

## **PRACTICE DIRECTION NO. 3 of 2023**

### **INSTRUCTIONS TO JURORS**

**AUTHORITY:** This Practice Direction, to be cited as the Instructions to Jurors Practice Direction No. 3 of 2023, is issued by the Chief Justice pursuant to section 3(2) of the Chief Justice (Responsibilities) Ordinance 2022.

**COMMENCEMENT AND DURATION:** This Practice Direction shall be in force from 15 December 2023 until it is varied, revoked or suspended, or replaced by the Chief Justice.

#### **INTERPRETATION:**

“Registrar” refers to the Registrar of the Supreme Court.

#### **INSTRUCTIONS TO JURORS:**

Instructions to Jurors are as follows—

“1. Members of the jury, yours is an onerous burden you bear, for you will decide the questions that arise in this trial. It is your responsibility to ensure that justice is done. Each of you has taken an oath to consider the issues and your verdict in the case on the evidence, and you will do so, to ensure that the ends of justice are met.

2. You will perform your task by listening to the evidence and observing what is presented to you in court, your decision must be based on nothing else.

3. Your independence is important to the whole process, so your verdict must be based on the evidence only, therefore do not do any of the following—

(a) go to the scene or make your own inquiries;

(b) look anything up on the internet;

(c) research or take information from social networking sites, such as Facebook; and

(d) do not follow press reportage, if any, as you risk importing the author’s own views into the evidence.

4. You have a duty of confidentiality. That means you are not permitted to discuss the evidence with any person except among yourselves when you are all together in the privacy of the jury room. The prohibition includes talking with, or providing information or expressing your opinions to—

(a) family, friends or acquaintances when you go home;

(b) family, friends or acquaintances by telephone, email, instant messaging or through social media; and

(c) members of the mainstream media.

5. Getting information on any matter from research engines like Google may be your habit, but do not use them to find any information on the case. Do not conduct your own research on the matter or on matters related to the case, they may mislead you and affect your verdict.

6. Report to the Registrar or Clerk of this court, any person who attempts to talk to you or to elicit information. That report will be passed to the court. You should also do so if any other matter causes you concern.

7. Applications on the law may be made by attorneys which will require the court's rulings. You will be excused from the court room in such a circumstance.

8. At the end of the evidence I will give you directions on the law and provide you with a summary of the evidence that has been given in court. Please keep an open mind. Do not jump to conclusions. You may make up your mind and draw conclusions only after you have heard all of the evidence and the directions I will give to you, and you are in the privacy of your jury room.

9. These instructions apply to every adjournment whether or not I repeat them to you. You must take them very seriously. If you fail to comply with them, it may lead to a stopping of the proceedings, and the selection of a new jury to hear the case, with attendant economic costs. You may be found in contempt of court which may subject you to criminal consequences.

10. The following are housekeeping matters that you must note—

- (a) if you need to bring a matter to my attention during the course of the trial including seeking further information, do so by passing a note to the Clerk who will let me have it;
- (b) if you are concerned that the Clerk may not let me have it, you may, on that rare occasion raise your hand to inform me of the fact so that note may be retrieved from the Clerk;
- (c) you will observe the presence of police officers, they are present to ensure everyone's safety and the orderliness of proceedings, they do not pose a threat, nor are they necessarily responding to anything that poses a threat;
- (d) we will be sitting full days until the case is finished;
- (e) our sitting times are from 10:00am-1:00 pm then we take our luncheon break and return from 2:00 pm to 4:00 pm or as the court may vary the time.
- (f) the Court may allow comfort breaks of a maximum of fifteen minutes, during each session;
- (g) the court will adjourn the case from day to day, and the case is likely to be held over a period of days, or longer if the circumstances so dictate; and
- (h) the proceedings will be recorded and also transcribed and the transcribed record will be made available to me and if necessary, to you the jury.

**ISSUED** this 15th day of December 2023.



**MABEL M. AGYEMANG**

**CHIEF JUSTICE**