

Inquest into the Death of Khalid Masood

Legal Directions to the Jury

Introduction

1. As the Coroner in this Inquest I am responsible for giving legal directions to you as the jury and you must accept these directions and apply them to the evidence. It is for you to reach factual conclusions following these legal directions.
2. Your findings must be based solely on the evidence you have heard or seen in Court. You should ignore anything else, such as media coverage of the case.
3. As I have indicated I will sum up the evidence. However, subject to these legal directions, you should decide what features of the evidence are important and you should form your own view of the evidence.

Purpose of an Inquest and Record of Inquest

4. The primary purpose of an inquest is to provide answers to four factual questions:
 - (a) who the deceased person was;
 - (b) when did he/she come by his/her death;
 - (c) where did he/she come by his/her death; and
 - (d) how did he/she come by his/her death.

A coroner's jury should not address any other matters in their conclusions (except for confirming certain information required for registration of death). In addition, a jury's conclusions must not be framed in such a way that they appear to determine any question of criminal liability of a named person or any question of civil liability.

5. Very often, the evidence at an inquest will be much more wide-ranging than is necessary to allow the jury to answer the four questions mentioned above. That is because the process of hearing the evidence and conducting a full and rigorous inquiry in public is important in itself.
6. The answers to the four questions are given by completing a Record of Inquest form. That form also contains the information required for registration of the death (e.g. date and place of birth). You are being provided with copies of a Record of Inquest form which you will sign at the end of the hearing. The undisputed facts have been entered on that form. If you have any concerns about what has been entered, you should pass a note to the jury bailiff.
7. In this inquest (as in many inquests), the answers to the first three questions are clear and obvious. The fourth question is “how” Khalid Masood came by his death. That question means: “by what means and in what circumstances did Khalid Masood come by his death.” It has been decided that that question should be answered by providing (a) a “short-form conclusion” and (b) a further narrative of the means and circumstances of death. Both will be set out on a Determination sheet which will be attached to the Record of Inquest.

Short-Form Conclusion: Lawful Killing

8. The “short-form conclusion” is a word or short phrase which expresses a conclusion as to the death.
9. The law says that a coroner may only leave to a jury the short-form conclusion or conclusions that they could safely return on the evidence. If there is only one short-form conclusion that a jury could safely return, the coroner should direct the jury to return that conclusion.
10. In this case I have decided, with no objection from any Interested Person, that the only short-form conclusion which you, the jury, could safely return on the evidence is “lawful killing”; that Khalid Masood was lawfully killed. Therefore, you the jury are directed to return that short-form conclusion.

11. The reasons why “lawful killing” is the only short-form conclusion which a jury could safely return in this case are as follows:
- (a) “Lawful killing” is a conclusion that, as a matter of probability, death resulted from the use of lawful force. It is a finding that death resulted from an act which would otherwise be a crime such as murder or manslaughter but which is legally justified under the criminal law. One example of lawful killing is when a person kills another in lawful self-defence or defence of others.
 - (b) When deciding whether use of force is legally justified in self-defence or in defence of others, a coroner or jury asks two questions. First, did the person who used force honestly believe that it was necessary to do so in defence of him-/herself or in defence of others? Secondly, if so, did the person use no more force than was reasonably necessary in the circumstances as he/she believed them to be? If the answer to each question is “yes”, then the use of force is legally justified.
 - (c) The law does not require a person in the heat of the moment to calculate precisely the amount of force required. In addition, the law does not require a person who anticipates a threat to wait passively for an attack. Circumstances may justify a pre-emptive use of force.
 - (d) In this case, I as Coroner have decided that the only conclusion which a jury could safely reach on the evidence is that (i) the officer who shot Khalid Masood (SA74) honestly believed that it was necessary to use force in defence of himself and others; and (ii) the amount of force used was no more than reasonably necessary in the circumstances. Therefore, the only safe conclusion is that Khalid Masood was lawfully killed.
12. On that basis, as a matter of law, as the Coroner I direct you to return a short-form conclusion of lawful killing. In accordance with this direction, the Determination Sheet has printed on it the short-form conclusion of lawful killing.

Narrative of the Means and Circumstances of Death

13. You are being asked to carry out the important task of writing a short narrative account of how Khalid Masood came by his death; the means and circumstances of his death. You should write this in your own words on the Determination sheet, directly below the short-form conclusion of lawful killing.

14. You should follow these directions when drafting your narrative:
 - (a) Although there is no fixed limit for this narrative, a length of one or two paragraphs should be sufficient.

 - (a) This narrative should be a summary of the means and circumstances of Khalid Masood's death. It may include the following topics –
 - (i) the acts of Khalid Masood immediately before the confrontation with the officers, notably his attack on PC Palmer in New Palace Yard and his pursuit of police officers;

 - (ii) Masood's intentions, as they appeared to others in the area (especially the close protection officers);

 - (iii) Masood's movements towards Westminster Hall;

 - (iv) the movement of the close protection officers towards Masood;

 - (v) any warning or challenge issued by the close protection officers;

 - (vi) Masood's movements and actions after any such warning or challenge;
and

 - (vii) the firing of the fatal shots.

- (b) The narrative should address only the means and circumstances of Khalid Masood's death. It should not make any statement or comment on any other subject.
- (c) When deciding any question of fact for the purpose of drafting the narrative, you should apply the "balance of probabilities" standard of proof. In other words, you should ask yourselves whether something is more probable than not.
- (d) You should try to be concise and to the point. The narrative should not be long or complicated. So far as possible, clear and simple language should be used in a narrative of this kind.
- (e) You should avoid using words and phrases such as "crime / criminal", "illegal / unlawful", "negligence / negligent", "breach of duty", "duty of care", "careless", "reckless", "liability" or "guilt / guilty". However, you may use ordinary and non-technical language which expresses factual judgments.

Final Directions

- 15. You should leave the courtroom together, retire to your jury room and consider your conclusions. Your task is to prepare the narrative as directed above, on the Determination sheet.
- 16. You should attempt to reach a unanimous conclusion, by producing a narrative on which you are all agreed. If there comes a time when a majority conclusion can be accepted, you will be brought back into Court and told.
- 17. If you have not already done so, please elect a foreman or forewoman; someone to chair your discussions and to speak on your behalf when you return to Court.
- 18. If you would like further directions or to be reminded of any evidence, you should pass a note to the jury bailiff and you will be brought back into Court.

19. When you have completed your task, you should inform the jury bailiff. I will check the narrative you have prepared. You will then be brought into Court to deliver your conclusion.

20. Finally, you are reminded of the warning given at the outset. You decide this case only on the evidence you have heard in Court. You should not carry out your own research. You should not discuss the case except with other jurors and when you are all together in the jury room.