

# Joint Enterprise

Not Guilty by Association

# JENGbA

# News

## "You're Not Alone"

ISSUE 20: October 2012

Dear Friends and fellow JENGbA Campaigners

Some of you will be aware that Keir Starmer, the Director of Public Prosecutions, released draft Joint Enterprise Guidelines for prosecutors earlier this month. They were sent out to interested parties for their comments. We sent copies in to some of you so we could include your responses to them along with our own as we did with the Justice Select Committee.

This kind of personal evidence coming from those of you affected by the law is not what they expect but JENGbA believes your voices must be heard and are much more powerful when they accompany ours. Apologies that we couldn't send them to everyone, the number of 'inside' campaigners is now approaching 360 so cost meant we sent it to a few who shared on the wing, but if anyone wants to see them let us know. This guidance is not law change, and they are not very impressive. What is impressive is that every single one of you up and down the country responded with the same comments. Basically the DPP has just put into writing how the doctrine can continue to convict innocent people.

Our response was scathing and so was yours! The bottom line is that for every other area of law the CPS has Guidance from the DPP before they can decide if charges can be brought – except that it is for Joint Enterprise (JE). So as you will be aware, disproportionate mandatory sentences are being handed down to people who have little or no actual involvement in the crime but are serving life sentences. Simon Natas, the Howard League for Penal Reform, Stella Harris of Tooks with some input from Cardiff Law School did a 'legal' response to them – with suggestions of what Guidance actually means and some suggestions how it might stop innocent people being convicted. We'll try and get copies of that sent in also if you want them.

But what about if we write our own guidance for all to see, let them know where they're going wrong – contributions welcome, we will put them on our website and publicise them round the web.

We'll leave the final word about the Guidelines to F Wing at Frankland as we will all agree wholeheartedly with what they said. Well done F Wing and all of you who submitted your response.

Re: DPP GUIDELINES ON JOINT ENTERPRISE.  
To the DPP

We write as to the recent disclosure of the drafted guidelines drawn up by yourself. Now that you have given guidance to the CPS when it comes to charging and prosecuting people for 'joint enterprise' now where does that leave those of us previously charged and prosecuted by the CPS when NO guidance was in place at the time?

Obviously, where there was NO guidelines in place there must now be the argument that mistakes must have been made. The word 'malicious' prosecutions has been put to us very recently. A word that all of us can relate to.

We would be grateful for your response on the above matters. And may we now please ask what are your intentions for those of us who were charged and prosecuted for joint enterprise by a law that at the time was being misapplied in many cases as there was no clear guidance from the CPS?



JENGbA supporters at the BRADFORD UPRISING 29 September 2012

The Bradford Meeting was a great success thanks to the families who helped organise it, especially Ishy and the families of the Bradford 3 Abid Ashiq Hussain, Mohammed Niaz Khan and Sharaz Yaqub. Good connections were made with Just West Yorkshire who want to assist the start-up of JENGbA Bradford/Leeds so any families who want to assist with that please contact us. Donations received on the day are helping to send in this newsletter to our Inside Campaigners – so a big thank you!

We had a letter from Chris Grayling the newly appointed Justice Minister. He assures us that innocent bystanders are not convicted under JE. Hmm – he is misled like many others. We shall continue to inform their ignorance, as we all know ignorance is not a defence.

Panorama a couple of weeks ago, 'Return of the Supergrass', highlighted the case of Anthony Davis, Robert Cameron and others JENGBA are supporting. Another clear example of how the law is manipulated to secure conviction.

As you will be aware if you read this month's Inside Time, the Cardiff University Pro Bono Unit's work with JENGBA was highlighted by Louise Shorter. The University has had a fantastic response from you so far - over 100 returned questionnaires already. If you wish to be a part of the project and haven't yet received a questionnaire please let us know. If you have received yours but haven't yet filled it in, please do so – if you need any help or have any questions write to us at the address below. I gave a talk to the Cardiff Law students last week and it was really positive. Afterwards a student told me that they studied JE in the first year but had no idea of what it meant in practice. From the corner of my eye I could see a long queue of students all waiting to speak to me. They were very moved by your stories and want to help. **I've said this before, but please don't forget how important you are in our fight for justice.**

**Gloria**

Lizzi Donoghue has launched a new initiative which is being supported by Inside Time. It is called the Innocence Connection Enterprise (ICE). Lizzie is in HMP Send and she wants to connect with other prisoners maintaining Innocence while enduring their sentences. JENGBA wishes her luck as we've been lucky enough to meet her, an amazing intelligent mum of 5 and grandma (like myself!) who is serving 30 years for conspiracy as her husband was shot in her front room while she took a bath. So not only did she lose her husband, they robbed her of her family and her life. But she will fight her conviction and wants to help other do so too.

Send a SAE to A4785AD Lizzie Donoghue, HMP Send, Ripley Road, Woking GU23 7LJ

### THE GUITTARD RULING

We have had a few questions being raised by prisoners and family members about the 'Guittard Ruling'. Basically this is an application that can be made by IPP prisoners and also those serving Life sentences.

The main aim of this is for prisoners to make a 'Guittard application' to move to a Category D prison 'open conditions' without the need to attend a parole board oral hearing. This applies if the inmate has at least a 50% chance of being approved for a move and/or has exceptional circumstances. If so, they can apply via this ruling which enables the Secretary of State to review all paper reports prepared by prison staff, probation officers, the prisoner himself and their family members. This enables the Ministry of Justice to make a decision based on real reports and looks to be used by more prisoners. Should the Secretary of State reject the application then

the inmate will be given the reasons why and will then have to go for an oral hearing in front of the parole board.

### When am I allowed to ask to be moved to open conditions?

This application came into force on 1st January 2010 and has now introduced Pre-Tariff Sift Reviews for Lifers. This means that all Lifers can now receive a prison service assessment, as to their suitability for a Parole Board review, 2 years before their tariff date expires. The test applied is whether there is a reasonable prospect or 'is there a case for consideration' for open conditions by the Parole Board. This decision can be appealed.

### How can I get a Guittard application?

After the case of R (Guittard) v Secretary of State (2009) the Secretary of State is now required to consider a lifer's suitability to a transfer to open conditions without the need to get a recommendation from the Parole Board first.

The application is made by your Solicitors to the Public Protection Casework Section of the Ministry of Justice. They will decide whether to grant you your application based on the following;

- Reports must contain evidence that the prisoner has made significant progress in identifying risk factors
- There must be an agreement amongst the people writing the reports that the prisoner is suitable and safe to be transferred to open conditions
- The report writers have no areas of concern which would clearly require further exploration by an oral hearing of the Parole Board
- The prisoner has demonstrated in his representations that there are clear benefits to being transferred to open conditions immediately rather than following the established process.

You are entitled to a Pre Tariff Sift Review 2 years before your tariff date expires where all Lifers are entitled to a prison service assessment. The test is whether there is a reasonable prospect for a consideration to open conditions. Should you not have received such a review then you should speak to your Lifer Officer. Should you already have solicitors acting for you then discuss the possibility of you making this Guittard application for a paper hearing in order to progress to open conditions.

**Aysha Mirza in support of K. Akram**

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

**JENGBA**, 27 Old Gloucester Road  
LONDON WC1N 3AX

Email: [jointenterpriseinfo@gmail.com](mailto:jointenterpriseinfo@gmail.com)

Phone: 07709 115 793

*(this line is extremely busy, if you're phoning from prison please leave your name & prison details and we'll write to you)*

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