir jou sê, al name wat jy gister genoem het, was gewees oom Japie, oom André, jou ma en jou pa.

- "stel" (technical
- term)
- "gister" (temporal)
- statement voiced as question
- complex syntax
- repetition
- lengthy question

[]

Intervention

Court

199. Anton, vergeet nou maar die vraag wat die oom u gevra het. Ons gaan nou aan met 'n ander vraag hoor?

- "vergeet" (cognitively
- inappropriate)
- "die vraag" (reflexive)
- "die oom" (vague)
- "u" (formal, age

– inappropriate

- "nou" vocabulary)
- "ons" (temporal)
- "nou" (vague)
- "ander vraag" (temporal)
- statement voiced as question (vague)

[]

Defence

*200. Nou Anton, het jy gister ook oom Thomas se naam genoem?

- "nou" (implies
- conclusion arrived at as
- "gister" result of calculation)
- [√] (temporal)

*201. Maar as oom Thomas daar was, dan sou jy seker gister sy naam genoem het nê?

- "as" (hypothetical)
- "daar" (reflexive)
- "gister" (temporal)
- "sy" (pronoun)
- "nê" (tag question)
- [√]

202. Maar nou sê ek vir jou Anton jy het nie gister oom Thomas se naam genoem nie.

- "ek" (vague)
- "nie" (negative)
- "gister" (temporal)
- statement

[]

Intervention

Intermediary

- *203. Ek weet self nie Edelagbare. Miskien moet ons dit net afbreek. Gister het jy gesê toe jy die name genoem het van lelike dinge, toe jy die name genoem het, het jy nie gesê dat oom Thomas was ook een van hulle gewees nie. Nou sê die oom oom Thomas was glad nie eers daar gewees toe die lelike dinge gebeur het nie. Wat sê jy?

→ "ek" (vague)
 → "Edelagbare" (technical term)
 → "ons" (vague)
 → "dit" (pronoun)
 → "gister" (temporal)
 → "die name" (vague)
 → "die name" (vague)
 → "nie" (negative)
 → "hulle" (pronoun)
 → "die oom" (vague)
 → "nie" (negative)
 → long statement
 → "wat sê jy" (incomplete question)
 → complex syntax [√]

204. Goed. Hy was nie daar nie, baie dankie hoor.

→ repeats previous answer
 → "hy" (pronoun)
 → "nie" (negative)
 → "daar" (reflexive, shifter)
 → statement not question []

Intervention

- *205. Anton nou daar by die plek waar die lelike goed nou met jou gebeur het, het die mense wat daar was by daardie plek, het hulle eers geëet voordat die goed gebeur het?

→ topic change
 → "daar" (reflexive)
 → "mense" (vague)
 → "daardie" (shifter)
 → "plek" (vague)
 → "geëet" (peripheral matter)
 → "voordat" (before)
 → "die goed" (vague)
 → lengthy question
 → complex syntax [√]

- *206. Het hulle gedans die mense wat daar was?

→ topic change
 → "hulle" (pronoun)
 → "gedans" (peripheral matter)
 → "die mense" (vague)
 → "daar" (reflexive, shifter)

- *207. Het daar musiek gespeel?

→ "daar" (shifter)
 → incomplete question [√]

- *208. Was die ligte in die huis, was dit aan of af gewees toe die lelike goed gebeur het?

→ topic change

→ "ligte" (peripheral
matter)
→ "af" (multichoice
question)
→ "toe" (when)
[√]

*209. Was dit in die dag of was dit in die aand gewees toe die lelike goed gebeur het?
→ topic change
→ "dit" (pronoun)
→ "in" (preposition)
→ "of" (multichoice
question)
→ "toe" (when)
[√]

Intervention

*210. Ja, goed. Jy het mos 'n boetie nê?
→ nê (tag question)
[√]

*211. Wat is sy naam?
→ sy (pronoun)
[√]

*212. Was Willem daar gewees toe hierdie goed gebeur het, hierdie lelike goed met jou?
→ daar (reflexive)
→ "toe" (when)
→ "hierdie" (shifter)
→ "hierdie" (shifter)
→ repeats
[√]

Intervention

213. Het jy ooit gesien of enige iets lelks met Willem gebeur het?
→ "ooit" (contrastive)
→ "enige" (contrastive)
→ "iets" (vague)
[X]

*214. Nou Anton, hierdie selfde vragie is gister ook net so vir jou gevra deur oom Phillip of jy ooit gesien het of enige iets lelik met Willem gebeur het. En toe het jy gesê nee.
→ "nou" (implies
conclusion arrived at as
result of
calculation)
→ "hierdie" (reflexive)
→ "gister" (temporal)
→ "vir jou gevra deur" (passive)
→ "ooit" (temporal,
contrastive)
→ "enige" (contrastive)
→ "iets" (vague)
→ "toe" (when)
→ statement voiced as question
→ long question
→ complex syntax
[√]

215. Maar jy het dan netnou gesê toe ek die vraag vir jou gevra het, het jy gesê jy weet nie?
→ "netnou" (temporal)

- “ek” (vague)
 → statement voiced as question
 → complex statement [X]
- *216. Goed. Nou watter ooms het hierdie lelike goed met jou gedoen?
 → “hierdie” (reflexive)
 [√]
- *217. Ja, wie nog?
 → incomplete question [√]
- *218. Is dit net oom Japie, oom André en jou pa?
 → “dit” (pronoun)
 → incomplete question [√]
219. Ja, en wie nog. Laat ons mekaar nie verkeerd verstaan nie. Dit is nou wat hulle nou hulle, so agter by jou boudjies gestaan het en dan druk hulle, hulle totties by jou boudjies in. Laat ons nou nie mekaar verkeerd verstaan nie hoor.
 → “ons” (vague)
 → “nie” (negative)
 → “verstaan” (understand)
 → “hulle” (pronoun)
 → “hulle” (pronoun)
 → “agter” (vague)
 → “hulle” (pronoun)
 → “hulle” (pronoun)
 → “in” (preposition)
 → “ons” (vague)
 → “verstaan” (understand)
 → “nie” (negative)
 → repeats first part of statement
 → statement voiced as question [X]
- *220. Nee, net agter?
 → incomplete statement voiced as question [√]
- *221. Is dit al?
 → “dit” (reflexive)
 → incomplete question [√]
- *222. Was dit net daardie drie gewees?
 → “daardie” (reflexive)
 → incomplete question [√]
- Court**
223. Ja ons gaan nie meer lank wees nie. Anton, u moet maar net mooi luister na die oom se vrae en dink mooi daaroor en dan antwoord u die vraag. Sit stil en dink mooi daaroor.
 → “ons” (vague)
 → “nie” (negative)
 → “lank” (cognitively inappropriate)
 → “u” (formal and age – inappropriate vocabulary)
 → “oom” (vague)
 → “daaroor” (reflexive)

- "u" (formal and
- age – inappropriate)
- "daaroor" (reflexive)
- long statement voiced as question
- []

Defence

- *224. Goed Anton. Nou wie het nou eerste die dinge met jou gedoen, die lelike goed met jou gedoen.
Was dit oom Japie gewees?
- "nou" (implies
 - conclusion arrived at as

result of
calculation)
(reflexive)

- "die ding" [✓]

225. Wie was dit?
- "dit" (pronoun)
 - incomplete question
 - []

226. Is dit jou pa?
- "dit" (reflexive)
 - []

Court

227. So is dit oom Japie wat dit eerste met u gedoen het of nie?
- "dit" (reflexive)
 - "u" (formal and
 - age – inappropriate)
 - "of" (multichoice
 - question)
 - incomplete question

Defence

228. Nou hoekom het jy netnou gesê ja Anton?
- "hoekom" (why)
 - "netnou" (temporal)
 - incomplete question
 - []

- *229. So weet jy nie wie dit eerste met jou gedoen het nie Anton?
- "weet" (know)
 - "nie" (negative)
 - "dit" (pronoun)
 - "nie" (negative)
 - [✓]

230. Jy hoef nie bang te wees vir my nie hoor. Ek sal niks aan jou doen nie hoor. Ek kan nie eers naby in daardie kamer kom waar jy nou is nie hoor, goed.
- "my" (pronoun)
 - "ek" (pronoun)
 - "ek" (pronoun)
 - "nie" (negative)
 - "daardie" (reflexive)
 - statement voiced as question
 - []

Intervention

Defence

- *231. Anton vertel weer 'n keer, wat het die oom nou gedoen, of die ooms. Hoe het hulle gemaak om die lelike goed met jou te doen?
- "die ooms" (vague)
 - "nou" (temporal)
 - "of" (multichoice question)
 - "die ooms" (vague)
 - "hoe" (how, cognitively inappropriate)
 - "hulle" (pronoun)
- [√]
- *232. Jy het gesê jy weet nie nê. Dit is mos wat jy gesê het?
- "weet" (know)
 - "nie" (negative)
 - "nê" (tag question)
 - "dit" (reflexive)
 - statement voiced as question
 - repeats previous answer
- [√]
- *233. Goed. Wie het vir jou gesê dat dit nou lelike goed sou wees wat die ooms gedoen het aan jou?
- "dit" (reflexive)
 - "die ooms" (vague)
- [√]
- *234. Anton het jy en Willem gisteraand by dieselfde huis geslaap?
- topic change
 - "gisteraand" (temporal)
 - "dieselfde" (vague: did they sleep together in same house or is house same as before)
- [√]
- *235. Het julle in dieselfde kamer geslaap.
- "julle" (pronoun)
- [√]
236. Weet jy dat Willem ook hierso by die hof was om te kom vertel wat gebeur het?
- "weet" (know)
 - "hierso" (shifter)
 - "hof" (technical term)
 - "what" (vague)
 - incomplete question
- [√]

Intervention

- *237. Goed. Het jy en Willem gisteraand daar in die kamer, elkeen slaap op sy eie bedjie nê?
- "gisteraand" (temporal)
 - "daar" (reflexive)
 - "in" (preposition)
 - "elkeen" (vague)
 - "op" (vague)
 - "sy" (pronoun)
 - "nê" (tag question)
- [√]
- *238. En toe het julle so bietjie gepraat voordat julle aan die slaap geraak het. Is dit reg?
- "toe" (reflexive)
 - "julle" (pronoun)

- "so bietjie" (cognitively)
 inappropriate)
 → "voordat" (before)
 → "julle" (pronoun)
 → "is dit reg?" (tag question)
 [√]
- *239. Het Willem vertel vir jou wat hy hierso in die hof gesê het. Is dit reg?
 → "hy" (pronoun)
 → "hierso" (reflexive)
 → "hof" (technical term)
 → "is dit reg?" (tag question)
 → multiple question
 [√]
- *240. Het hy glad nie met jou gepraat oor wat hierso met hom gebeur het in die hof nie?
 → "hy" (pronoun)
 → "nie" (negative)
 → "oor wat" (about)
 → "hierso" (reflexive)
 → "hom" (pronoun)
 → "hof" (technical term)
 → "glad nie" (contrastive)
 [√]
- *241. Het jy vir hom gevra waste vrae het hulle vir hom gevra?
 → "hom" (pronoun)
 → "hulle" (pronoun)
 → "hom" (pronoun)
 → complex syntax
 → incomplete question
 [√]
- Intermediary interrupts**
- *242. Sê maar nog ietsie?
 → "ietsie" (cognitively)
 inappropriate)
 → vague question
 [√]
- *243. Maar het jy nie vir hom gevra Willem waste vrae het die ooms vir jou gevra nie?
 → "nie" (negative)
 → "hom" (pronoun)
 → "die ooms" (vague)
 → incomplete question
 → repeats previously asked question
 → complex syntax
 [√]
- *244. Het jy en Willem nog voordat julle nou na die hof toe gekom het op enige tyd voordat jy nou vandag hof toe gegaan het, met Willem gepraat oor wat met jou gebeur het?
 → "voordat" (before)
 → "julle" (pronoun)
 → "hof" (technical term)
 → "op" (preposition)
 → "enige tyd" (cognitively)
 inappropriate)
 → "voordat" (before)
 → "vandag" (temporal)

- "hof" (technical term)
- complex syntax
- repeats sentence in one question
- lengthy question
- [✓]
- *245. Anton, het jy ooit met enige iemand, enige oom, enige tannie, enige ander maatjie gepraat en vertel van wat hierso gebeur het met jou daardie keer toe die ooms die lelike goed met jou gedoen het?
- "ooit" (temporal, contrastive)
- "enige" (contrastive)
- "enige iemand" (vague)
- "enige oom" (multichoice question)
- "enige tannie" (multichoice question)
- "enige ander maatjie" (multichoice question)
- "van wat" (vague)
- "hierso" (reflexive)
- "daardie" (reflexive)
- long embedded question
- [✓]
- *246. Tannie wie?
- incomplete question
- [✓]
- *247. Die tannie Cornelia en oom Evert, dit is nou die oom en tannie by wie jy nou bly nê?
- "nê" (tag question)
- [✓]
- *248. Behalwe nou vir tannie Cornelia en oom Evert, het jy vir enige iemand anders vertel wat met jou gebeur het toe daardie mense sulke lelike goed met jou gedoen het?
- "enige iemand anders" (vague/contrastive)
- "daardie mense" (vague)
- embedding
- [✓]
- *249. Goed. Anton, het jou mamma ook agter by jou boude iets ingedruk?
- "iets" (vague)
- "ingedruk" (preposition)
- "boude" (vague)
- [✓]
- *250. Het tannie Ronel ook 'n tottie agter by jou ingedruk?
- "ingedruk"
- "by jou" (vague)
- [✓]
- *251. Toe daar aan jou tottie gesuig is, wie het aan jou tottie gesuig?
- "toe" (when)
- "daar" (reflexive)
- "aan jou tottie" (passive)
- irrelevant information
- [✓]
- *252. Hoeveel keer het dit gebeur dat jou ma en tannie Ronel aan jou tottie gesuig het?
- "hoeveel" (cognitively inappropriate)

- “dit” (pronoun)
[√]
- *253. Goed. Het jy ooit vir enige iemand gesê dat jy nie meer kan onthou wat tannie Ronel gedoen het nie?
→ “ooit” (temporal)
→ “enige iemand” (vague,
contrastive)
→ “nie” (negative)
→ “onthou” (know)
→ complex syntax
[√]
- *254. Nou het jy ooit vir enige iemand gesê dat oom Frans dieselfde aan jou gedoen het as wat jou pa gedoen het?
→ “nou” (implies
conclusion arrived at as
result of
calculation)
→ “ooit” (temporal)
→ “enige iemand” (vague)
→ “dieselfde” (vague)
→ “as wat” (comparison)
– cognitively (inappropriate)
- *255. Toe jou ma aan jou tottie gesuig het, was dit seer gewees?
→ complex syntax (embedding)
[√]
- *256. Anton, het jy ooit vir iemand vertel dat toe jou ma aan jou tottie gesuig het, dat jy daarvan gehou het?
→ “ooit” (temporal,
contrastive)
→ “iemand” (vague,
contrastive)
→ “toe” (temporal)
→ “daarvan” (reflexive)
→ complex syntax
[√]

Intervention / discussion

Court

- *257. Anton is jy nog “alright”?
[√]

Defence

- *258. Anton is jy moeg?
[√]
- *259. Wil jy nou nog vragies beantwoord wat aan jou gevra word?
→ “beantwoord” (age –
inappropriate vocabulary)
→ “aan jou” (preposition)
[√]
- *260. Anton, behalwe dat Willem nou vir jou gesê het dat sy pa gehuil het, he thy nog iets gister vir jou gesê van jou pa?
→ “sy” (pronoun)
→ “hy” (pronoun)
→ “iets” (vague)
→ “gister” (temporal)

- complex syntax
[√]
261. Sy trane afgevee, goed.
→ “sy” (pronoun)
→ repeats previous answer
[]
- *262. Bril en trane. Nou het Willem geslaap toe die lelike goed met jou gedoen is?
→ “bril en trane” (repeats
answer)
→ “nou” (implies
conclusion arrived at as
result of
calculation)
→ “gedoen is” (passive)
[√]
- *263. Het die ooms jou broekie uitgetrek voordat hulle die lelike goed met jou gedoen het?
→ “die ooms” (vague)
→ “jou broekie uitgetrek” (peripheral
matter)
→ “voordat” (before)
→ “hulle” (pronoun)
[√]
- *264. Waar was jou mamma gewees toe die ooms die lelike goed met jou gedoen het?
→ “waar” (where and
vague)
→ “die ooms” (vague)
[√]
- *265. Het jy regop gestaan dan doen die ooms die lelike goed met jou?
→ “regop” (age –
inappropriate vocabulary
and
peripheral)
→ “dan” (reflexive)
→ “die ooms” (vague)
[√]
- *266. Anton, ek moet net vir jou sê dat jou pappa het nie hierdie goed met jou gedoen nie?
→ “ek” (vague)
→ “nie” (negative)
→ “hierdie goed” (vague)
[√]
- *267. Kan ek nog net een vragie vir jou vra. Het jou piepie al styf geword?
→ “styf” (sex
terminology – age –
inappropriate)
→ topic change
→ multiple question
[√]
- *268. Goed. Het dit al ooit gebeur dat jy agter Willem gestaan het met jou stywe piepie en dan sit jy
jou piepie agter by sy boudjies in?
→ “dit” (pronoun)
→ “ooit” (temporal,
contrastive)
→ “sy” (pronoun)
→ “in” (preposition)
→ “boudjies” (age –
inappropriate vocabulary)

→ “stywe piepie” (age –
 inappropriate vocabulary) [√]

*269. Het dit al ooit gebeur dat Willem sy stywe piepie agter by jou boudjies ingesit het?
 → “dit” (pronoun)
 → “ooit” (temporal,
 contrastive)
 → “sy” (pronoun)
 → “ingesit” (preposition)
 → “boudjies en stywe piepie” (age –
 inappropriate vocabulary) [√]

270. Ken jy oom Pieter?
 → topic change
 → “ken” (know) [X]

*271. Het jy al ooit vir iemand gesê dat ‘n oom Pieter ook sy piepie agter by jou boudjies ingedruk het?
 → “ooit” (contrastive)
 → “iemand” (vague,
 contrastive)
 → “sy” (pronoun)
 → “ingedruk” (preposition) [√]

*272. Anton, jy bly nou in Jakaranda Woonstelle, is dit reg?
 → topic change
 → “is dit reg?” (tag question) [√]

*273. Kan jy onthou of jy saam met jou ma en pa in dieselfde woonstelle gebly het?
 → “onthou” (remember) [√]

Intervention

*274. Ja goed. Kan jy onthou of julle in ‘n plek gebly het nmet die naam van Jacaranda House?
 → “onthou” (remember)
 → “julle” (pronoun)
 → “in” (preposition)
 → “‘n plek” (vague) [√]

Intervention

*275. Ken jy vir ‘n tannie Duif?
 → topic change
 → “ken” (know) [√]

276. Het sy ooit lelike, iets met jou gedoen?
 → “sy” (pronoun)
 → “ooit” (temporal,
 contrastive)
 → “iets” (vague)
 → “met” (preposition) []

277. Goed. Kan jy onthou of jy vir iemand gesê het dat tannie Duif ooit iets lelike aan jou gedoen het, of dat tannie Duif iets leliks met jou gedoen het?
 → “onthou” (remember)

- "iemand" (vague.
- contrastive)
- "ooit" (temporal)
- "iets" (vague)
- "aan" (preposition)
- "of" (multichoice
- question)
- "met" (preposition)
- repetition, length, complex syntax
- []

Intervention

- *278. Kan jy onthou of jy vir eige iemand gesê het dat tannie Duif iets leliks met jou gedoen het?
- "onthou" (remember)
 - "enige iemand" (vague)
 - "iets leliks" (vague)
 - "met" (preposition)
 - embedding
 - [√]

Intervention

- *279. Het jy vir enige iemand gesê dat tannie Duif iets leliks met jou gedoen het?
- "enige iemand" (vague,
 - contrastive)
 - "iets leliks" (vague)
 - "met" (preposition)
 - [√]

Intervention / discussion

Court

- *280. Anton, is u naam Anton Lombardt?
- "u" (formal)
 - [√]
- *281. Anton bevestig u dat u nog die waarheid sal praat, die hele waarheid en niks anders as die waarheid, soos wat u verlede week belooft het.
- "bevestig" (age –
 - inappropriate vocabulary
 - and technical
 - term)
 - "u" (formal and
 - age – inappropriate
 - vocabulary)
 - "u" (formal and
 - age – inappropriate
 - vocabulary)
 - "waarheid" (truth)
 - "hele" (technical
 - term)
 - "waarheid" (truth)
 - "niks anders" (vague)
 - "waarheid" (truth)
 - "u" (formal and
 - age – inappropriate)
 - "verlede week" (temporal)
 - "beloof" (age –
 - inappropriate vocabulary)
 - statement voiced as question
 - [√]

Cross examination (2)

282. Anton, oom gaan jou nie baie vrae vra vanoggend nie hoor. Onthou jy toe jy Vrydag getuig het of gepraat het in die hof en jy ingestap het, het jy tannie Maude gesien in die hof. Is dit reg?
- "oom" (vague)
 - "nie" (negative)
 - "vanoggend" (temporal)
 - "onthou" (remember)
 - "Vrydag" (temporal)
 - "getuig" (technical)
- term)
- "of" (multichoice)
- question)
- "in" (preposition)
 - "hof" (technical)
- term)
- "en jy ingestap het" (embedding)
 - "hof" (technical)
- term)
- "is dit reg?" (tag question)
 - multiple question
 - lengthy question
 - complex syntax

[]

- *283. Ken jy tannie Maude goed, Anton?

→ "ken" (known)

[√]

- *284. Tannie Maude sê sy het nooit lelike dinge met jou gedoen nie.

→ "sy" (pronoun)

→ "nooit" (temporal,

contrastive)

→ "dinge" (vague)

→ "met" (preposition)

[√]

285. Kan jy net vir oom verduidelik wat tannie Maude met jou gedoen het?

→ "oom" (vague)

→ "verduidelik" (age –

inappropriate vocabulary)

→ "met" (preposition)

[]

Intervention

286. Anton, kan jy nie onthou wat tannie Maude met jou gedoen het nie?

→ "nie" (negative)

→ "onthou" (remember)

→ "met" (preposition)

[X]

287. Nou Anton as jy nie kan onthou waste lelike goed tannie Maude aan jou gedoen het nie, hoe weet jy tannie Maude het lelike goed aan jou gedoen?

→ "nou" (implies

conclusion arrived at as

result of

calculation)

→ "as" (hypothetical)

→ "nie" (negative)

→ "onthou" (remember)

→ "watse lelike goed" (vague)

→ "aan" (preposition)

→ "hoe weet" (how do you

know)

- "lelike goed" (reflexive)
 → "aan" (preposition)
 → "omplex syntax"
 → lengthy question
 []
- *288. Goed Anton, ken jy vir tannie Suzette?
 → topic change
 → "ken" (know)
 [✓]
- *289. Ken jy tannie Suzette baie goed?
 → "ken" (know)
 → "goed" (cognitively
 inappropriate) [✓]
- *290. Nou Anton, sê vir my verlede Vrydag toe jy gepraat het in die hof, het jy enigsins vir tannie Suzette in die hof of in die omtrek gesien?
 → "nou" (implies
 conclusion arrived at as
 result of
 calculation)
 → "verlede Vrydag" (temporal)
 → "in" (preposition)
 → "hof" (technical
 term)
 → "enigsins" (age –
 inappropriate vocabulary)
 → "in" (preposition)
 → "hof" (technical
 term)
 → "of" (multichoice
 question)
 → "omtrek" (age –
 inappropriate vocabulary)
 [✓]
- *291. Het tannie Suzette enigsins met jou lelike goed gedoen?
 → "enigsins" (age –
 inappropriate vocabulary)
 → "met" (preposition)
 → "lelike goed" (vague)
 [✓]

Cross examination (3)

- *292. Anton, ek belowe om ook baie vinnig te wees. Anton kan u onthou dat toe u eerste vrae gevra is deur oom Phillip, het u gepraat van 'n insident waar u met u met 'n sigaret gebrand het. Kan u dit onthou?
 → "belowe" (age –
 inappropriate vocabulary)
 → "baie" (cognitively
 inappropriate)
 → "u" (formal and
 age – inappropriate
 vocabulary)
 → "onthou" (remember)
 → "u" (formal and
 age – inappropriate
 vocabulary)
 → "eerste" (confusing)
 → "vrae gevra is deur" (passive)

- "u" (formal and
age – inappropriate vocabulary)
→ "incident" (age –
inappropriate vocabulary)
→ "u" (formal and
age – inappropriate vocabulary)
→ "u" (formal and
age – inappropriate vocabulary)
→ "u" (formal and
age – inappropriate vocabulary)
→ "onthou" (remember)
→ multiple question
[√]
- *293. Nou mamma sê dit was nie sy wat dit gedoen het nie.
→ "nou" (implies
conclusion arrived at as result of
calculation)
→ "nie" (negative)
→ "sy" (pronoun)
→ "die" (pronoun)
→ statement voiced as question
[√]
294. Anton, u ma sê ook dat sy glad nie 'n oom Pieter ken nie.
→ "u" (formal and
age – inappropriate vocabulary)
→ "sy" (pronoun)
→ "nie" (negative)
→ "ken" (know)
→ statement voiced as question
[]
- *295. Anton, jou ma sê ook dat oom Japie het net twee keer by die huis gekom en dit is toe hy kos
gebring het vir julle. Is dit reg?
→ topic change
→ "twee keer" (cognitively
inappropriate)
→ "dit" (reflexive)
→ "hy" (pronoun)
→ "julle" (pronoun)
→ "dit" (reflexive)
→ "is dit reg?" (tag question)
[√]
- *296. En Anton u ma sê ook dat sy nooit lelike dinge aan u gedoen het nie. Sy het nooit julle tollies
gesuig, of enigsins met dit gespeel nie. Is dit reg?
→ "u" (formal and
age – inappropriate vocabulary)
→ "u" (formal and
age – inappropriate vocabulary)
→ "sy" (pronoun)
→ "nooit" (temporal,
contrastive)

→	“lelike dinge”	(vague)
→	“sy”	(pronoun)
→	“nooit”	(temporal,
contrastive)		
→	“julle”	(pronoun)
→	“of”	(multichoice)
question)		
→	“dit”	(reflexive)
→	“dit”	(reflexive)
→	“is dit reg?”	(tag question)
	[√]	
*297. Kan u onthou as u sê dit het gebeur, hoeveel keer dit gebeur het?		
→	“u”	(formal and
age – inappropriate		
→	“onthou”	vocabulary)
→	“as”	(remember)
→	“as gebeur”	(hypothetical)
→	“u”	(embedding)
age – inappropriate		(formal and
→	“dit”	vocabulary)
pronoun)		(reflexive and
→	“hoeveel keer”	(cognitively
inappropriate)		
→	“dit”	(reflexive and
pronoun)	[√]	
*298. En Anton as ek u reg verstaan het Vrydag toe u gepraat het, het u nooit gesien dat enige lelike goed gebeur met Willem nie?		
→	“ek”	(vague)
→	“verstaan”	(understand)
→	“Vrydag”	(temporal)
→	“u”	(formal and
age – inappropriate		
→	“u”	vocabulary)
age – inappropriate		(formal and
→	“nooit”	vocabulary)
contrastive)		(temporal,
→	“enige”	(vague,
contrastive)		
→	“nê”	(tag question)
	[√]	
*299. Anton, is dit nie moontlik dat u ‘n fout maak as u sê u ma het hierdie goed aan u gedoen?		
→	“dit”	(pronoun)
→	“moontlik”	(age –
inappropriate vocabulary)		
→	“u”	(formal and
age – inappropriate		
→	“u”	vocabulary)
age – inappropriate		(formal and
→	“u”	vocabulary)
age – inappropriate		(formal and
→	“hierdie goed”	vocabulary)
→	“u”	(vague)
age – inappropriate		(formal and

vocabulary)
[√]

*300 Anton, u ma sê vir my die brand waarvan u praat, dit het gebeur terwyl u by u pa gebly het. Is dit reg?

→ "u" (formal and age – inappropriate

→ "die brand" vocabulary)
→ "dit" (reflexive)
→ "terwyl" (reflexive)
(while,

cognitively inappropriate)
→ "u" (formal and age – inappropriate

→ "u" vocabulary)
age – inappropriate (formal and

→ "dit" vocabulary)
→ "is dit reg?" (pronoun)
[√] (tag question)

*301. U ma sê u het haar kom besoek en sy het daardie brandmerk gesien en u het gesê dit het gebeur by u pa se huis.

→ "u" (formal and age – inappropriate

→ "u" vocabulary)
age – inappropriate (formal and

→ "haar" vocabulary)
→ "besoek" (pronoun)
inappropriate vocabulary) (age –

→ "sy" (pronoun)
→ "daardie" (reflexive)
→ "u" (formal and age – inappropriate

→ "dit" vocabulary)
→ statement voiced as question (pronoun)
[√]

*302. Anton, het u ooit gesien op die TV dat mense video' speel waar mense lelke goed met mekaar gedoen?

→ topic change
→ "u" (formal and age – inappropriate

→ "ooit" vocabulary)
contrastive) (temporal,
→ "mense" (vague)
→ "mense" (vague)
→ "lelike goed" (vague)
[√]

*303. Glad nie sulke video's gekyk of gesien nie?

→ "nie" (negative)
→ "of" (multichoice question)

→ incomplete question
[√]

304. Het u gesê net u pa het dit gesien?

→ "u" (formal and age – inappropriate

- "u" vocabulary)
(formal and
- age – inappropriate
- "dit" vocabulary)
[] (reflexive)
305. Anton is dit wat u laaste antwoord was. Net u pa het dit gesien?
- "dit" (reflexive)
- "u" (formal and
- age – inappropriate
- "laaste" vocabulary)
- "u" (contrastive)
- "dit" (formal)
- multiple question (reflexive)
- []

Cross examination (4)

- *306. Anton, ek is die laaste oom wat vir jou vrae gaan vra en ek het nie baie vrae om vir u te vra nie.
Sê vir my, hou jy daarvan om TV te kyk?
- "laaste" (contrastive)
- "oom" (vague)
- "ek" (vague)
- "baie" (cognitively
- inappropriate)
- "u" (formal and
- age – inappropriate
- "my" vocabulary)
[√] (vague)
- *307. Sê vir my, wat is u gunsteling programme op TV?
- "my" (vague)
- "u" (formal and
- age – inappropriate
- "gunsteling" vocabulary)
- inappropriate vocabulary) (age –
- "programme" (age –
- inappropriate vocabulary)
- [√]
308. Telly Tubby's, dit is reg?
- "telly tubby's" (repeats
- answer)
- "dit" (reflexive)
- statement voiced as question
- []
- *309. En wie is jou gunsteling Telly Tubby?
- "gunsteling" (age –
- inappropriate vocabulary)
- [√]
- *310. Anton, ek hoop jy kan vir my 'n guns doen. Ek wil graag hê dat jy vir my goed kan terugdink
oor wat gebeur het. Anton, kan jy vir my sê of jy vir oom Frans kan onthou?
- topic change
- "hoop" (age –
- inappropriate vocabulary)
- "hy" (vague)

- "guns" (age –
inappropriate vocabulary)
- "my" (vague)
- "goed" (cognitively
inappropriate)
- "terugdink" (cognitively
inappropriate)
- "wat" (vague)
- "my" (vague)
- "onthou" (remember)
[√]
311. En het oom Frans saam met julle gebly toe jy baie klein was. Kan jy dit onthou?
- "julle" (pronoun)
- "toe jy baie klein was" (embedding)
- "baie klein" (cognitively
inappropriate)
- "dit" (reflexive)
- "onthou" (remember)
- multiple question
[√]
- *312. Hou jy van oom Frans?
[√]
313. Hoekom hou jy nie van oom Frans nie?
- "hoekom" (why)
[X]
- *314. Is dit reg, het hy dagga gerook?
- "dit" (reflexive)
- "hy" (pronoun)
- multiple question
[√]
- *315. En waar het hy dagga gerook?
- "waar" (vague)
- "hy" (pronoun)
[√]
316. Waar in Hopestraat?
- incomplete question
[X]
- *317. Was dit in die huis of in die garage?
- "dit" (pronoun)
- "of" (multichoice
question)
- incomplete question
[√]
- *318. Sê vir my Anton, het oom Frans die lelike ding met jou ook gedoen?
- "my" (pronoun)
- "ding" (vague)
[√]
- *319. Die laaste vraag Anton, toe jy Vrydag in die hof gekom het met die polisieman, kan u onthou?
- "laaste" (contrastive)
- "hof" (technical
term)
- "u" (formal and
age – inappropriate)
- "onthou" (vocabulary)
(remember)

- "kan u onthou" (tag question)
[√]
- *320. En jy het al die mense gesien wat in die hof was.
→ "al" (all,
contrastive)
→ "die mense" (vague)
→ incomplete question
[√]
- *321. Kan jy dalk onthou of jy vir oom Frans gesien het?
→ "dalk" (age –
inappropriate)
→ "onthou" (remember)
→ incomplete multiple question
[√]
- *322. Sê vir my Anton, wanneer was die laaste keer dat jy vir oom Frans gesien het?
→ "my" (vague)
→ "wanneer" (when)
→ "laaste keer" (temporal)
[√]

Intervention

323. Anton, as jy nou sê jy het nie vir oom Frans gesien nie, bedoel dit dat jy kan nie onthou dat jy vir hom gesien het, of hy was glad nie in die kamer nie?
→ "nie" (negative)
→ "onthou" (remember)
→ "hom" (pronoun)
→ "of" (multichoice)
question)
→ "hy" (pronoun)
→ "kamer" (deliberately)
confusing – never
said he saw
him in room) []
- *324. Nou Anton, jy het vir my gesê die laaste keer wat jy vi room Frans gesien het was toe hy by jou pa gebly het. Is dit reg?
→ "nou" (implies
conclusion arrived at as
result of
calculation)
→ "my" (vague)
→ "laaste keer" (temporal)
→ "hy" (pronoun)
→ "dit" (preposition)
→ "is dit reg?" (tag question)
[√]
325. So dit was seker 'n lang tyd gewees. Is dit reg?
→ "dit" (preposition)
→ "lang tyd" (preposition)
→ "dit" (tag question)
→ "is dit reg?"
[]
- *326. So as jy vir hom nou sien, sê eers vandag, dink jy, jy sal vir hom uitken?
→ "as" (hypothetical)
→ "hom" (pronoun)
→ "hom" (pronoun)

→ "uitken"
inappropriate vocabulary)

(age –

[√]

Re-examination

*327. Anton, oom Phillip het net een ou laaste ou vragie dan is ons heeltemal klaar. Ek wil net weet, Anton weet u wat 'n bynaam is?

→ "dan"

(reflexive)

→ "ons"

(vague)

→ "heeltemal"

(cognitively

inappropriate)

→ "weet"

(know)

→ "weet"

(know)

→ "u"

(formal and

age – inappropriate

vocabulary)

→ "bynaam"

(age –

inappropriate vocabulary)

[√]

.....