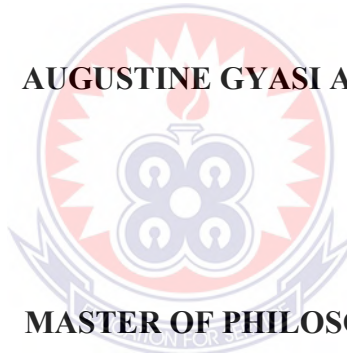


UNIVERSITY OF EDUCATION, WINNEBA

**GRICEAN MAXIMS IN COURTROOM DISCOURSE: AN ANALYSIS OF
THE SUPREME COURT PROCEEDINGS OF THE 2020 PRESIDENTIAL
ELECTION PETITION IN GHANA**

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UNIVERSITY OF EDUCATION, WINNEBA

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THE SUPREME COURT PROCEEDINGS OF THE 2020 PRESIDENTIAL
ELECTION PETITION IN GHANA**



**A thesis in the Department of Communication and Media Studies,
School of Communication and Media Studies, submitted to the
School of Graduate Studies, in partial fulfilment of the requirements
for the award of the degree of**

**Master of Philosophy
Communication and Media Studies
(Communication Skills)
in the University of Education, Winneba**

2022

DECLARATION

STUDENT'S DECLARATION

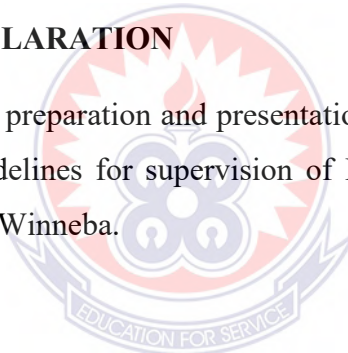
I, Augustine Gyasi Appau declare that this thesis, with the exception of quotations and references contained in published works which have all been identified and acknowledged is entirely my own original work, and it has not been submitted, either in part or whole, for another degree elsewhere.

Signature:

Date:

SUPERVISORS'S DECLARATION

I, hereby declare that the preparation and presentation of this work was supervised in accordance with the guidelines for supervision of Dissertation as laid down by the University of Education, Winneba.



Supervisor's Name: Prof. Christiana Hammond

Signature:

Date:

DEDICATION

Dedicated to my late parents; Mr. James Kwasi Gyasi and Ms. Grace Alange.



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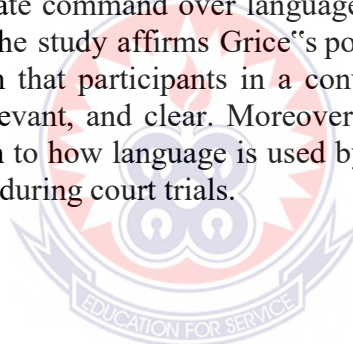


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ABSTRACT

This study examines the observance and non-observance of the Gricean Maxims as used by petitioner's witness and counsels during the cross examination session of the 2020 Presidential Election Petition in the supreme court of Ghana. The study investigates the possible implicatures drawn from the non-observance of the maxims amongst the petitioner's witness and counsels. A qualitative content analysis, data is drawn from conversational transcripts of petitioner's witness and counsels for respondents during the cross-examination phase of the 2020 Presidential Election Petition. Employing Grice's theory of Cooperative Principle and implicature, the findings show that there was the observance of all the maxims (quantity, quality, relation/relevance and manner) from both the witness for petitioner and the counsels for first and second respondents. The maxim of manner appeared as the most dominant observed maxim. It also revealed that violations occurred 82 times and flouting appeared 91 times as non-observance cases recorded amongst petitioner's witness as well as the counsels for the respondents. The reasons for violating and flouting the maxims could generally be for the purposes of building public image, mislead the court, skip relevant questions and for emphasis. Furthermore, violating and flouting the maxims were purposefully done to give additional information to the court. The findings further suggest that, witness and counsels tend to flout and violate the maxims to demonstrate command over language usage which was least recorded in terms of frequency. The study affirms Grice's position that, Cooperative Principle advances the assumption that participants in a conversation normally attempt to be informative, truthful, relevant, and clear. Moreover, it is recommended that, critical attention should be given to how language is used by people in cross-examinations to present their testimonies during court trials.



CHAPTER ONE

INTRODUCTION

1.0 Background to the Study

Grice (1975) proposes that participants in a communicative interaction are led by principles that control how language is utilized to produce rational communication with optimum efficiency and efficacy. Grice referred to it as the Cooperative Principle. This cooperative principle encompasses nine elements that govern our communication processes (Grice, 1975). The Maxims of Conversation are four categories that group these nine components together: the maxim of quality (truthfulness), the maxim of quantity (informativeness), the maxim of relation (relevance), and the maxim of manner (perspicuity).

On the other hand, Grice (1975) suggested Conversational implicatures which are pragmatic conclusions. Unlike entailments and presuppositions, conversational implicatures are based on contextual circumstances and the assumption that conventions are followed in a conversation (Grice, 1975). In further discussions, Grice (1975) revealed that, what is meant often extends beyond what is expressed, and that this additional meaning is inferred and foreseeable.

Language is important in all aspects of human life, but it is especially so in legal matters. In fact, law would not exist without language in several ways (Jose et al., 2019). The language of law must be distinct from other forms of legal language, such as, that used in the courtroom, in textbooks, and in conversations about the law in both formal and informal settings (Mooney, 2014). Many of the challenges people face in understanding legal English can be attributed to syntactic complexity (Zhang, 2015).

Courtroom discourse, according to Wang (2017), is the study of legal language used in courtroom contexts. Legal institutions, such as courts are mounted to warrant a secure and unbiased resolution of conflicts, and the legal norms that prevail in a given nation ought to never priorities the ambitions of any party to the lawsuits (Petrilli, 2016). Sometimes people just cannot comprehend the meaning of the language of the courtroom. Upon hearing or reading a particular language in a legal context, lay people often attribute difficulties in understanding of the language to the law itself (Ponzio, 2016). Language is essential to human life as people are born to interact as they use it as “a vehicle of thought and a system of expression” (Jose, Quinain & Constatino, 2019).

The primary reason for studying courtroom discourse is because law has an impact on the lives of everyone on the planet (Le, 2019). How individuals engage with the larger political, social and economic world is influenced by the law (Le, 2019).

According to Khoyi and Behnam (2014, p. 76), the following attributes determine the status characteristics of courtroom discourse participants: the institutional position and its relationship to other participants“ roles in a communication setting, the genre modality of speech acts (the parties submit application for something., the witness gives his testimony, the judge pronounces the sentence and renders a verdict of conviction or acquittal), and the discourse“s formula organization (the structures of stereotyped speech reflect communicative behavior standards that are prevalent in the linguistic culture at a given period of time).

Written texts underpin legal discourse, which are inconspicuous to ordinary people in interaction with the legal community, but becomes prominent during a trial (Gail, 2012). Gail (2012) posits that, a trial is a specific genre of language practice

controlled by a vast number of discourse rules that laypeople are utterly unfamiliar with. According to Mooney (2014), discourse in the courtroom has real world outcomes and implications that needs to be investigated. This is because, utterances from participants in the courtroom can determine the direction of verdict. Thus, whether a verdict may be favourable to the accused on trial or the plaintiff. Since an utterance carries enormous implications in the determination of cases in the courtroom, such significance can't be overlooked and therefore needs to be investigated. It is this reason why this current study sought to investigate the cooperative principles that manifested between petitioner's witness and counsels for respondents during the cross-examination phase of the 2020 Presidential Election Petition of Ghana.

1.2 Statement of the Problem

According to Gibson (2001), legal discourse is an intriguing and essential issue for linguistic inquiry because of the serious repercussions associated with it. The exchange of information to reach an amicable resolution of dispute is considered the primary goal of every legal communication (Huang, 2007). The language of the law has infiltrated our common awareness and vocabulary which is rapidly taking over the public, whether it is a copyright warning, a parking ticket or a medical disclaimer on a pack of cigarettes (Gibson, 2001). Partington (2016) asserts that, conversations allow information to be exchanged between interlocutors in a trial and their willingness to cooperate in a communication process can be linked to their desire to communicate their goals and the implicit meaning of their words. The essential underlying assumption that courtroom interlocutors make when they speak to one another is that, they attempt to cooperate with one another in order to have a meaningful conversation

(Petrilli, 2016). Practically, everyone gets brought into the sphere of legal discourse on a regular basis inadvertently (Holland & Webb, 2016).

Legal discourse analysis is a subject of research that has received relatively little scholarly attention across the globe as compared to analysis of other genre of discourse such as political, media and academic discourses (Wang, 2017). As far as legal discourse studies are concerned, only a few scholars (Zakir et al., 2020; Aminah et al., 2019; Prasetyo et al., 2018; Khoyi & Behnam, 2014; Azar, Hamidreza, & Ehsan, 2014) have attempted to investigate the interactions in the courtroom using Grice's Cooperative Principle. The studies employed Grice's (1975) Cooperative Principle to ascertain the communicative functions embedded in legal proceedings in the courtroom.

Zakir et al. (2020) investigated Gricean maxim violations(s) in the murder case of Jamal Khashoggim (a Saudi citizen who was a prominent journalist and often criticizing the Saudi government) from a forensic linguistic perspective. The findings of the study recorded that; the accused outlined an ambiguous language in order to deny the murder. The accused on trial however, violated Grice's maxims to save face, mislead the court, and to skip relevant questions.

Aminah et al. (2019) also focused on flouting maxims in the courtroom of administrative courts. Their study was aimed to describe the types of flouting maxims in courtroom, specifically in Administrative Court since people in the courtroom have their own purposes and needs related to their case and tend to produce flouting maxim to get what they want. It was observed from their findings that the Defendant gave an irrelevant answer to the Judge's questions. It showed that the Defendant tried to get the best deal for his goodness on the case. The Defendant tried to get the best

possibility about the time he could give his answer to the lawsuit. In their data analysis, it was found that people in administrative court, mostly used maxim flouting of quantity and maxim flouting of relevance. Aminah et al. (2019) concluded that, flouting of the maxim of relevance was the most pervasive in the administrative court.

In another study, Prasetyo et al. (2018) analysed flouting and violation of maxims in a defendant's court testimony. Their study looked into the possible reasons for flouting and violation of maxims committed by the defendant. By employing Grice's (1975) theory of Cooperative Principle, the findings showed that the defendant flouts the maxims of quality, quantity, relation, and manner. It is also found that the defendant only violates the maxim of quality. Their study also discovers that the reason why the defendant flouts the maxims is generally to build a public image that she is innocent. Furthermore, the defendant violates the maxim of quality because of the intention to get a lesser sentence in the court. The findings further suggest that the defendant of the court tends to flout and violate the maxims in giving her testimony to yield hidden additional meanings and intentions in her utterances as well as to mislead her audiences.

On their part, Khoyi and Behnam (2014) analysed the cooperative principles and speech acts in Iranian law courts. The study focused on providing an insight of how language operates in the legal setting by building bridges between cooperative principles and speech acts in forensic linguistics. By employing Grice's (1975) theory of Cooperative Principle, their findings proved that quantity maxims' violation has correlation with criminal convictions in relation to different speech acts.

Similarly, Azar, Hamidreza, and Ehsan, (2014) investigated Grice's Cooperative Maxims in Oral Arguments in Dispute Settlement Councils in Iran. The study focused

on the use of Grice's cooperative maxims in oral arguments with the intention of finding out what cooperative maxims are more frequently abided and what maxims are more frequently violated by Persian speakers engaged in oral disputes in Iranian Dispute Settlement Council. Based on the analysis of the legal communication, the study revealed that violating maxims of manner and quantity is caused by the nature of the legal environment in the dispute settlement council. Considering maxim of manner, the participants in a legal context must speak in a way that the others will understand them. These entail clarifying points to minimize the obscurity or ambiguity. The study concluded that, the judge in a legal setting, also, explains or even reads aloud the rules to the parties especially when legal terms or expressions are not clear enough.

From the foregoing discussion, it is clear that the few studies conducted on legal discourses have paid little attention to the implicatures drawn as a result of the non-observance of the Gricean Maxims. The implicatures drawn from flouting and violations of maxims are very necessary in courtroom discourse especially its effect on the determination of verdicts ((Adimarta, 2015). It is contended that analyzing dialogical and monological utterances from the speaker-centered perspective, as is the case with this present study, permits a safer path for analyzing both the adherence and non-adherence of maxims explicitly and implicitly (Azar et al., 2014).

Apart from Grice's Cooperative Principle analysis on legal discourse paying little attention on implicatures associated with non-observance of maxims, the few studies conducted are all seeded in context outside Ghana, therefore creating a gap that this study seeks to fill. Consequently, this gap in literature accounts for why it is appropriate to use Grice's (1975) Gricean Maxims and Conversational Implicature in

this study to examine how Gricean Maxims were adhered as well as the non-adherence, motivation and its possible implicatures drawn as a result of the non-adherence of the maxims between petitioner's witness and counsels for respondents during the cross-examination phase of the 2020 Presidential Election Petition in Ghana.

1.3 Objective of the Study

1. To identify how Gricean Maxims were employed between petitioner's witness and respondents' counsels during the cross-examination phase of the 2020 Presidential Election Petition in Ghana.
2. To examine how the Gricean Maxims were non-observed between petitioner's witness and respondents' counsels during the cross-examination phase of the 2020 Presidential Election Petition in Ghana.
3. To explore the possible implicatures and motivations associated with the non-observance of the Gricean Maxims between petitioner's witness and respondents' counsels during the cross-examination phase of the 2020 Presidential Election Petition in Ghana.

1.4 Research Questions

The following research questions undergird the study:

1. How were the Gricean Maxims employed between petitioner's witness and respondents' counsels during the cross-examination phase of the 2020 Presidential Election Petition in Ghana?
2. How were the Gricean Maxims not observed between petitioner's witness and respondents' counsels during the cross-examination phase of the 2020 Presidential Election Petition in Ghana?

3. What are the implicatures and motivations for the non-observance of the Gricean Maxims as employed between the petitioner's witness and the respondents' counsels during the cross-examination phase of the 2020 Presidential Election Petition in Ghana?

1.5 Significance of the Study

Although research on legal discourse analysis is quite broad, this area of study, which focuses on the courtroom interaction between witnesses and respondents' counsels during the cross-examination phase of the 2020 Presidential Election Petition, has the capacity to contribute to our understanding of legal discourse in general (Bennion, 2001). In actual sense, the study consolidates (Grice, 1975)'s proposition that participants in a communicative exchange are guided by a principle that determines the way in which language is used with maximum efficiency and effect to achieve rational communication. It, therefore, contributes to the understanding of the ways in which language is employed to execute verbal actions. It is, thus, a part of the growing scholarly interest in legal discourse analysis that points out the motives behind courtroom utterances among officials and their significance in determining verdict.

The study further consolidates Grice (1975)'s assertion that, conversational implicatures are pragmatic inferences: unlike entailments and presuppositions, they are not tied to the particular words and phrases in an utterance but arise instead from contextual factors and the understanding that conventions are observed in conversation. The study, similarly, exposes lawyers or would-be lawyers, judges and the public as language users, to the fact that they follow some principles with their utterances rather than just communicate meaning. With such knowledge, their

communicative effectiveness and efficiency is bound to improve. Giving a witness account, for instance, by petitioner/defendant/witness will be threaded cautiously since such people are required to understand the conversational techniques/ principles beyond the grammatical meaning (conventional aspect of meaning) of the utterance.

1.6 Scope of the Study

The study is limited to content analysis of twenty-two (22) hours purposive sampled video tape recording of proceedings out of a total eighty-one (81) hours that reflected the cross-examination phase in which the petitioner's witness was cross examined by the legal counsels of the 1st and 2nd respondents in the supreme court during the 2020 Presidential Election Petition in Ghana. The justification for the cross-examination phase is because, the cross-examination phase is rule-governed, and participants are bound by evidentiary rules that control the form and content of their contributions (Kiguru, 2014), which is significant for this current study. Perhaps, the justification for the twenty-two hours sampled duration was that it was expected that the part of the proceedings that was of interest to this study was highly homogenous on the variables under study and this justified the use of a relatively small sample (Tashakkori & Teddie, 2003). Further, it has been observed that linguistic studies do not require large sample, as small samples are able to provide data that is representative of the wider reality (Kiguru, 2014). The 2020 presidential election petition proceedings were specifically chosen for this study giving the background of the petition (presidential election dispute) and the supreme court as the highest court in Ghana. However, mannerism, obstructions from audience and repetition of questions and responses were not included in the transcription and analysis of the data.

1.7 Organization of the Study

This study is organized into five interrelated chapters. The introductory chapter comprises the background to the study, the problem statement, research questions, objectives of the study, and the significance of the study, as well as the study's scope. Chapter two entails the theoretical framework and the review of relevant literature to the study. The chapter three presents the methods and procedures used for the collection of data for the study. Issues discussed under this chapter include the research approach, research design, sample and sampling technique, data collection instruments, data collection procedures and method of data analysis. Chapter four is dedicated to the findings and discussions of the study. Chapter five presents the summary, conclusions, suggestions, and recommendations for the study including future studies.



CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.0 Introduction

This chapter presents a review of courtroom discourse in relation to the use of the cooperative principles using the 2020 Presidential Election Petition courtroom interactions. The chapter discusses key legal issues that are relevant to the present study. These concepts and issues relate to discourse and language use in courtroom interactions. The chapter ends with a discussion of the theoretical frameworks within which data were presented, analysed, and interpreted.

2.1 Brief Background to the 2020 Presidential Election Petition

On 7th December 2020, the first Respondent herein, the Electoral Commission, which is the constitutional body established under the article 43 of the 1992 constitution to conduct all elections and referenda in Ghana, conducted Parliamentary and Presidential elections in all two hundred and seventy-five (275) constituencies in the country, which are made up of thirty-eight thousand, six hundred and twenty-two (38,622) polling stations.

The elections were conducted under Public Elections Regulations, 2020 [C.I. 127]. At the end of the exercise, the 1st Respondent through its chairperson declared the 2nd Respondent Nana Addo Dankwa Akufo-Addo who was the presidential candidate of the New Patriotic Party (NPP), as the one validly elected as the president of the Republic of Ghana. This declaration was made on the 9th of December 2020 pursuant to article 63 (9) of the 1992 constitution. However, the petitioner filed a petition at the supreme court of Ghana to challenge the declaration made on the grounds of alleged errors and lack of transparency on the part of the 1st Respondent in the correction of

the said errors. The grounds for the petitioner's petition are that the said declaration violated articles 23, 296 (a) and (b) and 63 (3) of the 1992 constitution and therefore unconstitutional, null and void and of no effect.

2.1.1 Empirical Review

2.1.2 Gricean Maxims in Courtroom Discourse

In social interaction, language is used as a code for communicating and expressing interlocutors' thoughts, feelings, and emotions, and for establishing and maintaining their social relationships (Yuanxiu, 2012). An effective interaction requires that the involved participants be cooperative with each other (Hamid & Behija, 2009). Grice (1975) posits four conversational maxims in his Cooperative Principle (CP) to be observed by the interlocutors to ensure successful interaction. These maxims are the „Maxim of Quality“ (be truthful), the „Maxim of Quantity“ (be informative) the „Maxim of Relation“ (be relevant), and the „Maxim of Manner“ (be clear). Grice's Cooperative Principle has remained in the limelight especially when it comes to analyzing utterances in a conversation (Adimarta, 2015). Numerous studies have looked into cooperative principles in discourse and their violation in conversations, whether real or imagined. These studies form the bases for the current discussion.

In a study of chosen Nigerian discourse, Ezeife (2018) looked at speech acts and ideology in fifteen affidavits from selected Nigerian High Courts on three separate subject matters. The affidavits were chosen using a purposeful random sampling technique, with each sampled photocopy been sworn, signed and stamped from the selected courts. Ezeife's study used critical discourse analysis's multidisciplinary approaches to locate the illocutionary acts within the social system. The study was based on critical discourse analysis's theoretical postulates (Fairclough 2001; Wodak,

2007) with an analytical technique that was heavily influenced by the concept of speech acts theory (Searle, 1979). According to Ezeife (2018), speech acts as a linguistic method could be used to investigate the ideological focus of a legal discourse. The study found that, in addition to media discourse, other sorts of discourse like affidavits and courtroom proceedings can be used to communicate ideological perspectives on social and legal matters.

In addition, Olanrewaju et al. (2020) investigated the use of interpretive makers in Nigerian legal interaction. The study focused on power management strategies in courtroom discourse, particularly the uneven allocation of power among courtroom authorities such as judges, lawyers, defendants and witnesses. The study also sought to identify and explore the numerous contextual dimensions in Nigerian courtroom interaction; look into the roles of interpretation of markers in Nigerian courtroom conversations; and assess the position of discourse markers in Nigerian courtroom conversations.

The findings revealed that, the type of questions lawyers asks, such as Illocutionary Force Indicating Device (IFID), Declarative Questions, Yes/NO Questions and Alternative Inquiries determine their power and control. The study further revealed that, during courtroom interpretations, the power and control of questions are lost due to the variety in language use in courtroom interpretation. The omission of illocutionary force indicating devices, discourse markers such as “so”, “and”, and “now” by the courtroom interpreters shows the power of the lawyers. Also, the interpreters are greatly favoured which indicates that cross-examination stage is an unfriendly and hostile phase at the courtroom.

Richard and Nwizug (2017) on the other hand conducted a critical discourse analysis of courtroom proceedings in Nigeria to expose how the question-answer sequences of direct and cross examination, turn-taking, objections, and other legal proceedings create unequal relationship among participants in the legal discourse. The study qualitatively evaluated the discourse structures used during courtroom proceedings with the aim of exposing how power, dominance, inequality, and control is produced and resisted through linguistic means. The data consisted of audio recordings, Supreme Court Quarterly Reports and observations of high court proceedings. The study showed that the legal discourse is different from the everyday discourse because it is highly structured by strictly following dogmas, power relations, dominance, and inequality (Richard & Nwizug, 2017). The findings also showed that, the use of language in the courtroom is entirely different with legitimized conventions. Since there is unequal distribution of power, thus the judge wields the ultimate power and lawyers have authority derived from superior legal knowledge base, and the rules that govern formal discourse in the courtroom. The study therefore concluded that, there is unequivocally legitimized inequality in the courtroom, and this inequality manifests through language.

In contrast to the previous discussions, Stevanus (2017) investigated Gricean Maxims in Manado Malay Language. His research, however aimed to find out how Cooperative Principle is violated in Manado Malay language, and what the purpose of the generated implicatures is. The result showed that the Gricean maxims: maxim of quantity, maxim of quality, maxim of relation and maxim of manner were observed in Manado Malay language. It was also found that implicatures generated in Manado Malay language were meant for giving information. The study concluded that Gricean maxims are consistent when implicatures occur in Manado Malay language.

Furthermore, speakers of Manado Malay language usually produce implicature to give information and to joke.

Noertjahjo et al. (2017) on the other hand, investigated flouting and violations towards maxim of quality in *My Sister's Keeper* novel. The objectives of their research were to find the expression of flouting and violating towards maxim of quality in *My Sister's Keeper* novel through major character's utterances and also to find the purposes of using flouting and violating toward maxim of quality. From the finding of the study, the elements of flouting and violating towards maxim of quality were found in major characters in *My Sister's Keeper* novel. They were hyperbole strategy, metaphor strategy, irony strategy, banter strategy, and lie strategy. Metaphor strategy was often used by major characters in the novel. According to Noertjahjo et al. (2017) study, through metaphor strategy the characters can emphasize the point of talk to express their opinion clearly. From the analysis of five strategies, it found that there are seven purposes of using flouting and violating towards maxim of quality.

Hameed (2020) focused his study on Violation of Grice's maxims and humorous implicatures in the Arabic comedy *Madraset Al-Mushaghbeen* and explained how the violation of the maxims bring about humorous effects in the play. The analysis showed 61 instances of maxims violation in the play. Maxim of Manner received the highest percentage of violation i.e., 24 (39.3%) as compared to the other maxims. Maxims of Relevance and Quality come next, i.e., 14 (22.9%) and 13 (21.4%) respectively. Maxim of Quantity constituted 10 violations (i.e., 21.4%). The study showed that most of the maxim violations that created humorous situations were perceived through the following: rhetorical strategy of overstatement and personification, use of misleading conventional-coded expressions, incongruity of

conversation-established concepts/ideas, and breaking of communication norms. The study also revealed that cultural and background knowledge significantly contributed to eliciting the humorous implicatures from the characters' utterances. The study concluded with the following implications: humorous implicature depends on the conventions of the speakers' community and the language shared among them; and it arises as a result of speakers' acts and/or expressions that tend to be incongruous with the behavior and concepts established in the culture of the concerned interlocutors.

Furthermore, Baptiste et al. (2019) evaluated the contribution of violations of conversational pragmatics, in particular, the Gricean Maxims of Quality (truthfulness), of Quantity (no over-describing) and Manner (no ambiguity), on the response times of participants in a protocol inspired by the Hiring Test. Baptiste et al. (2019) expected violations of the different maxims to increase the response times in two of their conditions: when producing violations of the maxim of Quality and of the maxim of Quantity. They also expected this effect to be more pronounced for males than for females since previous literature has shown that females usually have better language skills than males. Their findings were coherent with their expectations as only violations of the maxims of Quality and of Quantity had a significant effect, and for the latter only for male participants. Violations of the maxim of Quality also had a substantial effect on the humanness of the conversational partner.

Meanwhile, Chirbet (2018) attempted to revisit the observance or violation of the Gricean maxims in FB conversation posts. According to Chirbet, FB nowadays is a good source of data for linguistic analysis and exploration. However, his work investigated FB conversation posts and how participants in the conversations of this generation violated the Gricean maxims and the possible implicatures generated from

their utterances. While the data used in his study were real conversations, the posting was done by the sharers; hence Chirbet didn't have any hand in transforming the real conversations into a written conversation. Chirbet's analysis was focused only on the utterances that were already posted on Facebook by random sharers. Chirbet's analysis clearly reflected the speakers' attempts to cooperate in the conversation by providing answers that observe the maxims of quantity, quality, relevance and manner.

In the same manner, evidence also suggested that the interlocutors in most cases tend to violate Grice's maxims. Of the four maxims, the maxim of quantity was frequently violated. However, it must be stressed that speakers disobeyed the maxims in order to achieve certain purposes. Among the purposes identified was to inject humor in the conversation and blend sarcasm in their statements. The analysis of the FB conversations posts clearly showed that the message people intended to convey was not wholly contained in the words they used but depended on the hearer's interpretation in consideration of the context and implicated meaning. Generation of implicature came out smoothly when interlocutors shared a common background assumption. The study concluded that, when the aforementioned background assumption does not come into play, this may result to an implicature failure.

Li (2015) also investigated the application of cooperative principle in oral English Learning with the ultimate aim of developing students' competence level in listening, speaking, reading and writing. It was apparently observed that Cooperative Principle has a great significance in oral English learning. It was discovered that, using cooperative principle properly can change traditional teaching pattern and create an active and harmonious classroom atmosphere. To Li, Cooperative principle can also

make students learn cooperation in their study. Therefore, students can exchange ideas with each other and learn useful knowledge and skill from other people in the process of cooperative learning. He further opined that, cooperative learning can make students realize the significance of cooperation and team spirit in their study. In conclusion, Li asserted that, cooperative principle is an important component of pragmatics which is applicable in spoken English learning to develop students' oral ability, which was viewed as the ultimate goal of oral English learning.

Sayedrahman (2019) in a similar study investigated Grice Cooperative principles in Kabul times. The results from the study reported that the largest percentage of maxim was associated with the social news among all four types of news namely, political news, economic news, security news, and sports news. Maxim of quantity was dishonored the most among the four types of news, in relations to social news; the results present that the second highest violated maxim was the maxim of quality in the total maxims in the economic news compared to the other four news types. The results of the study could be used by EFL learners and teachers as well as reporters in multimedia.

In addition, Hamid and Behija (2009) conducted a study on the application of Grice's four maxims of conversational implicatures to some political interviews randomly chosen to serve as an objective material for the study. The study was an attempt to find out how much the maxims of quantity, quality, relevance and manner were followed throughout the responses of the politicians concerned. Cases of violation were given considerable importance especially the violation of the maxim of quality which is considered the core of truthfulness of any conversation. The researchers used statistics and, to some extent, percentages to show to what extent the maxims were

violated, especially the maxim of quality. However, the results proved the correctness of the hypothesis of their work which states that when the maxim of quality is violated, all other maxims are difficult to adhere to. In the study the maxim of quantity was the highest violated maxim amongst the politicians followed by the maxim of quality.

Finally, Laila (2020) analyzed the types of maxims of the cooperative principle that were used and also violated in the 2019 Indonesian presidential debate. The results of her qualitative study revealed that the two maxims violated by the candidates in the 2019 Indonesian presidential debates were the maxim of relevance and maxim of manner. The maxim of manner was the mostly violated maxim by the candidates. The candidates not only violated but also fulfilled the maxims of the cooperative principle. They fulfilled the maxim of relevance, maxim of manner, and maxim of quality. Furthermore, the maxim of quality was the maxim that was mostly fulfilled by the candidates in the 2019 Indonesian Presidential Debates.

2.1.3 Courtroom Language and the Discourse Community

Courtroom language as discourse also entails an exploration of the relationship between language and social structure, especially between language and social structure in a particular discourse community. This is a mutual operation:

on the one hand, communication is shaped and often constrained by the structure and dynamics of the social institutions; on the other hand, these social institutions and the roles and relationships of their members are molded by a particular language use (Gumperz & Hymes, 1972).

While many critics have endeavored to lay bare the socio-political forces underlying courtroom language, claiming that “legal institutions adopt rules which serve the dominant interest groups in society” (Cotterill, 2003, p. 17), a few scholars have

approached it from the more positive perspective of the institutional context in which the court communicates as legitimate.

The linguistic features of courtroom discourse, such as “the cats and dogs of law language” (Mellinkoff, 1963, p. 385), are to “preserve the judge’s distance and sense of objectivity.” Nemeth (2011), as (Halliday, 1985) has pointed out that, language is the way it is because of what it has to do. (Gail, 2012) studied opinions of the United States Supreme Court and showed the dynamic interaction between paradigm and revolution in the history of science. Gail (2012) further argued that a judicial opinion, couched in a language typical of the adversarial system of the common law, must be perceived as conforming to the established and accepted norms of the legal system and gain the consent of its discourse community. Coulthard and Johnson (2010, p. 37) also dealt with the duality of courtroom discourse as institutional:

On the one hand we can argue that such language is difficult to understand and therefore distances and disadvantages the lay participant, but an alternative functional perspective is that the formulaic formality is part of the way the participants orient to what is going on.

2.1.4 Courtroom Language as a Special Type of Discourse

Another category of study takes courtroom language as a special discourse type or discourse within a specific community. (Chang, 2004) highlighted the aspects in which courtroom discourse differs from ordinary conversation. Applying ethnomethodology to specific areas such as examination and cross examination, (Chang, 2004) showed how courtroom discourse is both similar to and different from ordinary conversation in terms of turn-taking. Catoto (2019) equated the rules of courtroom discourse with Grice’s Cooperative Principle (1975, 1989). Catoto (2019)

listed thirteen shared properties and nine pairs of contrastive features between courtroom and ordinary discourse.

Catoto alerted us to the potential danger of abuse subsisting in any type of discourse and sensitizes us to the need for understanding whatever form of discourse in which we are engaged so that we can “assume responsibility for our communication” (2019, p. 16). His study is not purely linguistic in nature but cuts deep into the root of the abuse of power in human verbal communication. Rather than contrasting courtroom discourse with ordinary conversation, Conley and O’Barr (2005) treated courtroom discourse as a highly controlled variety of English discourse. In their study of Malaysian magistrates’ court proceedings, Conley and O’Barr (2005) compared courtroom discourse with classroom language of discourse analysis. According to Conley and O’Barr (2005), “Variety of discourses are controlled by a participant who has institutionalized authority over other participants, but aims to disseminate known information, and is concerned with the collection and evaluation of new information” (p. 9). More concerned with theoretical considerations, Farinde (2009) contended that an analysis of complex discourse such as courtroom discourse requires a more complex model than simplistic ones such as the linear model built upon Halliday (1985) concepts of field, tenor and mode. Halliday (1985) suggested that courtroom discourse could be analyzed by means of a „rank scale“.

2.1.5 Relationship Between Language and Power in the Courtroom

The concept of power has been defined differently by scholars in different disciplines. In sociology, power is defined as the ability of an individual or a group of individuals to carry out their will even in the face of resistance from others, and it includes the ability to control the behaviour of others, at times against their will (Gibbons, 2003). According to Gibbons (2003), “the justice system is arguably the most directly

powerful institution in societies subject to the „rule of law“ (p.75) and the interest of the present study was to find out how this power manifests itself in courtroom interaction. As already indicated, interaction in the courtroom is mainly linguistic and we need to note that „an important manifestation of power relations is language behaviour“ (Gibbons, 2003, p.75).

Mapping the contours of power and control in the courtroom equals an interpretation of linguistic utterances and their uses and abuses (Habermas, 1967). This interpretation of law is apt to contribute to the changing needs of institutionally anchored functions, like those of judges, lawyers, legislators, or citizens (Habermas, 1967).

Language is a powerful tool for social manipulation and seduction (Gibbons, 2003). Linguistic utterances are widely used or abused in court for the benefit of the defense or accusation (Gibbons, 2003). Language and power have been a major concept of exploration in the works of social philosophers such as (Foucault, 1979) and (Habermas, 1967) and sociolinguists such as (Gumperz & Hymes, 1972) and (Fairclough, 1989). Language has been identified as the “primary medium of social control and power” (Fairclough, 1989, p. 3), most notably in legal settings where the use of language is structured in such a way as to facilitate control through the exercise of power (O’Barr, 1982 ; Conley & O’Barr, 1998; Cotterill, 2003). The current study is in line to find out how language and pragmatic resources used in the supreme court of Ghana during the 2020 presidential election petition set out the tone for the various participants to exhibit authority in their presentations as accusers and defenders.

2.1.6 Rhetoric and Language Functions in the Courtroom

The interrelationship between rhetoric and language functions is also a central theme in the study of courtroom discourse. As an essential part of a court hearing consists in adducing evidence by questioning witnesses, researchers have always been interested to study the various forms and functions of questioning in the courtroom (Harris, 1984; Philips, 1987;). What should count as a question has therefore become one of the central issues in recent studies of courtroom language. Harris contended that previous definitions were “unhelpful in illuminating the functions of questions in court discourse” (1984, p. 9). She put forward a functional definition that yields a detailed classification of questions. “Most linguistic studies of courtroom interaction have paid attention to the restrictive and controlling nature of questions in examination” (Philips, 1987, pp. 85-86), such as questioning strategies by legal professionals (Conley & O’Barr, 1998; Danet et al., 1980), or implicature (Grice, 1975) as a rhetorical strategy during question sequences in cross-examination. In what the authors describe as “an ethnography of questioning”, Danet et al. (1980, pp. 226-227) identified six features of questions which effected coerciveness, worked out a typology of question forms, and charted the distribution of question forms in direct and cross-examination.

An interesting finding of their study was that coercive forms seem more effective in direct examination than in cross examination, which, if proved to be conclusive, would have a direct bearing on questioning techniques (Philips, 1987). In pre-trial discovery, lawyers have effectively collected a considerable amount of evidence for the case in question, so that in the trial proper they ask questions not just for information but for other purposes (Danet et al., 1980). The function of questioning in direct examination is more of information-checking than of information-seeking

(Schiffirin, 1994). Questioning witnesses from the same side is to present before the court/ jury all that the witness knows which is relevant and material. The evidence should be presented in such a way as to be clearly understood and persuasive. In cross-examination, questions are mainly used to challenge the credibility of the witness and to deconstruct the narrative of the opponent (Philips, 1987). Apart from question form and question-answer sequence, co-speech has also been studied, though not as extensively. Along a similar line, Cotterill (2003) described how storytelling, framing, cross examination, and reframing work in a trial.

2.1.7 Cross-Examination Segment in the Courtroom

The American Bar Association (ABA) Continuing Legal Education (2011) indicates that there are different steps in a trial case, whether criminal or civil. It shows that the direct examination (evidence-in-chief or examination-in-chief) is usually the opening phase of evidence in a trial before the cross-examination and, if necessary, a re-examination (Lipson, 2008). The direct examination constitutes the phase in which the evidence of a case is presented. In this segment, lawyers lead their clients and witnesses testifying for their clients to give evidence in such a manner that they do not incriminate themselves (Lipson, 2008). In this phase, the lawyer is questioning his/her own client or a witness testifying for his/her client. Direct examination may elicit both direct and circumstantial evidence. Witnesses may testify to matters of fact and, in some instances, provide opinions. They also may be called to identify documents, pictures or other items introduced into evidence (Heffer, 2005). In this case, counsel-witness interaction is typically cooperative, non-coercive, and the witness is given the opportunity to narrate her story with relative freedom. Thus, the questions asked in this phase are usually wh-questions (Luchjenbroers, 1993, 1997).

Cross-examination is the highest art form ever devised in the history of the human race (Lipson, 2008). According to Lipson (2008), “It is a ballet of hand and eye gestures, movement, vocal gymnastics and intellectual warfare. It is the ability to stare an enemy litigant in the eye with the understanding that you are going to take control of his mind and speech (p. 1)”. Heffer (2005) recognizes cross-examination as fundamentally concerned with judging the witness, thus, it is a useful site for investigating more subtle construal of judgment and questions are used as strategic instruments of domination and testimony management. In cross-examination, interaction is generally unsympathetic, non-compromising, non-cooperative, and coercive (Lipson, 2008).

One of the most popular questions used in cross-examination is leading question and this includes tag questions, Yes-no leading and/or argumentative questions (Luchjenbroers, 1991, 1997; Pozner & Dodd, 1993; Danet, 1980). An attorney in the US defined direct examination metaphorically as “dancing with your partner” and cross examination as “fencing” (Heffer, 2005, p. 15). Several studies of language in courtroom hearings have highlighted the multifunctional and coercive nature of questions in cross-examination.

2.2 Communicative Functions of Cross-Examination

The cross-examination segment of courtroom discourse is the most crucial part of trial cases because it is at this stage that counsels for both sides ought to impress upon the judge the innocence of their clients and to try to incriminate the other party’s witness (Conley & O’Barr, 1990). They do this by devising strategies which will construct the opponent’s testimony as lies and unreliable and they do so try as much as possible to control the question forms. Conley and O’Barr (1990) point out that

“by controlling question form, the lawyer is able to transform the cross examination from dialogue into self-serving monologue” (p. 26).

The ultimate aim of the lawyer at this point is to be able to pin the accused or witness to the wall. Danet (1980) describes questions as „weapons“ that serve to test or challenge claims made by the accused or witnesses, and „vehicles“ to make accusations and as Luchjenbroers (1997; 1991) puts it, yes-no questions are asked in order to confront, attack and discredit the witness.

Counsels always look for ways of discrediting the witness and the law allows this. Keane (1996) admits that the law of evidence indicates that there are several legal means of cross-examining in order to discredit the witness. Heffer (2005) claims that one tool for doing this is to build a picture of the witness as a narrator who is unreliable and deficient. Heffer (2005) further claims that a witness could be discredited by casting doubt on his capacity to tell the truth, owing to the quality of his/ her memory or powers of perception, her incomplete knowledge of the facts, or a general mental incapacity. Also, a witness’s testimony can also be challenged by questioning his/her honesty, as indicated by his/ her inconsistent statements, mistakes and omissions in evidence, and any other matters showing a general reputation for untruthfulness (Keane, 1996). Finally, his/her propriety can be called to question by trying to find out if he/she is reprehensible, as shown by previous misconduct and convictions (Heffer, 2005). Lawyers could go to any length trying to discredit a witness’s testimony during cross-examination by looking for loopholes and inconsistencies between the witness’s testimony in court and his/ her previous statements in police interview and under examination (Keane, 1996).

2.2.1 Questioning as a Mode of Communication in the Courtroom

A trial is largely a linguistic event in which one party is placed in a position in which he or she needs to prove innocence to a crime or misdemeanor, or non-culpability (or not being in breach of a duty imposed by law) or legally liable for something (Keane, 1996). Trials are part and parcel of modern dispute resolution systems which are, in turn, hallmarks of good social practice. The antagonistic parties to a dispute present and seek to advance their claims through language. The presence of a third-party arbiter (a judge or a magistrate) requires that the facts in dispute are discovered and assembled in a systematic way that will enable the third party to get to have a clear understanding of what happened so as to make a ruling (Danet, 1980). In the adversarial legal system, questions are the primary mode of communication adopted for the discovery and development of the competing sets of facts in a dispute. The alternative would be for the parties to appear before a trier of fact and present their claims in the narrative mode, but questions are favoured for several reasons (Keane, 1996).

In the first place, litigants are required by due process to restrict themselves to giving facts. Questioning is therefore used to ensure litigants do not wander or give information that is inadmissible as per the requirements of the law (Danet, 1980). Secondly, the dictates of fairness in a trial provide opportunity for the parties not only to present their version of facts, but also to challenge the one advanced by the opposing party. This challenge is done through asking questions whose aim is to elicit responses that will discredit the story of the antagonistic party (Danet, 1980). It is important to acknowledge that apart from the courtroom, there are many other formal settings in which questions are a primary mode of communication. Such settings include media interviews, job interviews, teacher-student classroom interaction,

doctor-patient communication and police interrogation (Keane, 1996). The overall goal of language use by litigants and other participants in a trial such as prosecutors and counsel are to persuade the triers of fact to accept their version of facts (Keane, 1996). Questioning, which is used to either elicit information or to obtain confirmation of a particular version of events that the questioner has in mind, becomes the vehicle of this persuasion (Gibbons, 2003).

2.2.2 Questioning Strategies in Cross-Examination

The questioning strategies used by counsels can affect the presentation of submissions and evidence by witnesses. It appears that two main types of questions are used in cross-examination: those that are coercive meant to weaken and rebut witnesses' testimonies (Danet et al., 1980) and those that seek to obtain information (Danet & Kermish, 1978), or to enact social status and authority (Philips, 1984).

A prescribed form of questions recommended for courtroom cross-examination is the Socratic dialogue which is considered an invaluable tool in the hands of lawyers who are urged to arm themselves with it (Danet et al., 1980). Socratic dialogue is a questioning strategy that started to gain ground at the time of Plato and, among other things, is meant to confuse the witness (Heward-Mills, 1988). According to Heward-Mills (1988), the Socratic Dialogue is meant to disarm the witness:

“Thus, by picking up valid though absurd inferences out of the general declaration, you like Socrates, can force the declarant to reduce the scope of his declaration or statement bit by bit until the declaration falls to the ground or the declarant exclaims in anger that he is being diddled out of something” (p. 17).

Socratic dialogue is a dialectic method of inquiry that uses cross-examination of someone's claims and premises in order to point out a contradiction or internal inconsistency among them (Heward-Mills, 1988). Socratic questioning is at the heart

of critical thinking – it enhances critical thinking skills. Socratic questions challenge accuracy and completeness of thinking in a way that acts to move people towards their ultimate goal (Paul & Elder, 2001).

In fact, Younger (1975) prescribes the following "Ten Commandments of Cross-Examination:

- (i) Be brief
- (ii) Use short questions and plain words
- (iii) Always use leading questions
- (iv) Always know the answer to the question
- (v) Listen to the answers given
- (vi) Don't quarrel with the witness
- (vii) Don't let the witness repeat his story
- (viii) Don't let the witness explain
- (ix) Don't ask one question too many times
- (x) Save your ultimate point for argument (p. 75).

In general courtroom practice, the law forbids questions on direct examination that suggest the answer. On cross-examination, however, (Younger, 1975) asserts that the law permits questions that suggest the answer and allows the attorney to put his or her words in the witnesses' mouth. Younger (1975) argues that cross-examination, therefore, specifically permits the counsel to take control of the witness and take him where he (counsel) wants him to go. Younger (1975) further argues that it also involves the counsel telling his important point to the jury through the witness. Younger (1975) points out that not asking controlled leading question leaves too much room for the witness to wriggle. Younger (1975) states that questions such as wh-questions are the antithesis of an effective cross-examination stating that questions

which permit the witness to restate, explain or clarify the direct examination are a mistake. Younger (1975) finally recommends that, the witness be put on „auto pilot“ so that all of his answers are series of yes.

2.2.3 Witness Participation in Courtroom Discourse

As Gibbons (2003) explains, the two realities at the heart of formal dispute resolution processes are the primary and secondary realities. The former is the here and now: it comprises of the physical courtroom setting and the participants in this setting; it also includes the discourse through which the secondary reality is recreated. This secondary reality is the reason for the legal process, including crimes and disputed events; in other words, „the events that are the subject of the litigation“ (Gibbons, 2003, p. 78). Given that the officers of the court are, presumably, absent during the initial occurrence of the crimes or disputed events leading to litigation, and given that the justice system bestows these officers with key roles in the determining guilt or responsibility for acts committed, it is essential that they access this secondary reality. This access involves a reconstruction of what happened, and the reconstruction is mainly done through witness testimony and production of various forms of material evidence (Gibbons, 2003).

Witnesses are thus, in a manner of speaking, the stars of the trial who should not only have their day in court but, even more importantly, have their say. Ideally, given their initial participation in the events leading to the dispute (for eyewitnesses), or their participation after the fact due to their professional expertise (for expert witnesses), witnesses should present their testimony in their own words. This would involve witnesses giving a narrative account of their participation in the matters before the court. But, in reality, the presentation of testimony is hedged about by legal

requirements which establish questioning as the mode of eliciting witness testimony (in direct examination), challenging such testimony (in cross examination) and also forbids hearsay evidence such as a witness giving opinions shaped by other people's representations of reality.

The witness is thus a primary participant in a trial but his or her participation is subject to rules of procedure and prone to manipulation by others through questioning. Conley and O'Barr (1990) note that many witnesses feel contained in the courtroom setting and, after participation in trial, many are of the opinion that „they did not get an opportunity to tell their story“ (p. 172). Given this discontent among witnesses, several scholars have highlighted the obstacles witnesses face in their endeavor to tell their story in their own words. Pozner and Dodd (1993) shows that rape victims are usually re-victimized during cross examination and their testimony, as well as their character, disparaged through a barrage of tactics by defence lawyers. But focusing on the witness as a discourse participant, Luchjenbroers (1993) comes up with a typology of the answer types from witnesses. The classification identifies three broad categories of answer types, the first one being Background Responses. This category has subtypes like No Answer, Background, Tag Questions and Two-Part Questions. All these are regarded as Background Responses in the sense that the witness does not respond or is not given opportunity to respond to the propositions contained in the contributions that preface the question.

The second broad category is of Minimal Responses which has the subtypes of Minimal Response (YES), Minimal Response (NO) and Content (WH-Q). The last refers to instances in which witnesses gives a minimal response by providing just what is directly requested for by the WH- word in the preceding question. The other

two Minimal Response subtypes occur when a witness, faced with a Yes/No question, gives a one-word response which is „yes“ or „no“ or any other word with the same meaning of agreeing or disagreeing (Taiwo, 2006). The final broad category of answer types is Elaborate Responses which are of several subtypes. The first is the Content Evasive Response in which a witness gives an elaborated response but the information in it is actually an avoidance of responding to the specific issue of the question. Then there are Content Elaborate (YES) and Content Elaborate (NO) responses where a witness gives a „yes“ or „no“ response followed by an elaboration. Finally, we have Content Elaborate (WH-Q) where a witness gives an elaborate response to a WH- question.

For her Australian courtroom data, Eades (1996b) sought to measure how powerful participants dominate the less powerful Aboriginal witnesses in court. Eades (1996b) hold that, a witness’s testimony is judged to be more credible when presented in a narrative style which is not fragmented. The fragmentation would come from frequent interruption by questions from the examining party especially when such questions are full of back grounded contributions, but the responses elicited are minimal. This would mean that the bulk of what is said in reconstructing the secondary reality is from the questioner with the witness’s role being reduced to filling in missing details from the story rather than being the primary storyteller. This could account for litigant’s dissatisfaction with their participating in adversarial trials mentioned earlier. Eades (1996 b) looks at answer length in four types namely one word, between one word and one line, between one line and three lines, and more than three lines. These dimensions of answer length were also considered for the present study.

2.2.4 Gricean Maxims Contribution to Courtroom Discourse

According to Marmor (2009), the norms of the statutory interpretation that are adopted by the courts over time can be understood as a sort of Gricean maxims of conversation in legal context. The content of the law is often determined by what legal authorities communicate thus, both lawyers and philosophers of language know very well that, the full content of communication in a natural language goes beyond the meaning of the words and sentences uttered by the speaker (Marmor, 2009). On the contrary, due to the obvious differences between every day's conversation and the "legislature speech", Grice's maxims do not always apply to legal provisions in their original form (Sinclair, 1984). Sinclair (1984) extended these maxims to connect with well-established canons of statutory interpretation. Sinclair (1984) further adapted the maxims to the patent law domain, thereby, providing a qualitative approach for non-ambiguous interpretation of substantive patent norms, which further can be modeled for (semi-/-)automated reasoning.

Maxim of Relevance - The scope of the statute defines the boundary of each provision and its interpretation.

Maxim of Quantity - A statutory provision does not apply to entities or behaviors which are not in its specific domain and does not place controls on entities or behaviors beyond those specified.

Maxim of Quality - Every provision should be interpreted in the light of its objective.

Maxim of Manner - The statute should be interpreted according to plain, ordinary meaning of its provisions.

Pragmatics, as an approach to the use of language, focuses on the actual use of words in the full context of their use (Yule, 2014). The maxims are useful in statutory interpretation and in making clear the content and justification of some concepts with which are already familiar (Zakir et al., 2020). In most conversations, being meaningful has a great deal to do with truth and falsity concepts which do not apply to legislation (Mooney, 2014). To use them must assume legislative compliance, that is, that the legislature did act felicitously, saying as much as it could, as clearly as it could, to further its purposes as best it could (Sinclair, 1984).

Grice's Cooperative Principle has remained enormous especially when it comes to analyzing utterances in a conversation (Ayunon, 2018). In the realm of pragmatics, it is suggested that for a conversation to take place successfully, the speakers involved should be cooperative with the criterion of success in a conversation measured significantly in case of settling oral disputes (Azar et al., 2014). Thus, settling this controversy or disagreement, entails a more cooperative role for the speakers (Azar et al., 2014).

Conversations allow the exchange of information between a speaker and a hearer. When one engages in a conversation, he or she is expected to respond by giving the needed information in order to make a meaningful conversation (Ayunon, 2018). Therefore, it can be said that all things being equal, conversations are cooperative attempts based on a common ground and pursuing a shared purpose (Ayunon, 2018). This is encapsulated in Grice's (1975) Cooperative Principle which advances the assumption that participants in a conversation normally attempt to be informative, truthful, relevant, and clear. Understanding the relation between what is said, and its context is thought to be guided by some kind of general principle such as Grice's Co-

operative Principle (1975) which has been put forward in different research traditions. Frequent judicial statements affirm, for example, that the grammatical meaning of a legal statement includes both what is expressed and what is implied, sometimes what is said to be „necessarily or properly implied“ (Bennion, 2001, p. 36). However, the vagueness within a legal text is induced intentionally to accommodate all possible scenarios under which such norms should be applied, thus making the role of pragmatics an important aspect also in the representation of a legal norm and reasoning on top of it (Shashishekar et al., 2015). Despite the apparent clarity of a given legal provision, its application to a particular case may result in an outcome that does not exactly conform to the semantic level of a statute (Shashishekar et al., 2015). This relation between contextual information and language has already been carefully studied on the field of linguistics, most famously by Paul Grice (Azar et al., 2014).

2.3 Courtroom Discourse and Non-Observance of Gricean Maxims

The Cooperative Principle propounded by Paul Grice has been adjudged as one of the most influential theories in pragmatics for its contribution to describe the mechanism of a conversation and or how the speakers and their interlocutors can get the expressed meaning and the implied meaning (Thomas, 2014). The cooperative principle describes that the speakers and their interlocutors have an assumption that everyone involved in a process of communication understands and follows the principle of communication (Griffiths, 2006). Furthermore, the cooperative principle states “makes your conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose or direction at the talk exchange in which you are engaged” (Grice, 1975, p. 45). Grice (as cited in Holmes, 2013) further elaborates the Cooperative Principle into the conversational maxims, they are maxim

of quantity, quality, relation and manner. In a conversation, sometimes, a speaker or an interlocutor does not always adhere to the maxims.

The reasons why they do not adhere to the maxims are various; its intentional or unintentional. This is in consonance with Palupi (2006) who asserts that, in some cases, the various reasons why people are not able to meet the obligation to observe the maxims are because they probably do not have the capability to speak clearly or likely because they decide to lie. The state in which people are unsuccessful in adhering the maxims is called; non-observance of maxims (Thomas, 2014). The non-observance of maxims is several, which includes opting out, infringing, suspending, flouting, and violation of maxims (Noertjahjo et al., 2017). Regarding courtroom context, flouting and violation of maxim seem to be the most frequent nonobservance of maxim in institutionalized setting as in a courtroom (Archer, 2005, Coulthard & Johnson, 2010, Pei, 2015), One of the ways a speaker fails to observe a maxim is violation of maxims. According to Thomas (2014), some scholars mistakenly define the term „Violate' as all types of non-observance of the maxims.

However, Grice (1975) used the term violation of maxims as an act of not observing the maxims in which the speaker is unostentatious. Therefore, the speaker who violates a maxim “he will be liable to mislead” (Grice, 1975, p. 49). In other words, the speaker of violation of maxims intentionally does not observe the maxims so that it will cause misunderstanding on their interlocutors in order to achieve certain purposes (Sadehvandi & Khosravizadeh, 2011). Therefore, violation of maxims disrupts some elements of communication (Muslah, 2015). Another way not to observe the maxims is flouting a maxim (Damayanti, 2011). If a speaker flouts a maxim, it means that he blatantly fails to fulfill a maxim (Grice, 1975). Given the

concept, it means that flouting a maxim happens because of the intention of the speaker itself to do so. Additionally, it means that the speaker is also capable of adhering to the maxim, but he chooses not to do so (Grice, 1975). Since the hearer has the assumption that the speaker is able to fulfill the maxim, this situation will trigger a process of reasoning in the hearer where he will find the meaning of the utterance (Mey, 2001). In the process of finding the additional meaning, the hearer will observe the maxims (Mey, 2001). Flouting a maxim can trigger an implicature. It means that conversational implicature is an implicature in which conversational maxims are expected. In other words, both speaker and hearer have the basic assumption of what meaning that speaker will convey. This is in line with what Yule (1996) states, “it is speakers who communicate meaning via implicatures and it is listeners who recognize those communicated meanings via inference. The selected inferences are those which will preserve the assumption of the cooperation” (p. 40). In line with Yule (1996), Mey (2001) argues that the concern of conversational implicature is the way we understand the utterance regarding what we expect to hear. Furthermore, Davies (2000) adds that in a conversational implicature, the additional meaning is not triggered by the conventional meaning of the words, but it needs logical explanation to be communicated. From the explanation about flouting and violation of maxims above, it can be inferred that flouting and violating of maxims are intentional acts. Therefore, there must be several reasons why people flout and violate the maxims. This is in line with Archer (2005) who argues that people rarely do not observe the maxims without reasons; rather, we intentionally fail to observe the maxims for a range of reasons.

The first reason for flouting a maxim is the desire to make one’s language more/less interesting (Thomas, 2014). Thomas (2014) argues that people most likely tend to

take pleasure in using language. On the other hand, flouting maxim can also be used to increase the force of one's message (Thomas, 2014). This is quite similar with „interestingness“. The difference with interestingness is the speakers exploit language (by flouting a maxim) in order to emphasize their message. In other words, it is intended to make the hearers “to work at understanding the message so that they have 'investment' in the message” (Thomas, 2014, p. 144). Another reason of flouting maxim is because of a clash between two goals. Thomas (2014) argues that flouting a maxim caused by competing goals relies on the interlocutors' capacity to identify the competing goals. In some cases, however, the interlocutors do not always detect the competing goals because of cross-cultural situations (Thomas, 2014). The last reason of flouting of maxim is „politeness“ regarding face. Flouting a maxim, which is also called by Thomas (2014) as „indirectness“, can be used because of politeness/regard for „face“. When flouting a maxim is motivated by politeness, it is dealt with „what is said“ which is attached at the utterance level (Thomas, 2014). According to Thomas (2014) flouting a maxim is caused by politeness because people's “communicative goals conflict (for example, when their desire to avoid hurting someone's feelings) conflict with their obligation to tell the truth” (p. 179). On the other hand, since violation of maxims is an unostentatious act, it will mislead the audiences (Grice, 1975).

Moreover, it is the speakers' intention to mislead the audience when they violate the maxims. Thus, it can be concluded that the reasons why people violate the maxims is to mislead their audiences so that they gain advantages from the use of it. For instance, the defendants of a court may use violation of maxim to fabricate their story so that people will believe them, and they will get a lesser sentence (Coulthard & Johnson, 2010). In line with this, Archer (2005) argues that a defendant uses violation

of maxim to manipulate the termination of his/her examination in court during cross examination.

2.3.1 The Relationship between the Previous Studies and the Present Study

In sum, the literature so far reviewed have proved to be beneficial for this study. First and foremost, the literature reveals that, participants in courtroom conversation tend to adhere to or violate certain Gricean Maxims to achieve their target objectives. The literature proves that the flouting of the maxim of relevance is the most prevalent in Administrative Courts. The studies also revealed that, defendants tend to flout or violate the maxims in giving their testimony to yield hidden additional meanings and intentions in their utterances as well as to mislead audiences. Moreover, the literature proves that maxim flouting, and violation have correlation with legal convictions in relation to language and pragmatics. However, maxim flouting, and violation have not been reviewed only in courtroom discourse but also in other socio-political settings including schools, social media, newspaper tabloids and political debates where interlocutors flout or violate specific maxims to achieve varied objectives and purposes.

Even though some of the studies on cooperative principles were basically not focused on courtroom discourse, they however provide a directional insight for this study. In other words, the studies reveal the divergent views emerging on cooperative principle in legal discourse and other relevant socio-political discourses that are useful for this present study. So far, all the studies reviewed are seeded in contexts outside Ghana, thus creating another gap that this study seeks to fill.

2.4 Theoretical Framework

This section provides a comprehensive discussion of the theory that underpins the study. This theory is crucial for two main reasons. First, it helps to situate the analysis of the data within a specific scholarly paradigm. Second, it serves as a lens through which one can understand the findings of the research. Specifically, the theoretical framework comprises Grice's Cooperative Principle and implicature.

2.4.1 The Cooperative Principle

Grice's cooperative principle states that people involved in a conversation, above all else, will try to cooperate with their interlocutors (Birner, 2013). In cooperative discourse people have some common aim, for example that they want to solve a dispute or find a solution to a problem. Moreover, according to the cooperative principle, people should continuously make appropriate utterances in order to keep discussions moving forward. In a discourse where the interlocutors are not getting along and start arguing with each other, people might think that they are uncooperative, but by discussing and handling an argument the interlocutors are in fact being cooperative. In an argument people often stick to the topic at hand, making utterances that can be interpreted, and they also try to complete their thoughts without giving irrelevant details that will confuse the person they are discussing with. These are all criteria for a cooperative conversation (Birner, 2013). Furthermore, both parties in a discussion should continue discussing in appropriate style in order to finish the conversation, and not just terminate the discussion when they disagree unless they both agree on terminating the discussion (Grice, 1975).

Conversation will work only when both interlocutors are making appropriate utterances (Grice, 1975). A person who does not make appropriate utterances would

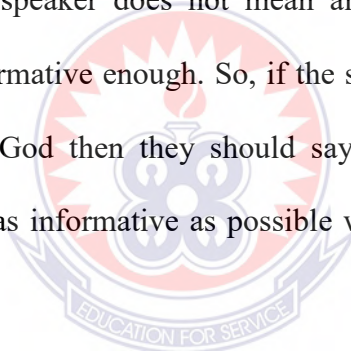
be seen as utterly uncooperative. It would be almost impossible to have a successful argument with a person who is uncooperative in a conversation because they would not contribute to the conversation with appropriate input. Only when people believe that the person, they are discussing with is trying to be cooperative they will be able to interpret and understand the other person's utterances. According to the cooperative principle, people are expected to behave in a certain way in order to be considered cooperative. In 1975, Grice broke down the cooperative principle into four maxims, a person involved in a discussion, would be expected to follow in order to contribute to a conversation. These four maxims were the maxim of quantity, the maxim of quality, the maxim of manner, and lastly the maxim of relation (Grice, 1989).

The term implicature is the definition of “what is implied by the speaker when they make an utterance” (Grice, 1975, pp. 43-44). It denotes the implied meaning from the speaker to the hearer without any certainty that the hearer understands the implicature. In some cases, the conventional meaning of words determines the implicature made by a speaker. Yule (1996) states, that “it is speakers who communicate meaning via implicatures and it is listeners who recognize those communicated meanings via inference. The selected inferences are those which will preserve the assumption of the cooperation” (p. 40). There are three different types of implicature: Conventional, Particularized Conversational Implicatures and Scalar Implicature (Paltridge, 2012). In conventional implicature no specific context is needed in order for the hearer to understand the implicature of the speaker. Moreover, in conventional implicature the speaker can also use words like “but”, “well” and “yet” in order to implicate that they will make an utterance that the hearer will not expect or hope to hear. In particularized conversational implicature, the implicature

of the speaker will be interpreted by the context rather than the words spoken in a conversation. For example, if a person says that he needs coffee and the response he gets is that there is a shop nearby, then the response relates to the situation as coffee could be obtained from the shop, so in this case the hearer can understand that the speaker refers to a coffee shop. The third kind of implicature is scalar implicature, which derives from a situation where a person expresses values on some sort of scale. In other words, in scalar implicature the speaker can use any value on a scale and then the hearer is expected to figure out the implied value on the scale that the speaker used. An example could be someone who says that they are partly responsible for a mistake and the hearer is expected to interpret exactly how much responsibility the speaker has had in the mistake (Paltridge, 2012). When talking about the hearer's point of view, the term inference refers to what the hearer in discourse interprets and understands when hearing an utterance being made by the speaker (Birner, 2013). In some cases, what the speaker implicates will not be fully understood by the hearer. Consequently, while the speaker generates implicature, inference is the implications that a hearer makes when listening to an utterance. What the speaker tries to say may not be how the hearer receives their message or how they interpret the speaker's conveyed message. In other words, Implicature is the implied meaning from the words of the speaker, and inference is the inferred interpretation of the hearer (Thomas, 1995). For example, if a speaker says that there is nothing to do in his/her hometown, but they actually just mean that it is a boring town, and the hearer interprets things as if there is absolutely nothing to do in that town, they are inferring that meaning from the speaker's utterance (Birner, 2013).

2.4.1.1 The Maxim of Quantity

The maxim of quantity is about providing the necessary information in conversations. This maxim has two sub-maxims, which provide information explaining the rules of the maxim (Grice, 1989). The first sub-maxim tells us to contribute to a conversation by being as informative as possible for the purpose of the exchange. The second sub-maxim tells us that we should not contribute to a conversation with more information than is actually needed to get our points across (Grice, 1975). The maxim of quantity can be complex, since when for example a person utters the phrase “Most of the people in this room believe in God” when actually all people in the room believe in God, they would still be telling the truth. However, when the speaker says “most”, people believe that the speaker does not mean all people, which means that the speaker is not being informative enough. So, if the speaker knows that all the people in the room believe in God then they should say exactly that without any other additions in order to be as informative as possible without saying too much (Birner, 2013, p. 44).



2.4.1.2 The Maxim of Quality

The maxim of quality states in its two sub-maxims that we should not say what we believe to be false to our conversation partner and that we should not make utterances that we lack adequate evidence for (Grice, 1975). This maxim can be paraphrased as “say what is true”, but since it is not possible to be certain of all truths, the best a speaker can do is to say only what they believe to be the truth and avoid saying things they believe are false.

2.4.1.3 The Maxim of Manner

The maxim of manner tells speakers to be clear and to avoid obscurity when speaking. This maxim has four sub-maxims that tell the speakers that they should avoid obscure expressions when speaking, and also to avoid ambiguity in conversation. Furthermore, the maxim of manner states that speakers should be brief, and lastly to be orderly when discussing with other people and that they should try to avoid unnecessary prolonging of utterances (Grice, 1975). In order to avoid obscurity in expressions, speakers should formulate themselves by using clear expressions and avoiding hard-to-understand verbiage, so as not to be misinterpreted. In order to avoid ambiguity a speaker has to avoid making unclear utterances. In order to be brief and orderly speakers should avoid prolonging their utterances and make sure they are structured in their way of speaking (Birner, 2013).

2.4.1.4 The Maxim of Relation/Relevance

The maxim of relation/relevance has only one sub-maxim, which is stating that we should always try to be relevant when participating in a conversation (Grice, 1975). The word relation in this maxim refers to the relation between an utterance and the whole context. For example, if a speaker talks about coffee and then suddenly says that Pluto is a planet, then he/she is failing to observe the maxim of relation by not sticking to what is relevant in a conversation. However, if two people are having a discussion and one person interrupts the other by saying they have something on their face, then they have not failed to observe the maxim of relation; they have only uttered a statement that is relevant to this situational context. The maxim of relation is fulfilled when an utterance can be interpreted by the hearer as contributing towards the goal of the conversation in question.

2.4.3 Observing the Maxims

Table 1: Maxim Observance Criteria (Grice, 1975)

Maxim	Observing the Maxims
Quantity	<ul style="list-style-type: none"> • If the witness is not circumlocutive • If the witness is informative • If the witness does not talk too short • If the witness does not talk too much • If the witness does not repeat certain words
Quality	<ul style="list-style-type: none"> • If the witness tells the truth or says something that is believed to be true • If the witness does not make ironic and sarcastic statements • If the speaker does not deny something • If the speaker does not distort information
Relevance	<ul style="list-style-type: none"> • If the witness makes the conversation matched with the topic • If the witness does not change conversation topic abruptly • If the witness does not avoid talking about something • If the witness does not hide something or a fact • If the witness does not make the wrong causality
Manner	<ul style="list-style-type: none"> • If the witness does not use ambiguous language • If the witness does not exaggerate things • If the witness' voice is loud enough

When a person in a conversation listens to their interlocutor, they have to ask themselves whether the person they are discussing with is being cooperative in the discussion. Only then that person will be able to encode and understand the speaker's probable intention with his/her utterance. According to Grice (1975) there are four ways in which interlocutors can behave with respect to the cooperative principle. When a person speaks in a discussion they can observe a maxim, violate a maxim, flout on a maxim or opt out on a maxim (Birner, 2013).

To observe a maxim is to obey it fully (Birner, 2013). In order to observe all four maxims, as discussed in this section, speakers should make informative utterances, and not say too much or too little when speaking. In addition, they should only say

what they have evidence for and believe to be true. Moreover, they should only make utterances that are relevant to the discussion with their interlocutor. Lastly a speaker should also try to be brief, clear, and avoid being ambiguous in order for the other person to understand what they are saying (Grice, 1975). In following example, all maxims are being observed. Person A- “Where are my car keys?” Person B- “They are on the table in the hall”. This is an example where person B tells the truth, and at the same time being relevant, and not saying too much, nor too little (Thomas, 1995).

2.4.4 Violating Grice's Maxims

Table 2: Maxim Violation Criteria (Grice, 1975).

Maxim	Violating the Maxims
Quantity	<ul style="list-style-type: none"> • If the speaker does circumlocution or not to the point • If the speaker is uninformative • If the speaker talks too short • If the speaker talks too much • If the speaker repeats certain word
Quality	<ul style="list-style-type: none"> • If the speaker lies or says something that is believed to be false • If the speaker does irony or makes ironic and sarcastic statements • If the speaker denies something • If the speaker distorts information
Relevance	<ul style="list-style-type: none"> • If the speaker makes the conversation unmatched with the topic • If the speaker changes conversation topic abruptly • If the speaker avoids talking about something • If the speaker hides something or hides a fact • If the speaker does the wrong causality
Manner	<ul style="list-style-type: none"> • If the speaker uses ambiguous language • If the speaker exaggerates things • If the speaker's voice is not loud enough

Adherence to the cooperative principle and its correlative maxims is a reasonably rational behaviour since it benefits the participants and reflects their communicative

competence (Grice, 1975). Despite Grice's claims of ideal exchange, once the rules (maxims) he prescribes for interlocutors are followed and abided by, he suggests that there are cases when these rules may be violated. According to Grice (1975), people intend to tell untruth and break the cooperative principles while communicating and doing multiple violations due to several reasons, for instance, by hiding the truth, saving face, feeling jealous, satisfying, convincing and making happy the hearer and avoiding hurting the hearer. Grice is very much aware that participants may not necessarily act in keeping his maxims, but, at the same time, argues that any exchange will operate even if these maxims are being violated emphasizing that the maxims enrich coherence and relevance rather than refuting them (Levinson, 1983). Clearly enough, violating any maxim does not indicate a breakdown of interaction (Levinson, 1983). To put it differently, interlocutors try to understand contributions to violated maxims as informative, truthful, relevant, and clear. Once these contributions are broken, interlocutors try to interpret, induce, or search for inferences or conversational implicatures (Leech & Svartvik, 1985). Violating towards maxims can mislead a hearer. According to Grice (1975), Violating can also happen in four subprinciples of maxim. There are violating towards maxim of quantity, quality, relation, and manner.

According to Cutting (2002), a violating towards the maxim of quantity happens when a speaker does not give enough information to a hearer about the whole picture, or the topic being discussed. Then, violating towards maxim of quality is a situation where a speaker is not sincere and gives wrong information to a hearer, which can be said as lie. Cutting (2002) Furthermore, violating towards maxim of relation happens when a speaker changes the topic to avoid the answer or topic that brought by other interlocutors in conversation. Cutting (2002) defines that violating in maxim of

relation happens when speakers try to distract and change the topic to another one. The last is violating towards maxim of manner. Cutting (2002) defines that violating towards maxim of manner happens when someone gives obscure reference, and vague reference, in order to avoid a brief and orderly answer in a conversation. When maxims are violated, the speaker fails to observe them, in other words does not follow one or more of the maxims in the cooperative principle (Birner, 2013, p. 43).

Moreover, in violations of maxims the speaker is trying to get away with failing to observe one or more of the maxims without making it clear to the hearer. Violations of maxims are often a way to mislead or deceive the other participant in a discussion. When a person tells a person a lie in a discussion, they are violating the maxim of quality that tells us that we should never say what we believe is to be false. Violating a maxim could be if the speaker is intentionally lying to the hearer. The following is an example where person A is cheating on person B with a woman. Person A- "Is there another man?" Person B- "No there is no other man". The speaker would then be violating the maxim of quality by trying to deceive the hearer that person A is in fact not cheating on person B (Thomas, 2014).

2.4.5 Flouting Grice's Maxims

Table 3: Maxim Flouting Criteria (Grice, 1975).

Maxim	Flouting the Maxims
Quantity	<ul style="list-style-type: none"> • If the speaker does circumlocution or not to the point • If the speaker is uninformative • If the speaker talks too short • If the speaker talks too much • If the speaker repeats certain words
Quality	<ul style="list-style-type: none"> • If the speaker lies or says something that is believed to be false • If the speaker does irony or makes ironic and sarcastic statements • If the speaker denies something • If the speaker distorts information
Relevance	<ul style="list-style-type: none"> • If the speaker makes the conversation unmatched with the topic • If the speaker changes conversation topic abruptly • If the speaker avoids talking about something • If the speaker hides something or hides a fact • If the speaker does the wrong causality
Manner	<ul style="list-style-type: none"> • If the speaker uses ambiguous language • If the speaker exaggerates things • If the speaker's voice is not loud enough

According to Thomas (2014) flouting happens if “speaker blatantly fails to observe a maxim at the level of what is said, with deliberate intention on generating implicature (p.65). In flouting, speakers do not give right information as required by maxims, but still, the hearer can reach the meaning because of the implicature. Flouting can happen in four sub-principles of maxim. There are flouting the maxim of quantity, flouting the maxim of quality, flouting the maxim of relation, and flouting the maxim of manner.

Flouting the maxim of quantity happens when a speaker gives too little or much information. Thomas (2014) explains “flouting of the maxim of quantity is a situation when a speaker blatantly gives more or less information than the situation requires”

(p.69). Flouting the maxim of quality happens when an utterance cannot be interpreted in literal. According to Cutting (2002) flouting the maxim of quality is not literally true, but is likely to mislead hearers because of the context of use in the utterance. Flouting the maxim of relation happens when a speaker changes the topic of conversation, but still expects a hearer to realize and know about the alteration.

According to Cutting (2002) flouting the maxim of relation as an exchanging topic by using irrelevant comment, but it expected that a hearer knows the meaning by making connection between current topic and the preceding one. Flouting the maxim of manner happens when a speaker says something unclearly. Cutting (2002) states that flouting the maxim of manner happens when a speaker does not talk clearly, appearing to obscure and tend to ambiguity.

However, there are circumstances where people are not expected to observe the Gricean maxims. For example, in a court of law, there are witnesses that are not always expected to volunteer all the information that they have. This would be an example where the speaker is not expected to observe the maxim of quantity (Huang, 2007, p. 26).

Infringement

Thomas (2014) says “infringing occurs because a speaker has an imperfect command of language and with no intention of generating an implicature or deceiving” (p. 74). Some factors that contributed infringing happen in an utterance are because a speaker a beginner of foreign language, also nervousness, drunkenness, and excitement can emerge infringing in speaking.

Opting out

Grice explains (as cited in Peter & Morgan, 1975) that people who do not want to cooperate in conversation indicate to do opting out, the speakers directly say their unwillingness to continue the conversation in which maxim requires. To opt out of a maxim is to refuse to acknowledge the rules of the cooperative principle all together (Birner, 2013). When a person is asked a question or invited to a discussion and they start doing something completely different such as opening a newspaper or their computer, then that person has opted out.

Opting out is basically when a person in a discussion refuses to contribute to a discussion by staying quiet. An example of opting out could be when a police officer refuses to release the name of a victim to protect the victim's family by staying quiet (Thomas, 1995, p. 75).

Suspending/ Suspension

Several writers suggest that (as cited in Thomas 2014), “there are occasions where there could be no expectation for interlocutors to fulfill the maxims” (p. 76). Suspension could happen in certain events and interlocutors do not need to fulfill the maxims.

2.4.6 Relevance of Theoretical Framework to the Study

The tenets of the Gricean Principle guided the analysis of the data. Through the application of the cooperative principle, the courtroom discourse, particularly, the 2020 presidential election petition in Ghana was carefully analysed. According to Grice (1975), language users derive meanings from what is unsaid (implicated) depending on drawing related inferences to utterances that were uttered. Major themes consisting of observance, violations, flouting, implicatures and motivations associated

with non-observance of maxim that run through the data were generated for further analysis. Also, dominant themes which consisted of larger related units of the data that produced meanings in correspondence to the research questions guiding this study were also developed with the help of the tenets of Grice's (1975) theory of cooperative principle.



CHAPTER THREE

METHODOLOGY

3.0 Introduction

This chapter presents the research methodology of the study and discusses the research approach, research design, data collection method, sampling and sample size and data analysis procedures.

3.1 Research Approach

The study adopted a qualitative approach because qualitative approach emphasizes the description or interpretation of communication events. According to Gay, et al. (2009), the qualitative approach deals with the collection, analysis and interpretation of comprehensive narrative and visual (that is, non-numerical data) to gain insights into a particular phenomenon of interest. Gay et al. (2009) further argues that all meaning is situated in a particular perspective, and because different people or groups often have different perspective and contexts, the world has many different meanings, none of which is necessarily more valid or true than another. These views have been endorsed by Domegan and Fleming (2007) who explain that qualitative research aims to explore and discover issues about a problem on hand, because very little is known about the problem. There is usually uncertain about the degree and characteristics of the problem; the approach uses „soft“ data and gets „rich“ data. Furthermore, Myers (2009) posits that qualitative research is designed to help researchers to understand people, and the social and cultural contexts within which they live.

Creswell (2014) also asserts that, the objectives of a qualitative research are to explore areas where limited information exists and or describe the trends and attitudes that are applicable.

Based on these assertions, the researcher adopted the qualitative approach to better explore how petitioner's witness and counsels for respondents utilized and violated the Gricean Maxims as well as the communicative implicatures associated with the violations to validate or contest the framework underpinning the study.

3.2 Research Design

According to Creswell (2014), research designs are types of inquiry within qualitative, quantitative, and mixed method approaches that provide specific direction for procedures in a research study. Creswell further states that, the selection of a research design is mostly dependent on the nature of the research problem or issue being addressed, the researcher's personal experiences, and the audience for whom the study is conducted. Some scholars equally refer to research design as strategies of inquiry (Denzin & Lincoln, 2011) since every research is consequently seated in a strategy that systematically guides the process of inquiry.

3.2.1 Qualitative Content Analysis

Qualitative content analysis is one of the numerous research methods used to analyze text data and interpreting its meaning (Schreier, 2012). Qualitative content analysis goes beyond merely counting words to examining language intensely for the purpose of classifying large amounts of text into categories that represent similar meanings (Schreier, 2012). These categories can represent either explicit communication or inferred communication. The goal of content analysis is "to provide knowledge and understanding of the phenomenon under study" (Downe-Wamboldt, 1992, p. 314). As a qualitative study, the research design adopted by the researcher to explore how petitioner's witness and counsels for respondents utilized and violated the Gricean

Maxims as well as the communicative implicatures associated with the violations was qualitative content analysis.

The study adopted the qualitative content analysis for a subjective interpretation of the content of text data through the systematic classification process of coding and identifying themes or patterns.

3.3 Site and Sample Selection

The purposive sampling method was adopted for this study. Purposive sampling is a sampling technique that is selected based on characteristics of a population and the objective of the study (Crossman, 2020). Sampling strategy directs researchers to know whom to observe, interview or analyse (Lindloff & Taylor, 2002). Purposive sampling can be very useful in situations where the researcher needs to reach a targeted sample quickly and where sampling for proportionality is not the main concern of the study (Crossman, 2020).

The study focused on the eighty-one (81) hours video tape recording of the cross-examination phase of the 2020 Presidential Election Petition in Ghana which were retrieved electronically from YouTube and verified from the judicial service website on <https://www.judicial.gov.gh>. Out of which twenty-two (22) hours of the video recording was purposively sampled as the main data for this current study. Perhaps, the justification for the twenty-two hours duration was that it was expected that the part of the proceedings that was of interest to this study was highly homogenous on the concept/phenomenon under study and this relatively justified the use of a relatively smaller sample (Tashakkori & Teddie, 2003). Further, it has been observed that small samples are able to provide data that is representative of the wider reality (Kiguru, 2014). The choice for the 2020 presidential election petition is because

primarily, it is the most current among the two presidential election petitions in the fourth republic of Ghana. Secondly, due to the status of the parties involved with the case (sitting and former presidents). In addition, taking into consideration the experiences acquired by the Supreme Court Judges in the 2012 Presidential Election Petition, the 2020 petition offers more unique analysis to investigate the subject matter to understand the phenomenon. With the supreme court as the highest court in Ghana, it would offer the needed platform to carry out this research successfully as recommended by Azar et al. (2014).

3.3.1 Unit of Analysis

The unit of analysis for this study is the question/response (Roller & Lavrakas, 2015) between petitioner's witness and counsels for respondents during the cross-examination phase of the 2020 Presidential Election Petition. The various question/response between the participants (witness and counsels) that correlated to the research questions were selected, coded and organised into meaningful units (themes) to provide insight into the texts. In total, the transcript of the twenty-two-hour video recording of the 2020 presidential election petition produces 143 questions/responses from conversations between first witness and counsels which constitute data for discussion on this current study. However, some of the question/response overlapped two or more thematic categories. As such, they were counted more than once, based on their individual frequencies. In all, the number of question/response I obtained from the collected data based on the frequency of the various thematic categories sum up to 624.

3.4 Data Collection Method

3.4.1 Document Analysis

Document Analysis like any other analytical method in qualitative research, requires that data be examined and interpreted to elicit meaning, gain understanding, and develop empirical knowledge (Corbin & Strauss, 2008). Bowen (2009) avers that document analysis can serve as a stand – alone data collection procedure. Document analysis is used to gain a holistic understanding of texts, their characteristics, and their formal strategic orientations (Bowen, 2009). The twenty-two hours video recording of the 2020 Presidential Election Petition proceedings was retrieved electronically from <https://youtu.be/HYyyHxahklM> and verified from the judicial service website on <https://www.judicial.gov.gh>. However, the unit of analysis adopted for this study is question/response between petitioner's witness and counsels for respondents during the cross-examination phase of the 2020 Presidential Election Petition. The justification for the cross-examination phase is that, the cross-examination phase is rule governed, and participants are bound by evidentiary rules that control the form and content of their contributions (Kiguru, 2014). The 2020 presidential election petition proceedings were specifically chosen for this study giving the background of the petition (presidential election dispute) and the supreme court as the highest court in Ghana.

3.4.2 Managing and Recording Data

Transcription is a textual representation of a recording, which can be analysed using the methods and software tools that already exist for text-based analysis. With audio or video recordings, analysts can write out what the participants said word for word thus changing the recorded audio/video form into text (Maas, 2020).

There are many approaches to transcription, depending on your field and understanding of what the transcript represents. For example, if you are interested in the way government officials' language is gendered you may be collecting, recording, and transcribing data very differently than if you are looking at the use of turn-taking in conversations amongst doctors and their receptionists (Evers, 2011). What and how you choose to transcribe should be closely connected to your research focus and methodological approach, resulting in certain types of transcripts. As you transcribe, you make particular choices, and those choices are related to your theoretical stance (Maas, 2020).

The study adopted the verbatim transcription approach which involves typing everything you hear (in an audio recording) and/or see (in a video recording). This includes representing all utterances made by all participants without changing non-standard language usage or dialect and without skipping over repetitions, false starts, and backchannels (Evers, 2011). Though creating a verbatim transcript from video data should also include all the non-verbal communicative behaviours (e.g., yawning, raising hands, throwing hands up in the air) (Maas, 2020), but when creating a verbatim (word for-word) transcript, for example, you make frequent decisions such as whether and how to include informal speech, non-word utterances, repetitions, stuttering, interruptions and background or other incidental sounds (Evers, 2011).

Twenty-two-hour tape recording of the 2020 Presidential Election Petition reflecting the cross-examination phase involving petitioner's witness and counsels for first and second respondents was played and transcribed. The 2020 Presidential Election Petition proceedings (cross examination) between counsels and witness was transcribed into English excerpts (questions and responses) with pseudonyms; with

petitioner's witness as „witness“ and lawyers for the first and second respondents, as „1st counsel“, and „2nd counsel“ respectively.

However, mannerism, obstructions from audience and repetition of questions and responses contained in the retrieved video recordings of the 2020 Presidential Election Petition were not included in the transcription and analysis of the data because while in theory a verbatim transcript is one that captures „everything“, it is never possible to capture all that is communicated except those relevant to the study in focus (Evers, 2011).

3.5 Data Analysis Procedure

3.5.1 Thematic Analysis

Thematic analysis is a method of identifying themes and patterns of meaning across data set in relation to a research question (Bryman & Bell, 2011). The process includes coding, categorisation and noting patterns in order to provide a relationship between the variables and factors to create a reasonable and logical chain of evidence (Bryman & Bell, 2011). Meanwhile, Braun and Clarke (2006) have argued that researchers need to be clear about what they are doing, why they are doing it, and include a clear description of analysis methods. Therefore, the data gathered was analysed using Gricean Maxims and Conversational Implicature and the findings represented thematically.

After multiple readings, themes were generated in respect to the study's research questions from the categories for the analysis and discussion of findings. Major themes consisting of predominant messages that run through the data were developed. Similar to the categories, some of the dominant themes were predetermined by the theory, while the rest were generated out of reviewing the literature which were

relevant to the data. The dominant themes consist of larger related units of the data that produced meanings which correspond to the research questions. The pre-determined dominant themes include observance of maxims (quality, quantity, relation, manner), violation of maxims (quality, quantity, relation, manner), flouting of maxims (quality, quantity, relation, manner). A thorough multiple readings of the document was done to purposefully identify significant statements that supported the predetermined themes. Related and recurrent messages that supported the themes were organised and grouped together for analysis and discussion of findings (Ofori-Birikorang, 2018).

After mapping out the dominant themes to their significant statements, interpretation of the data was done. This began with the operationalisation of the themes, followed by quotes from the data as supporting evidence. The interpretation encompassed the generation of both the manifest and latent meanings of the information contained in the data. Findings were related to existing literature and the theoretical framework to determine whether they corroborated or debunked existing findings; or whether they constituted new findings altogether.

However, data were analysed on three levels: first, the observance of the Gricean Maxims by petitioner's witness and counsels during the cross-examination phase of the 2020 Presidential Election Petition. Second, the violation and flouting of the maxims. Third, the implicatures and motivation/reasons associated with the violation and flouting of the Gricean Maxims. Grice (1975) proposed that participants in a communicative exchange are guided by a principle that determines the way in which language is used to achieve rational communication. He called it the Cooperative Principle. This Cooperative Principle is an umbrella term for nine components that

guide how we communicate. These nine components are grouped together into four categories, referred to as the Maxims of Conversation: the maxim of quality (truthfulness), the maxim of quantity (informativeness), the maxim of relation (relevance), and the maxim of manner (perspicuity).

In order to ensure the reliability of the analysis, a co-rater (a lecturer of English at Ghana Baptist University) was recruited to assist in the coding. Both the researcher and the co-rater agreed to use a common criterion on the analysis of how the Gricean Maxims were observed and violated as well as the implicatures and motivation associated with the violations in accordance with Grice's (1975) proposition. Since the results of the correlation analysis revealed that the researcher's and the co-rater's analyses for the maxims observed and violated in the selected excerpts correlated positively, the researcher continued to analyze all the rest of the conversational excerpts from the 2020 Presidential Election Petition proceedings. In view of the criteria related to the use of Gricean Maxims to analyze cooperative principles in courtroom discourse, the researcher employed this procedure which was originally presented and used by Özhan (2004). With the procedure above, the researcher analysed the conversational (Question-Response) excerpts between the witness, 1st counsel and 2nd counsel.

The third category of the analysis was the implicature associated with the violations and flouting of the Gricean Maxims to determine the intention or rationale behind the non-observance of the Gricean Maxims in each category. In an attempt to discover the implicatures and motivations associated with the non-observance of the Gricean Maxims in the 2020 Presidential Election Petition, the study adopted the theory of conversational implicature by Grice (1975).

For reliability's sake of the researcher's coding, an independent volunteer, who is a linguist from Atwima Agogo traditional council of elders assisted in the coding for the implicatures associated with the violations of maxims based on Grice's (1975) theory of conversational implicature to identify the intentions for the non-observance of the Gricean Maxims by witness of petitioner during the cross-examination phase of the 2020 Presidential Election Petition proceedings.

These procedures provided a highly flexible approach to providing a rich and detailed, yet complex account of the data gathered (Braun & Clarke, 2006). Gricean maxims and thematic analysis offered a more accessible form of analysis. Thus, it helped to identify, analyse, organise, describe, and report on themes revealed from the data.

3.6 Trustworthiness of Data

Trustworthiness of a study refers to the degree of confidence in data, interpretation, and methods. Creswell (2014) defines qualitative validity as the extent to which the researcher checks for accuracy of findings from the research by employing certain procedures, while reliability indicates that the researcher's approach is consistent across different researchers and different projects.

The reliability techniques are using multiple data sources; the use of member checking; the use of rich, thick descriptions to convey findings; clarification of the biases that the researcher brings to the study; presentation of negative evidence; spending prolonged time in the field and the use of peer briefing to enhance accuracy (Creswell, 2014).

As a result, video tape recording of the 2020 Presidential Election Petition proceedings was retrieved electronically from YouTube, transcribed and verified from the Judicial Service website on <https://www.judicial.gov.gh>.

Creswell (2014) asserts that validity include checking of transcripts for accuracy; avoiding redefinition of codes; coordination among coders in the case of team research or when the researcher is assisted by another person during the coding process. In tandem with the above, the researcher repeatedly played back the video tape recording of the 2020 Presidential Election Petition proceeding alongside the transcribed sheet to determine their validity, maintaining rich and thick transcriptions of the data. However, whenever there were discrepancies in the coding of data, the researcher and the intercoder discuss the context by looking at the content of the conversation and finally agree as to what is the most appropriate way of coding the exchanges. In terms of confirmability, the researcher ensured that the findings of the study were the results of the data presented for the study thus avoiding the intrusion of the researcher's biases.

3.7 Ethical Issues

Whatever approach that a researcher adopts, there are ethical issues and challenges that the study may face before, during and after the collection of data from the field. Such issues are still confronted during the analysis of data and distribution of the research reports (Creswell, 2014). Therefore, there is the need for the study to deal with these challenges and ethical issues that may arise during all stages of the research inquiry. The study observed the following research ethics to deal with the potential ethical issues that might arise during the research inquiry.

In this study, the anonymity and confidentiality of participants as well as sensitive information were protected through assigning pseudonyms to participants instead of using their real names. Other relevant information concerning participants were not also shared with any other third-party. Thus, all collected data were kept confidential.

Finally, the study ensured that as much as possible, all scholarly sources and authorities consulted for further information to corroborate the study were duly acknowledged using the appropriate style (APA) of referencing adopted by the University of Education, Winneba. This was observed for both in-text and out-of-text citations.

3.8 Summary of Chapter

This chapter consists of an overview of the methodology of the study which includes approach, design, gathering of data and the analysis of the gathered data. The study adopted the qualitative approach with qualitative content analysis as the research design. This helped to interrogate the issues in the conversational excerpts of the 2020 Presidential Election Petition which consequently brought to bear the manifestation of the cooperative principles that were observed, non-observed and the possible implicatures associated with the various non-observance of the maxims. The data collection processes showed chronologically how the current data was selected and coded for the study. At the data analysis stage, the Gricean Maxims and conversational implicature as postulated by Grice (1975) were used to analyse all the themes identified in the conversational excerpts of the 2020 presidential election petition which ensured a fruitful analysis of the content in the transcribed data.

CHAPTER FOUR

FINDINGS AND DISCUSSIONS

4.0 Introduction

This chapter presents the analysis of findings and discussions of data. The data were analysed on three levels: first, identifying the manifestation of cooperative principles in the 2020 Presidential Election Petition. Second, examining how the Gricean Maxims were violated. Third, exploring the implicatures associated with violation of the Gricean Maxims. The outcome of the analysis has been presented in themes with some tabular and numerical representations.

4.1 Research Question 1: How Were Gricean Maxims employed between petitioner's witness and respondents' counsels during the cross-examination phase of the 2020 Presidential Election Petition in Ghana?

After analyzing the data based on the criteria set out by Grice (1975) in observance of the various category of maxims, there were a total of 383 instances of maxim observance between first witness of petitioner and counsels for respondents. Maxim of manner was the highest observed maxim with 131 instances whilst the maxim that came closer to the maxim of manner was the maxim of relation which was observed 110 times. The maxim of quality was ranked third in terms of observance thus occurring 81 times whilst the maxim of quantity which manifested 61 times placed last as the least observed maxim between petitioner's witness and counsels of respondents. Below is the frequency table that shows how the witness for the petitioner observed the Gricean Maxims during the cross-examination phase of the 2020 Presidential Election Petition.

Table 4: Frequency Distribution of Maxims employed between petitioner’s witness and respondents’ counsels during the cross-examination phase of the 2020 Presidential Election Petition in Ghana.

Maxims	Number of Times Observed	Percentage
Quantity	61	15.93
Quality	81	21.15
Relation/ Relevance	110	28.72
Manner	131	34.20
Total	383	100

The first research question sought to identify how Gricean Maxims manifested amongst the petitioner’s witness and respondents’ counsels during the cross-examination phase of the 2020 Presidential Election Petition. Grice’s Cooperative Principle has remained in the limelight especially when it comes to analyzing utterances in a conversation (Ayunon, 2018). The manifestation of the maxims reflects the interlocutors’ attempt to follow the rules guiding a conversation.

This is encapsulated in Grice’s (1975) Cooperative Principle which advances the assumption that participants in a conversation normally attempt to be informative, truthful, relevant, and clear. When a person in a conversation listens to their interlocutor, they tend to ask themselves whether the addressee is being cooperative or not in the discussion. According to Grice (1975) there are four ways in which interlocutors interact with respect to the cooperative principle. When a person speaks in a discussion they can observe a maxim, violate a maxim, flout on a maxim or opt out on a maxim (Birner, 2013).

To observe a maxim is to obey it fully (Birner, 2013). In order to observe all four maxims, a speaker should make informative utterances, and not say too much or too

little when speaking. In addition, they should only say what they have evidence for and believe to be true. Moreover, they should only make utterances that are relevant to the discussion with their interlocutor. Lastly a speaker should also try to be brief, clear, and avoid being ambiguous in order for the other person to understand what they are saying (Grice, 1975). After the conversations were transcribed and made part of the data, the exchanges were then analysed to see whether the witness observed any of the Gricean Maxims: Quality, Quantity, Relevance and Manner. Hence, all responses by the witness were explored noting the criteria set out by Grice (1975) as shown in table 4 above.

4.1.1 Observance of the Maxim of Quantity

The Maxim of Quantity was recorded **61 times** which represents **15.93 percent** of the total number of maxims observance manifestations. The maxim of quantity is about providing the necessary information in conversations. This maxim has two sub-maxims, which provide information explaining the rules of the maxim. The first sub-maxim tells to contribute to a conversation by being as informative as possible for the purpose of the exchange. The second sub-maxim tells that, participants in a conversation should not contribute to a conversation with more information than is actually needed to get our points across. In the excerpts below, the observance of the Maxim of Quantity was made evident during the 2020 Presidential Election Petition.

1. 1st Counsel: *I am putting it to you that, as of the time the 1st Respondent made that statement, the statement was correct, and it is captured in paragraph 12 of the Petitioner's petition.*

Witness: *I decline that My Lord. [Question/Response 4]*

2. 1st Counsel: *What was the source from which you obtained information to draw up your „Exhibit E“ for his honourable court?*

Witness: *My Lord, „Exhibit E“ was based on the 1st Respondent“s own data. [*

Question/Response 5]

3. 1st Counsel: *What we have here is 6776066 for the 2nd Respondent. Is that correct?*

Witness: *6,776,066 yes, it is in this statement. [Question/Response. 7]*

4. 1st Counsel: *It is your document we are looking at please. Look through the forms you **have** just gone through for the 2nd Respondent. There“s a percentage of 51. 26140., it is down there. Is that correct?*

Witness: *That“s correct. [Question/Response 9]*

Excerpt 1:

1st Counsel: *I am putting it to you that, as of the time the 1st Respondent made that statement, the statement was correct, and it is captured in paragraph 12 of the Petitioner“s pation.*

Witness: *I decline that My Lord. [Question/Response 4]*

The response of the witness in **Question/Response 4** is exactly what was needed by the counsel for the first respondent as 1st counsel was just seeking for confirmation or declination. 1st counsel put it to the petitioner“s witness to confirm or decline whether the declaration made by the Chairperson of the Electoral Commission of Ghana on the 9th of December 2020 was correct or not. The witness in response, did not mention too much or too little in answering the question, thereby indicating an observance of the maxim of quantity as posited by Grice (1975).

Excerpt 2:

1st Counsel: *What was the source from which you obtained information to draw up your „Exhibit E“ for his honourable court?*

Witness: My Lord, „Exhibit E” was based on the 1st Respondent”s own data. [

Question/Response 5]

In the ***Question-Response 5*** (adjacency pair) above, the provided response to the question “*What was the source from which you obtained information to draw up your „Exhibit E” for this honourable court?*” was enough to satisfy the given question by the witness, thereby observing the maxim of quantity as proposed by Grice (1975). In a quick response, the witness answered the question by saying “*My Lord, „Exhibit E” was based on the 1st Respondent”s own data.*” which was informative enough to point out the source by which petitioner’s data was drawn for the said exhibit.

The witness’ answer perhaps was that the petitioner relied on the data provided by the first respondent, thus the Electoral Commission of which the counsel was representing in court. In other words, counsel for the first respondent was only interested of the source of their data with nothing more or less. The response of the witness also falls under the minimal response (WH-Q) category as posited by Luchjenbroers (1993) and therefore delineates his typology of answers given by witnesses as discourse participants in trial cases.

Excerpt 3:

1st Counsel: What we have here is 6776066 for the 2nd Respondent. Is that correct?

Witness: 6,776,066 yes, it is in this statement. [Question/Response 7]

In ***Question-Response 7*** (adjacency pair) above, the witness answered just enough to the question affirmatively to confirm the figures in the declaration statement and therefore observed the maxim of quantity once again as proclaimed by Grice (1975). In the run-up to the question, counsel for the first respondent was interested in finding

out the actual figure which was assigned to the second respondent in the declaration statement and just needed a confirmation response from the witness. However, the witness in his response provided just what was required; thereby quoting the figure to be sure and confirming it in an affirmative “Yes” response.

The ultimate aim of the lawyer at this point was to be able to pin the witness to the wall according to Conley and O’Barr (1990). Danet (1980) also described questions as „weapons“ that served to test or challenge claims made by the accused or witnesses, and „vehicles“ to make accusations and as Luchjenbroers (1997; 1993) puts it, yes-no questions are asked in order to confront, attack and discredit the witness. Moreover, the response of the witness reflected Taiwo’s (2006) verbal response that includes yes/no answers given to questions that might require affirmative or negative answers by witnesses in a court trial.

Excerpt 6:

1st Counsel: It is your document we are looking at please. Look through the forms you have just gone through for the 2nd Respondent. There’s a percentage of 51. 26140., it is down there. Is that correct?

Witness: That’s correct. [Question/Response 9]

In **Question-Response 9 (adjacency pair)** above, the witness produced the required response to the question asked by the counsel of the first respondent. “*There’s a percentage of 51. 26140., it is down there. Is that correct?*” was the exact question posed to the witness. In this conversation, counsel for the first respondent sorted to clarify the percentage of the figure which was assigned to the second respondent in conversation 7 as to whether it corresponds correctly or not. Moreover, the witness affirmatively responded to the question by uttering “*that’s correct*” to confirm the percentage as corresponding correctly to the assigned figure in the previous

conversation. As a result, this is an indication of maxim of quantity observance by the witness during the cross-examination phase of the 2020 Presidential Election Petition as posited by Grice (1975).

Apparently, in the above conversations, the witness is presumed to have cooperated with counsel for the first respondent in this maxim category by giving brief and required information that was needed in order for a meaningful conversation to transpire in the trial.

The maxim of quantity can be complex, because when a person utters the phrase “Most of the people in this room believe in God” when actually all people in the room believe in God, they would still be telling the truth. Moreover, when the speaker says “most”, people believe that the speaker does not mean all people, it means that the speaker is not being informative enough. So, if the speaker knows that all the people in the room believe in God then they should say exactly that without any other additions in order to be as informative as possible without saying too much in response (Birner, 2013).

This category affirms Birner’s (2013) assertion since the quantity of information provided by the witness of the petitioner must ensure that his responses to counsel’s questions are as informative as required for the purposes of the exchange and his contribution should not be more informative than is required. However, with reference to table 4, the Maxim of Quantity observance was the least manifested amongst the petitioner’s witness and counsels during the cross-examination phase of the 2020 Presidential Election Petition.

4.1.2 Observance of the Maxim of Quality

In this current study, the maxim of quality observance was manifested 81 times, which represented 21.15 percent of the total number of maxim observance employed amongst the witness and counsels during the cross-examination phase. The following conversations manifest the witness' attempt to be truthful during the cross-examination phase by counsels of the first and second respondents:

For the sake of comprehensive analysis, detailed explanation would be attached to each of the excerpts to depict the observance of the Gricean Maxim of Quality during the Presidential Election Petition.

Excerpt 7:

1st Counsel: Now, deduct the number assigned to the 2nd Respondent and tell this court the difference.

Witness: 510790 [Question/Response 12]

As seen in **Question/Response 12** above, the counsel for the first respondent was asking the witness to deduct six million, two-hundred and sixty-five thousand, two hundred and seventy-six (6,265,276) which was assigned to the petitioner during declaration by the first respondent from six million, seven hundred and seventy-six thousand, and sixty-six (6,776,066) which is the very figure obtained by second respondent during declaration. However, the witness responded with the right figure of five hundred and ten thousand, seven hundred and ninety (510,790). Moreover, witness' answer was truthful because, when you deduct 6,265,276 from 6,776,066, the answer would be 510, 790. As such, this denotes the observance of the maxim of quality as set out in the criterial by Grice (1975).

Excerpt 8:

1st Counsel: Deduct 4,693 from 510,790. What do you get?

Witness: I got 506,097. [**Question/Response 19**]

More so, like **Question/Response 12**, the counsel for the first respondent in **Question/Response 19** was seeking the witness to deduct four thousand, six hundred and ninety-three (4,693) from five hundred and ten thousand, seven hundred and ninety (510,790), of which the witness responded correctly. According to the witness, the resultant figure would be five hundred and six thousand, and ninety-seven (506,097). However, the witness' answer was truthful because, when 4,693 is deducted from 510,790, the expected response was 506,097 as correctly answered. In view of the above response from the witness, there is a clear indication of maxim of quality observance as stipulated by Grice (1975).

Excerpt 9:

1st Counsel: Now, you have earlier told this court that, you cannot speak to what happened at the strongroom when your two representatives were there.

Witness: That is correct my lord. [**Question/Response 23**]

Consequently, in **Question/Response 23**, counsel for the first respondent was seeking to clarify what the witness had earlier told the court. During the conversation, counsel wanted to find out if the witness would repeat what he had already said in court that he was not going to speak to what transpired in the strong room because he was not personally present during the collation of results, though he admitted to the fact that his two representatives were present. However, his response to the question was

truthful as it reiterated his earlier submission made in the court, thereby denoting the observance of the maxim of quality as outlined in the Gricean Theory.

Excerpt 10:

2nd Counsel: So, witness, you recall that, before the declaration of the 9th of December 2020, your party and your presidential candidate held a series of press conferences on what you considered to be the outcome of the presidential elections. Is that not so?

Witness: That is so my lord. [Question/Response 25]

Counsel for second respondent in **Question/Response 25** was seeking the witness for the petitioner to admit to the series of press conferences his party and presidential candidate held on what they believed to be the outcome of the presidential election before the December 9th declaration by the chairperson of the first respondent. In his response, the witness admitted by saying that “that is so my lord” thereby telling the truth by recalling the events correctly. This, the witness observed the maxim of quality as proposed by Grice (1975).

Based on the discussions above on the observance of the maxim of quality during the 2020 Presidential Election Petition, the study reveals that, following the maxim of quality required the witness to say the truth and something that is evident driven. This finding affirms the assertion of Shashishekar et al. (2015) that, Grice’s (1975) maxim of quality can serve the legislative purpose much the same role, and, accordingly, the required reformulations in terms of furtherance of that purpose and contrarily disproving the opinion of Bennion (2001) that, the applicability of the maxims of quality to legislative discourse, in the form in which Grice has stated them, is

problematic and that the concept of truth is not applicable to legislative enactments (Sinclair, 1984).

The maxim of quality states in its two sub-maxims that we should not say what we believe to be false to our conversation partner and that we should not make utterances that we lack adequate evidence for (Grice, 1975). This maxim can be paraphrased as “say what is true”, but since it is not possible to be certain of all truths, the best a speaker can do is to say only what they believe to be the truth and avoid saying things they believe are false. In the first place, litigants are required by due process to restrict themselves to giving facts (Keane, 1996). Questioning is therefore used to ensure litigants do not wander or give information that is inadmissible as per the requirements of the law (Danet, 1980). Secondly, the dictates of fairness in a trial provide opportunity for the parties not only to present their version of facts, but also to challenge the one advanced by the opposing party (Keane, 1996). This challenge is done through asking questions whose aim is to elicit responses that will discredit the story of the antagonistic party (Danet, 1980). Heffer (2005) claims that one tool for doing this is to build a picture of the witness as a narrator who is unreliable and deficient. Heffer claims that a witness could be discredited by casting doubt on his capacity to tell the truth, owing to the quality of his/ her memory or powers of perception, her incomplete knowledge of the facts, or a general mental incapacity.

This particular maxim relates to the study in the fact that, conversations amongst witness and counsels in the cross-examination phase are expected to be truthful. That is, information that is delivered should not be false and that, interlocutors should not say something which lacks adequate evidence. With reference to the distribution table, the maxim of quality was the second least observed Gricean Maxim by the

witness of the petitioner during the cross-examination phase of the 2020 Presidential Election Petition which contradicts the findings of Laila (2020) who asserts that the maxim of quality was the mostly observed maxim by interlocutors.

4.1.3 Observance of the Maxim of Relation/ Relevance

Statistically, the maxim of relevance was the second most observed maxim during the 2020 Presidential Election Petition. The observance of maxim of relevance manifested 110 times, which represents 28.72 percent of the total number of observed maxims. This is evident in the following conversations during the 2020 Presidential Election Petition:

For a thorough analysis on this maxim observance, examples would be explained individually to explore how the observance of the Gricean Maxim of Relevance manifested during the Presidential Election Petition.

Excerpt 11:



2nd Counsel: You know that your presidential candidate asserted that, he had won the 2020 presidential elections?

Witness: My Lord, what I remember the Petitioner said was that the results declared by the 1st Respondent was not accurate.

[Question/Response 31]

The maxim of relevance or relation delineates what Younger (1975) asserted on cross-examinations in courtroom trial. According to Younger (1975), the law permits questions that suggest the answer and allows the attorney to put his or her own words in the witnesses' mouth. Younger argues that cross-examination therefore specifically permits the counsel to take control of the witness and take him where he (counsel) wants him to go. Younger (1975) further argues that it also involves the counsel

telling his important point to the jury through the witness. As noticed in *Question/Response* 31, counsel for second respondent was asking if witness for petitioner remembers the petitioner asserting in one of his press conferences that, he had won the 2020 Presidential Elections. In his turn, the witness responded by saying that, he only remembers the petitioner asserting that, the results declared by the first respondent was not accurate in a press conference organized by the NDC Party of which witness is their general secretary. Though, the response of the witness does not confirm counsel's claim, it points to the fact that, he could recall what transpired at the said event.

In other words, the response of the witness was related to the question posed by the counsel for the second respondent which ensured that both the counsel and witness remained cooperative in the conversation. However, the witness observed the maxim of relevance as posited by Grice (1975) and complemented his position that the relevance maxim in conversation as a cooperative endeavor where not only what has been explicitly said, but also what has been tacitly assumed and known to both conversation parties' matter.

Excerpt 12:

2nd Counsel: Now, I'm putting to you that, you yourself declared that the Petitioner had won the presidential election.

Witness: Unless I'm remembered. But I remember saying that the NDC has won majority in parliament and that gives President Mahama comfortable situation to be able to run the next government.

Question/Response [32]

In *Question/Response 32*, counsel for the second respondent put it to the witness that, he (witness) declared the petitioner the president elect, prior to the declaration made by the chairperson of first respondent on December 9th. But the petitioner declined counsel's assertion and explained further that, he (witness) only remembers saying that "*the NDC has won majority in parliament and that gives President Mahama a comfortable situation to be able to run the next government,*" at a press conference. Consequently, the response given by the witness was in line with the objective of the conversation and thereby remained cooperative with counsel.

Though to him (witness), he did not declare the petitioner winner of the 2020 Presidential Election he made a relational comment to presuppose that the NDC of which the petitioner was the presidential candidate could potentially have won the presidential elections based on the parliamentary results that had been confirmed at the time of his utterance. Moreover, it is evident in this Question-Response (adjacency pair) that, counsel was looking for a way to discredit the witness. Keane (1996) admits that the law of evidence indicates that there are several legal means of cross-examining in order to discredit the witness. However, witness's related response in the conversation is a manifestation of maxim of relevance observance in accordance with Grice's (1975) proposition.

Excerpt 13:

2nd Counsel: I believe you admit that the video recording that we have watched showed you say that the Petitioner had won the elections.

Witness: My Lord, I have watched the video and I have watched it here. I stand by every word, every punctuation, every sentence that relates to me Johnson Asiedu Nketia, and there is nowhere unless we are

watching different clips, there's nowhere I indicated definitely that, the 2nd Respondent has won the elections.

What I said is what I put in my answer last Friday, that we have won majority of seats in parliament which is about which figure I put up which is 141 seats and that we are cruising for victory and that is exactly what have shown in all the various speeches which have been clipped together. [Question/Response 40]

According to Keane (1996), lawyers could go to any length to discredit a testimony during cross-examination by looking for loop-holes and inconsistencies. This assertion by Keane (1996) is clearly the case of what counsel actually tried to achieve with the witness in the **Question/Response 40** above. According to Gibbons (2003) the questioning techniques used in the courtroom are geared towards winning rather than helping the court to discover facts. In **Question/Response 40**, the counsel, through a video evidence sought the witness to admit to an utterance he made by declaring the petitioner as the winner of the 2020 Presidential Elections. As posited by Gibbons (2003) witnesses are in a manner of speaking, the stars of the trial who should not only have their day in court but, even more importantly, have their say. This involves witnesses giving a narrative account of their participation in the matters before the court (Gibbons, 2003).

In the Question-Response (adjacency pair) above, Gibbons' (2003) assertion was at play through the narration of the witness' side of the story to the court. The witness in his response claimed that, upon watching the video, he still stood by every word, every punctuation, every sentence that related to him (First Witness), and that there was nowhere unless they were watching different clips, where he (witness) indicated

that, the 2nd Respondent had won the elections. Although counsel's claims were refuted by the witness, both counsel and witness continued to be cooperative in the conversation as witness's response was relevant to the conversation in determining the outcome of the trial, thereby meeting the criteria set out by Grice (1975) in the observance of the maxim of relevance.

In a nutshell, the above Questions-Responses discussed under this category of the Gricean Maxim contains responses that were related to the questions posed by the counsel. That way, the interlocutors (counsel and witness) were cooperative in the observance of the maxim of relevance. These findings therefore affirm Grice (1975) postulations of cooperative principles. These findings affirm Stevanus' (2017) study that interlocutors in courtroom interaction remain relevant in giving out information that are consistent to aid a favourable determination of verdict.

The maxim of relation has only one sub-maxim, which states that we should always try to be relevant when participating in a conversation (Grice, 1975). The word relation in this maxim refers to the relation between an utterance and the whole context. For example, if a speaker talks about coffee and then suddenly says that Pluto is a planet, then he/she is failing to observe the maxim of relation by not sticking to what is relevant in the conversation. However, if two people are having a discussion and one person interrupts the other by saying they have something on their face, then they have not failed to observe the maxim of relation; they have only uttered a statement that is relevant to the situational context. The maxim of relation is fulfilled when an utterance can be interpreted by the hearer as contributing towards the goal of the conversation in question (Grice, 1975).

4.1.4 Observance of the Maxim of Manner

According to the data, the observance of maxim of manner manifested most during the 2020 Presidential Election Petition. The observance of the maxim of manner manifested **131 times**, which represents **34.20 percent** of the total number of maxims. The following conversations indicate the witness's attempt to use clear and unambiguous language during the cross-examination phase by counsels of the first and second respondents:

Excerpt 14:

2nd Counsel: I'm putting it to you that, these statements were made before declaration.

Witness: My Lord, my viewing of the video indicated that some of the statements made were after the declaration. [Question/Response 54]

According to Gail (2012), the maxim of manner is the most frequent and easiest used of the four conversational maxims to apply to legislation due to its significance in the resolution of conflicts, which is evident in **Question/Response 54** between counsel of second respondent and the first witness of the petitioner during the cross-examination of the 2020 Presidential Election Petition. In the aforementioned conversation, the witness provided a clear and unambiguous answer to counsel's question that those statements made in a video which was shown to him (witness) as evidence were made after the official declaration of the 2020 Presidential Election Petition by the chairperson of the first respondent. According to the witness, his viewing of the video indicated to him that some of the said statements preceded the official declaration instead. It is clear from the witness's response that his choice of words contained in

the response were unambiguous and very clear to the counsel and all the officials present in the court. This further confirm the claims of Sinclair (1984) that the maxim of manner is more of an ideal than the preceding three maxims. According to Sinclair (1984), the maxim of manner is fundamentally different from the other maxims because it is concerned with how a conversational contribution is made rather than with what is said. As such, the witness of the petitioner met the criteria set out by Grice (1975) and thereby observed the maxim of manner to remain cooperative with counsel in the conversation.

Excerpt 15:

2nd Counsel: I am saying that this important allegation, you have not mentioned it in your witness statements. Is that correct?

Witness: Yes, I have not mentioned it in my witness statement, my lord.

[Question/Response 70]

In **Question/Response 70**, counsel for the second respondent expressed his shock as to why the witness for the petitioner did not mention a very important allegation in his witness statement. Counsel's question was a follow-up question to an allegation made in a previous conversation by the witness that the petitioner collated some pink sheets which indicated that there was vote padding in favour of the second respondent. Moreover, the witness admitted in his response that it was true he did not mention such an important allegation in his witness statement; the official witness document of which the determination of the verdict of the petition would be constituted in a clear and unambiguous language. The witness was also orderly in his presentation with his expressions free from obscurity as noticed in his response to counsel's question. This confirms Sinclair's (1984) assertion that legislative speech, judicial utterances and

statutory provisions should avoid obscurity and ambiguity, be orderly and not unnecessarily prolix. Thus far, the counsel and witness remained cooperative in the conversation and ensured that they observed the maxim of manner as proposed in the criteria set by Grice (1975) in the composition of the Gricean theory.

The maxim of manner tells speakers to be clear and to avoid obscurity when speaking. This maxim has four sub-maxims that tell the speakers that they should avoid obscure expressions when speaking, and also to avoid ambiguity in conversation. Furthermore, the maxim of manner states that speakers should be brief, and lastly to be orderly when discussing with other people and that they should try to avoid unnecessary prolonging of utterances (Grice, 1975). In order to avoid obscurity in expressions, speakers should formulate themselves by using clear expressions and avoiding hard-to-understand verbiage, so as not to be misinterpreted. In order to avoid ambiguity a speaker has to avoid making unclear utterances. In order to be brief and orderly speakers should avoid prolonging their utterances and make sure they are structured in their way of speaking (Birner, 2013).

In conclusion, , all the Gricean Maxims were observed amongst petitioner's witness and counsels during the 2020 Presidential Election Petition which is in line with the findings of Laila (2020).

In a broader perspective, the study revealed that in the witness's attempt to cooperate in the respective conversations during the cross-examination phase of the 2020 Presidential Election Petition provided answers and responses that directly triggered the observance of the four maxims under study. Therefore, it can be said that, all things being equal, conversations are cooperative attempts based on a common ground and pursuing a shared purpose (Ayunon, 2018). The findings also affirmed

Grice's (1975) position that Cooperative Principle advances the assumption that participants in a conversation normally attempt to be informative, truthful, relevant, and clear. The study further affirmed that, in the realm of pragmatics, it is suggested that for a conversation to take place successfully, the speakers involved should be cooperative with the criterion of success in a conversation measured significantly in case of settling oral disputes (Azar et al., 2014).

4.2 Research Question 2: How Were Gricean Maxims not observed between petitioner's witness and respondents' counsels during the cross-examination phase of the 2020 Presidential Election Petition in Ghana?

The second research question sought to examine how the Gricean Maxims were not observed between petitioner's witness and counsels during the cross-examination phase of the 2020 Presidential Election Petition.

In this study, the Question-Response (adjacency pair) between counsel and witness during cross-examination of the 2020 Presidential Election Petition were analyzed to see whether non-observance of maxim cases was recorded during the 2020 Presidential Election Petition. Below are the results as shown in table 5.

Table 5: Frequency Distribution of non-observance of Gricean Maxims between petitioner’s witness and respondents’ counsels during the cross-examination phase of the 2020 Presidential Election in Ghana

Maxims	Violations	%	Flouting	%	Opting out	%	Infringing	%	Suspending
Quantity	27	32.93	49	53.85	0	0	0	0	0
Quality	35	42.68	24	26.37	0	0	0	0	0
Relation	17	20.73	12	13.19	0	0	0	0	0
Manner	03	3.66	06	6.59	0	0	0	0	0
Total	82	100	91	100	0	0	0	0	0

From the table 5, the study reveals that the witness of the petitioner violated and flouted all the cooperative maxims; quantity, quality, relation and manner but did not record any case for opting out, infringing and suspending. This finding confirms the claims of Archer (2005), Coulthard and Johnson (2010) and Pei (2015) who state that, regarding courtroom context, flouting and violation of maxim seem to be the most frequent nonobservance of maxim. The findings of the study reveal that, there were **173** non-observances of maxims of which the total number for violation of maxim were **82** with quality maxim being the most violated maxim. There were also **91** maxim flouting cases. Below is the detailed analysis of maxim violation and flouting cases recorded during the 2020 Presidential Election Petition.

4.2.1 Analysis of Violations of Maxims

Violation, according to Grice (1975), occurs when speakers intentionally forget to apply certain maxims in their conversations to cause misunderstanding on the participants or to achieve some other purposes. Adherence to the cooperative principle and its correlative maxims is a reasonably rational behaviour since it benefits the

participants and reflects their communicative competence (Grice, 1975). According to Grice (1975), people intend to tell untruth and break the cooperative principles while communicating and doing multiple violations due to several reasons, for instance, by hiding the truth, saving face, feeling jealous, satisfying, convincing and making happy the hearer and avoiding hurting the hearer. Despite Grice's claims of ideal exchange, once the rules (maxims) he prescribes for interlocutors are followed and abided by, he suggests that there are cases when these rules may be violated. Violation happens in order to deceive a hearer with letting the hearer only know the surface meaning of an utterance (Cutting, 2002). Grice is very much aware that participants may not necessarily act in keeping his maxims, but at the same time, argues that any exchange will operate even if these maxims are being violated, emphasizing that the maxims enrich coherence and relevance rather than refuting them (Levinson, 1983). Clearly enough, violating any maxim does not indicate a breakdown of interaction (Levinson, 1983). To put it differently, interlocutors try to understand contributions to violated maxims as informative, truthful, relevant, and clear. Once these contributions are broken, interlocutors try to interpret, induce, or search for inferences or conversational implicatures (Leech, 1985). Violating towards maxims can mislead a hearer Grice (1975). According to Grice (1975), Violating can also happen in four subprinciples of maxim. There are violating towards maxim of quantity, quality, relation, and manner (Grice, 1975).

According to Cutting (2002), violating the maxim of quantity happens when a speaker does not give enough information to a hearer about the whole picture, or the topic being discussed. Then, violating the maxim of quality is a situation where a speaker is not sincere and gives wrong information to a hearer, which can be said as lie. Cutting (2002) furthermore states that violating the maxim of relation happens

when a speaker changes the topic to avoid the answer or topic that brought in conversation by other interlocutors. Cutting (2002) adds that violating the maxim of relation happens when speakers try to distract and change the topic to another one. The last is violating the maxim of manner. Cutting (2002) opines that violating the maxim of manner happens when someone gives obscure reference, and vague reference, in order to avoid a brief and orderly answer in a conversation. When maxims are violated, the speaker fails to observe them, in other words does not follow one or more of the maxims in the cooperative principle (Birner, 2013).

Moreover, violations of maxims are often a way to mislead or deceive the other participant in a discussion. When a person tells a person a lie in a discussion, they are violating the maxim of quality that tells us that we should never say what we believe to be false. Violating a maxim could be if the speaker is intentionally lying to the hearer. The following is an example where person A is cheating on person B. Person A- "Is there another man?" Person B- "No there is no other man". The speaker would then be violating the maxim of quality by trying to deceive the hearer that person A is in fact not cheating on person B (Thomas, 2014). Hence, the conversations between counsel and witness during cross-examination of the 2020 Presidential Election Petition were analysed to see whether the witness violated any of the Gricean Maxims: Quality, Quantity, Relevance and Manner. Hence, all responses by the witness were explored noting the criteria set out by Grice (1975).

4.2.2 Violation of the Maxim of Quantity

In this current study, indications for violating maxim of quantity manifested 27 times which represents 32.93 percent of the total maxims violated. These violations occurred as a result of giving more information than required as proposed by Grice

(1975). According to Cutting (2002), violation towards maxim of quantity happens when a speaker does not give enough information or give more than required information to a hearer about the whole picture, or the topic being discussed. The study reveals instances of violations of the maxim of quantity by witness of the petitioner. The findings of the study with regards to research question two, the maxim of quantity was the second most violated maxim by the witness of the petitioner during the cross-examination phase of the 2020 Presidential Election Petition which contradicts Chirbet's (2018) assertion that, the maxim of quantity is the most commonly violated maxim in conversations. In the *Question/Response* below, the violation of the quantity maxim is due to over-informativeness on the part of the witness; that is, the contributions made were more than required in order to achieve a perceived purpose.

Excerpt 16:

2nd Counsel: Now, I'm putting to you that, you yourself declared that the Petitioner had won the presidential election.

Witness: Unless I'm remembered. But I remember saying that the NDC has won majority in parliament and that gives President Mahama comfortable situation to be able to run the next government.

[Question/Response 32]

In the *Question/Response* above, the counsel expected a yes/no response from the witness as a confirmation or declination to the question. According to Quirk et al. (1972), yes/no questions may also be answered by replies that lie somewhere along the affirmation-negation scale, making them neutral such as probably, perhaps, it appears so, to some extent, occasionally and very often. The response of the witness was over elaborative but ended up not answering the question. For example, in a more

appropriate way, the witness could have responded; „yes I did“ in affirmative or „no I decline that“ in negation as proposed by Luchjenbroers (1993). It is clearly noticed that the witness violated the maxim of quantity for providing lengthy response which was more than necessary than required as indicated by Grice's (1975) in order for counsel to only know the surface meaning of his utterance.

4.2.3 Violation of the Maxim of Quality

In this category of analysis, the study revealed clear violations of the maxim of quality during the 2020 Presidential Election Petition. According to the findings of the study with regards to research question two, the maxim of quality was the highest violated maxim during the 2020 Presidential Election Petition which contradicts Hamid and Behija (2009) findings. According to Hamid and Behija (2009), the maxim of quality is the second most violated maxim in conversations. And once the maxim of quality is violated all other maxims follow suit. As Grice (p. 45) puts it "When the quality maxim is violated, complete adherence to the other maxims is difficult". In this study, the witness violated the maxim of quality 35 times which represented 42.68 percent of the total instances of maxims violated. These violations occurred as a result of the witness saying something that is believed to be false (Grice, 1975). According to Cutting (2002), violation towards maxim of quality is a situation where a speaker is not sincere and gives wrong information to a hearer, which can be said as lie. In the *Question-Response 26* (adjacency pair) below, the violation of the maxim of quality is due to insincerity and giving wrong information on the part of the witness; that is, saying something that is believed to be false.

Excerpt 17

2nd Counsel: *Mr. Asiedu Nketia, you recall that, before the declaration of the 9th of December 2020, your party and your presidential candidate*

held series of press conferences. And in those press conferences you announced to the whole world that, the Petitioner had won the election by the votes you had collated the president elect. Is that correct?

Witness: *My Lord, that is not in my witness statement. [Question/Response 26]*

In ***Question/Response 26***, the response given to counsel for the second respondent by the witness is also an indication of violation of the maxim of quality based on the criteria set out by Grice (1975). In the conversation, counsel for the second respondent sought to draw the attention of the witness on the series of press conferences his (witness) party organized before the official declaration of the 2020 Presidential Election by the chairperson of the first respondent to announce the petitioner as the winner of the elections. Moreover, the witness declined that through his response that, “*My Lord, that is not in my witness statement*” which implies that, although the assertion by the counsel was true that, indeed they (witness and petitioner) organized such press conferences to announce the petitioner winner of the 2020 Presidential Election before the official declaration, he (witness) deliberately made that statement to cover up the act to avoid unfavorable decision by the court and thereby violated the maxim of quality as suggested by Grice (1975). The result of the study concerning the violation of the maxim of quality is evident through Sinclair’s (1984) opinion that Grice’s maxims of quality need to be reformulated if they are to be applicable to legislative speech. According to Sinclair (1984), the main difficulty with them in Grice’s formulation is that they are in terms of truth literally and not backed by hardcore evidence. As has been explained above, the concept of truth is not

directly applicable to legislative enactments since it is not backed by hardcore evidence but through implicature (Sinclair, 1984).

4.2.4 Violation of the Maxim of Relation/ Relevance

In this study, violating the maxim of relation manifested 17 times which represents 20.73 percent of the total maxim violations. Cutting (2002) argues that violating in maxim of relation happens when speakers try to distract and change the topic to another one. In this category, the study revealed clear violations of the maxim of relevance during the 2020 Presidential Election Petition. According to the findings of the study with regards to research question two, the maxim of relevance was the third most violated maxim. In the conversation below, the violation of the relation maxim is due to a change of topic or unrelated response to a question on the part of the witness. This is evident in the *Question/Response* below during the cross-examination phase of the 2020 Presidential Election Petition:

Excerpt 18

1st Counsel: I am suggesting to you that, you have no evidence to support your allegation, that "swwhy you have brought these results. I'm putting that to you.

Witness: My Lord, we are not in court to try and declare another presidential result, we are in court to challenge the performance of a constitutional duty of the 1st Respondent and to see whether that duty has been discharged faithfully. **[Question/Response 21]**

The above *Question/Response* is a reflective of the unmatched answer of the witness to questions as indicated by Grice (1975). It is observed that the response to the question seem to be unmatched with the question given by counsel. It is not clear though if the response is intentionally designed by the witness to be irrelevant to the

question asked, looking deeper into the *Question/Response*, the utterance of the witness is irrelevant because the counsel was suggesting to him (witness) that, he (witness) had no evidence to support his allegation, that's why he had brought erroneous results to court to support his claims. However, the witness's response that *"My Lord, we are not in court to try and declare another presidential result, we are in court to challenge the performance of a constitutional duty of the 1st Respondent and to see whether that duty has been discharged faithfully."* was a deliberate attempt by the witness to only give the surface meaning of his utterance to achieve his goal. The point here is that the subject matter of the question was *„erroneous results as evidence“* on the part of the witness whilst the subject matter concerning witness's response was *„challenging the performance of a constitutional duty“* which makes it an unmatched response to the counsel's question.

4.2.5 Violation of the Maxim of Manner

In this study, violating the maxim of manner manifested 3 times which represents 3.66 percent of the total violated maxims. Cutting (2002) posits that violating the maxim of manner happens when someone gives obscure reference, and vague reference, in order to avoid a brief and orderly answer in a conversation. In this category, the study reveals clear violations of the maxim of manner. According to the findings of the study with regards to research question two, the maxim of manner was the least violated maxim during the 2020 Presidential Election Petition. This finding confirms the findings of Chirbet (2018) but contradicts the findings of Laila (2020) who asserts that the maxim of manner is the most violated maxim by interlocutors. In the conversation below, the violation of the manner maxim is manifested due to obscure reference and ambiguous language in response to questions on the part of the witness. This is evident in the Question-Response (adjacency pair) below.

Excerpt 19

1st Counsel: Good. I am suggesting to you that even if this is your number as alleged, if deducted from the total valid votes of the 2nd Respondent, he's still has won by 51.25 percent. I'm putting that to you.

Witness: My Lord, I deny that because, you are subtracting apples from mangoes. This is a sample, and you want to subtract the sample from the total population. I don't see the need. **[Question/Response 20]**

Just to set the context in the above Question-Response (adjacency pair), the counsel for the first respondent suggested to the witness that even if the said erroneous figure of 4,693 is deducted from 510,790 which was supposed to be the actual figure, the second respondent was still going to win the election by 51.25 percent. However, instead of responding with figures, the witness made reference to fruits (apples and mangoes). He (witness) further talks about subtracting sample from the total population which lacks reference from the question posed to him (witness) by counsel and thereby make his response vague and unclear to the counsel of the first respondent. This is a clear violation of the maxim of manner because the speaker spoke in an unclear and obscure manner. It could be deduced that the witness responded the way he did to achieve a specific objective.

Moreover, it is the witness's intention to mislead the counsel when he (witness) violates the maxims. Thus, it can be concluded that the reasons why people violate the maxims is to mislead their audiences so that they gain advantages from the use of it. For instance, the defendants of a court may use violation of maxim to fabricate their story so that people will believe them, and they will get a lesser sentence (Coulthard

& Johnson, 2010). In line with this, Archer (2005) argues that a defendant uses violation of maxim to manipulate the termination of his/her examination in court.

4.2.6 Analysis of the flouting of Maxims

Another way not to observe the maxims is flouting a maxim (Damayanti, 2011). According to Thomas (2014), flouting happens if “speaker blatantly fails to observe a maxim at the level of what is said, with deliberate intention on generating implicature” (p.65). In flouting, speakers do not give right information as required by maxims, but still, the hearer can reach the meaning because of the implicature. Flouting can happen in four sub-principles of maxim. There are flouting the maxim of quantity, flouting the maxim of quality, flouting the maxim of relation, and flouting the maxim of manner.

Flouting the maxim of quantity happens when a speaker gives too little or too much information. Thomas (2014) explains, “flouting of the maxim of quantity is a situation when a speaker blatantly gives more or less information than the situation requires” (p.69). Flouting the maxim of quality happens when an utterance cannot be interpreted in literal. According to Cutting (2002), flouting the maxim of quality is not literally true, but is likely to mislead hearers because of the context of use in the utterance. Flouting the maxim of relation happens when a speaker changes the topic of conversation, but still expects a hearer to realize and know about the alteration.

According to Cutting (2002), flouting the maxim of relation as an exchanging topic by using irrelevant comment, but it expected that a hearer knows the meaning by making connection between current topic and the preceding one. Flouting the maxim of manner happens when a speaker says something unclearly. Cutting (2002) states

that flouting the maxim of manner happens when a speaker does not talk clearly, appearing to obscure and tend to ambiguity.

However, there are circumstances where people are not expected to observe the Gricean maxims. For example, in a court of law, there are witnesses that are not always expected to volunteer all the information that they have. This would be an example where the speaker is not expected to observe the maxim of quantity (Huang, 2007). Against the background, the conversations between counsels and petitioner's witness during cross-examination of the 2020 Presidential Election Petition were analysed to see whether there were manifestations of flouting in any of the Gricean Maxims: Quality, Quantity, Relevance and Manner. Hence, all responses by the witness were explored noting the criteria set out by Grice (1975).

According to Cutting (2002), flouting happens when a speaker fails in observing the maxims but expecting a hearer to recognize the implied meaning. Reference from table 3 indicates that, the total number for maxim flouting were 91 with quantity maxim being the most manifested flouted maxim amongst witness of petitioner and counsels. Below is the breakdown analysis of maxim flouting cases recorded by the witness of the petitioner during cross examination of the 2020 Presidential Election Petition.

4.2.6 Flouting the Maxim of Quantity

With reference to table 5, the maxim of quantity appears to be the most flouted maxim. Flouting maxim of quantity manifested 49 times, which represents 53.85 percent of the total number of maxims flouted during the cross-examination phase of the 2020 Presidential Election Petition. Flouting the maxim of quantity happens when a speaker gives too little or too much information. Thomas (2014) explains that

“flouting of the maxim of quantity is a situation when a speaker blatantly gives more or less information than the situation requires” (p.69). Flouting the maxim of quantity is manifested in the conversation below as proposed by Grice (1975):

Excerpt 20:

***1st Counsel:** I suggest to you that you are wrong because the current situation is the reality the court deals with not conjecture. I'm suggesting that to you.*

Witness:** My Lord, the current situation cannot be the reality because nobody knows the results of the presidential election in 2020 in exactable how many votes each of the candidates got, what percentage each of the candidates got and the 1st Respondent in her own words, my lord beg to quote in my own statement: “Currently, the election results we have declared exclude that of Techiman South Constituency with a voter population of a hundred and twenty-eight thousand and eighteen (128,018), the said election results are not ready because they are being contested. Even if we were to add the full results of hundred and twenty-eight thousand and eighteen to the second candidate, it will not change the outcome of the election, hence our declaration of the 2020 presidential results without that of Techiman South” My Lord, the 1st Respondent was justifying why she had to declare results based on uncompleted tally and we were questioning that statement that statement could not have been correct as of the time it was being made. **[Question/Response 3]

In the above **Question/Response**, the counsel suggested to the witness about the court dealing with the current situation which to him is the reality the court was going to

deal with in the court proceedings. However, the response of the witness was too lengthy saying a lot of reasons but does not mention anything as to what actually constituted the reality in the context of the question. The witness obviously was doing a circumlocution and does not directly answer the question posed to him by the counsel. The response of the petitioner is reflexive to the criteria set by Grice (1975) for the flouting of the quantity maxim. Thus, affirming Thomas' (2014) assertion that "flouting of the maxim of quantity is a situation when a speaker blatantly gives more or less information than the situation requires" (p.69). These findings also affirm Aminah et al.'s (2019) study which conclude that people in administrative courts mostly use maxim flouting of quantity to get the best deal on their case.

4.2.7 Flouting the Maxim of Quality

From table 5, the maxim of quality is revealed to be the second most flouted maxim. The maxim of quantity was flouted **24 times**, which represents **26.37 percent** of the total number of maxims flouted during the cross-examination phase of the 2020 Presidential Election Petition. Flouting the maxim of quality happens when an utterance cannot be interpreted in literal. According to Cutting (2002), flouting the maxim of quality is not literally true, but is likely to mislead hearers because of the context of use in the utterance. Flouting the maxim of quality happens when an utterance cannot be interpreted in literal. Flouting the maxim of quality is manifested in the *Question-Response* (adjacency pair) below as indicated by Grice (1975).

Excerpt 21:

1st Counsel: Good. I am suggesting to you that, even if this is your number as alleged, if deducted from the total valid votes of the 2nd Respondent, he's still has won by 51. 25 percent. I'm putting that to you.

Witness: My Lord, I deny that because, you are subtracting apples from mangoes. This is a sample, and you want to subtract the sample from the total population. I don't see the need. [Question/Response 20]

From the *Question/Response* above, there is a clear case of flouting of the quality maxim. This could be seen from *Question/Response* 20, counsel for the first respondent suggested to the witness that, if the figure of 4,693 votes were to be deducted from second respondent's total number of votes, he (second respondent) would still have won the presidential elections by 51.25 percent of which counsel's assertion was mathematically correct. To counsel, if the said figure the petitioner claimed to have been given to the second respondent wrongfully were to be deducted from second respondent's votes, it would still have placed him (second respondent) as the victor of the 2020 Presidential Election. However, the witness declined that assertion despite being proven mathematically in court. This is because, if the figure in question were deducted, it would still not change the results with second respondent claiming 51.25 percent as proclaimed by counsel. Hence, there is case of flouting of the quality maxim which is due to insincerity on the part of the witness as asserted by Grice (1975). These findings affirm the study of Prasetyo et al.'s (2018) study which outline that participant in courtroom conversation intentionally flout the maxim of quality to build a public image that he/she is innocent.

4.2.8 Flouting the Maxim of Relevance/ Relation

As seen from table 3, the maxim of relation appears to be the third most flouted maxim. The flouting of maxim of relation manifested 12 times, which represents 13.19 percent of the total number of flouting maxims during the 2020 Presidential Election Petition. According to Cutting (2002), flouting the maxim of relation is the

exchange of topic by using irrelevant comment, but it is expected that a hearer knows the meaning by making connection between current topic and the preceding one. Flouting the maxim of relation is evident in the conversation below as suggested by Grice (1975).

Excerpt 22:

2nd Counsel: *And one of the clear objectives of these demonstrations was that the **petitioner** had won the elections and the EC should not subvert the will of the people.*

Witness: *my lord, the objective, that relates to the presidential elections was that the **results** as declared were fraud and the commission itself had accepted that, the results were fraud that is why they kept changing the figures. [Question/Response 59]*

In the **Question/Response** above, it is observed that counsel for the second respondent referred witness to a number of demonstrations the witness and his party conducted before the declaration of the 2020 Presidential Election. Counsel's case was that the witness and his party demonstrated against the first respondent because, they (witness and his party) believed that the petitioner had won the elections and as such the chairperson for the first respondent should not subvert the will of the people. Moreover, the witness swiftly changed the topic to drive home his point thereby flouting the maxim of relation as proposed by Grice (1975). According to the witness, the objective of the demonstration was that "*the presidential elections result as declared were fraud and the commission itself had accepted that, the results were fraud that is why they kept changing the figures*". The response of the witness is an indication of change in the subject matter from the question posed to him by counsel. Whilst counsel was asking about the petitioner having won the presidential election,

witness answered by accusing the first respondent of fraudulent results which was not the expected answer to the question. This corroborates with Cutting's (2002) assertion that, flouting the maxim of relation is the exchange of topic by using irrelevant comment, but expecting that a hearer knows the meaning by making connection between current topic and the preceding one. The findings of this study contradict Aminah et al.'s (2019) study which concludes that flouting of the maxim of relevance was the most in court as in this study, flouting of the maxim of relevance placed third in terms of frequency which contrary affirms the findings of Noertjahjo et al.'s (2017) in terms of positional placement (third) on the frequency table.

4.2.9 Flouting the Maxim of Manner

As indicated in table 5, the maxim of manner appears to be the least flouted maxim. The maxim of manner was flouted 6 times, which represents 6.59 percent of the total number of maxims flouted during the 2020 Presidential Election Petition. Flouting the maxim of manner happens when a speaker says something unclearly. Cutting (2002) states that flouting the maxim of manner happens when a speaker does not talk clearly, appearing to obscure and tend to ambiguity. Flouting the maxim of manner was evident in the Question-Response (adjacency pair) below as suggested by Grice (1975):

Excerpt 23:

*2nd Counsel: Mr. Asiedu Nketia, you served on Petitioner our witness statement. Are **you** aware?*

Witness: My Lord, I'm not the petitioner. [Question/Response 35]

In the Question-Response (adjacency pair) above, it is evident that there was a clear case of flouting towards the maxim of manner based on witness's response. The counsel for the second respondent asked the witness his (witness) awareness of serving their (second respondent) witness statement on behalf of the petitioner. However, the witness answered in an obscure and ambiguous manner by saying "My Lord, I'm not the petitioner" meanwhile he could have answered yes/no depending on his awareness to the question. Witness's response to the question was not clear because he was not asked whether he was the petitioner or not but intentionally answered the way he did to achieve a particular purpose (Cutting, 2002).

The findings presented above confirm Damayanti's (2011) assertion that another way not to observe the maxims is flouting a maxim. According to Grice (1975), if a speaker flouts a maxim, it means that he blatantly fails to fulfill a maxim. Given the concept, it means that flouting a maxim happens because of the intention of the speaker himself to do so. Additionally, it means that the speaker is also capable of adhering to the maxim, but he chooses not to do so (Grice, 1975). Because the listener in a conversation believes the speaker is capable of fulfilling the maxim, the situation will prompt the listener to engage in a process of deductive reasoning in order to determine the meaning of the utterance (Stevanus, 2017). The listener will keep the maxims in mind while looking for the additional significance (Stevanus, 2017). Flouting a maxim can trigger an implicature which would be explained further in the answering of the final research question.

Moreover, the Cooperative Principle propounded by Paul Grice has been adjudged as one of the most influential theories in pragmatics for its contribution to describe the mechanism of a conversation and or how the speakers and their interlocutors can get

the expressed meaning and the implied meaning (Thomas, 2014). The cooperative principle describes that the speakers and their interlocutors have an assumption that everyone involved in a process of communication understands and follows the principle of communication (Griffiths, 2006). Furthermore, the cooperative principle states “make your conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose or direction at the talk exchange in which you are engaged” (Grice, 1975). Grice (as cited in Holmes, 2013) further elaborates the Cooperative Principle into the conversational maxims, they are maxim of quantity, quality, relation and manner. In a conversation, sometimes, a speaker or an interlocutor does not always adhere to the maxims. The reasons why they do not adhere to the maxims are various; it can be intentional or unintentional (Grice, 1975). This is in consonance with Palupi (2006) who asserts that, in some cases, the various reasons why people are not able to meet the obligation to observe the maxims are because they probably do not have the capability to speak clearly or because they decide to lie. The state in which people are unsuccessful in adhering to the maxims is called non-observance of maxims (Thomas, 2014). The non-observance of maxims is divided into five forms, which include opting out, infringing, suspending, flouting, and violation of maxims (Noertjahjo et al., 2017).

4.3 Research Question 3: What are the implicatures and the motivations for the non-observance of the Gricean Maxims as employed between petitioner’s witness and respondents’ counsels during the cross-examination phase of the 2020 Presidential Election Petition in Ghana?

The third research question sought to explore the implicatures associated with the non-observance the of the Gricean Maxims between petitioner’s witness and respondents” counsels, as well as the rationale. Below is the frequency distribution

table for the conversational implicatures that manifested between petitioner's witness and respondents' counsels during cross-examination phase of the 2020 Presidential Election Petition in Ghana.

Table 6: Frequency Distribution of Conversational Implicatures Between Petitioner's Witness and Respondents' Counsels.

Implicature	Frequency	Percentage (%)
Conventional	84	65.12
Particularize Conversational	26	20.16
Scalar	19	14.73
Total	129	100

4.3.1 Implicature

From the table 5 above, the conventional implicature being the most dominant implicature manifestation amongst witness and counsels during the 2020 Presidential Election Petition was recorded 84 times which represented 65.12 percent, followed by particularize conversational implicature which was recorded 26 times representing 20.16 percent. The scalar implicature was the least implicature manifestation according to table 5. The scalar implicature was recorded 19 times which represents 14.73 percent.

The term implicature is the definition of what is implied by the speaker when they make an utterance (Grice, 1975). It denotes the implied meaning from the speaker to the hearer without any certainty that the hearer understands the implicature. In some cases, the conventional meaning of words determines the implicature made by a speaker. Yule (1996) states, "it is speakers who communicate meaning via implicatures and it is listeners who recognize those communicated meanings via inference. The selected inferences are those which will preserve the assumption of the

cooperation” (p. 40). There are three different types of conversational implicature: Conventional, Particularized Conversational Implicatures and Scalar Implicature (Paltridge, 2012).

4.3.2 Conventional Implicature

In conventional implicature no specific context is needed in order for the hearer to understand the implicature of the speaker (Paltridge, 2012). Moreover, in conventional implicature the speaker can also use words like “but”, “well” and “yet” in order to implicate that they will make an utterance that the hearer will not expect or hope to hear (Paltridge, 2012). This was manifested in the findings, as illustrated the petitioner’s witness and counsels during the 2020 Presidential Election Petition in Ghana as manifested in the *Question/Response* below.

Excerpt 24:

2nd counsel: You see you have made a mistake?

witness: Yes. Everybody is capable of making a mistake, but there are established ways of correcting every mistake in every situation in life. [*Question/Response 117*]

It is evidential from the *Question/Response* above for the manifestation of conventional implicature amongst petitioner’s witness and counsels. This is owed to the fact that, the counsel for the 2nd respondent queried the witness for making a mistake which he stated in clear language without the witness needing any contextual inference for understanding. However, in an attempt to respond to the question, he (witness) admitted to making a mistake in the data but gave a contrasting explanation by using the conjunction ‘**but**’ to indicate that there was still the possibility to make amends and confirms the assertion by Paltridge (2012). The findings affirm Hameed’s (2020) study that implicature depends on the conventions of the speaker’s community

and the language shared among them; and it arises as a result of speaker's acts and/or expressions that tend to be incongruous with the behaviour and concepts established in the culture of the concerned interlocutors.

4.3.3 Particularized Conversational Implicature

In particularized conversational implicature, the implicature of the speaker will be interpreted by the context rather than the words spoken in a conversation. For example, if a person says that he needs coffee and the response he gets is that there is a shop nearby, and then the response relates to the situation when talking about coffee, so in this case the hearer can understand that the speaker refers to a coffee shop (Paltridge, 2012). This manifestation could be seen in the *Question/Response* below.

Excerpt 25:

2nd counsel: *But the correct percentage shows that the 2nd Respondent has crossed the 50% threshold.*

witness: *Well, if all the figures are to be believed. [Question/Response 125]*

It could be observed from the *Question/Response* above that the counsel for the 2nd respondent sought to prove to the witness that the 2nd respondent won the 2020 Presidential Election since he (2nd respondent) crossed the fifty percent threshold as required by the constitution of Ghana. However, the witness's response suggested otherwise as he (witness) lamented that "Well, if all the figures are to be believed" which could only be understood by a contextual inference. The meaning of his (witness) response could be deduced from the background of the petition as the petitioner is in court to contest the credibility of the chairperson of the 1st respondent as well as the validity of the declaration of results as posited by Paltridge (2012). The

findings affirm Hameed's (2020) study that cultural and background knowledge significantly contributes to eliciting the conventional implicatures from the speaker's utterance. The findings further affirm Chirbet's (2018) study which postulates that generation of implicature comes out smoothly when interlocutors shared a common background assumption. The study concludes that when the aforementioned background assumption does not come to play, this may result to an implicature failure.

4.3.4 Scalar Implicature

The scalar implicature is derived from a situation where a person expresses values on some sort of scale (Paltridge, 2012). In other words, in scalar implicature the speaker can use any value on a scale and then the hearer is expected to figure out the implied value on the scale that the speaker used. An example could be someone who says that they are partly responsible for a mistake and the hearer is expected to interpret exactly how much responsibility the speaker has had in the mistake (Paltridge, 2012, p. 52). This was manifested during the 2020 Presidential Election Petition amongst petitioner's witness and counsels as shown in the conversation below.

Excerpt 26:

2nd counsel: So, I'm saying that, from the actual calculation of the percentage, which you just did before this court, that was an error. You agree?

witness: Yes. The percentage announced was an error.

[Question/Response 124]

As evident from the **Question/Response** above, there was a manifestation of the scalar implicature amongst the petitioner's witness and counsels during the 2020 Presidential Election Petition. In the **Question/Response** 124 above, the counsel for

the 2nd respondent put it to the witness that there was an error in the percentages assigned to the various candidates during the declaration of results by the chairperson of the 1st respondent. The witness on the other hand admitted to the error which can't be quantified in numerical terms as to what extent the error occurred as opined by Paltridge (2012). The findings affirm Chirbet's (2018) study that concludes that the messages people intend to convey was not wholly contained in the words they used but depend on the hearer's interpretation of numerical codes in context.

4.4. Motivations Associated with the Violations of Maxims

Having looked at the conversations between counsels for respondents and the witness for the petitioner during cross-examination phase of the 2020 Presidential Elections, the study discovers the motivations for the violation and flouting of the maxims based on the context of the respective conversations as indicated by Grice (1975), Archer (2005), Thomas (2014) and Cutting (2002) respectively. The motivations for violations are represented in the table below:

Table 7: Frequency Distribution table for the motivations for the non-observance of the Gricean Maxims between petitioner's witness and counsels during the cross-examination phase of the 2020 Presidential Election in Ghana.

Communicative Functions for Violating and Flouting Maxims	Frequency	Percentage
To mislead counsels/court	13	16.67
To save face/build public image	18	23.08
To demonstrate command over language usage	06	7.69
To make emphasis on the case in court	14	17.95
To skip relevant questions	16	20.51
To give further information	11	14.10
Total	78	100

4.4.1 To mislead counsels/court

Based on the proposition of Grice's (1975) conversational implicature and inferences, the study reveals that one of the motivations for the non-observance of the Gricean Maxims during the cross-examination phase of the 2020 Presidential Election Petition was to mislead the court. The term implicature is the definition of what is implied by the speaker when they make an utterance (Grice, 1975). In other words, the term inference refers to what the hearer in discourse interprets and understands when hearing an utterance being made by the speaker (Birner, 2013). This is in line with what Yule (1996) states, "it is speakers who communicate meaning via implicatures and it is listeners who recognize those communicated meanings via inference. With reference from table 7, it is observed that, in thirteen (13) instances, there were violation manifestation of the maxims to deceive the counsels and the court in general. The thirteen (13) times frequency represents 16.67 percent, which makes it the fourth ranked reason for the violation of maxims during the 2020 Presidential Election Petition.

Grice (1975) use the term violation of maxims as an act of not observing the maxims in which the speaker is unostentatious. Therefore, the speaker who violates a maxim "would be liable to mislead" (Grice, 1975). In other words, the speaker of violation of maxims intentionally do not observe the maxims so that it will cause misunderstanding on their interlocutors in order to achieve certain purposes (Sadehvandi & Khosravizadeh, 2011). This is evident in the *Question/Response* below as suggested by Grice (1975).

Excerpt 27:

2nd Counsel: I am putting it to you that, you thereby implied that, President Mahama had won the elections.

Witness: I implied that, I expected President Mahama to win the elections because every evidence was pointing at President Mahama's victory and in fact, my Lords, if you will permit me. In all the seven parliamentary and presidential elections that have been held in this country before this one, the presidential candidate and the political party which wins, and control parliament ends up winning the presidency. [Question/Response 44]

In **Question/Response 44** above, the witness's response is a clear indication of violation of the quantity maxim in order to mislead counsel and the court in general. Although in the **Question-Response (adjacency pair)**, the witness declined the utterance he (witness) made before the official declaration of the 2020 Presidential Elections by the chairperson of the first respondent that the petitioner had won the elections. But the reality is, the witness's assertion that "*In all the seven parliamentary and presidential elections that have been held in this country before this one, the presidential candidate and the political party which wins, and control parliament ends up winning the presidency*" implies clearly that, indeed the witness made a close call for the petitioner as the winner of the 2020 Presidential Elections.

According to the witness, his justification was based on the outcome of previous parliamentary and presidential elections and that makes him right to say that even if his comment was said to implicate so. The point here is that, though the petitioner's witness denied the counsel's claim that prior to the official declaration, he (witness) declared the petitioner as the winner of the 2020 Presidential Elections, his (witness) response was deliberately uttered to mislead the court into thinking that the election was fraud and not the true reflection of the results taking into consideration the previous elections that have been held in Ghana between 1992 and 2020. Indeed, this

delineates exactly what Grice (1975) proposes on the violation of quantity maxims in courtroom discourse. According to Grice (1975), violation of it may not be so much a transgression of the Cooperative Principle as merely a waste of time. Nevertheless, "hearers may be misled as a result of thinking that there is some particular point in the provision of the excess of information (Sinclair, 1984). Such a misconception could be especially pertinent to legislative utterances (Bennion, 2001). The findings affirm the study of Zakir et al. (2020) who concludes that participants in a courtroom trial to mislead counsels/court.

4.4.2 To save face/build public image

In line with research question 3, the study also discovers that another motivation for the non-observance of the Gricean Maxims during the cross-examination phase of the 2020 Presidential Election Petition was to build a public image. The reason for flouting a maxim is as a result of „politeness“ regarding face. Flouting a maxim, which is also called by Thomas (2014) as indirectness, can be used because of politeness/regard for „face“. When flouting a maxim is motivated by politeness, it is dealt with „what is said“ and which is attached at the utterance level (Thomas, 2014). With reference from table 6, it is observed that in eighteen (18) instances, the manifestation of flouting of the maxims was intended to build public image. The eighteen (18) times frequency represents 23.08 percent, which makes it the highest ranked reason for violating the Gricean Maxims by the petitioner“s witness. According to Thomas (2014) flouting a maxim is caused by politeness because people“s “communicative goals conflict: for example, when their desire to avoid hurting someone's feelings conflicts with their obligation to tell the truth” (Thomas, 2014, p. 179). This is evident in the *Question/Response* below as indicated by Thomas (2014).

Excerpt 28:

2nd Counsel: *Now, as the General Secretary, these press conferences were organised with your consent and knowledge.*

Witness: *My Lord, I'm the chief executive of the party, so in that sense, I take **responsibility** for whatever happens in the party but when a statement is made by a junior officer that contradicts what the chief executive has said, it is the chief executive officer's word **that** prevails. [Question/Response 49]*

In the **Question/Response** above, it is vindicative that flouting the maxim of quality is done to build public image through making firm stance. The witness through his response took some sort of responsibilities for whatever actions committed by junior officers in his (witness) party in the capacity as the chief executive officer, “*but when a statement is made by a junior officer that contradicts what the chief executive has said, it is the chief executive officer's word that prevails*”. The witness implied that, any statement contrary to what he had said does not hold and should not be taking into consideration in the process of judgement. In other words, the witness also implied that he had disassociated himself from any negative utterances made by his junior officers that may have contradicted his position to affect the verdict of the election petition. In the broader sense, the witness flouted the maxims in order to repair the damage that was caused by subordinates from his (witness) party to get a favourable verdict from the court. This confirms Prasetyo et al.'s (2018) position that, the reason why witnesses flout the maxims is generally to build a public image and to prove innocence.

4.4.3 To demonstrate command over language usage

With regards to research question 3, the study further discovers that another motivation for the non-observance of the Gricean Maxims during cross-examination phase of the 2020 Presidential Election Petition was to demonstrate command over the use of language. According to Thomas (2014), the reason for flouting a maxim is because of the desire to make one's language more/less interesting. From table 7, it is observed that, in six (6) instances, the maxims were flouted to show command in the use of language (English). The six (6) times flouting occurrence represents 7.69 percent, which makes it the least ranked reason for flouting the Gricean Maxims. Thomas (2014) argues that people most likely tend to take a pleasure in using language when they flout and violate the maxims. This is manifested in the conversation below.

Excerpt 29:

2nd counsel: So, Mr. witness, I'm saying that indeed your claim for rerun between the 2nd Respondent and the Petitioner is based on the verbal slip made by the chairperson of the 1st Respondent in mentioning the total vote cast rather than the total valid votes cast as the basis of determining the percentages.

witness: My Lord, I disagree that it is a verbal slip. Because a verbal slip in reading out figures would have meant that, you read one figure instead of the other, but from the subsequent corrections that the 1st Respondent sort to bring out, the figure she mentioned and the correction that was made was not related to the figures of the day at all. Because, if you have maybe total votes cast in one column and

the total valid votes cast in another column: it is possible that you read total votes cast for total valid votes cast. So, when you come back and say it is a verbal slip, we expect the correction that she made could relate to the figure you thought you were reading. But the correction that they claimed were made did not relate to any figure on the face of the declaration data. So, it was a new figure to introduce. So, it could not be any verbal slip. [Question/Response 85]

From the **Question/Response** above, flouting the maxim of quantity is an indication to prove command over the use of language (English Language). The witness' lengthy explanation to what a „verbal slip“ was, is an indication to prove to the counsel that, indeed he knew the subject matter. In the conversation, counsel suggested to the witness that the petitioner capitalized on a verbal slip made by the chairperson for the first respondent, but in a sharp rebuttal through his (witness) response, the witness sorted to explain the meaning of what a verbal slip was and the circumstances that could be regarded as such in order to prove his competence in the use of the language. This is in line with Thomas' (2014) assertion that, flouting the maxims is intended to make the hearers to work at understanding the message so that they have 'investment' in the message. The findings affirm the findings of Zakir et al. (2020) who concludes that participants in courtroom trial violate to exhibit command over language.

4.4.4 To emphasize on the case in court

In a bid to answering research question 3, the study discovers that another motivation for the non- observance (violation and flouting) of the Gricean Maxims during cross-

examination phase of the 2020 Presidential Election Petition was to make emphasis or drive home a point. According to Noertjahjo et al. (2017), through flouting and violations, interlocutors can emphasize the point of talk to express their opinions clearly. Reference from table 6 revealed that flouting the maxims manifested in fourteen (14) circumstances to emphasize the case in court. The fourteen (14) times frequency represents 17.95 percent, which makes it the third ranked reason for violating the Gricean Maxims by the petitioner's witness. This is evident in the conversation below.

Excerpt 30:

1st Counsel: I am suggesting to you that, you have no evidence to support your allegation, that's why you have brought these results. I'm putting that to you.

Witness: My Lord, we are not in court to try and declare another presidential result, we are in court to challenge the performance of a constitutional duty of the 1st Respondent and to see whether that duty has been discharged faithfully. [Question/Response 21]

In the **Question/Response** above, there is a clear violation of the maxim of relevance and quantity. Counsel for the first respondent sorted to suggest to the witness that, the petitioner lacked evidence to support his (petitioner) claims in court that was why they (petitioner and witness) relied on an erroneous result to buttress their case. Meanwhile, the witness's response which is a clear violation of the maxims was intentionally uttered to make emphasis on their case in court. The petitioner's case was that they *were in court to challenge the performance of a constitutional duty of the 1st Respondent and to see whether that duty had been discharged faithfully*. This confirms Thomas's (2014) assertion that, flouting a maxim can be used to increase the

force of one's message. The findings affirm the findings of Zakir et al. (2020) who concludes that participants in courtroom trial violate maxims to emphasize the case in court.

4.4.5 To skip relevant questions

In line with research question 3, the study reveals that, another motivation for the non-observance (violation and flouting) of the Gricean Maxims during the cross-examination phase of the 2020 Presidential Election Petition was to skip relevant question as opined by Zakir et al. (2020). However, with reference from table 7, it is observed that, there were manifestations of maxim violation in sixteen (16) circumstances to skip relevant questions in court. The sixteen (16) times frequency represents 20.51 percent, which makes it the second ranked reason for violating the Gricean Maxims by the petitioner's witness. This is evident in the conversation below.

Excerpt 31:

2nd Counsel: *Mr. Asiedu Nketia, who in your view won the elections?*

Witness: *My lord, we are not interested in winning or losing a fraud election. We **want** to be winners of election that is credible.*

[Question/Response 61]

From the above **Question/Response**, there is a clear manifestation of violation in the maxims of relevance and quantity. This is because the counsel for the second respondent asked the witness to tell the court the candidate that won the 2020 Presidential Election from his (witness) own point of view. However, it is obvious that the witness could have mentioned the name of his preference straight away but instead, he (witness) chose to give irrelevant explanation to the question in order to skip it. Since the witness's response was not the expected answer from the counsel's

question he (witness) therefore violated the maxims of relevance and quantity as suggested by Grice (1975). In other words, the witness intentionally flouted and violated the maxims in order to skip the question posed to him by the counsel for the second respondent. These findings affirm Zakir et al.'s (2020) study that participants in courtroom trial tends to intentionally violate the maxims to skip relevant questions. This is because, participants on a trial intentionally skip relevant questions to avoid making contradictory statements which might affect them during the determination of the verdict.

4.4.6 To give further information

In a bid to provide the final answer to research question 3, the study reveals that the last motivation for the non-observance (violation and flouting) of the Gricean Maxims during the cross-examination phase of the 2020 Presidential Election Petition was to give further information as suggested by Zakir et al. (2020). The study finds that the eleven (11) times violation manifestations of the maxims were to give further information to the court. The frequency represents 14.10 percent and makes it the fifth ranked reason for violating the Gricean Maxims by the petitioner's witness. This is manifested in the conversation below.

Excerpt 32:

2nd Counsel: *Look at the 1st Respondent's witness statement and look for „exhibit 4“.*

witness: *My Lord, my first time of seeing this document on where it was filed were never cited them anywhere, we have never signed it, the agents that were at the strongroom don't have their signatories here and the declaration that was made on the 9th did not relate to any of the figures I'm seeing here. [Question/Response 119]*

From the above *Question/Response*, there is a clear case of violation and flouting in the maxims of relevance and quantity to achieve a specific objective. In the Question-Response (adjacency pair) above, the counsel for the second respondent asked the witness to look for an „exhibit“ (document) to be able to answer the subsequent questions. However, the witness in his response took advantage to inform the court that, it was his first time of seeing that document and where it was filed were never cited to them (witness and petitioner) anywhere, also, they had never signed it. Moreover, the agents that were at the strong room don't have their signatories there and the declaration that was made on the 9th did not relate to any of the figures he (witness) saw there. This is in line with the findings of Zakir et al. (2020) that participants in courtroom trial tends to intentionally violate the maxims to give further information to support their claims in court. To sum all up with respect to research question three, the study affirms the findings of Zakir et al. (2020) whose study concluded that, participants in courtroom trial violate maxims to save face, mislead court and to skip relevant questions.

In conclusion, there were six (6) main motivations for non-observance (flouting and violating) the Gricean Maxims between petitioner's witness and respondents' counsels during the 2020 Presidential Election Petition. These reasons include: to mislead the counsels/court, to save face/ build public image, to demonstrate command over language usage, to make emphasis on the case in court, to skip relevant question and to give further information. The findings further reveal that the other reasons for the violation and flouting the maxims between interlocutors was to build public image which affirm the findings of Zakir et al. (2020) who concludes that participants in courtroom trial violate maxims to save face, mislead court and to skip relevant questions.

The observance manifestation of the cooperative principle and its correlative maxims is a reasonably rational behaviour since it benefits the participants and reflects their communicative competence (Grice, 1975). However, in some circumstances, people deliberately or unintentionally do not observe the maxims which are known as nonobservance of maxims. There are several types of non-observance of maxim, they are flouting, violating, opting out, and infringing. In terms of non-observance of maxims, flouting and violation of maxim; in fact, seem to be the most frequent non-observance of maxim in institutionalized setting as in a courtroom (Archer, 2005; Coulthard & Johnson, 2010; Pei, 2015).

Grice (1975) uses the term violation of maxims as an act of not observing the maxims in which the speaker is unostentatious. Therefore, the speaker who violates a maxim “he will be liable to mislead” (Grice, 1975, p. 49). In other words, the speaker of violation of maxims intentionally do not observe the maxims so that it will cause misunderstanding on their interlocutors in order to achieve certain purposes (Sadehvandi & Khosravizadeh, 2011). Therefore, violation of maxims disrupts some elements of communication (Muslah, 2015). Another way not to observe the maxims is flouting a maxim (Damayanti, 2011). If a speaker flouts a maxim, it means that he blatantly fails to fulfill a maxim (Grice, 1975). Given this concept, it means that flouting a maxim happens because of the intention of the speaker to do so. Additionally, it means that the speaker is also capable of adhering to the maxim, but he chooses not to do so (Grice, 1975). Furthermore, Laila (2020) posits that the additional meaning is not activated by the conversational meaning of the words in a conversational implicature, but it requires logical explanation to be given. The term implicature is the definition of what is implied by the speaker when they make an utterance (Grice, 1975). It denotes the implied meaning from the speaker to the hearer

without any certainty that the hearer understands the implicature. In some cases, the conventional meaning of words determines the implicature made by a speaker. Yule (1996) states, “it is speakers who communicate meaning via implicatures and it is listeners who recognize those communicated meanings via inference. The selected inferences are those which will preserve the assumption of the cooperation” (p. 40). The first reason of flouting a maxim is because the desire to make one’s language more/less interesting (Thomas, 2014). Thomas (2014) argues that people most likely tend to take a pleasure in using language. On the other hand, flouting maxim can also be used to increase the force of one’s message (Thomas, 2014). This is quite similar with interestingness. The difference with interestingness is the speaker flouting a maxim in order to emphasize their message.

In other words, implicature is intended to make the hearers “to work at understanding the message so that they have 'investment' in the message” (Thomas, 2014, p. 144). Another reason for flouting maxims is the clash between two goals. Pyle (2012) (as cited in Thomas, 2014) argues that flouting a maxim caused by competing goals relies on the interlocutors’ capacity to identify the competing goals. In some cases, however, the interlocutors do not always able to detect the competing goals because of cross-cultural situations (Thomas, 2014). The last reason for flouting maxims is politeness regarding face. Flouting a maxim, which is also termed as indirectness Thomas (2014), can be used because of politeness/regard for „face“. When flouting a maxim is motivated by politeness, it is dealt with „what is said“ which is attached at the utterance level (Thomas, 2014). According to Thomas (2014), flouting a maxim is caused by politeness because people’s “communicative goals conflict: for example, when their desire to avoid hurting someone's feelings conflicts with their obligation to

tell the truth” (Thomas, 2014, p. 179). On the other hand, since violation of maxims is an unostentatious act, it will mislead the audiences (Grice, 1975).

Moreover, it is the speakers’ intention to mislead the audience when they violate the maxims. Thus, it can be concluded that the reasons why people violate the maxims is to mislead their audiences so that they gain advantages from the use of it. From the explanation about flouting and violation of maxims above, it can be inferred that flouting and violation of maxims are intentional acts. Clearly, interlocutors violate and flout the maxims with certain purposes in mind. Therefore, there must be several reasons or motivations why people flout and violate the maxims. This is in line with Archer (2005) who argues that people rarely do not observe the maxims without reasons; rather, we intentionally fail to observe the maxims for a range of reasons.

4.5 Summary

This chapter paid attention to the findings of the study by discussing the research questions that sought to identify how Gricean Maxims were employed between petitioner’s witness and respondents’ counsels, examine how the Gricean Maxims were not observed and to explore the implicatures and motivations associated with the non-observance (violation and flouting) of the Gricean Maxims during cross-examination phase of the 2020 Presidential Petition in Ghana.

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This chapter presents the summary of the findings of the study, the conclusion, limitations of the study, recommendations and suggestions for further studies.

5.1 Summary of Findings

The findings of the study with regards to the first research question revealed that, all the Gricean Maxims were observed amongst petitioner's witness and counsels during the cross-examination phase of the 2020 Presidential Election Petition which is in line with the findings of Laila (2020). The study also indicated that, the maxim of manner was the most observed maxim as it was recorded in 131 instances with a representation of 34.20 percent of the total maxims observed which however contradicts the findings of Laila (2020) who asserts that the maxim of quality was the most observed maxim by interlocutors. The maxim of relevance/relation came second in terms of maxim observance. The maxim of relevance was recorded 110 times and representing 28.72 percent. Moreover, the maxim of quality was the third ranked observed maxim. According to the study, the maxim of quality was adhered to in 81 times with 21.15 percent. The study further revealed that, the quantity maxim was the least observed maxim as it was recorded on 61 circumstances which represents 15.93 percent.

In a broader perspective, the study revealed that in the witness's attempt to cooperate in the respective conversations during the cross-examination phase of the 2020 Presidential Election Petition provided answers and responses that directly triggered the observance of the four maxims under study. Therefore, it can be said that, all

things being equal, conversations are cooperative attempts based on a common ground and pursuing a shared purpose (Ayunon, 2018). The findings also affirmed Grice's (1975) position that Cooperative Principle advances the assumption that participants in a conversation normally attempt to be informative, truthful, relevant, and clear. The study further affirmed that, in the realm of pragmatics, it is suggested that for a conversation to take place successfully, the speakers involved should be cooperative with the criterion of success in a conversation measured significantly in case of settling oral disputes (Azar et al., 2014).

The findings of the study with regards to the second research question revealed that, there were indications of non-observance (flouting and violations) of all the cooperative maxims; quantity, quality, relation and manner but did not show any indication for opting out and infringing which confirms the claims of Archer (2005), Coulthard and Johnson (2010) and Pei (2015) that, regarding courtroom context, flouting and violation of maxim seem to be the most frequent non-observance of maxim in institutionalized setting as in a courtroom. The findings of the study revealed that the total number of indications for violating maxims were 82 with quality maxim being the most violated maxim. The study also recorded a total of 91 flouted cases amongst petitioner's witness and counsels. According to the findings of the study, the maxim of quantity was the second most violated maxim during the 2020 Presidential Election Petition which contradicts Chirbet (2018) assertion that the maxim of quantity is the most commonly violated maxim in conversations. The study also revealed that there were indications for violating the maxim of quantity 27 times which represents 32.93 percent of the total maxims violated. It was also an indicative from the findings that the maxim of quality was the highest violated maxim and contradicts Hamid and Behija (2009) findings. According to Hamid and Behija's

(2009) the maxim of quality is the second most violated maxim in *Question/Responses*. Moreover, the study finds that the maxim of relevance was the third most violated maxim during the cross-examination phase of the 2020 Presidential Election Petition. That is, violating the maxim of relation manifested 17 times which represents 20.73 percent of the total maxims violated. The findings further revealed that the maxim of manner was the least violated maxim which confirms the findings of Chirbet (2018) but however contradicts the findings of Laila (2020) who asserts that the maxim of manner was the mostly violated maxim by interlocutors. In other words, violating the maxim of manner occurred 3 times which represents 3.66 percent of the total maxim violations?

The findings in relation to research question 2 further revealed that, the maxim of quantity appears to be the most flouted maxim. The maxim of quantity was flouted 49 times amongst petitioner's witness and counsels, which represents 53.85 percent of the total number of maxims flouted during the 2020 Presidential Election Petition. The maxim of quality on the other hand is revealed to be the second most flouted maxim. The maxim of quality was also flouted 24 times, which represents 26.37 percent of the total number of maxims flouted. According to the findings, the maxim of relation appears to be the third most flouted maxim amongst petitioner's witness and counsels which contradicts the findings of Aminah et al. (2019), whose study concluded that flouting of the relevance maxim seem to occur most in administrative court. The maxim of relation was flouted 12 times, which represents 13.19 percent of the total number of maxims flouted during the 2020 Presidential Election Petition. In the study, the maxim of manner appears to be the least flouted maxim. The maxim of manner was flouted 6 times, which represents 6.59 percent of the total number of

maxims flouted amongst petitioner's witness and counsels during the 2020 Presidential Election Petition.

With regards to research question 3, the findings revealed that, the conventional implicature, being the most dominant implicature manifestation amongst witness and counsels during the cross-examination phase of the 2020 Presidential Election Petition, was recorded 84 times which represented 65.12 percent. This is followed by particularize conversational implicature which was recorded 26 times representing 20.16 percent. The scalar implicature was the least implicature manifestation. The scalar implicature was recorded 19 times which represents 14.73 percent.

Also, there were six (6) main motivations for the non-observance (flouting and violating) the Gricean Maxims between petitioner's witness and respondents' counsels during cross-examination phase of the 2020 Presidential Election Petition. These motivations include: to mislead the counsels/court, to save face/ build public image, to demonstrate command over language usage, to make emphasis on the case in court, to skip relevant question and to give further information. The findings further reveal that the other motivation for the non-observance (violation and flouting) the maxims between interlocutors was to build public image which was recorded 18 times and represents 23.08 percent. The study also discovers that, to demonstrate command over language use was the least motivation that accounted for flouting and violation of maxims. Moreover, violating and flouting the maxims to mislead counsels and the court in general manifested in 13 instances which represents 16.67 percent. The violation and flouting of the maxims to skip relevant questions manifested in 16 instances being 20.51 percent. Lastly, the findings of the study reveal that, the violation and flouting of maxims to make emphasis on the case in court also

manifested in 14 instances which represents 17.69 percent. These findings affirm the findings of Zakir et al. (2020) who concluded that participants in courtroom trial violate maxims to save face, mislead court and to skip relevant questions.

5.2 Conclusions

The findings affirm Grice's (1975) position that Cooperative Principle advances the assumption that participants in a conversation normally attempt to be informative, truthful, relevant, and clear. In a broader perspective, conversations are cooperative attempts based on a common ground and pursuing a shared purpose (Ayunon, 2018).

The study further concludes that in terms of non-observance of maxims between petitioner's witness and counsels during the 2020 Presidential Election Petition, flouting and violation of maxim seem to be the most frequent non-observance of maxim in institutionalized setting as in a courtroom as posited by Archer (2005), Coulthard and Johnson (2010).

Finally, the study concludes that the reasons for the non-observance (violation and flouting) of the maxim by courtroom participants on trial are based on the context of their respective conversations as indicated by Grice (1975), Archer (2005), Thomas (2014) and Cutting (2002) respectively. Again, the study affirms the findings of Zakir et al. (2020) who concluded that participants in courtroom trial violate maxims to save face, mislead court and to skip relevant questions. Conclusively, the study affirmed that in the realm of pragmatics, in order for a conversation to take place successfully, the speakers involved should be cooperative with the criterion of success in a conversation measured significantly in case of settling oral disputes (Azar et al., 2014).

5.3 Limitations of the Study

One major limitation of this study was the difficulty in selecting a trial phase of conversation yet to be analyzed in earlier studies. However, with a focus on the gap to fill, I was able to purposively select the cross-examination phase for this study which in effect helped me to navigate through the limitation and as a result did not affect the findings of the study. Again, another limitation to this work is the minimal literature of courtroom discourse on the geographical landscape of Ghana. However, relevant related literature was drawn from other countries in Africa where Ghana is situated to fill that gap to which in effect did not affect the findings of the study.

5.4 Recommendations

1. It is recommended that the jury, lawyers and witnesses should be informative, truthful, relevant and clear during the cross-examination phase in the courtroom to reach reasonable determination of verdict.
2. It is recommended that the Judicial Service of Ghana should educate judges, lawyers and witnesses to be cooperative during legal proceedings in the courtroom with the criterion of success in a conversation as in the case of settling oral disputes.
3. It is also recommended that the jury, lawyers and witnesses should be mindful of their legislative utterances during trials in order not to mislead or violate court rules.

5.5 Suggestions for future Studies

The following suggestions have been made for future studies:

1. A comparative study could be conducted to find out the similarities and differences in cooperative principles between petitioners and defendants during cross-examination by counsels.
2. Further research could be carried out to investigate the effect of non-observance of maxims in the determination of the final verdict in courtroom trials.
3. The research should be replicated elsewhere to verify the findings. A research could be conducted on how petitioner's/defendant's witnesses cooperate in courtroom discourse in similar cases outside the confines of Ghana.
4. A comparative study could also be conducted in Ghana to determine the similarities and differences in the cooperative principles among key courtroom participants in other subordinate courts than the supreme court of Ghana.
5. It is recommended that similar study be carried out elsewhere to contest or confirm the findings of this study since portions of findings contradict Hamid and Behija (2009) and Laila (2020) findings of maxim observance.

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APPENDIX I

2020 PRESIDENTIAL ELECTION PETITION CROSS- EXAMINATION TRANSCRIPT

KEY:

Lawyer Justine Amenuvor: **Counsel for 1st Respondent**

Lawyer Akoto Ampaw: **Counsel for 2nd Respondent**

Mr. Johnson Asiedu Nketia: **1st Witness for Petitioner**

1st Counsel: Mr. Nketia, I'm putting to you that, you knew the results from Techiman South and therefore this your analysis is incorrect.

Witness: My Lord, I beg your permission to quote paragraph 12 of my statement, that will explain my point.

1st Counsel: Please answer the question and explain.

Witness: The analysis was right because it was based on the statement made by the 1st Respondent at a certain point in time, so if you are analysing that statement at that point, I don't see how you bring in the current situation to be able to answer questions on that statement.

1st Counsel: I suggest to you that you are wrong because the current situation is the reality the court deals with not conjecture. I'm suggesting that to you.

Witness: My Lord, the current situation cannot be the reality because nobody knows the results of the presidential election in 2020 in exactable how many votes each of the candidates got, what percentage each of the candidates got and the 1st Respondent in her own words, my lord beg to quote in my own statement;

“Currently, the election results we have declared exclude that of Techiman South Constituency with a voter population of a hundred and twenty-eight thousand and eighteen (128,018), the said election results are not ready because they are being contested. Even if we were to add the full results of hundred and twenty-eight thousand and eighteen to the second candidate, it will not change the outcome of the election, hence our declaration of the 2020 presidential results without that of Techiman South”

My Lord, the 1st Respondent was justifying why she had to declare results based on uncompleted tally and we were questioning that statement that statement could not have been correct as of the time it was being made.

1st Counsel: I am putting it to you that, as of the time the 1st Respondent made that statement, the statement was correct, and it is captured in paragraph 12 of the Petitioner's petition.

Witness: I decline that My Lord.

1st Counsel: Now, what was the source from which you obtained information to draw up your „Exhibit E“ for this honourable court?

Witness: My Lord, „Exhibit E“ was based on the 1st Respondent's own data.

1st Counsel: But you have gracefully brought it to the attention of the court to rely on it. Is that not so?

Witness: By the 1st Respondent. Yes.

1st Counsel: Now, what we have here is 6776066 for the 2nd Respondent. Is that correct?

Witness: 6,776,066 yes, it is in this statement.

1st Counsel: And then also, for the Petitioner, he had 6,265,276. Is that correct?

Witness: According to the document submitted by the 1st Respondent.

1st Counsel: Now it is your document we are looking at please. Now look through the forms you have just gone through for the 2nd Respondent. There's a percentage of 51.26140.., it is down there. Is that correct?

Witness: That's correct.

1st Counsel: Now, I'm suggesting to you that, this works to a percentage of 51.2614 of the total valid votes.

Witness: 51.2614 right.

1st Counsel: Now, for the Petitioner, he had 47.397 assigned to him by your sheet. Is that correct?

Witness: Yes. That's correct.

1st Counsel: Now, deduct the number assigned to the 2nd Respondent and tell this court the difference.

Witness: 510790

1st Counsel: So, you got 510790

Witness: Yes, my lord.

1st Counsel: Now, it is not true that, the 1st Respondent padded votes as you alleged?

Witness: My Lord, I didn't upload that assertion.

1st Counsel: Now, in your „Exhibit F“ you alleged that, 4,693 votes were added to, in favour of the 2nd Respondent. That is your allegation.

Witness: My Lord, if you look at my statement, I indicated that, I will bring a sample of the constituencies and polling stations the padding took place. I did not indicate it as exhaustive means of all the places where the padding took place.

1st Counsel: We are using the numbers you brought to assist the court. I'm saying that, the total of 4,693 is what you have put there. Is that it?

Witness: I got it as a sample and my statement indicated that, this is from a sample of this particular constituency. I don't understand sample to mean the total of the whole thing.

1st counsel: Now, deduct the 4,693 from 510790. What do you get?

Witness: With all due respect, I don't see the point of the question.

1st Counsel: You're being rude to the court not me.

Witness: Come again.

1st Counsel: Deduct 4,693 from 510,790. What do you get?

Witness: I got 506,097.

1st Counsel: Good. I am suggesting to you that, even if this is your number as alleged, if deducted from the total valid votes of the 2nd Respondent, he's still has won by 51.25 percent. I'm putting that to you.

Witness: My Lord, I deny that because, you are subtracting apples from mangoes. This is a sample and you want to subtract the sample from the total population. I don't see the need.

1st Counsel: I am suggesting to you that, you have no evidence to support your allegation, that's why you have brought these results. I'm putting that to you.

Witness: My Lord, we are not in court to try and declare another presidential result, we are in court to challenge the performance of a constitutional duty of the 1st Respondent and to see whether that duty has been discharged faithfully.

1st Counsel: if that is so, then I'm suggesting to you that, by your own showing, you are not in the right fold.

Witness: I decline that My Lord.

1st Counsel: Now, you have earlier told this court that, you cannot speak to what happened at the strongroom when your two representatives were there.

Witness: That is correct my lord.

1st Counsel: Is that correct?

Witness: That's correct.

1st Counsel: My Lords, on that basis, I'll end my cross examination of the witness.

2nd Counsel: So, Mr. Asiedu Nketia, you recall that, before the declaration of the 9th of December 2020, your party and your presidential candidate held a series of press conferences on what you considered to be the outcome of the presidential elections. Is that not so?

Witness: That is so My Lord.

2nd Counsel: And in those press conferences you announced to the whole world that, the Petitioner had won the election by the votes you had collated the president elect. Is that correct?

Witness: My Lord, that is not in my witness statement.

2nd Counsel: Answer the question.

Witness: Yes, My Lord.

2nd Counsel: Now, in some of the press conferences, you were present, and you spoke on the issues on the results of the presidential election.

Witness: Yes, My Lord.

2nd Counsel: The Petitioner also spoke on the outcome of the presidential elections.

Witness: Yes, My Lord.

2nd Counsel: And your deputy Otukonor equally spoke on the results of the presidential elections.

Witness: My Lord, I can attest to my statement at the forum where the Petitioner was present and he spoke, but I don't remember anybody present at a forum where my deputy spoke.

2nd Counsel: You know that your presidential candidate asserted that, he had won the 2020 presidential elections?

Witness: My Lord, what I remember the Petitioner said was that the results declared by the 1st Respondent was not accurate.

2nd Counsel: Now, I'm putting to you that, you yourself declared that the Petitioner had won the presidential election.

Witness: Unless I'm remembered. But I remember saying that the NDC has won majority in parliament and that gives President Mahama a comfortable situation to be able to run the next government.

2nd Counsel: So, I'm suggesting to you that, by that statement, you were saying that the Petitioner had won the elections and he was going to become the president.

Witness: My Lord, by all indication by...

2nd Counsel: Not indications, I'm saying that by what you said, you meant that he had won the elections because that's the only way he could form the next government.

Witness: My Lord, if I meant that, I would have said so.

2nd Counsel: Mr. Asiedu Nketia, you served on Petitioner our witness statement. You are aware.

Witness: My Lord, I'm not the petitioner.

2nd Counsel: I didn't say you are the petitioner, you served on the Petitioner our witness statement. Are you aware?

Witness: I'm aware.

2nd Counsel: Have seen a copy of the witness statement?

Witness: Yes, I have seen it.

2nd Counsel: You mean admit that, in the witness statement of the 2nd Respondent, we have attached „Exhibit 6“.

Witness: Yes, My Lord.

2nd Counsel: Mr. Nketia.

Witness: Yes, My Lord.

2nd Counsel: I believe you admit that the video recording that, we have watched showed you saying that the Petitioner had won the elections.

Witness: My Lord, I have watched the video and I have watched it here. I stand by every word, every punctuation, every sentence that relates to me Johnson Asiedu Nketia, and there is nowhere unless we are watching different clips, there's nowhere I indicated definitely that, the 2nd Respondent has won the elections. What I said is what I put in my answer last Friday, that we have won majority of seats in parliament which is about which figure I put up which is 141 seats and that we are cruising for victory and that is exactly what have shown in all the various speeches which have been clipped together.

2nd Counsel: So, let's understand you admit everything on the video coming from your image on the various videos.

Witness: From my mouth. Those are my pictures and those are the words that came out from my mouth.

2nd Counsel: I'm putting it to you that, in the video you said and I quote "the NDC has won 141 seats and that gives us a clear majority and would be given President Mahama the needed majority in parliament to be able to conduct his business as president.

Witness: Yes, My Lord.

2nd Counsel: Did you say that?

Witness: Those are my words.

2nd Counsel: I am putting it to you that, you thereby implied that, President Mahama had won the elections.

Witness: I implied that, I expected President Mahama to win the elections because every evidence was pointing at President Mahama's victory and in fact, my Lords, if you will permit me. In all the seven parliamentary and presidential elections that have been held in this country before this one, the presidential candidate and the political party which wins and control parliament ends up winning the presidency.

2nd Counsel: Mr. Asiedu Nketia, don't lecture us. Answer the questions put before you. You can't lecture us.

Witness: Yes, My Lord.

2nd Counsel: Mr. Asiedu Nketia, you have seen in the videos that your deputy, one Otukonor. Is that correct?

Witness: Yes, My Lord.

2nd Counsel: In the video Otukonor says, Mahama has won these elections by six million, one hundred and sixty-six thousand, three hundred and eighty-five. And that constitute 50.15 percent. Is that not so?

Witness: I heard him say so in the video. But my Lords, I indicated last Friday that, I was present at the press conferences addressed by my good self and the petitioner, and I did indicate clearly that, I will not be in the best position to testify about whatever any other official of the NDC has said at their various press conferences. That was what I said.

2nd Counsel: I'm putting it to you that, the press conferences that have been shown are press conferences organized by the NDC as a party.

Witness: Yes, my Lord. The NDC have 38,000 branches. Each branch can organize a press conference in their own right and we have regions, each region can organize press conferences in their own right, and at the national level, we have various

departments, and the General Secretary does not have to be present at all such press conferences.

2nd Counsel: Now, as the General Secretary, these press conferences were organised with your consent and knowledge.

Witness: My Lord, I'm the chief executive of the party, so in that sense, I take some responsibility about whatever happens in the party but when a statement is made by a junior officer that contradict what the chief executive has said, it is the chief executive officer's word that prevails.

2nd Counsel: Now, again you saw Mr. Sammy Gyamfi introducing the petitioner as the president elect in the video?

Witness: Yes, My Lord, I saw it in the video.

2nd Counsel: then again, your deputy who works under you said "let me announce to all our supporters that, you are free to jubilate. You are free to express your excitement because the NDC is forming the next government of the Republic of Ghana" is that correct?

Witness: that's correct my lord. And my lord, I'm not aware of any restrictions on jubilations of the right of party members over election results.

2nd Counsel: and then your representative from Ashanti Region; Kwame Zou, your Regional Secretary said that "President Mahama would be declared as president elect of Ghana and historically, whenever the NDC get more than 25% in Ashanti Region, they are going to the flagstaff house.

Witness: Yes, my lord, I heard him.

2nd Counsel: So, I'm putting it to you that, the trust of all these statements in the various clips is that President Mahama had won the 2020 presidential elections.

Witness: My Lord, these statements according to the videos were made before declaration and some after declaration. So, it is difficult to put all the statement together and say that, at this point this is what was said.

2nd Counsel: I'm putting it to you that, these statements were made before declaration.

Witness: My Lord, my viewing of the video indicated that some of the statements made were after the declaration.

2nd Counsel: So, you admit that some of the statements saying that the petitioner had won the elections were made after the declaration. Not so?

Witness: from what I have watched here with everybody here, I can see that, this is not a video of one event, these are videos picked and piece together and some of them relate to a time period after declaration.

2nd Counsel: Now, it is no secret that, intersperse to change these press conferences. The NDC under your direction had organize several demonstrations in Accra, stating that the petitioner had won the elections and warning the 1st Respondent not to subvert the will of the people.

Witness: My Lord, the NDC had organize several demonstrations with three main objectives, one killing of innocent voters at various polling stations by security officers, nothing seem to be happening. The NDC made one of the purposes of the press conference. The other purpose of the press conference....

2nd Counsel: please, I have not asked you the purpose. Answer my question. Don't be taking instructions and lies from this side. Please.

Witness: please, I asked the question again and I answer according to my ability and what I consider to be the answer to the question.

2nd Counsel: You organized a number of demonstrations. Is that so?

Witness: Yes, we did.

2nd Counsel: And one of the clear objectives of these demonstrations was that the petitioner had won the elections and the EC should not subvert the will of the people.

Witness: my lord, the objective, that relates to the presidential elections was that the results as declared were fraud and the commission itself had accepted that, the results were fraud that is why they kept changing the figures.

2nd Counsel: So, you admit that, they said that the results were fraud?

Witness: Yes.

2nd Counsel: Mr. Asiedu Nketia, who in your view won the elections?

Witness: My lord, we are not interested in winning or losing a fraud election. We want to be winners of election that is credible.

2nd Counsel: Now, it is also true that, notwithstanding all these statements, that your party, yourself and the petitioners, had made that the petitioner had won the elections, when you eventually, filed your petition, there was nothing in your petition about the petitioner having won the election.

Witness: My Lord, I have indicated earlier that.....

2nd Counsel: No, please answer my question.

Witness: please, I'm all to answer the question unless you are not ready to listen to my answer.

2nd Counsel: I have asked you that, when you filed the petition, there was nothing in it to

the effect that, the petitioner had won the elections.

Witness: In the petition, yes.

2nd Counsel: Now, again you claimed in one of your statements that, elections are won at the polling stations all over the country. So, I'm putting it to you that, when you made the statement that the petitioner had won the elections, it presupposes that, you have the polling station pink sheets.

Witness: My Lord, I indicated that, I never said that the petitioner had won the elections.

2nd Counsel: Now, when the petitioner was telling the whole nation that the NDC had won both the parliamentary and presidential elections, on what basis was he making those statements?

Witness: [laughter]

2nd counsel: Now, I believe that, as you have admitted during cross-examination on Friday that, you had trained agents at all the various polling stations, constituency collation stations and regional centres. Is that correct?

witness: That's correct my lord.

2nd counsel: They are all entitled to a carbon copy of all the official election documents of the results.

witness: Yes, my lord they are all entitled to. But in some cases, they were denied.

2nd counsel: You know that you have not stated this important factor in your witness statement. You know that as a fact?

witness: My lord, I'm answering to a question that has been asked.

2nd counsel: I am saying that this important allegation, you have not mentioned it in your witness statement.

witness: Yes, I have not mentioned it in my witness statement, my lord.

2nd counsel: And the petitioner has not also mentioned it in his petition.

witness: We indicated that, that is what ought to be done. What ought to be done is another matter. I indicated that clearly in my response.

2nd counsel: You are answering a different question. I'm saying that, if you look into the petition, nowhere the petitioner says what you are alleging.

witness: Yes. I said in a response in an answer last Friday.

2nd counsel: Now, I'm putting it to you that, the only evidence of the election results that you have attached is your „exhibit E, A and declaration exhibit B, a press release, exhibit C; the eleven constituency summary sheets of Eastern Region, exhibit E, the 275-summary sheet you described as the spread sheet of the constituency summary sheet.

witness: Yes, my lord, I indicated that, we chose to rely on the 1st Respondent's own figures, thereby judging her by her own Bible.

2nd counsel: So, it means that, you have accepted the information of those documents by the 1st Respondent.

witness: The information suggest.

Akoto: No, I asked a simple question, I said you accept the information in these documents as the documents of the election?

witness: My lord, I have been advised by my lawyers.

2nd counsel: No, you are not talking about what your lawyers want you to say. Answer the question.

witness: My lord, because we disagree with the data, that's why we are here.

2nd counsel: But you are using the same data in support of your claim.

witness: My lord, the data must be internally consistent such that, the declaration must be seen to be the product aggregation of the data and we are entitled as a participating party to look at the data available to us, from which the 1st Respondent drew her conclusion. And we saying that, the data they have submitted does not support the conclusions that have been drawn and that is why we are here.

2nd counsel: Now, you see, you have not provided any document of your own showing that neither party won the elections.

witness: The documents/results we are working with, is the results declared by the 1st Respondent.

2nd counsel: No, that is not the answer. I'm saying as a matter of fact that, you the general secretary, who was directing and coordinating the presidential elections, you have not provided a single piece of independent evidence in supporting your claim that, neither party won the elections. Simple question.

witness: My Lord, I need to understand what independent means, so that I can proceed to answer the question.

2nd counsel: All the documents the 1st Respondents used to conduct the elections; you have carbon copies of them. Don't you?

witness: Yes.

2nd counsel: I am saying that you have not put together your carbon copies to show that indeed nobody won the elections.

witness: Yes, My Lord. Because that is not the purpose of our petition.

2nd counsel: So, you say what is not the purpose?

witness: I'm saying that we did not come to court to come and take over the work of the electoral commission, but we are entitled, if we see the results are fraud, they are not born out of the data, we are entitled to challenge and insist that we must have a credible results and a declaration that is based on the votes that were cast at the polling stations.

2nd counsel: That's ok, and I'm saying that, you have not provided any basis of your own for your call for a run-off.

witness: No, My Lord. We haven't brought that data here. We didn't consider it necessary to bring such data here.

2nd counsel: You see, do you know why you haven't brought such data here? It's because all the authentic documents you have shown that the 2nd Respondent has won the elections, so you can't bring it out.

witness: That is not so my lord. Because we produced documents that would support the case we brought to this court. And if the case we have brought to this court is not about coming to retabulate figures the way NPP chose to do in 2013. We don't need to bring those figures here. We are judging the 1st Respondent by her own Bible. So the figures that she claimed were the figures that were generated and the conclusions that were drawn. We are saying that the conclusions are not born out of the figures she herself have presented.

2nd counsel: So, Mr. Asiedu Nketia, I'm saying that indeed your claim for rerun between the 2nd Respondent and the Petitioner is based on the verbal slip made by the chairperson of the 1st Respondent in mentioning the total vote cast rather than the total valid votes cast as the basis of determining the percentages.

witness: My Lord, I disagree that it is a verbal slip. Because a verbal slip in reading out figures would have meant that, you read one figure instead of the other, but from the subsequent corrections that the 1st Respondent sort to bring out, the figure she mentioned and the correction that was made was not related to the figures of the day

at all. Because, if you have maybe total votes cast in one column and the total valid votes cast in another column, it is possible that you read total votes cast for total valid votes cast. So, when you come back and say it is a verbal slip, we expect the correction that she made could relate to the figure you thought you were reading. But the correction that they claimed were made did not relate to any figure on the face of the declaration data. So, it was a new figure to introduce. So, it could not be any verbal slip.

2nd counsel: Mr. Nketia, you know as an experience player in elections in the 4th Republic that you determined who win the presidential election based on the total number of valid votes cast. Do you know that?

witness: Yes, I do.

2nd counsel: Now, you also know that, if you listen to your „exhibit A“ that is the press conference declaring who won the election, you tabulate the total of all the votes obtained by the twelve candidates, you will get 13, 121, 111 votes. Is that not correct?

witness: My Lord, that figure was nowhere in the declaration.

2nd counsel: Answer the question.

witness: My Lord, as per the figures declared by the 1st Respondent, that’s correct.

2nd counsel: Ok. Now, you see therefore that being the case, you are not permitted to use any other number to calculate the percentages.

witness: My Lord, I was not involved in the calculation leading to the declaration.

2nd counsel: So, Mr. Nketia, you admit that, it is completely wrong for anybody to use the total votes cast as the basis for determining the percentages of the votes obtained by the different candidates.

witness: Yes.

2nd counsel: And anybody that does that cannot be accepted anywhere in Ghana.

witness: Yes, my lord.

2nd counsel: so, you see, that is precisely what the petitioner has done in paragraph 16 of the petition. You can check it out and read it out to the court.

witness: Yeah. Paragraph 16.

2nd counsel: Read it out.

witness: “consequently, if all votes of Techiman South Constituency were added to petitioner’s votes, 2nd Respondent’s votes will remain the same at six million, seven hundred and thirty thousand, four hundred and thirty yielding 49.629 percent while

the vote of petitioner will increase to six million, three hundred and forty-two thousand, nine hundred and seven now yielding 46.768 percent.”

2nd counsel: And you achieved that in paragraph 15.

witness: Should I read paragraph 15?

2nd counsel: Yes.

witness: “Techiman South Constituency has a total registered population of a hundred and twenty-eight thousand and eighteen and if added to the total valid votes announced by the 1st Respondent as cast, the resultant figure will now be thirteen million, five hundred and fifty-two thousand, five hundred and ninety-two.”

2nd counsel: You see, I’m putting it to you that, the figure 13, 434, 574 does not represent the total valid votes obtained by the twelve candidates, if you do the additions from the announced declaration in your „exhibit A“. is that it?

witness: My lord yes. It’s not the total votes but we are not claiming that was the total valid votes, but it is a response to the statement made by 1st Respondent herself as the basis for the declaration of the results before taking into account the Techiman South votes. So we are again judging her by her own Bible.

2nd counsel: Therefore, you cannot use what you know is factually incorrect and not permitted by the rules governing our elections as the total valid votes cast. You can’t use that, even the EC made that mistake.

witness: My lord, as I sit here, I don’t know the total valid votes really cast. All the results came from the 1st Respondent. The 1st Respondent keep changing the figures.

2nd counsel: Mr. Nketia, please answer the question. Your answer being the case that, the 13, 434, 574 is not the total valid votes that you admitted? I’m putting it to you that, you can’t use that as a basis as the denominator for determining the percentages.

witness: Come again my lord.

2nd counsel: I’m saying that the 13, 434,574 that the EC Chairperson announced is in fact not the total valid votes cast. And that if you do the tabulation of the actual votes by each candidate as declared on the 9th of December, you find out that, it is 13, 121, 111 and therefore, it is not permissible to use this figure even if it was used by the 1st Respondent to determining the percentages.

witness: My lord, both figures are coming from the same source.

2nd counsel: I’m not saying the source.

witness: if the 1st Respondent declares it so, it must be so.

2nd counsel: so you see, if the 1st Respondent declares that the 2nd Respondent is the winner, is also must be so.

witness: No my lord, because that is why we are here. My lord, if the 1st Respondent declares that these are the figures, we are entitled to rely on those figures and if we find out that the figures are internally inconsistent, we challenge her conclusions and then we come to a forum like this.

2nd counsel: Now, I'm putting it to you that, you used this erroneous figure as a basis for calling for your rerun. That's what I'm putting to you.

witness: Yes my lord.

2nd counsel: Good, now, you admit that the petitioner has been a member of the NDC since it's formation in 1992.

witness: Yes, he has been a member of the NDC.

2nd counsel: Naturally, he was the NDC's presidential candidate.

witness: Yes, he was.

2nd counsel: Indeed, in your paragraph 2 of your witness statement, can you read your paragraph 2?

witness: Yes. "I'm the general secretary of the NDC, the party on who's ticket the petitioner contested....."

2nd counsel: I'm putting it to you that, as the general secretary of the NDC, you are the coordinator of the general elections, particularly the presidential elections for the NDC.

witness: I'm the coordinator of campaigns for the party.

2nd counsel: And as coordinator, you coordinate the work of your agents of the presidential candidate throughout the country and they report to you in that capacity.

witness: Yes, my lord.

2nd counsel: So, it is correct to say that you had full information on what was going on all over the country during the 2020 presidential elections.

witness: My lord respectfully may I find out which information you are referring to?

2nd counsel: The relevant information as to how the election was run.

witness: Yes. By and large, I had information.

2nd counsel: I believe that on that basis, you provided the petitioner all the relevant information on developments you consider significant particularly the presidential results.

witness: Yes, my lord.

2nd counsel: I believe the personnel has trust in you and that with regard to the strategic role you play in coordinating the activities of agents of the petitioner during the elections, he selected you to give evidence in support of his case.

witness: Yes my lord.

2nd counsel: Now, you remember when the President of the Republic in July 2018 appointed the current chairperson of the 1st Respondent; your reaction to the appointment was that, you were shocked and disappointed because 1st Respondent is a known pro- NPP person and anti- NDC person. That was your reaction.

witness: Yes my lord. Those were my words.

2nd counsel: Indeed, when the 1st Respondent announced that, they were going to compile a new voter register, your party, the petitioner and you in particular strongly resisted, alleging on grounds that, 1st Respondent and the president were colluding in compiling a new register to rig the elections. That's what you said.

witness: Yes, my lord and we have grounds to say so.

2nd counsel: And indeed, the NDC of which you are general secretary went to court to stop the compilation of the new voter register.

witness: Yes, my lord.

2nd counsel: And even when the plan for registration was unveiled, you denigrated it; stating that, it was calculated to favour the 2nd Respondent.

witness: Yes, my lord. And events subsequently vindicated that position.

2nd counsel: You see. I put it to you that, you and your party including the petitioner viewed the chairperson of the 1st Respondent with jaundice eyes and had a pre-determined position of allege lack of equality.

witness: My lord, we viewed her accurately and saw the reflection of her on our eyes and that was the basis we made those statements.

2nd counsel: So, it is based on this unfounded prejudice that you have against the 1st Respondent that you are doing everything to discredit the election?

witness: My Lord, I have not said it in anywhere that, the prejudices are unfounded. I'm saying that, they are founded on solid facts.

2nd counsel: Now, you see, I want you to look at „exhibit 4“ attached to the 1st Respondent's witness statement. I'm suggesting to you that, for purposes of identification for the time being that this is the official form 13B, that is the declaration of the presidential election results of national summary sheet. Have you seen it?

witness: Yes, I have seen it.

2nd counsel: Look at the 1st Respondent's witness statement and look for „exhibit 4“.

witness: My Lord, my first time of seeing this document on where it was filed were never cited them anywhere, we have never signed it, the agents that were at the strongroom don't have their signatories here and the declaration that was made on the 9th did not relate to any of the figures I'm seeing here.

2nd counsel: Good. We will come to that, you relax. So, look at the total number of valid votes cast obtained by the 2nd Respondent. What is it?

witness: On this document, I can see 13, 121, 111.

2nd counsel: You see you have made a mistake?

witness: Yes. Everybody is capable of making a mistake, but there are established ways of correcting every mistake in every situation in life.

2nd counsel: Please go on. Now, read to the court the total number of votes obtained by the 2nd Respondent. So, you see Mr. Nketia, each of the twelve candidates on this document is exactly what the chairperson of the 1st Respondent declared on the 9th December.

witness: My lord, the documents are not with me.

2nd counsel: so, I'm saying, in your witness statement, you have attached a video clip of the declaration by the chairperson of the 1st Respondent.

witness: Yes.

2nd counsel: Do you want it to be played so that you can refresh your memory?

witness: Yes, My Lord.

2nd counsel: So, Mr. Nketia, you can see that, the figures that each of the twelve candidates obtained as announced by the chairperson of the 1st Respondent in her press conference of 9th December are exactly the same as the figures on „exhibit 4“.

witness: Yes, my lord.

2nd counsel: Can you tell the court what percentage is 6, 730, 413?

witness: Come again.

2nd counsel: I'm saying that the total votes cast in favour of the 2nd Respondent is 6, 730, 413. Is that correct?

witness: That is correct my lord.

2nd counsel: Good, now, the total number of valid votes that the petitioner obtained from the declaration in your „exhibit A“ is 6, 214, 889.

witness: That is so my lord.

2nd counsel: And it goes on to the very end in the announcement. I'm also putting to you that, if you a sum of all these valid votes, can you tell the court of the percentage of 6, 730, 413 of 13, 121, 111?

witness: My Lord, it is 51.29453, so it can be run up to 51.295.

2nd counsel: Very good, so 51.295 percent not so?

witness: Yes, my lord.

2nd counsel: Now, what about the petitioner? His total valid votes are 6, 214,889. What is this sum in as a percentage of 13, 121,111?

witness: My Lord, it is 47.365569 so it can be rounded up to 47.366.

2nd counsel: So, you admit that, from the chairperson of the 1st Respondent's declaration on 9th December 2nd Respondent crossed the 50% threshold.

witness: From the declaration as announced.

2nd counsel: From the figures, if you do that as a percentage of the actual total valid votes.

witness: Well, if the figures are correct, Yes.

2nd counsel: Now, again, when calculated the percentage for the 2nd Respondent, you came to a figure of 51.295, not so?

witness: Yes, my lord.

2nd counsel: You noticed that when the chair of the EC was regularly proclaiming this, she said, 51.592. Is that not so?

witness: I can't remember what she actually said, I think she said 5.... please can you play back the video?

2nd counsel: So, you can see that an obvious error was made by chairperson of the 1st Respondent. Not so?

witness: My lord, your question was for me to admit that the 1st Respondent announced 51.592 instead of point 295. But my lord, that is wrong because, she actually mentioned 51.595 not point 295.

2nd counsel: So, I'm saying that, from the actual calculation of the percentage, which you just did before this court, that was an error. You agree?

witness: Yes. The percentage announced was an error.

2nd counsel: But the correct percentage shows that the 2nd Respondent has crossed the 50% threshold.

witness: Well, if all the figures are to be believed.

2nd counsel: Ok. So now, let's look at the press release of 10th December which you have attached to this your witness statement as „exhibit B“, now I'm putting it to you that if you add all the valid votes obtained by the twelve candidates, you will get a total figure of 13, 119, 460 but that excludes that of Techiman South.

witness: My Lord, I want to reread the statement. 13, 119, 460 is correct.

2nd counsel: Good.

Witness: 51.2614 right.

1st Counsel: Now, for the Petitioner, he had 47. 397 assigned to him by your sheet. Is that correct?

Witness: Yes. That's correct.

1st Counsel: Now, deduct the number assigned to the 2nd Respondent and tell this court the difference.

Witness: 510790

1st Counsel: So, you got 510790

Witness: Yes, my lord.

1st Counsel: Now, it is not true that, the 1st Respondent padded votes as you alleged?

Witness: My Lord, I didn't upload that assertion.

1st Counsel: Now, in your „Exhibit F“ you alleged that, 4,693 votes were added to, in favour of the 2nd Respondent. That is your allegation.

Witness: My Lord, if you look at my statement, I indicated that, I will bring a sample of the constituencies and polling stations the padding took place. I did not indicate it as exhaustive means of all the places where the padding took place.

1st Counsel: We are using the numbers you brought to assist the court. I'm saying that, the total of 4,693 is what you have put there. Is that it?

Witness: I got it as a sample and my statement indicated that, this is from a sample of this particular constituency. I don't understand sample to mean the total of the whole thing.

1st counsel: Now, deduct the 4,693 from 510790. What do you get?

Witness: With all due respect, I don't see the point of the question.

1st Counsel: You're being rude to the court not me.

Witness: Come again.

1st Counsel: Deduct 4,693 from 510,790. What do you get?

Witness: I got 506,097.

1st Counsel: Good. I am suggesting to you that, even if this is your number as alleged, if deducted from the total valid votes of the 2nd Respondent, he's still has won by 51.25 percent. I'm putting that to you.

Witness: My Lord, I deny that because, you are subtracting apples from mangoes. This is a sample and you want to subtract the sample from the total population. I don't see the need.

1st Counsel: I am suggesting to you that, you have no evidence to support your allegation, that's why you have brought these results. I'm putting that to you.

Witness: My Lord, we are not in court to try and declare another presidential result, we are in court to challenge the performance of a constitutional duty of the 1st Respondent and to see whether that duty has been discharged faithfully.

1st Counsel: if that is so, then I'm suggesting to you that, by your own showing, you are not in the right fold.

Witness: I decline that My Lord.

1st Counsel: Now, you have earlier told this court that, you cannot speak to what happened at the strongroom when your two representatives were there.

Witness: That is correct my lord.

1st Counsel: Is that correct?

Witness: That's correct.

1st Counsel: My Lords, on that basis, I'll end my cross examination of the witness.

2nd Counsel: So, Mr. Asiedu Nketia, you recall that, before the declaration of the 9th of December 2020, your party and your presidential candidate held a series of press conferences on what you considered to be the outcome of the presidential elections. Is that not so?

Witness: That is so My Lord.

2nd Counsel: And in those press conferences you announced to the whole world that, the Petitioner had won the election by the votes you had collated the president elect. is that correct?

Witness: My Lord, that is not in my witness statement.

2nd Counsel: Answer the question.

Witness: Yes, My Lord.

2nd Counsel: Now, in some of the press conferences, you were present, and you spoke on the issues on the results of the presidential election.

Witness: Yes, My Lord.

2nd Counsel: The Petitioner also spoke on the outcome of the presidential elections.

Witness: Yes, My Lord.

2nd Counsel: And your deputy Otukonor equally spoke on the results of the presidential elections.

Witness: My Lord, I can attest to my statement at the forum where the Petitioner was present and he spoke, but I don't remember anybody present at a forum where my deputy spoke.

2nd Counsel: You know that your presidential candidate asserted that, he had won the 2020 presidential elections?

Witness: My Lord, what I remember the Petitioner said was that the results declared by the 1st Respondent was not accurate.

2nd Counsel: Now, I'm putting to you that, you yourself declared that the Petitioner had won the presidential election.

Witness: Unless I'm remembered. But I remember saying that the NDC has won majority in parliament and that gives President Mahama a comfortable situation to be able to run the next government.

2nd Counsel: So, I'm suggesting to you that, by that statement, you were saying that the Petitioner had won the elections and he was going to become the president.

Witness: My Lord, by all indication by...

2nd Counsel: Not indications, I'm saying that by what you said, you meant that he had won the elections because that's the only way he could form the next government.

Witness: My Lord, if I meant that, I would have said so.

2nd Counsel: Mr. Asiedu Nketia, you served on Petitioner our witness statement. You are aware.

Witness: My Lord, I'm not the petitioner.

2nd Counsel: I didn't say you are the petitioner, you served on the Petitioner our witness statement. Are you aware?

Witness: I'm aware.

2nd Counsel: Have seen a copy of the witness statement?

Witness: Yes, I have seen it.

2nd Counsel: You mean admit that, in the witness statement of the 2nd Respondent, we have attached „Exhibit 6“.

Witness: Yes, My Lord.

2nd Counsel: Mr. Nketia.

Witness: Yes, My Lord.

2nd Counsel: I believe you admit that the video recording that, we have watched showed you saying that the Petitioner had won the elections.

Witness: My Lord, I have watched the video and I have watched it here. I stand by every word, every punctuation, every sentence that relates to me Johnson Asiedu Nketia, and there is nowhere unless we are watching different clips, there's nowhere I indicated definitely that, the 2nd Respondent has won the elections. What I said is what I put in my answer last Friday, that we have won majority of seats in parliament which is about which figure I put up which is 141 seats and that we are cruising for victory and that is exactly what have shown in all the various speeches which have been clipped together.

2nd Counsel: So, let's understand you admit everything on the video coming from your image on the various videos.

Witness: From my mouth. Those are my pictures and those are the words that came out from my mouth.

2nd Counsel: I'm putting it to you that, in the video you said and I quote "the NDC has won 141 seats and that gives us a clear majority and would be given President Mahama the needed majority in parliament to be able to conduct his business as president.

Witness: Yes, My Lord.

2nd Counsel: Did you say that?

Witness: Those are my words.

2nd Counsel: I am putting it to you that, you thereby implied that, President Mahama had won the elections.

Witness: I implied that, I expected President Mahama to win the elections because every evidence was pointing at President Mahama's victory and in fact, my Lords, if you will permit me. In all the seven parliamentary and presidential elections that have been held in this country before this one, the presidential candidate and the political party which wins and control parliament ends up winning the presidency.

2nd Counsel: Mr. Asiedu Nketia, don't lecture us. Answer the questions put before you. You can't lecture us.

Witness: Yes, My Lord.

2nd Counsel: Mr. Asiedu Nketia, you have seen in the videos that your deputy, one Otukonor. Is that correct?

Witness: Yes, My Lord.

2nd Counsel: In the video Otukonor says, Mahama has won these elections by six million, one hundred and sixty-six thousand, three hundred and eighty-five. And that constitute 50.15 percent. Is that not so?

Witness: I heard him say so in the video. But my Lords, I indicated last Friday that, I was present at the press conferences addressed by my good self and the petitioner, and I did indicate clearly that, I will not be in the best position to testify about whatever any other official of the NDC has said at their various press conferences. That was what I said.

2nd Counsel: I'm putting it to you that, the press conferences that have been shown are press conferences organized by the NDC as a party.

Witness: Yes, my Lord. The NDC have 38,000 branches. Each branch can organize a press conference in their own right and we have regions, each region can organize press conferences in their own right, and at the national level, we have various departments, and the General Secretary does not have to be present at all such press conferences.

2nd Counsel: Now, as the General Secretary, these press conferences were organised with your consent and knowledge.

Witness: My Lord, I'm the chief executive of the party, so in that sense, I take some responsibility about whatever happens in the party but when a statement is made by a junior officer that contradict what the chief executive has said, it is the chief executive officer's word that prevails.

2nd Counsel: Now, again you saw Mr. Sammy Gyamfi introducing the petitioner as the president elect in the video?

Witness: Yes, My Lord, I saw it in the video.

2nd Counsel: then again, your deputy who works under you said "let me announce to all our supporters that, you are free to jubilate. You are free to express your excitement because the NDC is forming the next government of the Republic of Ghana" is that correct?

Witness: that's correct my lord. And my lord, I'm not aware of any restrictions on jubilations of the right of party members over election results.

2nd Counsel: and then your representative from Ashanti Region; Kwame Zou, your Regional Secretary said that “President Mahama would be declared as president elect of Ghana and historically, whenever the NDC get more than 25% in Ashanti Region, they are going to the flagstaff house.

Witness: Yes, my lord, I heard him.

2nd Counsel: So, I’m putting it to you that, the trust of all these statements in the various clips is that President Mahama had won the 2020 presidential elections.

Witness: My Lord, these statements according to the videos were made before declaration and some after declaration. So, it is difficult to put all the statement together and say that, at this point this is what was said.

2nd Counsel: I’m putting it to you that, these statements were made before declaration.

Witness: My Lord, my viewing of the video indicated that some of the statements made were after the declaration.

2nd Counsel: So, you admit that some of the statements saying that the petitioner had won the elections were made after the declaration. Not so?

Witness: from what I have watched here with everybody here, I can see that, this is not a video of one event, these are videos picked and piece together and some of them relate to a time period after declaration.

2nd Counsel: Now, it is no secret that, intersperse to change these press conferences. The NDC under your direction had organize several demonstrations in Accra, stating that the petitioner had won the elections and warning the 1st Respondent not to subvert the will of the people.

Witness: My Lord, the NDC had organize several demonstrations with three main objectives, one killing of innocent voters at various polling stations by security officers, nothing seem to be happening. The NDC made one of the purposes of the press conference. The other purpose of the press conference....

2nd Counsel: please, I have not asked you the purpose. Answer my question. Don’t be taking instructions and lies from this side. Please.

Witness: please, I asked the question again and I answer according to my ability and what I consider to be the answer to the question.

2nd Counsel: You organized a number of demonstrations. Is that so?

Witness: Yes, we did.

2nd Counsel: And one of the clear objectives of these demonstrations was that the petitioner had won the elections and the EC should not subvert the will of the people.

Witness: my lord, the objective, that relates to the presidential elections was that the results as declared were fraud and the commission itself had accepted that, the results were fraud that is why they kept changing the figures.

2nd Counsel: So, you admit that, they said that the results were fraud?

Witness: Yes.

2nd Counsel: Mr. Asiedu Nketia, who in your view won the elections?

Witness: My lord, we are not interested in winning or losing a fraud election. We want to be winners of election that is credible.

2nd Counsel: Now, it is also true that, notwithstanding all these statements, that your party, yourself and the petitioners, had made that the petitioner had won the elections, when you eventually, filed your petition, there was nothing in your petition about the petitioner having won the election.

Witness: My Lord, I have indicated earlier that.....

2nd Counsel: No, please answer my question.

Witness: please, I'm all to answer the question unless you are not ready to listen to my answer.

2nd Counsel: I have asked you that, when you filed the petition, there was nothing in it to the effect that, the petitioner had won the elections.

Witness: In the petition, yes.

2nd Counsel: Now, again you claimed in one of your statements that, elections are won at the polling stations all over the country. So, I'm putting it to you that, when you made the statement that the petitioner had won the elections, it presupposes that, you have the polling station pink sheets.

Witness: My Lord, I indicated that, I never said that the petitioner had won the elections.

2nd Counsel: Now, when the petitioner was telling the whole nation that the NDC had won both the parliamentary and presidential elections, on what basis was he making those statements?

Witness: [laughter]

2nd counsel: Now, I believe that, as you have admitted during cross-examination on Friday that, you had trained agents at all the various polling stations, constituency collation stations and regional centres. Is that correct?

witness: That's correct my lord.

2nd counsel: They are all entitled to a carbon copy of all the official election documents of the results.

witness: Yes, my lord they are all entitled to. But in some cases, they were denied.

2nd counsel: You know that you have not stated this important factor in your witness statement. You know that as a fact?

witness: My lord, I'm answering to a question that has been asked.

2nd counsel: I am saying that this important allegation, you have not mentioned it in your witness statement.

witness: Yes, I have not mentioned it in my witness statement, my lord.

2nd counsel: And the petitioner has not also mentioned it in his petition.

witness: We indicated that, that is what ought to be done. What ought to be done is another matter. I indicated that clearly in my response.

2nd counsel: You are answering a different question. I'm saying that, if you look into the petition, nowhere the petitioner says what you are alleging.

witness: Yes. I said in a response in an answer last Friday.

2nd counsel: Now, I'm putting it to you that, the only evidence of the election results that you have attached is your „exhibit E, A and declaration exhibit B, a press release, exhibit C; the eleven constituency summary sheets of Eastern Region, exhibit E, the 275-summary sheet you described as the spread sheet of the constituency summary sheet.

witness: Yes, my lord, I indicated that, we chose to rely on the 1st Respondent's own figures, thereby judging her by her own Bible.

2nd counsel: So, it means that, you have accepted the information of those documents by the 1st Respondent.

witness: The information suggest.

Akoto: No, I asked a simple question, I said you accept the information in these documents as the documents of the election?

witness: My lord, I have been advised by my lawyers.

2nd counsel: No, you are not talking about what your lawyers want you to say. Answer the question.

witness: My lord, because we disagree with the data, that's why we are here.

2nd counsel: But you are using the same data in support of your claim.

witness: My lord, the data must be internally consistent such that, the declaration must be seen to be the product aggregation of the data and we are entitled as a participating party to look at the data available to us, from which the 1st Respondent drew her conclusion. And we saying that, the data they have submitted does not support the conclusions that have been drawn and that is why we are here.

2nd counsel: Now, you see, you have not provided any document of your own showing that neither party won the elections.

witness: The documents/results we are working with, is the results declared by the 1st Respondent.

2nd counsel: No, that is not the answer. I'm saying as a matter of fact that, you the general secretary, who was directing and coordinating the presidential elections, you have not provided a single piece of independent evidence in supporting your claim that, neither party won the elections. Simple question.

witness: My Lord, I need to understand what independent means, so that I can proceed to answer the question.

2nd counsel: All the documents the 1st Respondents used to conduct the elections; you have carbon copies of them. Don't you?

witness: Yes.

2nd counsel: I am saying that you have not put together your carbon copies to show that indeed nobody won the elections.

witness: Yes, My Lord. Because that is not the purpose of our petition.

2nd counsel: So, you say what is not the purpose?

witness: I'm saying that we did not come to court to come and take over the work of the electoral commission, but we are entitled, if we see the results are fraud, they are not born out of the data, we are entitled to challenge and insist that we must have a credible result and a declaration that is based on the votes that were cast at the polling stations.

2nd counsel: That's ok, and I'm saying that, you have not provided any basis of your own for your call for a run-off.

witness: No, My Lord. We haven't brought that data here. We didn't consider it necessary to bring such data here.

2nd counsel: You see, do you know why you haven't brought such data here? It's because all the authentic documents you have shown that the 2nd Respondent has won the elections, so you can't bring it out.

witness: That is not so my lord. Because we produced documents that would support the case we brought to this court. And if the case we have brought to this court is not about coming to retabulate figures the way NPP chose to do in 2013. We don't need to bring those figures here. We are judging the 1st Respondent by her own Bible. So the figures that she claimed were the figures that were generated and the conclusions that were drawn. We are saying that the conclusions are not born out of the figures she herself have presented.

2nd counsel: So, Mr. Asiedu Nketia, I'm saying that indeed your claim for rerun between the 2nd Respondent and the Petitioner is based on the verbal slip made by the chairperson of the 1st Respondent in mentioning the total vote cast rather than the total valid votes cast as the basis of determining the percentages.

witness: My Lord, I disagree that it is a verbal slip. Because a verbal slip in reading out figures would have meant that, you read one figure instead of the other, but from the subsequent corrections that the 1st Respondent sort to bring out, the figure she mentioned and the correction that was made was not related to the figures of the day at all. Because, if you have maybe total votes cast in one column and the total valid votes cast in another column, it is possible that you read total votes cast for total valid votes cast. So, when you come back and say it is a verbal slip, we expect the correction that she made could relate to the figure you thought you were reading. But the correction that they claimed were made did not relate to any figure on the face of the declaration data. So, it was a new figure to introduce. So, it could not be any verbal slip.

2nd counsel: Mr. Nketia, you know as an experience player in elections in the 4th Republic that you determined who win the presidential election based on the total number of valid votes cast. Do you know that?

witness: Yes, I do.

2nd counsel: Now, you also know that, if you listen to your „exhibit A“ that is the press conference declaring who won the election, you tabulate the total of all the votes obtained by the twelve candidates, you will get 13, 121, 111 votes. Is that not correct?

witness: My Lord, that figure was nowhere in the declaration.

2nd counsel: Answer the question.

witness: My Lord, as per the figures declared by the 1st Respondent, that's correct.

2nd counsel: Ok. Now, you see therefore that being the case, you are not permitted to use any other number to calculate the percentages.

witness: My Lord, I was not involved in the calculation leading to the declaration.

2nd counsel: So, Mr. Nketia, you admit that, it is completely wrong for anybody to use the total votes cast as the basis for determining the percentages of the votes obtained by the different candidates.

witness: Yes.

2nd counsel: And anybody that does that cannot be accepted anywhere in Ghana.

witness: Yes, my lord.

2nd counsel: so, you see, that is precisely what the petitioner has done in paragraph 16 of the petition. You can check it out and read it out to the court.

witness: Yeah. Paragraph 16.

2nd counsel: Read it out.

witness: "consequently, if all votes of Techiman South Constituency were added to petitioner's votes, 2nd Respondent's votes will remain the same at six million, seven hundred and thirty thousand, four hundred and thirty yielding 49.629 percent while the vote of petitioner will increase to six million, three hundred and forty-two thousand, nine hundred and seven now yielding 46.768 percent."

2nd counsel: And you achieved that in paragraph 15.

witness: Should I read paragraph 15?

2nd counsel: Yes.

witness: "Techiman South Constituency has a total registered population of a hundred and twenty-eight thousand and eighteen and if added to the total valid votes announced by the 1st Respondent as cast, the resultant figure will now be thirteen million, five hundred and fifty-two thousand, five hundred and ninety-two."

2nd counsel: You see, I'm putting it to you that, the figure 13, 434, 574 does not represent the total valid votes obtained by the twelve candidates, if you do the additions from the announced declaration in your „exhibit A“. is that it?

witness: My lord yes. It's not the total votes but we are not claiming that was the total valid votes, but it is a response to the statement made by 1st Respondent herself as the

basis for the declaration of the results before taking into account the Techiman South votes. So we are again judging her by her own Bible.

2nd counsel: Therefore, you cannot use what you know is factually incorrect and not permitted by the rules governing our elections as the total valid votes cast. You can't use that, even the EC made that mistake.

witness: My lord, as I sit here, I don't know the total valid votes really cast. All the results came from the 1st Respondent. The 1st Respondent keep changing the figures.

2nd counsel: Mr. Nketia, please answer the question. Your answer being the case that, the 13, 434, 574 is not the total valid votes that you admitted? I'm putting it to you that, you can't use that as a basis as the denominator for determining the percentages.

witness: Come again my lord.

2nd counsel: I'm saying that the 13, 434,574 that the EC Chairperson announced is in fact not the total valid votes cast. And that if you do the tabulation of the actual votes by each candidate as declared on the 9th of December, you find out that, it is 13, 121, 111 and therefore, it is not permissible to use this figure even if it was used by the 1st Respondent to determining the percentages.

witness: My lord, both figures are coming from the same source.

2nd counsel: I'm not saying the source.

witness: if the 1st Respondent declares it so, it must be so.

2nd counsel: so you see, if the 1st Respondent declares that the 2nd Respondent is the winner, is also must be so.

witness: No my lord, because that is why we are here. My lord, if the 1st Respondent declares that these are the figures, we are entitled to rely on those figures and if we find out that the figures are internally inconsistent, we challenge her conclusions and then we come to a forum like this.

2nd counsel: Now, I'm putting it to you that, you used this erroneous figure as a basis for calling for your rerun. That's what I'm putting to you.

witness: Yes my lord.

2nd counsel: Good, now, you admit that the petitioner has been a member of the NDC since it's formation in 1992.

witness: Yes, he has been a member of the NDC.

2nd counsel: Naturally, he was the NDC's presidential candidate.

witness: Yes, he was.

2nd counsel: Indeed, in your paragraph 2 of your witness statement, can you read your paragraph 2?

witness: Yes. "I'm the general secretary of the NDC, the party on who's ticket the petitioner contested....."

2nd counsel: I'm putting it to you that, as the general secretary of the NDC, you are the coordinator of the general elections, particularly the presidential elections for the NDC.

witness: I'm the coordinator of campaigns for the party.

2nd counsel: And as coordinator, you coordinate the work of your agents of the presidential candidate throughout the country and they report to you in that capacity.

witness: Yes, my lord.

2nd counsel: So, it is correct to say that you had full information on what was going on all over the country during the 2020 presidential elections.

witness: My lord respectfully may I find out which information you are referring to?

2nd counsel: The relevant information as to how the election was run.

witness: Yes. By and large, I had information.

2nd counsel: I believe that on that basis, you provided the petitioner all the relevant information on developments you consider significant particularly the presidential results.

witness: Yes, my lord.

2nd counsel: I believe the personnel has trust in you and that with regard to the strategic role you play in coordinating the activities of agents of the petitioner during the elections, he selected you to give evidence in support of his case.

witness: Yes my lord.

2nd counsel: Now, you remember when the President of the Republic in July 2018 appointed the current chairperson of the 1st Respondent; your reaction to the appointment was that, you were shocked and disappointed because 1st Respondent is a known pro- NPP person and anti- NDC person. That was your reaction.

witness: Yes my lord. Those were my words.

2nd counsel: Indeed, when the 1st Respondent announced that, they were going to compile a new voter register, your party, the petitioner and you in particular strongly resisted, alleging on grounds that, 1st Respondent and the president were colluding in compiling a new register to rig the elections. That's what you said.

witness: Yes, my lord and we have grounds to say so.

2nd counsel: And indeed, the NDC of which you are general secretary went to court to stop the compilation of the new voter register.

witness: Yes, my lord.

2nd counsel: And even when the plan for registration was unveiled, you denigrated it; stating that, it was calculated to favour the 2nd Respondent.

witness: Yes, my lord. And events subsequently vindicated that position.

2nd counsel: You see. I put it to you that, you and your party including the petitioner viewed the chairperson of the 1st Respondent with jaundice eyes and had a pre-determined position of allege lack of equality.

witness: My lord, we viewed her accurately and saw the reflection of her on our eyes and that was the basis we made those statements.

2nd counsel: So, it is based on this unfounded prejudice that you have against the 1st Respondent that you are doing everything to discredit the election?

witness: My Lord, I have not said it in anywhere that, the prejudices are unfounded. I'm saying that, they are founded on solid facts.

2nd counsel: Now, you see, I want you to look at „exhibit 4“ attached to the 1st Respondent's witness statement. I'm suggesting to you that, for purposes of identification for the time being that this is the official form 13B, that is the declaration of the presidential election results of national summary sheet. Have you seen it?

witness: Yes, I have seen it.

2nd counsel: Look at the 1st Respondent's witness statement and look for „exhibit 4“.

witness: My Lord, my first time of seeing this document on where it was filed were never cited them anywhere, we have never signed it, the agents that were at the strongroom don't have their signatories here and the declaration that was made on the 9th did not relate to any of the figures I'm seeing here.

2nd counsel: Good. We will come to that, you relax. So, look at the total number of valid votes cast obtained by the 2nd Respondent. What is it?

witness: On this document, I can see 13, 121, 111.

2nd counsel: You see you have made a mistake?

witness: Yes. Everybody is capable of making a mistake, but there are established ways of correcting every mistake in every situation in life.

2nd counsel: Please go on. Now, read to the court the total number of votes obtained by the 2nd Respondent. So, you see Mr. Nketia, each of the twelve candidates on this

document is exactly what the chairperson of the 1st Respondent declared on the 9th December.

witness: My lord, the documents are not with me.

2nd counsel: so, I'm saying, in your witness statement, you have attached a video clip of the declaration by the chairperson of the 1st Respondent.

witness: Yes.

2nd counsel: Do you want it to be played so that you can refresh your memory?

witness: Yes, My Lord.

2nd counsel: So, Mr. Nketia, you can see that, the figures that each of the twelve candidates obtained as announced by the chairperson of the 1st Respondent in her press conference of 9th December are exactly the same as the figures on „exhibit 4“.

witness: Yes, my lord.

2nd counsel: Can you tell the court what percentage is 6, 730, 413?

witness: Come again.

2nd counsel: I'm saying that the total votes cast in favour of the 2nd Respondent is 6, 730, 413. Is that correct?

witness: That is correct my lord.

2nd counsel: Good, now, the total number of valid votes that the petitioner obtained from the declaration in your „exhibit A“ is 6, 214, 889.

witness: That is so my lord.

2nd counsel: And it goes on to the very end in the announcement. I'm also putting to you that, if you a sum of all these valid votes, can you tell the court of the percentage of 6, 730, 413 of 13, 121, 111?

witness: My Lord, it is 51.29453, so it can be run up to 51.295.

2nd counsel: Very good, so 51.295 percent not so?

witness: Yes, my lord.

2nd counsel: Now, what about the petitioner? His total valid votes are 6, 214,889. What is this sum in as a percentage of 13, 121,111?

witness: My Lord, it is 47.365569 so it can be rounded up to 47.366.

2nd counsel: So, you admit that, from the chairperson of the 1st Respondent's declaration on 9th December 2nd Respondent crossed the 50% threshold.

witness: From the declaration as announced.

2nd counsel: From the figures, if you do that as a percentage of the actual total valid votes.

witness: Well, if the figures are correct, yes.

2nd counsel: Now, again, when calculated the percentage for the 2nd Respondent, you came to a figure of 51.295, not so?

witness: Yes, my lord.

2nd counsel: You noticed that when the chair of the EC was regularly proclaiming this, she said, 51.592. Is that not so?

witness: I can't remember what she actually said, I think she said 5.... please can you play back the video?

2nd counsel: So, you can see that an obvious error was made by chairperson of the 1st Respondent. Not so?

witness: My lord, your question was for me to admit that the 1st Respondent announced 51.592 instead of point 295. But my lord, that is wrong because, she actually mentioned 51.595 not point 295.

2nd counsel: So, I'm saying that, from the actual calculation of the percentage, which you just did before this court, that was an error. You agree?

witness: Yes. The percentage announced was an error.

2nd counsel: But the correct percentage shows that the 2nd Respondent has crossed the 50% threshold.

witness: Well, if all the figures are to be believed.

2nd counsel: Ok. So now, let's look at the press release of 10th December which you have attached to this your witness statement as „exhibit B“, now I'm putting it to you that if you add all the valid votes obtained by the twelve candidates, you will get a total figure of 13, 119, 460 but that excludes that of Techiman South.

witness: My Lord, I want to reread the statement. 13, 119, 460 is correct.

2nd counsel: Good.