

CAYMAN ISLANDS



Supplement No. 3 published with Gazette No. 02
dated 28 January, 2014.

PRACTICE DIRECTION NO. 3 OF 2014
JURY TRIALS



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It is fundamental to a fair trial that jurors must have regard only to the evidence presented to them by the Court in arriving at their verdict. Jurors are invariably warned by the trial judge that taking account of irrelevant or extraneous matters will lead to unjust verdicts.

This fundamental principle applies with equal force to information that jurors might themselves encounter by use of the internet and by use of “social media”. Miscarriages of justice have been known to occur when jurors resort to these sources of information during the course of trials.

The following direction is aimed at ensuring that jurors are advised against this improper practice and of the likely consequences.

Jurors will be advised by the trial judge at the commencement of the trial that they must not post on the internet or in any social media any reference to the trial nor should they search the internet for anything related to the case. It is of critical importance that jurors take account only of evidence presented to them in court or information brought to their attention under a direction of the court. Jurors will be warned that any failure to comply with these directions will be treated as a contempt of court.

The following form of words may be used to convey these important messages at the discretion of the trial judge:

“Everyone is entitled to a fair trial and to have their guilt or innocence decided only on the evidence put before the court during the trial; as a member of the jury in this case, you have sworn to try it in a fair and impartial manner.

Jurors must not look for information about the case themselves. You must not search the internet or any other source for information that may affect your consideration of the case. You must not take any account of any information that comes to your attention about the trial other than the evidence with which you are presented in court or which is brought to your attention under the direction of the court.

Jurors are not to post on the internet or in any “social media” (such as Face Book or Twitter) any reference at all to the trial. This includes any allegations, evidence or arguments during the trial.

Any accessing of the internet or any posting of comments on the social media will be a contempt of court and could result in you being sent to prison or fined.”

Dated this 6th day of January 2014

The Hon. Anthony Smellie Q.C.
Chief Justice