

PRACTICE DIRECTION NO. 4 of 2023
INSTRUCTIONS TO JURORS IN A CORONER'S INQUEST

AUTHORITY: This Practice Direction, to be cited as the Instructions to Jurors in a Coroner's Inquest Practice Direction, 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 day of December 2023 until it is varied, revoked or suspended, or replaced by the Chief Justice.

INTERPRETATION:

"Coroner's Inquest" refers to an inquest held in accordance with the Coroners Ordinance;

"court" refers to the Coroner's Court;

"Registrar" refers to the Registrar of the Coroner's Court.

1. APPLICATION OF THE PRACTICE DIRECTION

This Practice Direction applies to Jurors in a Coroner's Inquest.

2. INSTRUCTIONS TO JURORS

Instructions to Jurors in a Coroner's Inquest 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 inquest. It is your responsibility to ensure that justice is done. Each of you has taken an oath to consider the issues and your conclusion in the inquest 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, as well as the scene of the death or discovery of the

body, should the court decide to take you there. Your decision must be based on nothing else.

3. Your independence is important to the whole process, so your conclusions must be based on the evidence 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, 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 inquest. Do not conduct your own research on the matter or on matters related to the inquest, they may mislead you and affect the outcome of the inquest.

6. Report any person who attempts to talk to you or to elicit information from you to me through the Registrar or Clerk of this 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 for a new inquest 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 inquest, 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 treat, nor are they necessarily responding to anything that poses a threat;
- (d) we will be sitting full days until we finish the inquest (dispose of it);
- (e) our sitting times are from 9:00 am-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 and there will be comfort breaks of a maximum of fifteen minutes, during each session;
- (f) the court will adjourn the inquest from day to day, and the inquest is likely to be held over a period of three to four days, or longer if the circumstances so dictate; and
- (g) the proceedings will be recorded and also transcribed and the transcribed record will be made available to me, you the jury, and upon written request, to a member of the deceased 's family."

3. DIRECTION TO JURORS

Directions to Jurors in a Coroner's Inquest are as follows—

"Members of the jury, to assist you in your decision making I have prepared questions that may assist you as you consider the evidence to arrive at your conclusion as to the cause of death:

- 1.
- 2.
- 3.

These questions are not exhaustive as you may have other questions which you consider important.

It is your decision, and you decide what to write to assist you to come to your conclusion.

You are to make findings of fact, based on the evidence which may include CCTV evidence, to aid you in making up your mind regarding the cause of death. Your findings of fact must be brief, neutral and clear.

It is after you have agreed the facts that you should go ahead to consider what your conclusion will be. Some of the conclusions may be—

- (a) SUICIDE e.g. "Death by hanging from a tree using a rope";
- (b) MISADVENTURE e.g. "Death by drowning while swimming with his friends' (a deliberate act that unintentionally goes wrong);
- (c) ACCIDENT e.g. "Death by falling unaided or unnoticed in home";
- (d) INJURIES e.g. "Death by injuries in a motor accident', 'injuries from burns in house accident,' etc.;
- (e) CRIMINAL CAUSE e.g. "Death by poisoning, shooting, etc."

At the end of the Inquest, I shall enter the conclusion in the Record of Inquest Book, you will be required to sign against the conclusion of death as recorded."

ISSUED this 15th day of December 2023.



MABEL M. AGYEMANG

CHIEF JUSTICE