

ISSUE 27: Jan-March 2014

Dear Fellow JENGBA Campaigners

**JENGBA** campaigners have been busy since the last newsletter. Our main news is that Jimmy McGovern's film "Common" highlighting joint enterprise was pre-screened at the British Film Institute on Feb 20<sup>th</sup> for the press, cast and crew followed by a Q & A with Jimmy, Colin McKeown (producer) and some of the actors. It was amazing; lots of families attended and we all found it very emotional. The film will finally lift the lid on how wrong joint enterprise is. When is it going to be screened on TV we can hear you cry?! The schedule first suggested March but now it seems a delay because the press are so interested in the issue and other programmes are being made on the back of it including a BBC documentary which **JENGBA** families are contributing to also.



*Gloria, Jimmy, Paddy Hill and Jan at the pre-screening of "Common"*

"Common" was also screened the following week to an invited audience in Liverpool's Anglican Cathedral. It was significant to note that the number of people attending was just about the same number of prisoners we are supporting. To see just over 400 people together in one place brought to realisation just how many people we are supporting, far too many for this "law" to be right. And yet we believe they are just the tip of the iceberg. The audience were asked if anyone had ever heard of Joint Enterprise before they saw the film and the only small show of hands came from the campaigners and families affected.

I have been blessed to visit quite a number of **JENGBA**'s wrongly convicted, partly because we received funding from the Network for Social Change and individual donations, but also because inmates ask me to. I have genuinely never left a prison entirely baffled and saddened as to why that person was serving any time let alone a Life sentence. The courage I have witnessed of prisoners serving such horrendous sentences and their belief they have that we at **JENGBA** will never give up until we succeed our goals is truly inspiring. Women like Diane Churchley HMP Bronzefield, who is severely disabled, did not leave her house when her sons are involved in a fight across the road and she is serving a life sentence. Young men like Kanu Kangi who foolishly thought he was helping his mate Brian's girlfriend by challenging the girlfriends friend's husband to stop abusing her. After a slight tussle with the husband that lasted less than a minute Brian and Kanu walked away. However his wife having clearly had enough ran him over as they stand on the pavement. All four are serving a life sentence. Being invited by John Crilly onto the wing at HMP Grendon TC. There was a huge ignorance with the prison officers and psychologist about joint enterprise and they were all shocked when I explained it much to the amusement of the inmates. On a recent visit to Tommy McInerney he told me that he has had to explain joint enterprise and mandatory sentencing to his probation officer as he did not realise that someone could be serving mandatory life for no actual involvement in the crime. Prison visits are stressful but I am so much more informed about what is really going on and I thank you for them. We have academics who also wish to conduct research visits but more on that later.

Sadly in recent months we have lost two stalwart **JENGBA** campaigners fighting for their sons. Andy Dempsey, who was based in London and came to all our meetings relentlessly demanding true justice for his son Jack. And Maureen

Thomas who died suddenly, a gentle yet passionate mother when it came to her son Shane's innocence. **JENGBA** offers our deepest condolences to you both. At Andy's funeral, where Jack spoke so movingly of his father whilst shackled to a PO, the pastor said 'you carry the hopes and dreams of Andy now' resonated with me. Andy's determination was that his son would be recognised as an innocent man. **JENGBA** carries those hopes and dreams now for Jack, Shane and the other 416 inmates who have contacted us.

It was International Women's Day on Saturday 8<sup>th</sup> March and **JENGBA** joined descendants of the Suffragettes on a march along the Thames in London. There were not many of us but we got a fantastic response from other female activists and had a lot of followers the next day on Twitter.



**JENGBA** Campaigners at the International Women's Day march, 8<sup>th</sup> March 2014

Those of us who marched found it inspiring and decided we would like to do another. So on Saturday May 3<sup>rd</sup> there will be a March in central London along the River ending at a park for a picnic and rally. In Manchester there will be a similar March on the same day. More information about meeting places etc. to follow but please tell your families about the date now. We want your children, brothers, sisters, aunties, uncles, cousins, friends and supporters there holding up banners with your picture and how long you are serving. **JENGBA** is entering a period where we are about to receive a lot of press but this kind of activism is for us and you. Solidarity now is key, so it is important we get numbers in both London and Manchester.

On April 1<sup>st</sup> the Bureau of Investigative Journalism is going to release its findings of months of research into joint enterprise to an invited group of MP's and Press in the House of

Commons. There will be a panel of guests including Jeremy Corbyn, Jimmy McGovern and myself. **JENGBA** have only been allocated 6 places so more on this in the next newsletter.

It is now more important than ever that you write to your MP and ask them for their opinion on joint enterprise, make sure you mention you are being supported by the campaign as then it is a wider issue that they have to address.

Stay strong, stay **JENGBA** and spread the word about the abuse of joint enterprise!

## Gloria

### From our Inside Campaigners:

This is just a quick letter to thank you. I am writing this letter on behalf of every innocent man and woman convicted under the Joint Enterprise law. I hope you realise the amount of hope you and everyone else at **JENGBA** give us and our families. We just finished our visit, I came back to my cell and prayed and felt that I had to write to you. I struggle through each day in this environment and often lose hope but every time I hear about the people at **JENGBA**, what they are doing, who they are meeting and what they are planning my hope is regained. When I met you earlier and looked into your eyes, I saw something and I know that you will succeed in abolishing this law. I look forward to the day I can introduce you to my daughter and tell her this is one of the women who brought daddy home! Thank you for everything you people are doing and thank you for being a good friend to my Mum.

Tommy McInerney, HMP Belmarsh

I have been talking and praising **JENGBA** so much all morning as well as last night after your visit. Everyone is saying how good you are. But many do not believe in campaigns like I do. It is the only way to be heard and try to go forward. I really hope we do get heard more and more. So many of us innocent prisoners or criminals as they call us, we all have a number and name. There is so much our dignity must go through just being in prison, only we know what it's like, what it does to us to be away from our children and families with poor health. No one listens. I wish everyone in prison who must be heard, who deserves a second chance and to be freed, to everyone in our campaign freedom is a must.

Diane Churchley HMP Bronzefield



**JENGBA T-shirts** now available, M, L and XL – £10 incl p&p to UK mainland. For more info contact us at the address/email at the end of this newsletter

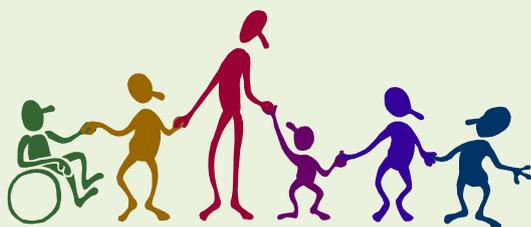
## Jan's Column

On 6th March I was a guest speaker at Manchester Metropolitan University. I attended as Jordan Cunliffe's mum and spoke to the students about his case and the emotional turmoil of having to lose a child to injustice. It was important for me to tell them about Jordan's conviction as it helped them to grasp just how illogical and cruel the law of Joint Enterprise is. It was evident these students had done their research and were aware of the law, and it was quite clear they were not in agreement with it.

One student asked me if I believed there was ever a time it would be a good law to use. I am a moral person, I believe to aid, abet or procure and council a crime means you are equally as guilty as those who perpetrate it. With this in mind I told them if a person asked another person to kill their wife or husband and paid them to do so, then I could see that this was clearly a joint enterprise to murder in which both were equally guilty of murder. However, I pointed out that the state the law is in at the moment would mean a Prosecutor would only need to speculate that this had occurred, not prove beyond all reasonable doubt with real or solid evidence that this was in fact the case. Prosecutors know that a joint enterprise prosecution is weighted so much in their favour that it is easy for them to drag a whole host of people into a case, because of evidence called "notions of possible foresight" and "possible foresight that a crime *may* occur", which we all know result in innocent people being given life sentences for crimes they clearly did not commit.

So I will sign off with you as I did with them, by saying that until the very real issues that JENGbA continue to highlight are rigorously addressed and resolved, I personally will NEVER agree to Joint Enterprise being used as a Prosecution tool. And because of the real pain, despair, and frustration I continue to feel, I will NEVER stop fighting for you.

*Jan Cunliffe*



## A GANG OR NOT A GANG?

JENGbA recently attended an event at The Dickson Poon School of Law at Kings College London to listen to a lecture from Patrick Williams, Senior Lecturer in Sociology at Manchester Metropolitan University. His research clearly showed that Gangs do NOT exist as they do in the minds of the authorities.

According to the media, Moss Side in Manchester is the gang land capital of the world, but the actual crime statistics for that area do not show this. In essence he was saying that the 'Control Agencies' basically 'construct Gangs' for their own aims!! Really all the stuff we already knew but lovely to see an actual University study confirming it!!  
*Yvonne B*

## CUBAN 5

JENGbA was invited to take a stall at the Cuban 5 meeting in Manchester. All in attendance supporting the Cuban 5 had a massive amount of support and sympathy towards our campaign, they signed our petition and promised to spread the word. One of the Cuban 5 who has spent 15 years in solitary confinement had painted a picture for every year of his solidarity confinement and they were on display. JENGbA has been promised that we can have these amazing pictures on loan to exhibit in any future fund raising or awareness events.



JENGbA have also had two meetings at the House of Commons with Andrew Mitchell MP (plebgate scandal), and a further joint meeting with Mr Mitchell and David Davies MP. Both claimed this was an issue they were completely unaware of and both believe neither do most MP's. So it's time to tell them! In your letter refer to JENGbA and the MP's you know we have met: Andrew Mitchell, David Davis and Jeremy Corbyn. And don't forget to mention our Patron, Lord Herman Ouseley.

The meeting ended with both MPs saying JENGbA had a hard fight on our hands .... Like we don't know that already ... But we left knowing we have right on our side, therefore a fight we can win. So come on people it doesn't matter if you're the worst letter writer going, just do it, write a letter telling MPs to google JENGbA and learn more about the injustice of joint enterprise if that's easier than telling your own personal story. Tell them it's a National issue and you want their opinion. If you do that it's a massive help to us out here fighting tooth and nail for your freedom.

A good idea would be to jot down the names of MP's when you see them on the news and write to them directly. All you do is address it to the House of Commons, London and they will get it. Then let JENGbA know the names of those who respond and those who don't.

We're sure all the JENGbA campaigners wish Mr Raymond Gilbert all the best for his parole hearing on 26th March 2014 for his Cat D after serving 33 years at Her Majesty's Pleasure.

Bit of background about us for new supporters:

### **“The Kitchen Campaigners”**

Joint Enterprise: Not Guilty by Association (**JENGbA**) is a grassroots campaign group made up of women fighting from their kitchen tables to try and abolish the law of joint enterprise.

If you haven't heard of it before, “joint enterprise” is a doctrine used over 300 years ago to stop the upper classes duelling. The law enforcers knew that, during a duel, one person would be killed and therefore one person would be a murderer who had planned the murder with forethought. So they decided to also prosecute the doctors, seconds and onlookers who also knew a murder would take place. The multiple prosecutions worked and gradually duelling died out, so to speak.

The reason today's campaigners are fighting the “law” is because the very same doctrine, called Joint Enterprise or Common Purpose, is being used in the Courts of England and Wales to this day to prosecute men, women and children who were in the vicinity of, or somehow connected to, a crime scene. In some of the cases we're supporting the defendant (now prisoner) was at the end of a phone, or in one of the most unbelievable cases, was a 15 year old blind boy, out with friends when a fatal altercation took place which he could not see nor prevent – yet he still ended up with a life sentence. The youngest child we are supporting was just 13 years old when he was charged and convicted of murder.

When people hear of joint enterprise their first reaction is often disbelief – “this just wouldn't happen in today's Courts”, “every case gets thoroughly and fairly investigated”, “the juries hear all the evidence, they wouldn't find them guilty without question” are just a few comments we've heard. But what we've also heard from the 400 plus families who have contacted us, is that the juries *are* confused, they ask the Judge for directions, they are told this is a joint enterprise case, find one guilty and they all have to be found guilty. We know of jury members who have cried when the guilty verdict has been announced.

Imagine a case where there are 6 boys charged with murder, they were all at the scene when a fight broke out. One boy gets knocked out in the fracas, another 2 run away when the trouble starts. There's a fatality and, after police investigation, the person who committed the crime eventually pleads guilty. Is it not enough for the Crown Prosecution Service to accept that the murderer has been found, prosecuted and will be imprisoned? No, they will also build up a case where they say the other boys must have known what was going to happen and did nothing to prevent it. They will not rest until all 6 boys are charged with murder and imprisoned. This is not fiction, this is the reality of joint enterprise.

JENGbA was formed after concerned relatives attended London Against Injustice meetings, confused and traumatised after their loved ones had been charged and/or convicted under something called “Joint Enterprise”. We soon discovered that this was happening to people all over the country. A Panorama documentary was subsequently made, featuring campaigners Janet Cunliffe and Gloria Morrison and this triggered contact with people from all over England and Wales whose loved ones had been affected by this increasingly ubiquitous law.

Since then, JENGbA has gone on to give evidence at a House of Commons Justice Select committee Brief Inquiry where the Committee agreed that the law did indeed need clarifying and the Director of Public Prosecutions offered to issue Guidelines to prosecutors which have now been released this year. We have also gained the support of many organisations including the Prison Reform Trust, the Howard League and University of Cardiff Law School who are conducting research into the use and application of the law.

Our patrons include Lord Herman Ouseley and scriptwriter Jimmy McGovern whose film, to be shown on BBC1 later this year, will highlight the injustice of joint enterprise and hopefully educate the wider public and open their eyes to the horrific law that could affect any one of our children.

Going back to the early 1800s when duelling was in force, remember we also used to push young children up our chimneys, it didn't matter how much they were hurt or injured as long as our fires burnt brightly. Eventually, someone realised it was wrong and immoral to abuse children this way. Laws were introduced, though often ignored because no-one enforced them. It was only because of public outcry on the publication of Rev. Charles Kingsley's “*The Waterbabies*” and the horrific telling of “climbing boys” that eventually led this abuse to be monitored and finally, thankfully halted.

To use Joint Enterprise to inflict life sentences on innocent men, women and children is so wrong. It's time for us to stand up and say enough is enough. Please be a part of today's public outcry against joint enterprise and stop this Government and their Prosecution Service sentencing our children to life imprisonment for crimes they have not committed.

If you need any further info or want to write to us:

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