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Homicide Offenders' Perceptions of Procedural Justice in Ghana's Criminal Courts

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ABSTRACT

This study examines the lived experiences of homicide offenders in Ghana navigating trials and justice processes. Using in-depth interviews with men and women serving life sentences, it applies procedural justice theory to explore perceptions of fairness, legal representation, and institutional integrity. Reflexive thematic analysis revealed divergent narratives: some accepted guilt and viewed the process as fair, while others cited wrongful conviction, limited legal support, and spiritual explanations. Findings highlight the complex interplay of accountability, procedural experiences, and moral meaning-making, underscoring the need for reforms that enhance fairness, access to justice, and culturally sensitive approaches.

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Introduction

Globally, homicide cases are among the most serious matters before the courts, yet the experiences of those accused often remain hidden. While homicide has received increasing scholarly attention, limited research examines how offenders in Global South contexts such as Ghana navigate trial processes, particularly with regard to procedural justice. Although homicide occurs frequently worldwide, only a small proportion of cases lead to arrest, prosecution, and conviction (Liem, Aarten, and Vüllers 2022), meaning that relatively little is known about the experiences of offenders who actually pass through the criminal trial process. Research further indicates that a defendant's plea, whether guilty or not guilty, is a pivotal judicial decision that should be made freely, without judicial or extrajudicial pressure (Yin, Kudzedzi, and Kofie 2024).

In Ghana, evidence suggests that criminal cases often experience significant delays, with suspects sometimes held in pre-trial detention for extended periods (Adinkrah 2025). Adu-Poku (2021) observed that individuals typically resort to the formal justice system for serious offenses, particularly where informal mechanisms have failed. While sentencing mitigation frameworks allow for the consideration of abuse histories in the case of survivor-defendants, they still often result in disproportionately harsh penalties and lasting collateral consequences (Buch Handler-Raphael 2022). Within the criminal justice system, members of the public assess the procedural justice of authorities such as police, judicial officers, and correctional staff. Procedural justice is valued not only as an end in itself but also as a means of fostering important outcomes, including perceptions of legitimacy, compliance with the law, cooperation with justice officials, and satisfaction with both proceedings and outcomes (Sargeant, Barkworth, and Madon 2020). Research further suggests that these procedural justice experiences may have spill-over effects, shaping individuals' broader orientations toward the legal system beyond the immediate encounter (Ansems, van den Bos, and Mak 2020; Baker et al. 2024; Martinez et al. 2023).

In the Ghanaian context, Bickers, Crewe, and Mitchell (2019) note that prisoners report limited experiences of procedural justice in their interactions with court and custodial staff, undermining trust and straining relationships. Although Ghana's legal system particularly under the 1992 Republican Constitution upholds principles of human rights, the rule of law, fairness, and protection against arbitrariness (Tuffour and Adjanor 2024), the practical application of these principles does not always align with constitutional ideals. Adinkrah (2013) observed that the majority of defendants either pled guilty or were found guilty and received penalties ranging from fines to imprisonment. Yin, Kudzedzi, and Kofie (2024) further explain that accused persons may employ particular pleas strategically in order to influence sentencing outcomes. Those who enter a plea of not guilty may do so in the hope of exploiting legal loopholes or pursuing post-conviction appeals. However, the extent to which police influence the entry of guilty pleas remains underexplored.

Drawing on 37 in-depth interviews, Atkins, Maguire, and Cleere (2025) examined Irish prisoners' subjective experiences of the sentencing process and found that those who felt they received excessively harsh or unfair sentences, or who perceived themselves to be excluded from the process, were more likely to experience pronounced pains of imprisonment and an intensified awareness of their punishment. According to Clow and Leach (2015), although it is easy to assume that individuals who have been wrongfully convicted are stigmatized, research has not systematically examined this issue. Much of the available criminological literature on procedural fairness and legitimacy derives from Anglo-American contexts (Baffour-Awuah 2018), where the criminal justice system is frequently portrayed as a neutral and objective arbiter committed to fairness and accountability. Consequently, less is known about how procedural justice experiences in non-Western settings may shape offenders' broader perceptions of justice institutions over time. Although prior research has explored the views of law enforcement officers, judges, and victims, the perspectives of offenders, particularly homicide offenders in Ghana remain underrepresented. This study therefore draws on procedural justice theory (Tyler 1990; Tyler and Huo 2002), which emphasizes the importance of voice, respect, impartiality, and fairness in shaping perceptions of legitimacy.

Applying this theoretical lens to the trial experiences of homicide offenders allows for an examination of how courtroom interactions extend beyond immediate judgments of fairness to inform broader beliefs about justice and the legal system. Guided by this perspective, the study asks: How do convicted homicide offenders describe their experiences of the trial process? What aspects of the proceedings do they perceive as fair or unfair? And how do these trial experiences shape their wider perceptions of justice, legitimacy, and the legal system more generally? By foregrounding offender narratives, this study examines how procedural justice is experienced and interpreted by individuals convicted of murder focusing on fairness, voice, respect, and neutrality in justice processes.

Criminal procedure in Ghana: the case of homicide offenders

The Ghanaian justice system has undergone reforms aimed at addressing issues of public trust and confidence; nonetheless, anecdotal evidence indicates that negative perceptions persist (Adu-Poku, 2021b). The evolution of criminal procedure in Ghana has been shaped by the interaction of colonial legal systems, public sentiment, and reform efforts. Landmark cases often exposed weaknesses in procedure and fueled debates on justice and fairness. A striking instance is the 1928 trial of Dr. Benjamin Knowles in Ashanti, where he was convicted of murdering his wife without access to legal counsel or a jury. The conviction and death sentence triggered public outrage both in colonial Ghana and in Britain, spotlighting deficiencies in the handling of capital cases in Ashanti. This backlash prompted reforms, including the allowance of lawyers to practice in Ashanti and modifications in criminal justice administration, though jury trials were still excluded. The long-term outcome was that criminal adjudication in Ashanti came to be regarded as more lenient than in the Gold Coast Colony (Gocking 2011). This early case demonstrates how flaws in due process, particularly in homicide prosecutions, have long shaped public debates on fairness and legitimacy in Ghana's criminal justice system.

According to Tuffour and Adjanor (2024), the laws of Ghana, especially the 1992 Republican Constitution, uphold the respect for fundamental human rights, rule of law, fairness and lack of arbitrariness in the implementation of the law, especially in dealing with criminal offenders. It further requires that arrests and searches be conducted only with judicial warrants, and that the police inform suspects of the reasons for their arrest or detention. Suspects also have the right to legal representation, provided at public expense if necessary, and must be brought before a court within 48 hours of arrest. While these safeguards exist on paper, their uneven enforcement may raise questions about how effectively homicide offenders who often face the most severe penalties experience these protections in practice.

The Attorney General is responsible for prosecuting all criminal cases and offenders (Appiahene-Gyamfi 2009). Tufuor (2019) emphasizes that, although accused persons in Ghana are entitled to legal aid, its provision remains fraught with challenges. Despite the ratification of key international instruments, the integration of the right to legal aid into the Constitution and relevant legislation has been inadequate. Regulatory and operational constraints further undermine the effectiveness of public legal aid schemes, leaving many indigents accused persons to navigate the adversarial criminal justice system on their own, often to their detriment. This challenge is particularly acute in homicide cases, where inadequate defense can determine life-or-death outcomes, making the shortcomings of legal aid even more consequential.

Research on procedural justice and legitimacy in Ghana (Tankebe 2008, 2011; Tankebe, Boakye, and Amagnya 2020) shows that perceptions of fairness, accountability, and corruption shape public trust in legal authorities. Colonial policing legacies continue to influence legitimacy judgments (Tankebe 2008), and perceived institutional fairness affects attitudes toward police authority and extra-legal justice (Tankebe 2011). Recent studies confirm that perceptions of corruption and fairness affect cooperation with law enforcement, including traffic regulation (D'Emidio 2023; Sam 2022; Tankebe, Boakye, and Amagnya 2020). While previous research focuses on public attitudes, this study examines how homicide convicts interpret procedural fairness and legitimacy during trials. Although the police are central to judicial processing and citizen protection, vicarious experiences of corruption and satisfaction with reforms shape perceptions of trustworthiness, procedural justice, and effectiveness, while direct encounters are less influential (Tankebe 2010). Yin, Kudzedzi, and Kofie (2024) note that police influence on accused persons' pleas warrants further study, as such influence may undermine plea voluntariness and confidence in the justice process.

Worthy of note in criminal procedure, particularly in sentencing, is the role of jurors, who act as judges of fact in reaching final judgments in homicide cases. Horan (2024) observes that in common law jurisdictions, jurors are provided with a considerable amount of complex information about their role at the outset of the trial. Jurors in Ghana are selected under the Criminal and Other Offences (Procedure) Act, 1960 (Act 30), which presumes a baseline level of competence. However, a gap persists between formal procedure and courtroom practice, as some jurors may feel intimidated or unaware that they can submit written questions to the judge (Horan 2024). Given that homicide cases typically involve jury trials, the effectiveness of juror participation directly shapes the perceived legitimacy of verdicts and sentencing in capital cases. This issue does not imply juror incompetence but reflects constraints on comprehension and participation. Where questioning procedures are underutilized, decision-making may be based on incomplete understanding. In Ghana, Ayetey (2020) situates such concerns within a broader "jury crisis," calling for reform rather than abolition, while Adjei (2014) highlights ongoing debates about the suitability of jury versus bench trials.

Against this background, the procedural justice framework goes beyond the formal protection of rights by underscoring the need for fairness, transparency, and respectful treatment at every stage of the process, and considers whether offenders feel listened to, view the process as impartial, and experience dignity in their interactions with law enforcement, prosecutors, and the courts. Nevertheless, delays in investigations and repeated adjournments in homicide cases, as well as challenges in accessing effective legal representation, may undermine these perceptions of fairness.

Such systemic delays not only prolong pre-trial detention but also contribute to a perception among homicide offenders that justice is arbitrary or inaccessible.

While few studies examine the perception of victims experiencing the criminal justice system, Ofori-Dua, Onzaberigu, and Nimako (2019) found that although most victims were initially satisfied after reporting their cases, their satisfaction with the criminal justice system declined as the process continued; victims of property offenses mainly expected restitution, while victims of violent crimes sought compensation for medical and related costs. Overall, victims perceived that the prosecution and sentencing of offenders were not sufficiently deterrent. This contrast highlights a major gap: while victims' experiences are occasionally documented, the voices of homicide offenders themselves remain largely absent in existing literature. Despite the constitutional guarantees and procedural safeguards, little is known about how homicide offenders perceive the criminal process, a gap this study seeks to address.

Theoretical framework

Individuals present a wide range of problems and disputes before the courts. While this has always been the case, recent years have seen the court system emerge as the primary branch of government for addressing an expanding spectrum of issues and concerns (Tyler 2007). According to Tyler (1988), seven factors independently influence citizens' judgments of whether legal authorities act fairly: (1) the perceived motivation of authorities to be fair; (2) assessments of their honesty; (3) adherence to ethical principles; (4) opportunities for representation; (5) the quality of decisions; (6) availability of mechanisms for error correction; and (7) the extent to which authorities avoid bias. Procedural justice is thus shaped more by the nature of the situation than by the characteristics of those involved. This study draws on Procedural Justice Theory, as advanced by Tyler (2012), which posits that individuals' thoughts, emotions, and behaviors are shaped by their perceptions of justice. The theory distinguishes between distributive justice, which concerns the fairness of outcomes, and procedural justice, which emphasizes the fairness of decision-making processes.

Research shows that perceived procedural fairness influences individuals' acceptance of decisions, satisfaction with legal processes, willingness to cooperate with authorities, and compliance with rules (Burke and Leben 2024; Marien and Werner 2019; Tyler 2006). In criminal law, a similar distinction exists between substantive adjudication addressing the facts and legal issues concerning guilt or innocence and procedural adjudication focus on the processes of trial conduct, including evidence handling (Gao 2024). Procedural justice has been widely applied in policing, courts, prisons, and organizational contexts. Donner et al. (2015) highlight two core findings: first, citizens' perceptions of procedural justice in police encounters positively influence their views of police legitimacy, satisfaction with services, trust in the police, and confidence in law enforcement; second, police personnel's perceptions of procedural justice in organizational decision-making enhance their satisfaction with outcomes, trust in administration, job satisfaction, organizational commitment, retention intentions, and overall perception of the agency. While procedural justice theory provides the primary analytical framework for examining participants' perceptions of fairness, voice, and treatment within the justice process (Tyler 1990, 2017), the analysis also draws on insights from labeling theory to interpret how individuals experience and negotiate the social identities associated with criminal accusations and convictions. Labeling theory suggests that criminal justice processes can impose stigmatizing identities that shape how individuals are perceived and how they understand themselves (Abrah 2019; Becker 1963; Lemert 1951).

Incorporating this perspective allows the study to explore how participants interpret, resist, or contest the criminal labels attached to them during the justice process, complementing the study's focus on perceptions of procedural fairness and institutional legitimacy. Despite its influence, procedural justice theory developed largely in western contexts remains underexplored in Ghana, particularly in relation to homicide studies. Applied to the Ghanaian criminal court context, the theory offers a valuable framework for examining how homicide offenders interpret and internalize their trial

experiences. By focusing on fairness, respect, neutrality, and trust, it facilitates a deeper understanding of how judicial processes shape offenders' perceptions of legitimacy and justice. In this study, procedural justice is operationalized through four interrelated dimensions: (1) voice and opportunity to be heard, (2) neutrality and consistency in decision-making, (3) respectful and dignified treatment, and (4) trust in authorities. These dimensions guide both the analysis and organization of findings, enabling an examination of how homicide offenders evaluate fairness across different stages of the trial process.

Research design

This study adopted a qualitative phenomenological design to explore how convicted homicide offenders in Ghana interpret their trial and justice processes, emphasizing lived experience and meaning-making rather than descriptive accounts. Recent criminal justice research continues to employ phenomenological and interpretative approaches to examine individuals' experiences of court processes, sentencing, and justice system legitimacy, particularly how institutional encounters are perceived and interpreted (Davidsson 2025; Getoš Kalac and Bezić 2024; Reynolds and Hicks 2015). This approach is therefore appropriate for capturing offenders' subjective interpretations of justice processes within the Ghanaian criminal justice system.

This study formed part of a larger qualitative research project on *Homicide in Ghana: Underlying Factors and the Impact on Human Security*, which broadly examined the social, structural, and institutional drivers of homicide as well as its implications for human security. Data collection for the larger project was conducted between February to April May 2023. While the broader study explored multiple dimensions of homicide, this paper specifically focuses on offenders' perceptions of procedural justice within the criminal justice process.

Research setting

Time spent in prison does not occur in a vacuum. Inmates' perceptions of themselves, their circumstances, and others within their environment profoundly shape their prison experience (Bronson 2006). Reidy, Sorensen, and Bonner (2020) observe that prison homicide perpetrators constitute a small but distinct category of persistently deviant offenders who engage in elevated levels of criminal and violent behavior across settings. Consequently, they present a considerable security threat that requires intensive surveillance and robust security arrangements. In the Ghanaian context, high-risk offenders, particularly those convicted of homicide, are confined within both maximum and medium-security prisons. This institutional context informed the selection of a Medium Security Prison in Ghana as the research site for the present study.

The facility houses both male and female high-risk offenders, convicted of a range of serious crimes, including individuals serving life sentences for homicide. Both the male and female units are structured as multi-storey complexes fortified by high-security perimeter walls, specifically designed to minimize escape and ensure effective containment. The structural layout facilitates effective surveillance and monitoring of inmates throughout the day. The administrative block includes areas for visitors as well as a health facility that addresses the medical needs of offenders. In addition, vocational training and educational programs are provided to support inmates' rehabilitation and eventual reintegration into society.

Offenders are categorized according to their level of risk and legal status. These categories include convicted prisoners, death-row inmates, life-sentenced prisoners, remand prisoners, trial prisoners, foreign nationals, and others. A total number of prisoners on death row as of 23 October 2023 was 181, comprising one hundred and seventy-five (175) males and six females (Ghana Prisons Service, 23 October 2023). Given the constraints imposed by prison regulations and bureaucratic procedures, it was not feasible to interview all offenders. Consequently, nine participants were purposively selected from the 175 male prisoners and four females from the six

female inmates. From the total death row population (175 males and six females), participants were selected using purposive sampling to ensure variation in offense type, length of time since conviction, and trial history. In addition to voluntary consent, selection sought to include individuals with differing case trajectories (e.g., appeal status, plea type, and years on death row) to capture a range of perspectives on trial processes and post-conviction experiences. This strategy aimed to enhance analytic depth rather than statistical representation.

As part of Ghana's criminal justice system, the Ghana Prison Service maintains offense-disaggregated administrative records of incarcerated individuals. These records reflect the total number of persons convicted of homicide who are currently serving custodial sentences. The figures reported here are provided solely to contextualize the study setting and to situate the study sample of thirteen homicide offenders (nine men and four women) within the broader custodial population. Consistent with qualitative research design, the study does not aim for statistical representativeness but instead prioritizes depth, meaning, and experiential insight. Taken together, these structural, functional, and demographic features make this prison a particularly relevant setting for examining inmates' perceptions of trial fairness within Ghana's justice system.

Sampling and recruitment procedures

Participants were recruited using a purposive sampling strategy designed to include convicted homicide offenders with direct experience of Ghanaian homicide adjudication. Eligibility criteria required that participants (1) be male or female convicted of homicide, and (2) be willing and able to share their personal accounts of trial and justice processes. Participants who were unable or unwilling to provide informed consent, or whose cases were under appeal or ongoing review, were deemed ineligible. Potential participants were identified and approached individually through the prison administration. Participation was voluntary, and no monetary compensation was provided. Participants were informed that their contributions will inform research on justice processes. Data saturation was assessed across the entire sample of thirteen participants. According to Rahimi and Khatooni (2024), saturation is context-dependent and should be assessed based on whether additional interviews generate new themes. Four women consented to participate, representing the total number of eligible and willing female inmates during the study period. Although the female subsample was small, concurrent coding showed that the final interviews did not produce substantively new thematic categories beyond those already identified. The small female sample reflects facility demographics and voluntary participation rather than a sampling limitation.

Interview procedures

The interview guide was developed based on a review of relevant literature and the researchers' direct observations of court proceedings in homicide trials. It consisted of open-ended questions designed to elicit participants' experiences and perceptions of the trial process. For example, participants were asked to describe how they experienced the trial, including its length, the jury or judicial verdict, and any aspects they believed could have been handled differently (e.g., "How was the trial process, including the length, verdict, and anything you thought could have been done but was not?"). Participants were also asked directly whether they perceived the trial to have been fair (e.g., "Have you ever had the impression that you were not given a fair trial?").

While access constraints precluded extensive formal piloting, the interview guide was piloted during preliminary prison visits and refined through expert consultation and iterative reflexive review. During interviews, participant comprehension was supported through accessible language, opportunities for clarification, and follow-up probes as needed. To strengthen data credibility, peer debriefing with colleagues familiar with qualitative methods and criminal justice research was undertaken, and field notes were triangulated with relevant secondary sources. These steps enhanced the dependability

and trustworthiness of the data. After the initial interviews, preliminary analyses and summaries of key points were reviewed with participants where possible to confirm accuracy (member checking), ensuring that interpretations reflected their lived experiences. At the time of the interviews, participants had spent varying lengths of time in custody following conviction, allowing for reflection on their trial experiences from different temporal standpoints.

Data collection

Data were collected through one-on-one, in-depth interviews conducted in private spaces within the prison to ensure confidentiality. Each interview lasted between 45 and 60 minutes. Ethical approval was obtained from the appropriate institutional review board, and permission was granted by the Ghana Prisons Service. Informed consent was obtained from all participants prior to the start of the interviews. In compliance with prison regulations, audio recording was not permitted. Structured field notes captured key phrases verbatim where possible, alongside paraphrased summaries and observational details (e.g., tone, pauses). Notes were expanded within 30–60 minutes to elaborate shorthand entries and reconstruct statements while still fresh, and reflexive memos distinguished participant accounts from researcher interpretations. Expanded notes were cross-checked against original jottings, and only statements recorded verbatim or immediately reconstructed were presented as direct quotations.

Data saturation was assessed across thirteen participants. Rahimi and Khatooni (2024) notes that saturation is context-dependent, based on whether additional interviews generate new themes. Four women consented, representing all eligible and willing female inmates. Although small, concurrent coding showed that the final interviews produced no new thematic categories, indicating analytic sufficiency while acknowledging the limited female perspective. The small female subsample reflects the facility's gender composition and voluntary participation, not a deliberate sampling limitation. Their narratives were information-rich, providing perspectives on responsibility, legitimacy, and emotional responses that complemented and occasionally contrasted with male accounts, ensuring depth, credibility, and thematic completeness across the dataset.

Data analysis

A reflexive thematic analysis approach was employed to identify, interpret, and make sense of recurrent patterns within the data. The process began with careful familiarization with the field notes and reflexive memos, including notes on Ghanaian court procedures, trial timelines, and participant interactions with legal and prison staff, ensuring contextual specificity. This was followed by the generation of initial codes using a manual coding framework informed by procedural justice theory and field observations from the Ghanaian justice system. Coding was carried out iteratively, with the researchers repeatedly engaging with the data to enhance consistency and ensure accuracy. Analytic decisions, such as grouping codes into themes, were guided by patterns observed in participants' accounts of trial delays, pre-trial detention, and access to legal representation, highlighting context-specific experiences. These codes were then grouped and refined into broader themes that captured the core meanings in participants' narratives.

The analysis was iterative, involving constant movement back and forth between the raw data and the emerging themes. Both inductive and deductive strategies were used. Inductively, themes were allowed to emerge organically from the data without imposing preexisting assumptions. Deductively, the analysis was guided by procedural justice theory, which provided a conceptual lens for interpreting the themes and situating the findings within broader academic discussions about fairness and legitimacy in criminal justice processes. To enhance credibility, we triangulated emerging themes with field notes documenting Ghana-specific legal procedures and discussed interpretations with colleagues familiar with the local criminal justice context.

Data protection and confidentiality

To protect privacy and confidentiality, all identifying information was removed from transcripts and field notes. Participants were assigned pseudonyms during coding and analysis, and all quotes presented in the manuscript use these alternative names. Only the research team had access to the raw data, which was stored securely in password-protected files. These procedures ensured that participants’ identities remained confidential throughout the study.

Researcher positionality and reflexivity

The researcher(s) acknowledged their positionality as social scientists engaged in sociology, psychology, criminology and criminal justice research. Reflexive journaling was adopted throughout the research process to monitor personal biases and preconceptions. Where clarification was needed, follow-up was conducted only with prior institutional approval. Requests were made during scheduled visits, with prison authorities’ knowledge and consent. Participation was entirely voluntary, and participants were reminded that declining to clarify would not affect their standing. Clarifications were limited to factual confirmation of previously shared information and did not involve additional substantive discussion. The principal investigator’s prior knowledge of prison systems and criminal proceeding in respect to homicide trial in Ghana informed the interpretation but did not override participants’ own voices and narratives. [Table 1](#) gives the socio demographic characteristic of the participants.

Findings

This section of the paper presents the findings on participants’ perceptions of the trial process. The themes presented below should be understood as analytically derived patterns in participants’ narratives, rather than evaluations of institutional practices. They illustrate how individuals experience, interpret, and respond to legal processes, rather than offering definitive conclusions about the justice system itself.

Theme 1: access to legal representation and voice in pre-trial

Six participants reflected on their trial experiences with a sense of injustice, particularly regarding access to legal representation and the duration of pre-trial detention. One participant described entering the trial process without timely legal counsel, and five participants explained spending extended periods on remand, which they interpreted as a procedural failure. For example, the

Table 1: Socio-Demographic Characteristics of the Male and Female Participants

	Name	Sex	Age
1	Kwame	Male	54
2	Yaw	Male	27
3	Kojo	Male	42
4	Kofi	Male	71
5	Kwesi	Male	42
5	Kweku	Male	52
7	Mensah	Male	56
8	Kwabena	Male	36
9	Nana	Male	44
10	Ama	Female	52
11	Efua	Female	55
12	Abena	Female	39
13	Esi	Female	48

Note: all the names are pseudonym.

experiences of Yaw, a 27-year-old male offender, point to limitations in procedural justice, particularly in relation to voice, understood as the opportunity to meaningfully participate in one's case, and neutrality, reflected in the consistent and timely application of legal rules. As at the time of the interview, he recounted being convicted for his involvement in a fatal incident that occurred when he attempted to break up a fight:

I didn't even have a lawyer until the case was already on trial. I was on remand for three years before I was sentenced to prison. I have now been here for ten years, three years on remand and seven years in the prison.

From this narrative, there was a clear absence of legal counsel during the initial phase of the trial, alongside an extended period of remand without conviction. The lack of early legal representation limited Yaw's ability to express his account, challenge evidence, or participate meaningfully in proceedings, thereby constraining his procedural voice. Importantly, Yaw's experience was not unique; other participants similarly reported delayed or inadequate access to legal representation and lengthy pre-trial detention. These issues raise questions about timely legal representation and its broader implications for procedural justice. Extended remand periods were also interpreted as signaling weak neutrality, as decisions appeared delayed or inconsistently applied rather than guided by transparent and predictable procedures. The participant believed that failure to provide early legal support may have significantly influenced the outcome of his case.

Theme 2: accountability and perceived fairness

A few of the participants expressed acceptance of the court's decision and acknowledged their role in the events leading to the offense. For these participants, having the opportunity to admit responsibility and feel heard during proceedings contributed to perceptions of procedural fairness, even when outcomes were severe. This suggests that acceptance of guilt does not preclude perceptions of fairness; rather, procedural justice may be sustained when individuals feel they were given a meaningful opportunity to account for their actions. These narratives reflect a sense of accountability and, in some cases, agreement with the justice process. One of the participants, Kojo, a 42-year-old man serving a life sentence for fatally stabbing his wife during a heated argument, described his reflections on the trial as follows:

Once the person died in my hands, I accepted it. It wasn't my intention, but I can't explain it. It was my actions that led to her death. So, I feel the process was fair.

Unlike others who questioned the fairness of their conviction, Kojo accepted responsibility for his actions and did not challenge the outcome of the trial. His account illustrates how acknowledgment of wrongdoing can coexist with perceptions of procedural fairness, particularly when individuals believe the process allowed them to express remorse and be heard. His account reflects a broader pattern among a number of participants who linked acceptance of guilt with perceptions of procedural legitimacy. His narrative reflects moral and legal acceptance, even as he struggled to articulate the precise circumstances that led to the incident. This perspective aligns with procedural justice theory, which emphasizes that perceived fairness is shaped not only by outcomes but also by opportunities for voice, respectful treatment, and moral recognition within the process.

Theme 3: acceptance of outcomes amid procedural strain

With respect to this theme, a few of the participants accepted the outcome of their cases while simultaneously acknowledging the emotional difficulty of the trial process. These accounts demonstrate that acceptance of judgment did not necessarily imply satisfaction with all procedural aspects of the trial. Rather, participants distinguished between acknowledging responsibility and experiencing frustration with the process. Unlike Theme 2, which emphasizes perceived fairness and accountability as sources of legitimacy, this theme highlights how

acceptance can coexist with continued dissatisfaction arising from procedural strain, stress, and uncertainty. Ama, a 52-year-old female offender, expressed her perspective on the trial process as follows:

I think I deserved the judgment they gave me because I told them everything I did, and the judgment was based on what I said. My lawyer argued for self-defense, but I believe there wasn't enough evidence to support that. I think I deserved what I got even though the process was frustrating.

Her account reveals acceptance of responsibility alongside a complex emotional response to the legal process. Although her lawyer pursued a self-defense argument, Ama recognized the limitations of the available evidence and ultimately agreed with the court's decision. However, her reference to frustration points to experiential burdens associated with navigating the trial process, rather than rejection of the outcome itself. Similar narratives were expressed by other participants who accepted their sentences while remaining critical of delays, stress, or confusion experienced during trial proceedings. Similarly, a few of the participants also reflected on accepting responsibility for the outcome of their cases while describing the trial process as emotionally and procedurally demanding. These reflections illustrate how personal accountability could coexist with experiences of frustration, uncertainty, or strain during formal justice proceedings. Together, these narratives demonstrate that acceptance of legal outcomes did not necessarily imply full satisfaction with procedural experiences; rather, participants often distinguished between acknowledging responsibility for the offense and evaluating the practical and emotional challenges encountered during the trial process.

Theme 4: perceived lack of neutrality and competence in jury decision-making

Other participants expressed deep skepticism about the fairness and integrity of the justice process, particularly concerning the role and competence of jurors. These concerns were shared by more than one participant and were framed as procedural shortcomings rather than objections solely to the final verdict. Such perceptions directly relate to the procedural justice principle of neutrality, which requires decision-makers to be competent, unbiased, and capable of applying the law consistently. Kwesi, a 42-year-old man serving a sentence for murder, shared his concerns about the jury during his trial:

One thing I realized was that the jurors were problematic. It appears some of them didn't even know how to write, and I felt they were not well-educated.

This narrative suggests distrust in the impartiality and competence of the jury, raising concerns about systemic weaknesses in juror selection and training. When jurors are perceived as lacking basic competence, participants interpret this as a failure of neutrality, undermining confidence in the fairness of the trial process.

Theme 5: distrust in investigative neutrality and evidence handling

A few of the participants questioned the integrity of police investigations and the rationale behind their prosecution, particularly where evidence appeared incomplete or inadequately verified. These concerns were framed as failures of investigative neutrality, a core element of procedural justice that requires impartial, thorough, and evidence-based decision-making. A 55-year-old female offender, expressed dissatisfaction with both the police investigation and the court process:

"Yes, because of the way things went, I have a negative impression about the police and the court. I think something went wrong with the investigation. If they had checked for food poisoning, reviewed telephone conversations, and verified things at the passport office and found no evidence against me, then why was I charged with murder?"

Her account points to deep concern about investigative oversights and perceived injustice in the decision to prosecute. The perceived failure to adequately verify evidence undermined confidence in the neutrality and competence of investigative authorities. It suggests that when due process is viewed

as flawed, it leaves lasting impressions of distrust and systemic failure. Such perceptions contribute to procedural injustice by weakening trust in institutional motives and eroding the legitimacy of both investigative and judicial outcomes.

Theme 6: moral reasoning, remorse, and expectations of compassion

Most participants interpreted their actions and the trial process through the lens of spiritual beliefs, emotional distress, and moral remorse. These participants generally accepted responsibility for the offense but questioned the proportionality and compassion of judicial responses. They believed the court should have shown mercy, especially given their personal circumstances and expressions of regret. This suggests that moral and spiritual reasoning functioned as interpretive frameworks through which participants evaluated the fairness of legal procedures and outcomes. Esi a 48-year-old female offender, expressed mixed feelings about the trial outcome and the court's approach:

They wanted to help me. The court required that I go to the hospital for a psychiatric assessment. But for me, I believe these are spiritual matters, and for that reason, medical assessments won't show anything. I have truly regretted my actions, but I can't change them now. The court ruled that I was guilty, but I think they should have forgiven me. They should have pardoned me since I acted out of anger.

Her narrative reveals a tension between legal procedures and personal beliefs. She recognized the court's effort to assess her mental health, but framed her actions within a spiritual and emotional context suggesting that a purely medical or legal approach may not fully capture her experience. Through this lens, perceptions of procedural justice were mediated by moral expectations of compassion, forgiveness, and recognition of remorse. Similar expectations of leniency were expressed by other participants who viewed remorse and personal suffering as insufficiently acknowledged during sentencing. This highlights how moral and spiritual reasoning shape evaluations of fairness, extending procedural justice beyond formal rules to include perceived empathy and humane consideration.

Theme 7: rejection of outcomes and contestation of legal legitimacy

Complementing the procedural justice framework, insights from labeling theory (Becker 1963; Lemert 1951) help illuminate how the imposition of a criminal identity may be experienced and, in some cases, actively contested by participants. A recurring theme among some other participants was the perception of wrongful conviction, which they linked to flaws in trial procedures and the dismissal of exculpatory evidence. Several participants explicitly rejected the legitimacy of their convictions, positioning themselves as victims of procedural injustice rather than offenders. This rejection was not framed simply as denial of responsibility, but as a response to what participants perceived as fundamentally flawed and unjust procedures.

Kwame A 54-year-old male offender, for example, highlighted how the court disregarded the co-accused's later testimony affirming his noninvolvement, framing the outcome as procedurally unjust. Similarly, Kofi, a 71-year-old offender, rejected culpability outright, remarking:

No, because I haven't done anything. The person who did it admitted, but I think that was not fair.

These accounts reveal how participants positioned themselves as victims of systemic failure. Their rejection of the verdict reflects a breakdown in legal legitimacy, whereby court decisions lose moral authority because they are perceived as disconnected from fair procedures, accurate fact-finding, and neutral judgment. Labeling theory helps explain how the imposition of a criminal identity can be actively contested rather than passively accepted.

Discussion

This study makes three key contributions to procedural justice scholarship in the context of homicide adjudication in Ghana. First, it extends existing work by centering homicide offenders' lived experiences within a Global South context, a perspective that remains underrepresented in the literature. Second, it demonstrates that procedural justice perceptions are shaped not only by institutional practices but also by moral reasoning, spirituality, and culturally embedded understandings of responsibility. Third, it shows that acceptance or rejection of legal outcomes is not binary, but instead exists along a continuum influenced by voice, quality of legal representation, and trust in the justice system. Procedural justice theory provides a coherent and appropriate analytic lens for interpreting these findings.

While this study focuses specifically on homicide adjudication, prior Ghana-based research has examined offender narratives in other offense contexts, such as fraud and cybercrime, suggesting that perceptions of legitimacy may vary across offense types. The present findings therefore speak primarily to homicide trials rather than to all forms of criminal justice processing in Ghana. The central concerns raised by participants such as opportunities to be heard, evaluations of neutrality, access to legal representation, trust in legal authorities, and emotional responses to trial outcomes closely align with the core dimensions of procedural justice. Procedural justice theory is therefore employed here as an interpretive framework applied at the analysis stage, allowing participants' lived experiences of homicide trials in Ghana to be situated within broader debates about legal legitimacy. The analysis highlights how the participants' lived experiences of trial and justice processes in Ghana reveal varying degrees of perceived fairness, moral responsibility, systemic distrust, and emotional responses, particularly among those convicted of homicide. Importantly, these perceptions were shaped less by the severity of trial outcomes than by evaluations of how the trial process unfolded, reinforcing the central procedural justice claim that legal legitimacy is grounded in fair procedures rather than outcomes alone (Bottoms and Tankebe 2012, 2020; Tyler 2006; Walters and Bolger 2019). With regard to perceived wrongful conviction and denial of involvement in the crime committed, Ceka, Ermasova and Jackson (2024b) observed that women exhibit significantly heightened perceptions of wrongful convictions and more robust support for justice reform. In line with this indication, some participants in the present study expressed a strong belief in their innocence and questioned the fairness of trial outcomes. For instance, Participant 1 described how his co-accused later testified to his noninvolvement, yet the court dismissed the testimony as an afterthought. Similarly, Participant 4 noted, "No, because I haven't done anything."

The person who did it admitted, but I think that was not fair. "From a procedural justice perspective, these narratives indicate that perceptions of unfairness were driven less by the verdict itself than by the belief that decision-makers failed to act neutrally or to meaningfully consider defendants' accounts. When participants perceived that relevant evidence or testimony was disregarded, the legitimacy of the trial process was fundamentally undermined. Comparable dynamics have been documented in Global North contexts, where perceptions of wrongful conviction similarly arise when defendants believe their voices were discounted or that procedural neutrality was compromised (Simonson 2019; see also Mensah 2024).

These narratives also align with labeling theory, which suggests that individuals may internalize or resist imposed criminal identities and experience the stigma associated with such labels (Abrah 2019; Becker 1963; Braithwaite 1989; Lemert 1951; Pager 2003). Participants who denied wrongdoing often felt that the justice process labeled them unfairly, leading to a sense of stigma and exclusion. Such views reflect what Maruna (2001) describes as "condemnation scripts," whereby incarcerated individuals construct innocence narratives to resist stigmatization and maintain a sense of integrity. Consistent with research on procedural injustice, participants asserting innocence often articulated experiences of identity-based marginalization and deep mistrust toward legal authorities (Clow and Leach 2015). Similar resistance strategies have been observed among prisoners in the United States and the United Kingdom, suggesting that the contestation of criminal labels is not unique to the

Global South but emerges wherever procedural legitimacy is questioned (Bunt Man 2021; Newburn 2010; Pakes 2024).

Regarding legal representation and procedural injustice, Yaw highlighted critical gaps in the system, including the lack of legal counsel. He stated, “I didn’t have a lawyer until they tried the case,” and noted that he spent three years on remand. Procedural justice theory emphasizes that meaningful participation and access to voice are essential for individuals to perceive legal processes as fair (Tyler 1988). In the absence of legal representation, defendants’ ability to engage with the adversarial process is severely constrained, heightening perceptions of bias and unfairness. These findings resonate with Janssen, Van den Bos, and van der Kraats (2025), who showed that self-represented litigants frequently question the fairness and trustworthiness of judicial procedures, as well as Tufuor (2019), who asserted that the provision of legal aid in criminal proceedings in Ghana faces significant operational and regulatory challenges.

Although the state has ratified key international instruments and enshrined the right to legal aid in its Constitution, implementation remains weak. However, deficiencies in access to effective legal representation are not confined to Ghana or the Global South. Research from the United States, Canada, and parts of Europe show that underfunded public defender systems, excessive caseloads, and late-stage legal intervention similarly undermine defendants’ perceptions of procedural justice in Global North jurisdictions (Jain 2018; Kujundžić 2022). The present findings therefore extend this literature by illustrating how, in the Ghanaian context, the *complete absence* of legal counsel during critical stages of homicide trials intensifies perceptions of procedural injustice.

The narratives of participants who accepted guilt and responsibility lend support to what Zitha and Jansen van Rensburg (2025) describe as the guilt – innocence paradox. While some offenders denied involvement or attributed blame externally, others openly acknowledged their role in the crime, expressed remorse, and accepted the court’s judgment. For instance, Kojo admitted, “Once the person died in my hands . . . it was my actions that led to it.” Likewise, Ama recognized the fairness of her sentence despite frustrations with the process, stating, “I think I deserved the judgment even though the process was frustrating. “From a procedural justice standpoint, these accounts suggest that perceptions of fairness are not determined solely by procedural evaluations but are also shaped by moral self-assessment and acceptance of responsibility. This pattern mirrors findings from studies in the Global North, which show that defendants who accept responsibility are more likely to perceive legal procedures as legitimate, even in the presence of procedural shortcomings (Dembinski and Peters 2019; Simonson 2019). Thus, moral reconciliation functions as a compensatory mechanism that can partially offset procedural dissatisfaction across diverse legal contexts.

Other participants also expressed distrust in both investigative and judicial processes. These accounts lend support to Ellison and Munro’s (2009) observation that jurors often lack sufficient understanding of complainants’ behavior and evidentiary issues, which can generate problematic inferences and credibility judgments. Kwesi, for instance, described jurors as “problematic,” while Efua questioned the credibility of the investigative process, asking why she was charged when crucial evidence had not been verified. Procedural justice theory emphasizes trust in authorities as a central component of legitimacy. Participants’ narratives indicate that perceived investigative failures and juror limitations undermined trust not only in individual actors but in the justice system as a whole, reinforcing perceptions of opacity and bias even when formal procedures were followed. Comparable concerns about juror competence and investigative bias have been widely documented in Global North jurisdictions, particularly in complex criminal trials, suggesting that these challenges reflect structural features of adversarial justice rather than regional exceptionalism (Hans and Vidmar 2007).

Although Ellison and Munro (2009) suggest that expert testimony may correct juror ignorance, the present findings suggest that distrust extends beyond juror comprehension alone, supporting Horan’s (2024) conclusion that limited juror confidence and systemic weaknesses can undermine trial legitimacy across jurisdictions. In line with Yin, Kudzedzi, and Kofie (2024), the plea of guilty or not guilty is indeed a central element of the legal process, and the accused should exercise that choice without undue influence. However, the findings of this study both align with and complicate this position. On the one

hand, participants' resistance to psychiatric evaluation and insistence on framing plea decisions through personal convictions illustrate the exercise of agency and autonomy, consistent with procedural justice principles of voice and self-determination. On the other hand, the findings reveal that plea decisions are not insulated from cultural and spiritual influences. Esi's reliance on spiritual interpretations of justice demonstrates how moral and religious reasoning may override legal or medical logic in the Ghanaian context. This culturally embedded understanding of justice contrasts with dominant rational – legal framings in much of the Global North, where psychiatric and legal expertise tends to be privileged, yet it parallels research showing that moral and religious reasoning continues to shape legal decision-making even within ostensibly secular legal systems (Creutzfeldt, Mason, and McConnachie 2020).

Taken together, these findings directly address the third research question concerning whether participants perceived their trial processes as fair. Perceptions of fairness were highly variable and contingent on opportunities for voice, access to legal representation, treatment by legal authorities, and trust in investigative and judicial processes. Crucially, this study does not suggest that procedural injustice is unique to the Global South. Rather, it demonstrates that procedural injustice operates across both Global South and Global North contexts, though it manifests differently depending on institutional capacity, cultural norms, and socio-legal histories.

In Ghana, procedural injustice was most acutely experienced through delayed or absent legal representation, investigative opacity, and culturally dissonant legal reasoning. In contrast, Global North research highlights under-resourced defense systems, adversarial excess, and institutional distance as key drivers of similar perceptions of illegitimacy. This study contributes to procedural justice scholarship by extending it to a Global South context, demonstrating how structural constraints and institutional practices shape perceptions of fairness beyond formal legal rules. These findings must be understood within the Ghanaian criminal justice context, where pre-trial detention can be prolonged, jury selection procedures vary, and access to legal counsel is often delayed.

Study limitations and future research directions

The findings do not aim to make general claims about the operation of Ghana's criminal justice institutions. Rather, the analysis focuses on how participants interpreted and made sense of their experiences of investigation and trial. The themes therefore reflect subjective perceptions and meanings rather than empirical assessments of institutional performance. In keeping with interpretive qualitative traditions, the study prioritizes depth of understanding over representativeness, and its contributions should be understood as analytically rather than statistically transferable.

Reliance on self-reported narratives introduces the possibility of subjectivity, as participants may frame their experiences in ways that protect identity, express grievance, or resist stigmatization. These accounts were therefore interpreted cautiously and situated in dialogue with existing local and international scholarship on procedural justice and wrongful conviction, which strengthens the analytic credibility of the patterns identified. The qualitative design enabled access to nuanced moral reasoning, emotional responses, and interpretive frameworks that are often difficult to capture through large-scale quantitative methods. Accordingly, the study contributes insight into how perceptions of injustice and legitimacy are constructed, rather than offering definitive evaluations of institutional performance.

Future research could build on these findings by incorporating comparative samples across Global South and Global North jurisdictions, allowing closer examination of how procedural justice concerns are articulated across different institutional and cultural settings. Methodological triangulation such as combining interviews with courtroom observation, case-file analysis, or legal aid records would help assess how subjective perceptions align with institutional practices. Longitudinal designs could further explore how perceptions of legitimacy, responsibility, and justice evolve over time as individuals move through different stages of incarceration and post-conviction life. While this study incorporates

labeling perspectives to understand how convicted offenders interpret criminal labels, it does not extensively examine internalized stigma or self-fulfilling prophecy processes as articulated in Merton's (1948) framework. Future research could explore how such internalized labels influence identity formation and post-conviction behavior among offenders within the Ghanaian criminal justice system.

Implications and conclusion

The narratives presented in this study illuminate the complex and varied ways homicide offenders in Ghana experience the trial and justice process. The findings highlight the importance participants attach to procedural fairness, particularly in relation to access to legal representation, respect for dignity, and confidence in decision-making processes. Participants' accounts revealed interconnected themes of perceived wrongful conviction, inadequate legal support, acceptance of guilt, and the roles of spirituality and remorse in making sense of justice outcomes.

From a policy and research perspective, several hypothesis-generating implications emerge. First, participants' narratives suggest that early access to effective legal counsel may shape perceptions of voice and fairness, indicating a priority area for further empirical investigation. Future studies could examine whether the timing and quality of legal representation systematically influence defendants' understandings of procedural justice across different contexts. Second, concerns about investigative practices highlight the need for further research into how transparency, evidence handling, and communication affect perceptions of legitimacy, rather than serving as definitive assessments of investigative failure. Third, reflections on juror competence and decision-making point to juror selection, orientation, and support as potential areas for future inquiry into how neutrality and legitimacy are socially constructed within courtroom processes.

The findings also underscore the importance of culturally embedded moral reasoning in shaping perceptions of justice. A few of the participants interpreted guilt, punishment, and responsibility through spiritual and emotional frameworks, suggesting that procedural justice is experienced not only through formal legal rules but also through moral and cultural meanings.

Building on these findings, culturally sensitive approaches could be integrated across stages of the justice process. At the trial stage, this may involve providing appropriate space for offenders to express moral or spiritual narratives as part of their personal accounts, without displacing established legal standards of evidence, culpability, or due process. This study does not suggest that such perspectives should be treated as legal evidence or used to justify criminal conduct; rather, they are understood as part of offenders' meaning-making processes, which shape perceptions of fairness and legitimacy (Bottoms and Tankebe 2020; Brenner; Nolan-Haley and Annor-Ohene 2014). In line with procedural justice and legitimacy scholarship, these narratives are not relevant to determinations of guilt but are important for understanding offenders' lived experiences, perceptions of fairness, and pathways to rehabilitation.

This observation points toward future research on how culturally sensitive, rehabilitative, or psychosocial approaches may intersect with formal legal procedures, rather than constituting prescriptive policy recommendations. Participants' references to emotional distress and remorse further indicate the potential relevance of psychological and social support during trial and incarceration, a topic that warrants systematic investigation rather than normative prescription.

In conclusion, examining the trial and justice process through the perspectives of homicide offenders provides insight into how procedural justice is interpreted, negotiated, and contested in practice. While the findings are not intended to generalize beyond this purposively selected sample, they offer empirically grounded hypotheses about how perceptions of fairness, dignity, and legitimacy are formed or undermined. By foregrounding lived experience, this study contributes to ongoing debates on procedural justice and legal legitimacy, offering conceptually informed directions for future research.

Author contributions

CRedit: **Prince Boamah Abrah**: Conceptualization, Formal analysis, Investigation, Methodology, Supervision, Writing – original draft, Writing – review & editing; **Johnny Andoh-Arthur**: Formal analysis, Investigation, Writing – review & editing.

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