

Discussion Box 3

Murder and the defence of duress

If a person threatens to murder you unless you help them murder another person, should the murderer's duress provide you with a defence? This was the question posed to the House of Lords in *DPP for Northern Ireland v Lynch*,¹ where the House held that the defence of duress was available to those who had aided and abetted a murderer (but not to the murderer themselves). In 1987, the House of Lords overruled itself in *R v Howe*² and held that the defence of duress was not available to murderers or those who aid them. This was the first time the House of Lords had overruled themselves in a criminal case since the Practice Direction. Do you agree with their decision? Should those forced to aid in murder be treated the same as the murderer?

¹ [1975] AC 653 (HL).

² [1987] AC 417 (HL).