"My Lord, I Disagree with You": Courtroom Communication Strategies During Cross-Examination in the 2012 Election Petition in Ghana

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ABSTRACT

This paper presents an empirical study on courtroom communication strategies adopted during cross-examination of witnesses in the 2012 election petition in Ghana. The study relied on qualitative secondary evidence drawing on archival information on the 2012 election petition and by conducting a content analysis of the data. Participants classified as star witnesses and lawyers who largely cross-examined the star witnesses during the electoral dispute in the Supreme Court were purposefully sampled for the study. Using Aristotle's persuasive appeals and litigation communication theory, the findings demonstrated how lawyers and witnesses adopted the hostile, soft and conversational communication styles for different purposes during cross-examination. It also emerged that the three persuasive appeals: logos, pathos and ethos were deployed for effective cross-examination, although the logos strategy seemed to be the most widely adopted mode of presenting proof in the legal communication processes. Significantly, the observations from the study point to the strategic role of communication in litigation, litigants' expectations of courts and judicial interventions. Therefore, understanding how to use communication purposefully is crucial to guarantee the right information is conveyed to build trust, credibility, and to ultimately, improve perceptions of procedural justice and fairness in the legal process. There has been little research that examines communication processes and cross-examination regarding election petitions in courtroom contexts. In contrast to the predominantly focused simulated cases on courtroom discourses, this paper makes a real-case scholarly contribution on how communication strategies can be leveraged in the justice system. The findings have useful implications for judges, lawyers and expert witnesses in courtroom legal proceedings.

Keywords: Communication, Courtroom, Election, Petition, Ghana

I. INTRODUCTION

In the past decades, communication in the judicial system was largely influenced by Kilmuir's principles (based on the assertions of Lord Kilmuir, who was Lord Chancellor of England and Wales in 1955) which prohibited participation of judicial stakeholders in public discussions (Crawford, 2019). According to the literature, these rules restricted openness and diversity in courtroom communication processes culminating in issues of lack of public trust and democratic accountability (Chrétien et al., 2015). Since the Kilmuir's principles were abolished in 1987, many international organisations such as the European Court of Human Rights have advocated open communication and the need to make the justice system accessible to the public (Tanford, 2010). Research suggests that, this new doctrine has greatly influenced law as practiced today and has championed a new wave of communication roles and practices in the courtroom (Beke, 2014). Thus, the old focus of appealing to selected legal elites in the courtroom has now expanded to include the vast majority of the 'public' in court proceedings, especially in view of the concept of public opinion as a compelling force in political discourses (Erlich et al., 2021). Within this context, empirical studies have confirmed that communication is crucial in the adjudication of justice in the courtroom (e.g. Johnston & Kelly, 2021).

On the other hand, with two dominant political parties: the New Patriotic Party (NPP) and the National Democratic Congress (NDC), Ghana is known as the icon of African democracy with smooth transfer of power from the incumbent to the opposition in presidential elections (Adams & Asante, 2020). In the 2012 general election, however, the outcome of the election was contested through a petition in the Supreme Court of Ghana. The petition was filed by the then NPP Presidential Candidate, His Excellency (H.E.) Nana Addo Dankwa Akuffo-Addo, his then Vice-President, Dr. Mahamudu Bawumia (1st and 2nd Respondents), and the then Chairman of the party, the late Mr. Jake Obetsebi Lamptey as plaintiffs against the then NDC incumbent President-Elect, H. E. John Dramani Mahama and the Electoral Commission of Ghana, represented by the then Chairman, Dr. Kwadwo Afari Gyan, as defendants. The case was filed on December 28, 2012 with claims of several election irregularities including over voting, lack of presiding officers'

signatures, duplicating polling stations, and lack of biometric verification. These complaints were investigated in the court of law through an election petition hearing which lasted for eight months (December 28, 2012 to August 29, 2013). The substantive hearing of the petition was from April 16, 2013 and cross-examination spanned 40 days with different witnesses and astute lawyers being called to the dock on either side. In a 588-paged judgment, the Supreme court of Ghana, after eight months of sitting, dismissed the petitioners' claims and declared the then NDC Presidential Candidate, H. E. John Dramani Mahama as validly elected on December 7, 2012. The 2012 election petition challenging the outcome of presidential elections was the first of its kind in Ghana since independence; it was more public, tense and demonstrated a leap in the democratic consolidation in the country (Asante & Asare, 2016). As already highlighted, the openness in judiciary practices in recent years necessitates the need to investigate how communication is used in courtroom proceedings.

1.1 Statement of the Problem

Research suggests that election petitions are becoming the major post-electoral processes for correcting irregularities associated with elections in most developed and developing democracies (Gyampo et al., 2022). Erlich et al. (2021) observed that the reliance on the court of law for settling post-election disputes is a 'democratic boon' signaling that losers are ready to rely on constitutional frameworks to handle election malfeasance. According to Adams and Asante (2020), even though election results confirm the ultimate winner, losers are more likely to dispute the outcome of elections. The authors found that from 1990 to 2021, about 58% of presidential and parliamentary elections in non-established democracies ended in losers rejecting election results and using methods such as protests, boycotts, and petitions to challenge results. Out of the global figure of 58%, the sub-regional analysis revealed that about 80% of the election results challenged occurred in Sub-Saharan Africa. Further, losers of executive and parliamentary elections resorted to courts to settle post-electoral disputes. It is important to note that, the proliferation of election petitions is not limited to developing democracies. In the 2020 United States (US) presidential elections, Donald Trump and the Republican Party filed about 64 cases to challenge the results of the elections in 12 state courts and the Supreme Court of the US (Benner & Schmidt, 2020). Beyond the pursuit of justice, scholars have observed that election petitions are motivated by other factors including overturning election results (the desire to discredit election results and call for reelection in favour of the complainant), for political bargaining, and for psychic benefits such as satisfaction derived from disturbing the winning party elections (Nkansah, 2016).

Chernykh (2014) used concepts of 'barricades and barristers' to argue that there is high propensity of political parties and election complainants to resort to post-election petitions in court (barristers) rather than using other forms of post-election disputes such as protests (barricades). Meanwhile during such election petitions in court, cross-examinations usually involve communication processes of verifying irregularities claimed and issuing lists of exhibits to approve or disapprove witnesses' evidence (Beke, 2014). Crawford (2019) specifically found that communication strategies such as impression management and persuasion contribute to effective communication in cross-examination. It has also been observed that in such proceedings, many terms and concepts such as *'I put it to you', 'amicus curiae', 'contempt', 'order in court',* and the like that are used trickle into public discourses as members of the listening public readily digest such contents (Atengble, 2014). Nonetheless, there is very little attempt to empirically examine communication processes and cross-examination relative to election petitions in courtroom contexts (Erlich et al., 2021). Johnston and Kelly (2021) particularly postulate that available evidence on communication and cross-examination in electoral petition processes focus on simulated cases rather than real time cases. In Ghana, despite the increasing number of studies on general elections, previous scholars have primarily focused on electoral processes and reforms (Bukari, 2017). The few studies that focus on election petitions concentrate on the implications of such petitions in electoral reform processes (e.g. Gyampo et al., 2022). From these gaps and in an attempt to address the deficiencies highlighted, we sought to explore a real-case scenario that zeros in on the communication strategies and persuasive appeals used by lawyers and witnesses in cross-examination during the 2012 election petition in Ghana. The following research objectives guided the study:

1.2 Research Objectives

i. To explore the communication styles used by lawyers to cross-examine witnesses in the 2012 election petition.
ii. To investigate the persuasive appeals used by witnesses and lawyers in the 2012 election petition.

II. LITERATURE REVIEW

2.1 Theoretical Review

2.1.1 Aristotle's Persuasive Appeals and Litigation Communication Theory

The study draws on Aristotle's theory of rhetoric (1991) and Beke's (2014) litigation communication theory. Aristotle's theory of rhetoric accentuates the idea that good persuasion requires a proper mixture of reasons (logos),

ethics (ethos) and emotions (pathos) (Mitchell, 2002). In Aristotle's conceptualisation, logos is based on logical arguments and evidential facts including figures, explanations and illustrations; ethos involves establishing sound moral character; while pathos purposely appeals to audiences' emotions (Jamar, 1997). Studies have applied Aristotle's modes of persuasion in courtroom communication processes, specifically in analysing legal documents and as means of persuasion (Naidoo, 2018). According to Mitchell (2014), legal proceedings require a balance of the three modes of appeal, justifying the choice of these appeals in this study. On the other hand, Beke (2014) proposed a litigation communication theory to define legal procedures for resolving disputes and to depict how actors leverage communication processes to manage cases in the courtroom. Beke (2014) advanced three distinct but interrelated stages in litigation communication processes: pre-trial (the communication processes before filing of lawsuit in a law court); trial (the communication processes during the case in the courtroom); and post-trial (which looks at communication processes after the verdict on the case). According to Beke (2014), the trial stage (which this study relies on) usually involves complex application of persuasion modes of communication.

2.2 Empirical Review

Legal communicators have described discourses and interactions that take place in the courtroom as courtroom communication (Beke, 2014). Courtroom communication, like other forms of human communication, greatly relies on both verbal and nonverbal cues for validating messages of witnesses (Erlich et al., 2021). The burden of proof is not only based on what is said, but on how it is said and what other meaning systems are available to the jury (e.g. Naidoo, 2018). For instance, witnesses' nonverbal cues such as smile, posture, and eye contact, among others, can communicate specific details concerning the case (Catoto, 2017). This meaning sharing among the communicators in the courtroom (including lawyers, judges, and witnesses) is what has been described in the literature as litigation communication (Beke, 2014).

Gyampo et al. (2022) suggest that election petitions are legal procedures for challenging the outcome of an election within a specified period. In Ghana, the Electoral Commission (1992), Act 284, describes election petitions as processes for legally questioning the validity of election results. Election petitions require rigorous processes of a court of law to resolve discrepancies in the election results and this litigation communication process includes both direct and cross examination (Perdue, 2012). Direct examination involves witnesses being examined by a lawyer on the side of the witnesses; this is very relaxed, less rigorous, and mostly towards making available the evidence of the witnesses to the jury (Crawford, 2012). On the other hand, cross examination involves the opposition lawyer examining the witnesses to validate the authenticity of the evidence provided to support the case; this is usually more tense and rigid and contributes significantly to the court's verdict on the case (Perdue, 2012). Tanford (2010) explored forms of cross-examination and found that cross-examination is usually limited to the evidence provided in the direct examination as well as the credibility of the witness. The author identified two main communication strategies in cross-examination: the hostile style which is described as the savage, fierce and violent method of going after a witness to make them tell the truth; and the soft style that depicts the smiling, soft-spoken, ingratiating method aimed at lulling witnesses to feel secure and gain their trust (Tanford, 2010). Thus, while the hostile style is vigorous, the soft style is a quiet, friendly kind of examination.

Catoto (2017) found that questioning types such as yes or no questions, probing questions, open ended questions, and leading questions are effective during cross-examination. In a study of African-American lawyers, Crawford (2019) adds spontaneity, personalisation, proverbial statements, cultural reference, phonological variants, signifying, and tonal semantics as essential in examining witnesses. In their analysis of how courtroom communication influences procedural justice, Catoto (2017) discovered that judges adopted plain language, eye contact with defendants, explanation of the order of cases, and interest in defendants' understanding and views in court decisions. Exhibits and other written materials may also serve as evidence in the courtroom in addition to the verbal communication modes used in the trial stage (Tanford, 2010).

From a political economy perspective, Bukari (2022) studied Ghana's elections from 1992 to 2020 using macro-level data from the district-level voting turnouts and micro-level data from 600 respondents in two regions in Ghana. The author found that aside ethnic factors that determine voters' participation in electioneering, there are other significant factors such as development-oriented issues, articulation of policies, income levels of voters and area of residence. Moreover, Owusu-Mensah and Rice (2018) tracked election procedures and judiciary interventions from 1992 to 2016 and found that the Supreme Court of Ghana has been effective in addressing political malfeasance that is capable of marring democratic procedures. Significantly, the reliance on the judiciary arm of government for addressing election related irregularities signifies democratic maturity in Ghana, even though issues of reputation and communication are still prevalent in the justice system (Asante & Asare, 2016).

Studies in other African countries, for instance in Uganda (e.g. Murison, 2015), and Kenya (Gathi & Akinkugbe, 2021) also confirm that there is growing reliance on court systems for resolving election related disputes. Murison (2015) studied presidential and parliamentary election petitions in Uganda for the 2001, 2006, and 2011 elections using

over 140 parliamentary petitions and two presidential petitions. In Kenya, Gathi and Akinkugbe (2021) revealed that petitioning election-related disputes to international courts is largely motivated by lack of trust in national courts and desire of plaintiffs to gain a higher forum for addressing election-related violations. Thus, judicialising election disputes at African courts give petitioners a forum to communicate violations of international human rights and to serve as a deterrent to future political violations in national elections.

As already emphasised, extant studies have established how verbal and nonverbal cues contribute to the effectiveness of courtroom discourses (e.g. Catoto, 2017). Despite these, the literature points to little research-based evidence on communication and cross-examination in real-time electoral petition cases (Johnston & Kelly, 2021). Consequently, in contrast to the predominant simulated court cases, this present study uses authentic cross-examination cases to assess the communication strategies and styles used in courtroom communication in a West African sub-region, Ghana.

III. METHODOLOGY

The study explored the communication strategies employed during cross-examination of witnesses in the 2012 election petition in Ghana. The study is based on a qualitative research approach to allow an in-depth understanding of the courtroom communication styles and persuasive appeals. The case study purposefully selected the 2012 election petition because historically, this petition marked a leap towards consolidation of the Ghanaian democratic system; this was the first time a major challenge of election results was peacefully resolved through courtroom processes (Asante & Asare, 2016). Participants for the study were purposefully sampled for cross-examination that involved star witnesses. Based on official available reports of the Supreme Court, thus, First Respondent vs. Second Respondent, there were thirty-two (32) members in the election petition: two (2) witnesses and four (4) lawyers of the NPP, two (2) witnesses and three (3) lawyers of the NDC, two (2) lawyers representing second respondent, three (3) witnesses and two (2) lawyers representing the Electoral Commission, three (3) witnesses representing KPMG (an independent body), two (2) culprits charged with contempt of court, and nine (9) judges. Out of these, six participants were selected for the study because of their immense contribution to the outcome of the court proceedings as well as the large amount of time they had in the cumulative courtroom communication processes: three participants classified as star witnesses in the 2012 election petition (Witness 1, Witness 2 and Witness 3) and three lawyers who largely cross-examined the star witnesses (Lawyer 1, Lawyer 2 and Lawyer 3). According to Asante and Asare (2016), a star witness is a person whose evidence on a court case has significant impact on the verdict and who is usually regarded as the main witness of a case.

The study was based on archival data/documents and qualitative audio-visual materials publicly available online on the 2012 election petition. According to Creswell and Creswell (2022), documents and audio-visual materials provide rich information that helps to understand qualitative case studies. We triangulated video tapes, social media texts and transcribed documents of the court proceedings as data to generate insights and to provide thick-rich descriptions of the courtroom communication processes (Creswell & Creswell, 2022). The 2012 election petition was broadcast publicly by state-owned and private media (including television, radio, social media platforms) to local and international audiences. We relied on archives of data of court proceedings and recorded videos of court sittings on the election petition. The available data indicated that the cross-examination lasted 44 days of the entire court hearing process. The witnesses cross examined included Witness 1, Witness 2, Witness 3 and a witness from KPMG. Focusing on the three selected witnesses reduced the cross-examination from 44 to 42 days. The recorded versions of the court sittings were downloaded online, saved in a storage disk, and uploaded in google drive for backup. We also relied on available videos of the court sittings on social media platforms: YouTube and Facebook. Videos of the available court sittings were downloaded through 'SaveFrom Net' application, an online video download application. These three sources of the same data were to ensure there were no lapses or errors of transcription due to sound effect or bad recording from one source. The data were transcribed and analysed via content analysis procedures (Johnson & Christensen, 2024, 2006).

The study used pseudonyms to de-identify all the participants in the video recordings on the 2012 election petition (Riffe et al. 2019). For instance, we assigned labels to the witnesses (thus, Witness 1, Witness 2, Witness 3) and legal representatives (Lawyer 1, Lawyer 2, Lawyer 3) to ensure anonymity. We also manually generated a reference style to appropriately identify the sources of ideas. This was essential to uphold the study's integrity. We used the heading 'Court Hearing of Election Petition' labeled by the capital initials (CHEP) followed by a slash (/) and the year of the election petition (2012), and lastly, the day of the election petition hearing such as number five for Day 5 and the witness in the Dock affiliation, thus, NPP for New Patriotic Party witness, NDC for National Democratic Party Witness and EC for Electoral Commission witness. This labeling, (CHEP/2012/5/NPP), for instance, gives an identification of a witness from the New Patriotic Party who was in the dock on the fifth day of the court hearing during the 2012 election petition. From these, the six selected cross-examinations were labeled as follows: CHEP/2012/4/NPP, CHEP/2012/5/NPP, CHEP/2012/23/NDC, CHEP/2012/24/NDC, CHEP/2012/38/EC, and CHEP/2012/43/EC.

IV. FINDINGS & DISCUSSION

In this section, we present and discuss the results of the study which examined the communication strategies employed by courtroom communicators during cross-examination of witnesses in the 2012 election petition in Ghana. The analysis revealed *communication styles* and *communication appeals* as two thematic areas relative to the courtroom communication strategies in the 2012 election petition.

4.1 Communication Styles

Drawing on Chen and Reppen's (2020) conceptualisation, three communication styles were found in the data analysed based on the nature of the evidence presented as proof during the cross-examination processes: the hostile style, the soft style and conversational style.

4.1.1 Hostile Communication Style

The study found that the lawyers and witnesses engaged in repetitive, hammer-and-tong exchanges in order to uncover the truth in witnesses' testimonies, in line with observations by Tanford (2010). For instance, in the cross-examination of Witness 1, the lawyer of the NDC (the second respondent), lawyer 1, used repetitive high pitch exchanges to compel the witness to confirm signing the pink sheets as shown in the extract below:

> ***Lawyer 1:*** *And you indicated that that signature is a signature of the first petition Nana Akuffo Addo. Is that not correct?*
> ***Witness 1:*** *That looks like his signature. Yes.*
> ***Lawyer 1:*** *Now, since you testified, has he confirmed to you that he indeed signed that document? Has he confirmed that with you?*
> ***Witness 1:*** *No. He has not.*
> ***Lawyer 1:*** *You haven't asked him?*
> ***Witness 1:*** *No.*
> ***Lawyer 1:*** *You haven't asked him? You have not asked him?*
> ***Witness 1:*** *Counsel. Um, you*
> ***Lawyer 1:*** *Have you asked him, or you have not asked him?*
> ***Witness 1:*** *I have not asked. (CHEP/2012/4/NPP)*

As scholars such as Perdue (2012) have observed, the evidence above shows a hostile line of questioning. First, the lawyer established a background for his probing question by asking the witness to reminisce whether the witness made a previous comment that the President signed the exhibit. Evidently, the lawyer repeated the question, *"You haven't asked him?"* before the witness finally consented that he had not asked the President for confirmation. In essence, the lawyer coerced the witness to tell the truth, and this affirms Ayelazuno's (2013) assertion that in the heat of a trial, a harsh or aggressive communication style may be used in the line of questioning to go after witnesses to tell the truth in cross-examination processes. The question was very important to the lawyer because one of the fundamental irregularities in the 2012 election petition was the complaint about lack of signatures of the Presiding Officers (Gyampo et al., 2022). The witness admitting that he did not ask the President about the signature confirms that the witness is convinced the signature is the President's signature, hence, there is no need for confirmation. The signature of the President on the exhibits validated the position of the defendants that the election was confirmed by both parties as a legitimate reflection of the electorates' choice.

In addition, the lawyer of the then President-Elect, Lawyer 2 also used the hostile style in the cross-examination of Witness 1, on over-voting in one of the exhibits. Witness 1 admitted that there was over-voting because the total number of votes in the ballot box recorded was not equal to the total valid votes submitted at the end of the polls. The lawyer, however, held that the witness had done wrong mathematical calculations by not adding the valid ballots issued to the voters. This evidence below details the exchanges between the two communicators:

> ***Witness 1:*** *there is an issue with over-voting. The total number of valid votes issued minus spoilt ballots.*
> ***Lawyer 2:*** *It means that you don't understand the arithmetic yourself. Spoilt ballots are part of issued ballots. They are different from rejected ballots.*
> ***Lawyer 2:*** *Witness 1, you are committing a clear mathematical error here.*
> ***Witness 1:*** *Counsel, you are the wrong one.*
> ***Witness 1:*** *No. Spoilt ballots are reissued so they are not added to the valid ballots issued.*
> ***Lawyer 2:*** *Witness 1, this one, you got irredeemable, completely and wrong.*
> ***Witness 1:*** *My lord, your mathematical calculation is weird…*
> ***Lawyer 2:*** *I think my Lords will have to intervene…this is simple arithmetic; I am surprised you are getting it wrong. (CHEP/2012/5/NPP)*

Clearly, the use of words such as *irredeemable*, *completely,* and *wrong* demonstrate the lawyer's readiness to out-rightly oppose the answer of the witness as incorrect. This is also characterised by the hostile diction that is employed to discredit and stretch the witness to admit or tell the truth. Nevertheless, the witness still defended his position that there was over-voting in the pink sheet and used hostile words such as *wrong* and *weird* to express his position on the inaccuracy of the lawyer's demand. The judges later came in to address the entire exchange by asserting that the electoral thesis of lawyer 2 seemed not to be real, hence, there was the need to await the electoral commission, the second respondent, to clarify things. In the above extract, the hostile style may not necessarily result in the witness giving preferred answers to the lawyer, especially in instances where such acceptance could affect the position of the witness and reduce the credibility of their case in court. Studies (e.g. Adams & Asante, 2020) have similarly established that over-voting questions the validity of election results and serves as effective grounds for electoral petitions, therefore, establishing that there was no over-voting in the election, according to Beke's (2014) litigation communication theory, is an effective way to influence the legal outcome. In line with the trial stage of the theory, the lawyers challenged the evidence brought forward by the witnesses that could have influenced the outcome of the legal process.

Another instance of hostile style of communication was noticed in the cross-examination of the NDC, witness, Witness 2, by NPP lawyer, Lawyer 3. In this exchange, lawyer 3 queries the witness whether he had noticed that the exhibit, the electoral register, used at a named polling station had different names and photographs than what was approved by the electoral commission. The witness did not immediately admit the question was true until lawyer 3 adopted the hostile communication strategy:

> ***Witness 2:*** *My lord, I am getting confused about the way, the question is asked. Can you elaborate properly?*
> ***Lawyer 3:*** *I am saying that the polling station name Asman C. J. Primary School B here with the polling station code E1131B is part of the pink sheet. But the name and code do not tally with what the electoral commission issued.*
> ***Witness 2:*** *Yes, My Lord, the polling stations are there. You can go there and check. Even if the polling station codes are not tallying, the physical polling stations are there and it is recorded that election took place there and the polling agents found their way to the polling stations and signed the pink sheets. (CHEP/2012/23/NDC)*

From the above (CHEP/2012/23/NDC), the witness is of the view that if the physical centers are there, the polling codes and names tallying do not matter. This is quite problematic because election petition cases are based on pink sheets and not physical centers. The findings are similar to the observations by Gyampo et al. (2022), that, electoral results sheets, popularly referred to as pink sheets, form the basis of results in electoral processes. The Electoral Commission of Ghana also underline this view, noting that, pink sheets ultimately determine final results of elections; all agents of political parties therefore sign the pink sheets (from which the media and other observers generate results) and presiding officers (heads of the electoral commission officials at these polling stations) announce the results.

4.1.2 Soft Communication Style

Lawyers in the cross-examination at different times also used the soft communication style. Morrison et al. (2019) argued that, the soft communication style in cross-examination makes witnesses confident and comfortable to tell the truth. For instance, the soft communication style is inherent in the cross-examination of Witness 1 by the NDC lawyer, Lawyer 1, in the conversation below:

> ***Witness 1:*** *Per addition, the total votes is 119 and C1 is 118 votes. A case of over-voting.*
> ***Lawyer 1:*** *I am suggesting to you that in this case, it is a simple error of lifting what is in the total ballot box and filling them in C1. It is an administrative error.*
> ***Witness 1*** *(smiling)****:*** *In the previous case, you didn't say it was simply an administrative error. You used an error to claim there was no over-voting. You and I were not there, we can only go by what is on the pink sheet, my lord, that is it.*
> ***Lawyer 1*** *(Smiles): In the previous case, I did indicate that people make errors and that is what I tried to show and that was also an error.*
> ***Witness 1:*** *Violations could always be described as errors. But these are violations, malpractices, and irregularities that impact votes. (CHEP/2012/5/NPP).*

From this exchange, lawyer 1 and witness 1 engaged in smooth communication where each person made their point clear to win the confidence of the other. While lawyer 1 is establishing that it is an *administrative error* or simply a lifting error, witness 1, on the other hand, posits that administrative errors are violations, malpractices, and irregularities that can impact votes. The communication did not involve any vulgar exchanges; it was a soft smiling exchange of thoughts on what constitutes voting and malpractice, as advanced by Tanford (2010). According to Tanford (2010), such soft smiling exchanges provide rapport and eases tensions in a way that allows free flow of persuasive and competent legal representations. This is very much consistent with prior researches that have observed that soft

communication styles are the most productive and desired in the courtroom (e.g. Kirby, 2017; Morrison et al. 2019). For instance, Morrison et al. (2019) specifically argue that this style is helpful for lawyers and legal professionals who experience a variety of communication difficulties since it helps to decrease anxieties around communication.
In addition, Lawyer 1 and Witness 1 discussed the constitutional role of polling agents in a soft communication style:

> ***Lawyer 1:*** *Yeah…You have tried in this court to give certain descriptions of your polling agents, which I want to remind you of before I deal with my questions. You know at some point, you said they were mere observers. Do you recall that?*
> ***Witness 1:*** *Yes. I called them exalted observers.*
> ***Lawyer 1:*** *No, no, no…At some point, you said they were mere observers. Did you say so?*
> ***Witness 1:*** *Yes, I think so.*
> ***Lawyer 1:*** *You think so. And at a later stage, you described them as exalted observers.*
> ***Witness 1:*** *That's right.*
> ***Lawyer 1:*** *You exalted their status (smiling) (CHEP/2012/4/NPP)*

Here, lawyer 1 referred witness 1 to a statement made during the evidence in chief, where witness 1 described the polling agents as mere observers or exalted observers. Witness 1 consented to this and that is mimicked by the lawyer when he said *"you exalted their status"*. The answers to these questions provided grounds for the lawyer to question the credibility of the polling agents in defending and reporting valid election results. So, through this soft communication style, the lawyer lured witness 1 to gain the witness' confidence for further questioning (Purdue, 2012).

Similarly, the soft communication style was used by Lawyer 1 to elicit information from Witness 1 on some legal clauses in the Constitution of Ghana. The exchange centered on the Constitutional Instrument 70 (CI 70) and CI 75 clauses:

> ***Lawyer 1:*** *Now, Witness 1, you've been very familiar with CI 70. If I hear, you make references to it. And I just want to draw your attention to its provision. Just to find out whether you were familiar with this provision. I'm not asking for your interpretation, but I just want to know, if are you familiar with this provision because you've made references to C 75. You've been saying that's the basis of some of your allegations. So I just want to show you C I 75, Regulation 19(3). You know CI 75 is a public document.*
> ***Witness 1:*** *(Receives CI 75 and reads it.) Witness: An appointment and sub-regulations 1 is to detect impersonation, and multiple votes, and certify that the poll was conducted by the laws and regulations governing the conduct of an election.*
> ***Lawyer 1:*** *Okay. Since it referred to an appointment under one and two, please read one and two as well for clarity*
> ***Witness 1:*** *Polling agents, 19(1) my Lord, a candidate for parliamentary election may appoint one agent to attend at each polling station in the constituency, for which candidate it is seeking election. Two, a candidate for presidential election may appoint one polling agent in every polling station nationwide.*
> ***Lawyer 1:*** *Were you familiar with this provision before? Or just when I showed it to you, were you familiar with it?*
> ***Witness 1:*** *Reasonably? Yes, my Lord. (CHEP/2012/4/NPP).*

From the excerpt, lawyer 1 provided a CI 75 document to witness 1 to read certain clauses aloud in court. This provided grounds for witness 1 to calm down and respond to the follow-up questions. As, scholars have established (e.g. Morrison et al., 2019), with soft style of courtroom communication, witnesses tend to relax and find court exchanges normal. In a related development, Lawyer 3, in an exchange with Witness 2, expressed how polling stations' names and codes provided by the third respondent (NDC) differed from the polling stations' names and codes provided by the second respondent (Electoral commission). Lawyer 3 considered this as an election anomaly; while the witness considered it as inconsistency in recording the exact names and codes of the physical polling stations:

> ***Lawyer 3:*** *The code given by you and the name, thus the polling station code does not exist in the list of the polling stations provided by the second respondent.*
> ***Witness 2:*** *My Lord, I disagree with you.*
> ***Lawyer 3:*** *Unique 95.7 mega*
> ***Witness 2:*** *Transmitting live from the capital. This is unique. 95.7.*
> ***Lawyer 3:*** *Yes (CHEP/2012/23/NDC)*

In line with tenets of the soft communication style, the two amicably reasoned together to communicate the location of the polling stations without any heated argument (Doak & Doak, 2017).

4.1.3 Conversational Communication Style

It was also evident from the data that, in most cases, the conversational style of communication was used to resolve tensions or start a new topic of cross-examination. It also included mirthful comments that sought to entertain and to show some levels of informality or personal relationships rather than query witnesses. For example, there was an

instance where the judge jokingly established that the cause of the over-voting could be *spiritual* and indicated that was beyond the witnesses' ability to establish. In another instance, the use of the nickname, *General Mosquito* (to refer to Witness 2) by lawyer 2 created laughter among the audience. The judge commented that by mentioning the nickname, *General Mosquito*, the lawyer had *given the Supreme Court's blessing to the name general mosquito*, which shows the informal nature of the conversational style of courtroom communication. The extract below presents their exchange:

> ***Lawyer 2****: Raise your objection. I will respond to it.*
> ***Lawyer 3:*** *It is not in anywhere in the pleading (tendering) before the court...*
> ***Lawyer 2:*** *My Lord, we've pleaded (tendered) it. We've pleaded it. It is in General Mosquito, (ahh) I am sorry. (Audience laughs)*
> ***Judge:*** *You have given the Supreme Court blessing to the name General mosquito. (CHEP/2012/5/NPP)*

In line with the above, O'Leary (2016) found that there are levels of formality in terms of language used in court hearings and this can range from formal to informal diction, which is way too casual and may include professional jargons, slangs and other non-formal speech conventions that are acceptable among members of similar rank. O'Leary (2016) even discovered that sometimes judges and lawyers dispense their formal robes (wigs and gowns) to sound more realistic, making witnesses feel comfortable in courtroom hearings. Perhaps this relates to Aristotle's 'catharsis effect' in his theory of rhetoric, a sigh of relief and a therapeutic process of emotional release (Mccormack, 2014). There is further evidence that conversational styles of communication help to calm nerves and anxieties of witnesses when called to testify (Denault & Patterson, 2021).

There were other instances where the conversational style was used to bring external information about witnesses to establish rapport. For example, there was a conversational exchange between the NDC lawyer and Witness 1, where the two digressed to discuss a news story about the witness in the *Daily Graphic* newspaper. The conversational style was used in a more personal and informal manner to start the conversation:

> ***Lawyer 3:*** *Let me first congratulate you. I learned in the papers today that you have been asked to return to your job at ADB (Agricultural Development Bank).*
> ***Witness 1:*** *I think you should stop reading too many newspapers. (both laugh) (CHEP/2012/5/NPP)*

The information about Witness 1 returning to the banking job was not relevant but the witness also retorted that the lawyer should *stop reading many newspapers*. Denault and Patterson (2021) found that when witnesses are made to relax and feel emotionally relieved, they are most likely to provide their best while in the witness box. Thus, the conversational style seeks to create a familiarity that demystifies courtroom communication (Doak & Doak, 2017).

4.2 Persuasive Appeals

The data established that all the three persuasive strategies (logos, ethos and pathos) were used by the witnesses and lawyers in the 2012 election petition, albeit for different purposes, as discussed in the sections that follow.

4.2.1 Logos Strategy

The findings revealed that the lawyers and witnesses used questioning, speech-making, figures and evidential-based facts to appeal to the reasoning of the audiences and judges. The questioning strategy (different questioning styles such as '*I suggest it to you', 'why-questions', 'yes or no questions', 'modal verb questions',* and *'would it surprise you to know questions')* emerged as the dominant persuasive strategy used by the communicators in the courtroom to appeal to the audiences' reasoning. The findings resonate with a study by Bose (2020) who observed that questions in legal communication probes the mind of hearers, thereby, appealing to their reasoning. Likewise, Jamar's (1997) study underscored the effectiveness of questioning as a logos appeal in courtroom communication since it calls for witnesses to synthesise information in a logical manner. From the data, *'I suggest to you'* questions were usually used by the lawyers to engage the witnesses in instances where the evidence has to be contested. As opined by Perdue (2012), the purpose of cross-examination is to render the evidence in chief unsubstantial. For instance, lawyer 1 used *'I suggest to you question'* to elicit a yes answer that the signature is the first respondent's (His Excellency Nana Akuffo Addo) signature. This appeals to reason because the witness had to be convinced that whatever lawyer 1 was asking him to consent to was reasonably true. The lawyer's use of *'I suggest to you'* speaks of authoritative knowledge, and therefore, witness 1 is expected to accept the suggestion as true (Purdue, 2012). The extract below shows their exchange:

> ***Lawyer 1:*** *I suggest to you that the signature on the pink sheet is the signature of the first respondent. Am I right?*
> ***Witness 1:*** *It looked like it.*
> ***Lawyer 1:*** *Have you asked him?*
> ***Witness 1:*** *Not yet (CHEP/2012/4/NPP)*

The use of *'I suggest to you',* akin to what Bose (2020) and Jamar (1997) call syllogism, thus, becomes the premise that necessitates the conclusion that the witness should consent to the reasoning of the lawyer. The lawyers also used *'yes or no questions'* to either elicit background information that leads to further questioning or to guide witnesses

through various lines of questioning. For instance, the NDC lawyer, Lawyer 1, used 'yes or no questions' to elicit information about the witness' faith in the sacred book (Qur'an) as a basis to tell the truth, '*And according to the tenets of your faith, If You don't tell the truth, you are defying that holy book. Is that not correct?'* (CHEP/2012/4/NPP). The question appeals to the reasoning of the witness who is expected to either accept or deny their belief in the Holy Scripture. Again, in the extract below, the witness answered *"yes"* to the question to confirm that he did not immediately recognise the signature of the President on the pink sheet:

> ***Lawyer 1:*** *I do. You did not immediately recognise that. That's correct. And then, and then you, you recognised it.*
> ***Witness 1:*** *Yes, I did. (CHEP/2012/4/NPP).*

Consistent with the findings from this study, Beke (2014) also provide empirical evidence that figures provide support for logical persuasion in courtroom communication. Moreover, Aristotle's supra notes conversely recognised that legal audiences may not always have a high legal acumen, therefore, the use of specific strategies such as figures, proverbs and cultural reference facilitate logos appeal. From the findings, for instance, lawyer 3 used 'the wh-question' to ask NDC's first respondent to provide the number of pink sheets submitted through the affidavit. The witness provided the answer by stating 5,316 affidavits as the total number of pink sheets submitted to the court:

> ***Lawyer 3:*** *Now, can you tell the court, how many Witness affidavits you filed in this court?*
> *Witness 2: My Lord, we filed 5,316 affidavits.* (CHEP/2012/23/NDC)

The findings affirm Erlich's et al. (2021) idea that in overturning election results, the weight of evidence must be sufficient to establish that the margin of victory is not wide enough to confirm a winner. Therefore, questions on the exact exhibits tendered was to enhance the lawyer's logical appeal of the quantum of evidence at the disposal of the court. As pointed out by Doak and Doak (2017), such questions usually request specific answers from witnesses. The lawyers also elicited information on details of the electoral register compilation process, specifically, the biometric verification process as part of the logos strategy, as in:

> ***Lawyer 1:*** *Were there any differences in the people who were registered, witness 3, categories of people?*
> ***Witness 3:*** *well, yeah. Um, some of the persons who applied for registration did not have fingers at all. They did not have fingers at all. And we classified this group of people as persons who are suffering from permanent trauma, (CHEP/2012/43/EC)*

The answer of the witness provides a basis to support the evidence of proof by the first respondent that some electorates voted without biometric verification, and this could be considered a violation of the electoral process. There is logical justification that the biometric verification was compromised at the polling stations, thereby, allowing electorates who may not have been registered to vote in the election. From the data, the questioning strategy was effective in eliciting background information, specific answers as well as details that could help various lines of questioning of the lawyer in the cross-examination process. The various questioning strategies provided a foundation for the lawyers to provide logical evidence to support their case in court. As Beke (2014) argued in his litigation communication theory, the trial stage is based on the ability of lawyers to establish compelling evidence in their communication processes in court.

There were a few instances in the data where the lawyers used the speech-making strategy to provide a comment, a summary, or a statement to witnesses, in most cases to explain legal discrepancies or issues that arise during the cross-examination. Through courtroom communication strategy of speech-making, legal experts, and by extension litigation communicators dissect legal concepts and situations for witnesses and audiences to decipher (McComark, 2014). The findings showed that in cases where lawyer 2 is in a heated argument with witness 1, the judge usually provided an explanation to resolve the controversy. In one such case, the judge intervened to explain the meaning of irregularity and malpractice:

> ***Lawyer 2:*** *My Lord, I wanted to make a distinction between malpractice and illegality because malpractice connotes willfulness and carries a higher burden of proof in law than irregularity.*
> ***Judge:*** *Yes, I see you trawling and trawling…As he is saying, over-voting cannot be an irregular thing, it must be malpractice. Once, he stands on that, that is it.*

From a litigation theory perspective, the use of speech-making provides opportunities for legal experts, lawyers, and judges to explain legal matters to court audiences (Beke, 2014). To appeal to reason therefore, speech-making strategies in courtroom communication should be simple and understandable (McComark, 2014).

4.2.2 Pathos Strategy

Regarding emotional appeal, the study found that the communicators in the courtroom used nonverbal expressions such as sad facial expressions, intonation, pauses and other vivid imageries to communicate their emotions. Catoto (2017) found *impression management and non-verbal cues* as useful in expressing emotions in courtroom communication. By using a cultural reference of a watchman and a thief, Witness 1 for instance explained why the presidential candidate of NPP did not blame the polling agents for the election malpractice, but rather considered filing

a petition. This is consistent with Doak and Doak's (2017) discovery that imagery could be an effective pathos appeal. In using the imagery of a watchman and a thief, the witness allegorically painted a picture of petitioners being watchmen and the defendants being thieves, but in an emotionally friendly manner:

> ***Witness 1:*** *I said to you yesterday, if your watchman allows someone to steal or you are able to steal from somebody's farm, even though there is a watchman, you don't blame the watchman but you blame the one who did the stealing.*
>
> ***Judge:*** *Let's distinguish between the procedure at vice-presidential debate and court procedures, you see here is a very different place. Let's do it as this place demands. (CHEP/2012/5/NPP)*

The cultural reference though well understood, the judge still had to explain to the witness that the procedure for communicating in the law court was different from that of a political debate where the witness is an expert. Significantly, we further discovered that smiling was a common nonverbal cue expressed by most of the witnesses. Smiling was mostly used to establish perplexity, humor, or disapproval. In other cases, the witnesses used sitting posture, hand gestures, pitch and loudness of sound to express their feelings, and to demonstrate the authenticity of the information provided. These revealed the true emotions of the witnesses, and as well, provided extra information to confirm the certainty, uncertainty, or credibility of the witnesses, as also found by Denault and Paterson (2021), Doak and Doak (2017), and Chen and Reppen (2020). According to the literature, emotional appeal is seen as an authentic persuasive strategy that adds colour to legal discourses (e.g. Catoto, 2020). As Crawford (2019: 32) puts it "nonverbal cues do not lie".

4.2.3 Ethos Strategy

In addition to logos and pathos strategies, the witnesses and lawyers engaged in ethos appeal using what Catoto (2020) and McComark (2014) term 'source-characteristics or attributes' including personalisation, authority, professionalism and expertise to help establish the credibility of the legal arguments. The data revealed that personalisation was used by the lawyers as a communication strategy to question the integrity of the witnesses. For example, through personalisation, Lawyer 1 questioned the credibility of Witness 1 regarding his understanding of legal issues, as shown in the extract below:

> ***Witness 1:*** *They would've gone to, they have to exist legally, not physically. They did not exist in our books because the polling station codes did not match the codes on the EC register.*
>
> ***Lawyer 1:*** *You know, Witness 1, I would respectfully suggest that when you are talking legally, you need to be a little bit cautious because you are not the expert on what is legally correct. Do you see what I mean?*

From the above, the lawyer suggested that the witness should be cautious when speaking legally because the witness was not an expert in that area. Nadeau et al. (2021) term this personalisation because it focuses on the credibility of the witness to provide substantial information in favour of his case in the legal proceedings. According to Doak and Doak (2017), personalisation seeks to interrogate the credibility of the witness to provide truthful information. Perdue (2012) argued that cross-examination seeks to achieve three main things: reduction of evidence in chief, questioning the credibility of the witness, and adding new evidence to support the case in court. Personalisation, therefore, seeks to tag the credibility of the witness, as discovered by Jamar (1997).

In another instance, lawyer of the electoral commission, Lawyer 2, argued that the witness was not being honest in his answers. The claim of dishonesty on the part of witness 4 also provided evidence that witness 4 lacked credibility. This implies that the evidence presented by witness 4 was not likely to be an honest report of what happened in the electoral process. Here is the dialogue between the lawyers:

> ***Lawyer 1:*** *How long will this go on? The witness says it is not 1. How long will this go on?*
>
> ***Lawyer 2:*** *I am not quilling away from that. I suggested to him that he is being dishonest. I am not agreeing with him. I am saying he is not telling the truth and that is permissible under cross-examination. (CHEP/2012/5/NPP)*

Similarly, lawyer 1, in the course of questioning (See, CHEP/2012/4/NPP below), demanded that witness 1 should provide honest answers to questions. The call for honest answers suggests request for attributes of integrity and a pledge to tell the court the truth:

> ***Lawyer 1:*** *Witness 1, there is no disconnect. Let me just put my question again and try and give me a truthful, direct answer. Okay. Before you came to this witness box, you admitted, you were not aware of that letter being sent (CHEP/2012/4/NPP).*

Aside from personalisation, the lawyers used cultural references in some instances as a measure of trustworthiness. According to Nadeau et al. (2021), cultural references are shared knowledge, beliefs and values that are used to facilitate understanding in courtroom communication. For instance, one of the judges explained to a lawyer that the calculation challenges that occurred were as a result of lack of understanding of the electoral computation processes. In the judge's words: *we have not gone through the electoral thesis you have gone through?* The use of the words 'electoral thesis' speaks of the judge's metaphorical allusion to electoral knowledge or expertise. 'Thesis' here is used

as a shared knowledge between the judge and the lawyer. This relates to the lawyer's credibility as not having adequate knowledge in election processes. Significantly, the use of the three persuasive appeals, thus, logos, pathos and ethos contributed to effective cross examination between the lawyers and the witnesses. This is evident in the specific strategies that were used to engage in each persuasive appeal. However, the study confirms the position of legal theorists that logos strategy seems to be the most widely promoted, accepted, and sought after mode of proof in legal communication processes (e.g. Erlich et al., 2021).

V. CONCLUSION & RECOMMENDATIONS

5.1 Conclusion

This study explored courtroom communication strategies adopted during cross-examination of witnesses in the 2012 election petition in Ghana. Drawing on Aristotle's appeals and litigation communication theory, the study discovered that lawyers and witnesses adopted the hostile, soft and conversational communication styles for different purposes during cross examination. While the hostile style caused witnesses to consent to lawyers' demand for desirable answers; the soft and conversational styles provided opportunities for lawyers and witnesses to establish rapport as well as relax for more probing questions in the cross-examination process. The findings also revealed that the communicators used questions, speech-making, nonverbal cues, impression management and cultural references as strategies for achieving logos, pathos and ethos modes of appeal. Appeal to logic, however, came out strongly as the predominantly used strategy because the witnesses and lawyers engaged more in questioning and speech-making than the other modes of persuasion. It also emerged that the communication styles and persuasive appeals were effective in helping the lawyers elicit relevant information from the witnesses. The study contributes to the emerging field of courtroom communication by providing initial empirical insights into how communication strategies are leveraged in election petition cases, specifically in a unique context, Ghana. Given that empirical studies in the area are extremely narrow, the findings provide avenues for more research on courtroom discourses.

5.2 Recommendations

The findings reveal that reliance on the court for settling disputes requires different verbal communication styles and non-verbal cues (including the use of body language, eye contact, tone of voice, facial expressions, hand gestures) to clarify, complement, reinforce and accent arguments in the courtroom. Therefore, understanding how these communication processes work is crucial to guarantee the right information is conveyed to build trust, credibility, and to ultimately, improve perceptions of procedural justice and fairness in the legal process. To this end, the study recommends that legal communications courses should be integrated into law school programmes to adequately prepare law students for courtroom communication discourses right from the onset of the careers. Additionally, continuous professional development programmes will be helpful for lawyers, litigators and other legal professionals to hone their skills in both verbal and non-verbal communication skills.

REFERENCES

Adams, S., & Asante, W. (2020). The judiciary and post-election conflict resolution and democratic consolidation in Ghana's Fourth Republic. *Journal of Contemporary African Studies, 38*(2), 243–256. https://doi.org/10.1080/02589001.2020.1758639

Aristotle. (1991). *On rhetoric* (G. A. Kennedy, Trans.). Oxford University Press.

Asante, W., & Asare, B. E. (2016). Ghana's 2012 election petition and its outcome: A giant leap towards democratic consolidation. *Journal of Political Sciences & Public Affairs, 4*(1), 1–6. https://doi.org/10.4172/2332-0761.1000196

Atengble, K. (2014). Social media and Ghana's 2012 election petition—A discussion. *Advances in Journalism and Communication, 2*(3), 121–126. http://dx.doi.org/10.4236/ajc.2014.23013

Ayelazuno, J. (2013). Ghanaian elections and conflict management: Interrogating the absolute majority electoral system. *Journal of African Elections, 10*(1), 22–52.

Beke, T. (2014). *Litigation communication: Crisis and reputation management in the legal process*. Springer International Publishing.

Benner, K., & Schmidt, M. S. (2020, December 2). Barr acknowledges Justice Dept. has found no widespread voter fraud. *The New York Times*.

Bose, S. K. (2020). Rhetoric—the art of persuasion, legal profession and lawyer. *Journal of Emerging Technologies and Innovative Research (JETIR), 7*(4), 1444–1453.

Bukari, G. A. (2017). *Political economy analysis of elections in Ghana's Fourth Republic (1992–2016)* [Master's thesis, University of Ghana]. http://ugspace.ug.edu.gh

Catoto, J. S. (2017). On courtroom questioning: A forensic linguistic analysis. *Social Science Review, 3*(1), 1–15.
Chen, M., & Reppen, R. (2020). A look at wh-questions in direct and cross-examinations: Authentic vs. TV courtroom language. *DELTA: Documentação de Estudos em Linguística Teórica e Aplicada, 36*(3), 1–20.
Chernykh, S. (2014). When do political parties protest election results? *Comparative Political Studies, 47*(10), 1359–1383. https://doi.org/10.1177/0010414013512597
Chrétien, L., de Peretti-Schlomoff, A., & Viguier, Y. (2015). Judicial communication and professional ethics: Renewing the relationship between the judiciary and the public. *European Training Network Themis Competition Semi-Final D*. https://portal.ejtn.eu/Documents/THEMIS%202015/Written_Paper_France4.pdf
Crawford, G. (2019). Consolidating democracy in Ghana: Progress and prospects? *Democratization, 17*, 62–67.
Creswell, J. W., & Creswell, J. D. (2022). *Research design: Qualitative, quantitative, and mixed methods approaches* (6th ed.). Sage Publications.
Denault, V., & Patterson, M. L. (2021). Justice and nonverbal communication in a post-pandemic world: An evidence-based commentary and cautionary statement for lawyers and judges. *Journal of Nonverbal Behavior, 45*(1), 1–10. https://doi.org/10.1007/s10919-020-00339-x
Doak, J., & Doak, L. (2017). Non-verbal victims in the adversarial criminal process: Communication, competency, and credibility. *Northern Ireland Legal Quarterly, 68*(4), 451–468.
Erlich, A., Kerr, N., & Park, S. (2021). *Weaponizing post-election court challenges: Assessing losers' strategic motivations*. University of Florida Press.
Gathii, J. T., & Akinkugbe, O. D. (2021). Judicialization of election disputes in Africa's international courts. *Law and Contemporary Problems, 84*(181), 1–38.
Gómez-Diago, G. (2021). Generando una perspectiva comunicativa con "Ferment in the Field". *Comunicación y Sociedad*, 1–25. https://doi.org/10.32870/cys.v2021.7897
Gyampo, R. E. V., Agbevade, A., & Graham, E. (2022). Election petition and the future of electoral reforms in Ghana. *Journal of African Elections, 21*(1), 120–143.
Jamar, S. D. (1997). An essay on RFRA and the limits of logic in the law. *Stetson Law Review, 27*, 559–587. https://ssrn.com/abstract=1148830
Johnson, R. B., & Christensen, L. (2024). *Educational research: Quantitative, qualitative, and mixed approaches*. Sage Publications.
Johnston, N., & Kelly, R. (2021). *Recall elections*. House of Commons Library.
Kirby, A. (2017). Effectively engaging victims, witnesses, and defendants in the criminal courts: A question of "court culture"? *Criminal Law Review, 12*, 949–968.
McCormack, K. C. (2014). Ethos, pathos, and logos: The benefits of Aristotelean rhetoric in the courtroom. *Law, Justice, and Morality, 7*(131), 132–155.
Mitchell, G. (2002). Why law and economics' perfect rationality should not be traded for behavioral law and economics' equal incompetence. *Georgetown Law Journal, 91*, 67–84.
Morrison, J., Forrester-Jones, R., Bradshaw, J., & Murphy, G. (2019). Communication and cross-examination in court for children and adults with intellectual disabilities: A systematic review. *Journal of Intellectual Disabilities, 23*(4), 366–398. https://doi.org/10.1177/1365712719851134
Murison, J. (2013). Judicial politics: Election petitions and electoral fraud in Uganda. *Journal of Eastern African Studies, 7*(3), 492–508. https://doi.org/10.1080/17531055.2013.811026
Nadeau, R., Daoust, J., & Dassonneville, R. (2021). Winning, losing, and the quality of democracy. *Political Studies, 00*(0), 1–18. https://doi.org/10.1177/00323217211026189
Naidoo, K. (2018). *The impact of courtroom demeanour and non-verbal communication on the verdict* [Doctoral dissertation, University of Zululand].
Nkansah, L. A. (2016). Dispute resolution and electoral justice in Africa: The way forward. *Africa Development, 41*(2), 97–131.
O'Leary, C. (2016). *Accommodations for witnesses with communication difficulties in Irish criminal proceedings: An examination in relation to Article 13(1)* [Master's thesis, Trinity College Dublin].
Owusu-Mensah, I., & Rice, J. (2018). The judiciary and democracy in Ghana's Fourth Republic. *Journal of African Elections, 17*(2), 44–66.
Perdue, J. M. (2012). Trial techniques—the five-question rule: Cross-examination simplified. *Questioning Techniques & Tactics, 54*(1), 1–7.
Riffe, D., Lacy, S., Fico, F., & Watson, B. (2019). *Analysing media messages: Using content analysis in research* (4th ed.). Routledge.
Tanford, J. A. (2010). *The trial process: Law, tactics, and ethics* (4th ed.). Carolina Academic Press.
The Electoral Commission of Ghana. (2024). *Medium term expenditure framework for 2024–2027*. Ministry of Finance.