

1 Friday, 5 December 2008

2 (9.45 am)

3 (Proceedings delayed)

4 (9.50 am)

5 (In the absence of the jury)

6 (10.10 am)

7 (In the presence of the jury)

8 Jury question

9 SIR MICHAEL WRIGHT: Good morning, ladies and gentlemen.

10 I said yesterday evening that I would answer this
11 morning the questions in the note that you sent me, and
12 I'm going to, and I do so having consulted with all
13 counsel still in the case and I give you these
14 directions with their entire agreement.

15 I'll remind you of what the contents of the note
16 are. The first question:

17 "Are we permitted to consider other factors not
18 listed in question 4 of the verdict questionnaire -- we
19 were considering that it may be appropriate to raise
20 these factors if they come up during our deliberations."

21 Then the second question:

22 "Is there scope for the jury to provide a narrative
23 statement in addition to the inquisition? For example,
24 a narrative footnote."

25 As it happens, I can answer your questions with

1 complete confidence in this case, because the legal
2 position in this case is absolutely clear. In making
3 your decisions, you have regard to all the evidence in
4 the case, but your answers must be confined to what is
5 asked of you in the inquisition and the questionnaire.

6 The questions you have asked have been carefully
7 formulated --

8 MR HILLIARD: Sir, it's the questions they have been asked.

9 SIR MICHAEL WRIGHT: Sorry. What did I say, "questions you
10 have asked"?

11 MR HILLIARD: Yes.

12 SIR MICHAEL WRIGHT: I beg your pardon.

13 The questions you have been asked in the inquisition
14 and the questionnaire have been carefully formulated
15 with the assistance of all the interested persons,
16 including the family's representatives. This is to
17 ensure that we do not break any of the legal rules which
18 govern inquests, and I dare say you will find that you
19 have more than enough on your plate answering the
20 questions which do arise for your decision in the
21 questionnaire.

22 So I do ask you and I must ask you, please, stick to
23 the questionnaire.

24 There is one other matter that I want to deal with
25 directly, and it's this: you undoubtedly will have

1 noticed yesterday some members of the family leaving
2 court wearing T-shirts with messages on them. Initially
3 my reaction was to ignore this, but on reflection,
4 I have come to the conclusion that I ought to say
5 something to you about it.

6 I am not going to go into the details because you
7 will readily appreciate that you simply cannot allow
8 yourselves to be influenced in any direction by matters
9 of that kind.

10 What was displayed was wrong, and you should ignore
11 it. I, as the Coroner, have to decide questions of law
12 such as the verdicts which are properly available to you
13 and the form of the narrative questions that you should
14 consider. I have done that in this case, and that is
15 why the inquisition is drafted as it is.

16 In any event, it's quite wrong for anyone to seek to
17 put pressure on a jury and it should not have happened.
18 To turn it upside down, to turn it on its head, just
19 suppose the families of the police officers had come to
20 court wearing T-shirts with particular messages seeking
21 to influence you. You would readily understand that
22 that was quite wrong and that you should ignore it, and
23 exactly the same principle applies here.

24 I am very well aware that these proceedings are
25 stressful and distressing for a large number of people,

1 and not just for the family of Mr de Menezes; but
2 everyone relies on you to make your decisions only upon
3 the evidence that you have heard in court, to look at
4 that evidence quite impartially and dispassionately, and
5 in that way you will do right and justice by everyone.

6 Now, can I ask you please to withdraw again and
7 continue your deliberations.

8 (10.15 am)

9 (The jury retire)

10 SIR MICHAEL WRIGHT: Thank you all for your help.

11 (10.16 am)

12 (Court rise)

13 (4.15 pm)

14 (In the presence of the jury)

15 Jury questions

16 SIR MICHAEL WRIGHT: As it's Friday, ladies and gentlemen,

17 I think 4.15 will do. Can I read, to remind you, the
18 questions you have sent me. The first question reads:

19 "When our fellow member of the jury flies overseas,
20 are the rest of the jury going to continue to deliberate
21 in his absence? If so, will we have to make our final
22 verdict in his absence if we have not finished our
23 deliberations by the time of his departure on Wednesday,
24 10 December at 7.15 in the morning?"

25 For my information, for which I am grateful:

1 "... he is due to return on 25 December."

2 The second question is:

3 "Please would you be able to give us an indication
4 of the time we will sit in the morning and leave each
5 evening to enable us to arrange our external
6 appointments."

7 I do not blame you for that. The answer to the
8 first question is this: if you have not reached your
9 decision or decisions by the time one of your number
10 departs, then I will discharge him from further service
11 on the jury and you will continue as a jury of ten.
12 I am afraid we can't wait until after Christmas to wait
13 for him to come back. It's very important, however,
14 that you should understand that there is still no
15 pressure upon you to make your decisions before he goes.
16 If it can't be avoided, it can't be avoided. It doesn't
17 involve any sense of pressure or need to hurry in order
18 to achieve your decisions before your colleague leaves
19 you. I cannot stress that too strongly.

20 If he leaves, then he no longer plays any part in
21 your deliberations. There is no question of him leaving
22 a vote behind or anything of that kind. If you agree
23 with any contribution that may have come from him during
24 the time you are all together, well and good, and you
25 can take that into account when the process of

1 deliberation continues after he has gone. But if you
2 don't agree, then it simply falls out of consideration,
3 falls by the wayside, once he has left you.

4 I hope that's all quite clear.

5 Second very important question, 10 o'clock in the
6 morning to 4.30 in the afternoon. The bus is not here
7 tonight. It's all quiet out there. We will leave you
8 all to make your own arrangements to get home and to
9 come in on Monday morning, and indeed that arrangement
10 will remain unless anything untoward happens at any
11 other time.

12 We are now coming to the weekend. We are all going
13 to be separated for two days and I'm going to repeat
14 something else which remains of absolutely prime
15 importance. It's particularly important from now on
16 that you ignore press or other media reports about the
17 inquest proceedings. These are always necessarily
18 selective in nature, governed as they are by editorial
19 selection and the pressures of space in the newspapers.
20 You must make your decisions on the whole of the
21 evidence, not just on selections or edited highlights.

22 With those parting words, I wish you all
23 a thoroughly enjoyable weekend, and we will meet again
24 at 10 o'clock on Monday morning.

25 (4.20 pm)

1 (The court adjourned until 10.00 am on
2 Monday, 8 December 2008)
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