

**INQUESTS INTO THE DEATHS OF KHURAM BUTT,
RACHID REDOUANE & YOUSSEF ZAGHBA**

LEGAL DIRECTIONS TO THE JURY

Introduction

1. As the Coroner in these Inquests 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 mainly 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). There is a form for Khuram Butt, one for Rachid Redouane and a third for Youssef Zaghba. You are being provided with copies of all three. As you will see, the undisputed facts and the death registration information have been entered on those forms. If you have any concerns about what has been entered, you should pass a note to the jury bailiff. At the end of the hearing, you and I will sign the forms for each of the three deceased persons.
7. In these inquests (as in many inquests), the answers to the first three questions are clear and obvious. The fourth question is “how” each of Khuram Butt, Rachid Redouane and Youssef Zaghba came by his death. That question means: “by what means and in what circumstances did each come by his death.” It has been decided that, for each of the three deceased persons, that question should be answered by providing (a) a “short-form conclusion” and (b) a further narrative of the means and circumstances of death. For each of the three individuals, there will be a separate Determination Sheet which will in the end be attached to the Record of Inquest. You are being provided with copies of the three Determination Sheets.

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, in an inquest, 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 for each of those who died is “lawful killing”; in other words, that each of Khuram Butt, Rachid Redouane and Youssef Zaghba was lawfully killed. Therefore, you the jury are directed to return that short-form conclusion for each of the three.
11. The reasons why “lawful killing” is the only short-form conclusion which a jury could safely return in each 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) each of the officers who shot Khuram Butt, Rachid Redouane and Youssef Zaghba at every stage honestly

believed that it was necessary to use force in defence of himself and others; and
(ii) the amount of force used at each stage was no more than reasonably necessary in the circumstances. Therefore, the only safe conclusion is that each of Khuram Butt, Rachid Redouane and Youssef Zaghba 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 Sheets have printed on them the short-form conclusion of lawful killing. There is a separate Determination Sheet for each of the three men.

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 each of Khuram Butt, Rachid Redouane and Youssef Zaghba came by his death; the means and circumstances of his death. You should write this in your own words on the Determination Sheets, directly below the short-form conclusion of lawful killing.
14. You should follow these directions when drafting your narrative for each of Butt, Redouane and Zaghba:
 - (a) Although there is no fixed limit for this narrative, a length of one or two paragraphs should be sufficient. Although there should be a separate narrative for each of the three individuals, content may be repeated as appropriate between the narratives.
 - (a) This narrative should be a summary of the means and circumstances of each death. It may address the following topics –
 - (i) the acts of the attackers immediately before the arrival of the armed officers, including their violent assault on Mr Filis;
 - (ii) the arrival of the City of London Police armed officers in Stoney Street;
 - (iii) the response of the attackers on seeing those officers;

- (iv) the movements and actions of the attackers and the officers during the initial engagement (including warning shouts by the officers and shots fired);
 - (v) the arrival of further armed officers of the Metropolitan Police;
 - (vi) the actions of City of London Police and Metropolitan Police officers in assessing the scene, identifying the apparent explosive devices and covering the prone attackers with their firearms; and
 - (vii) in relation to Butt and Redouane, occasions after the initial engagement on which the deceased person was fired upon and the reasons for further shots being fired.
- (b) The narrative should address only the means and circumstances of each 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.
- (f) You should not in your narrative criticise the actions of any of the police officers who fired at Butt, Redouane or Zaghba. That is because all of the officers provided justifications in their evidence for why they fired, and these explanations were not challenged by anyone in the course of these inquests. In

addition, you heard from the Chief Firearms Instructors for the City of London Police and the Metropolitan Police that all of the officers acted in accordance with their training.

Final Directions

15. You should leave the courtroom together, retire to your jury room and consider your conclusions. Your task is to prepare three narratives as directed above, on the Determination Sheets.
16. You should attempt to reach unanimous conclusions, by producing narratives on which you are all agreed. If there comes a time when any majority conclusions 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 narratives you have prepared, and copies will be typed up. You will then be brought into Court to deliver your conclusions.
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.

His Honour Judge Mark Lucraft QC
Chief Coroner of England & Wales
15th July 2019