



JENGbA

Newsletter

You're not Alone

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Dear Inside Campaigners

All the outside **JENGbA** campaigners hope you, your families and friends are well or as well as can be expected in these truly worrying times. Most of us will know someone who has the virus by now and let's hope and pray they pull through. As you know we try to keep the newsletter positive, because we are right and the 'law' was wrong. But with all that is going on that is difficult right now. However, the only positive we must take from this is finally a light must be shone on our criminal justice system, especially our prisons and who and why we have them in the 21st century. Today there was a debate in Parliamentary questions on Covid 19 and the CJS; questions being asked of Robert Buckland the Justice Secretary were what steps he is taking to tackle the Covid 19 on the Prison Estate? Haven't heard his response yet but it will probably be on the news and if it isn't then we need to get more noise out there. Richard Garside who is the Director of the Centre for Crime and Justice Studies who support **JENGbA's** campaign had an article published in the Guardian last week. In it he stated that "Inaction by Government on Covid 19 in prisons is putting not just prisoners' lives at risk but also prison staff and the general public." The CCJS is conducting a Europe-wide project to collate and compare the measures taken by different Governments and prison systems. Also the Howard League and Prison Reform Trust have issued the Justice Secretary a letter before action regarding his inaction on the early release scheme. This will result in a Judicial Review if he doesn't respond and then civil proceedings can commence.

JENGbA will continue to be supportive of both these initiatives to hold the Government to account and it would be helpful if you could let us or your family and supporters know how you think your HMP is coping. Look we know it is bad, nearly 24 hour lock down is not good for anyone's mental health let alone physi-

cal but we are not experiencing it, you are – it is unprecedented territory and we as a campaign supporting over 1000 JE prisoners can and will be at the forefront of reporting and informing on it. So please send us any info that can help and we will pass it on. It doesn't have to be negative if you are aware of good practice then tell us. If you are worried about whistle blowing because the prison will take action against you try to let us know by supporters on the outside. We already know that HMP Berwyn has sacked a disability rep because **JENGbA** puts things on our social media about that particular prison. But, and I know this is big BUT, we must hold the prison establishment to account otherwise nothing will change and all the young people in the YOI's and all the old people in the Victorian jails will never realise that your bravery made a difference. If you want stamps let us know we will post in. If you need advice please try to get info to us. The office is not being (wom) manned right now but we are working on how to support families and prisoners via virtual platforms and we will let you know more about that in our next newsletter. We are hoping to send these in monthly so you know we will never, ever abandon **JENGbA's** relentless motto 'you are not alone and as long as there is no JUSTICE there can be no PEACE'. NJNP

With virtual hugs and solidarity, Gloria



What's Happening

There are many different thoughts running through our minds at the moment aren't there?

We all go through thoughts of what is going on, how did this situation happen and of course when it will end.

One of our biggest concerns that we all have is safety and how everyone is coping. We worry about you and we know you worry about us too. It's the not knowing, the fact we can't see each other. It is a difficult time and we all have to play our part to keep ourselves and each other safe, to support those struggling and to be supported too.

This is not the time to be too proud to ask for help for yourself or someone else.

We understand, as I am sure you do too that emotions are running high and conditions are not as they should be, everyone is concerned for their health and that of their families including the prison staff, so if anyone needs help or support, let us know, Inside or Outside campaigners. Of course if anyone can offer support, we welcome that too.

*Brought together by
Joint Enterprise, an
injustice so wrong it
will never break us.*

So, let me tell you a bit about JENGBA you may not be so aware of, we call ourselves family and we are. Brought together by Joint Enterprise, an injustice so wrong it will never break us, it has ensured an unbreakable bond. Our outside family are always there for each other be it a telephone call, a message on one of our social media groups such as WhatsApp, Facebook or twitter, we care about your families and loved ones and we care about you.

If anyone is having a hard time or has a concern, just wants to talk or even just sound off, we are there.

Sometimes our 'chats' get quite lively, a couple of weeks ago we all ended up taking selfies of ourselves wearing face masks with JENGBA written on them, a very spontaneous thing meant some had to improvise with hilarious results, yes one of our women utilized the insole out of her shoe !! We may print the evidence.

Even though we are spread all over the country we pull together and communicate with each other constantly.

This coming together was evident recently in the amount of families and loved ones ready to march

in London to Westminster, an army ready to demonstrate the fact we are never giving up until we have the justice you all deserve, of course this horrendous covid put a halt to that but that halt is temporary and we will be ready to march again once we return to normal, and we will, march and return to normal.

We do though have many things going on, Charlotte Henry's Joint Enterprise Bill, the University's JEAP projects and with the change in the opposition party an opportunity to further our fight for justice with key figures now in positions that can help make changes. We will absolutely ensure we use this opportunity because again we are not stopping until we get justice.

Of course the government's advice [I know.....] is to keep washing your hands whilst singing Happy Birthday twice and it's true, hygiene is key to prevent the spread, so on a lighter note, keep your environment as clean as possible, just imagine your mother is coming to do an inspection.....it works for me !!

Stay safe, stay well

Deb Madden

Supporting Timi Spahiu,
serving 33 years joint enterprise



Silly mask time with a serious message

STAY SAFE FOR JENGBA

Felicity Gerry QC and Dean Kingham have submitted a Petition for Mercy, for my brother Alex Henry (see below). A Mercy Petition is decided by the Queen who will follow the advice of the Justice Secretary Robert Buckland MP. If successful, Alex will receive a Pardon, meaning he'll remain a convicted murderer, but he will be released on life licence immediately. An individual can be pardoned because they are either innocent of the offence, or because notwithstanding their guilt, they are forgiven. It is a rare procedure, which is successful only in exceptional circumstances. The law has been applied wrongly for 32 years and has convicted thousands of men, women and children. We say that being convicted of murder and sentenced to life imprisonment with long mandatory minimum terms, is an exceptional injustice and worthy of Pardon. Once we receive a response in Alex's case, JENGBA will begin to submit other cases, to secure pardons for as many cases as possible. We are starting to collate cases, if you were convicted before the 18th February 2016 and want to be part of the action, please contact Gloria Morrison and give her permission to share your summing up with me. **Charlotte Henry**

PETITION FOR MERCY FOR ALEX HENRY

Dean Kingham of Swain and Co Solicitors has filed a petition for mercy asking the **Lord Chancellor and Secretary of State for Justice the Rt. Hon Robert Buckland QC to recommend to Her Majesty the Queen the exercise of the Royal Prerogative of Mercy to grant a conditional Pardon for Alex Henry.** to enable his immediate release. Alex is currently serving a sentence of life imprisonment with a non-parole period of 19 years for a murder that he did not physically commit. The petition states that Alex has been the subject of a catalogue of events that have led to serious injustice. A conditional exercise of the Royal Prerogative of Mercy will not expunge his conviction but allows Her Majesty to correct significant injustice. Alex is autistic and he has been in custody since **8th August 2013, when he was only 20 years of age.** The **FOUR** interlinked grounds for the petition are as follows:

- a. The miscarriage of law by fundamental legal errors in the law of complicity (known as joint enterprise) were identified and eventually corrected in 2016 in *R v Jogee* [2016] UKSC 8 but only *after* Alex was wrongly convicted;
- b. The effect of unprincipled and harsh mandatory sentencing laws for accessories to murder which caused injustice to Alex and were applied without knowledge of Alex's autism;
The unjust and inflexible imposition of too high a bar to appeal for those affected by the errors of law in joint enterprise ¹ which denied Alex access to justice; and
- a. The morally and medically insensible decision by the Court of Appeal of England and Wales, Criminal Division (CACD) to reject correct and highly relevant expert evidence that Alex is autistic.

The Royal Prerogative of Mercy is an historic Royal power reserved to the British monarch, in which she can grant pardons to persons convicted of criminal offences. The Lord Chancellor and Secretary of State for Justice has responsibility for recommending the use of the Royal Prerogative of Mercy to Her Majesty the Queen. It is exercised sparingly and only in cases of exceptionality.

There are two types of Pardon that may be granted: A Free Pardon; and a Conditional Pardon. The effect of a Free Pardon is that the conviction is disregarded to the extent that, insofar as is possible, the person is relieved of all penalties and other consequences of the conviction. However, the conviction is not quashed. Only the courts have the power to quash a conviction. A Conditional Pardon is used to substitute the original penalty with a lesser sentence. The petition on behalf of Alex Henry seeks his immediate release. Historically, the Royal power to pardon was a power to forgive a legal wrong. It is a constitutional safeguard against mistakes, a form of natural justice: to act fairly, in good faith and without bias or a power to rescue a person from the cruelty of unmerited punishment or to forgive. The petition was drafted by Felicity Gerry QC of Carmelite Chambers, London.

Hi guys (men women and children), it's John Crilly here, just to let you know we haven't forgotten you. I realise it must be particularly difficult at this time, to envisage any hope. Maybe use this time to start writing letters. I'll fill you in on what's going on. We have still been attending meetings at the House of Commons (although for the foreseeable future that has ended). I acknowledge some of you may think of me as a gobshite or even an idiot who is out and rubbing it in your faces. I don't know? Guess I am simply used to people (coppers, courts, prison staff, psychologists, even other prisoners and the public), looking at me with contempt regarding any talk of my innocence or that of my fellow inside campaigners.

I want to reassure you all that I personally will continue the same fight I had for myself but this time it will be for you. Although the Supreme Court held their hands up with Jooze (2016), and since have only gone on to allow one case to satisfy their arbitrary substantial injustice test, they clearly continue to duck and dive neglecting their sworn oath to uphold the rule of law, specifically the right to a fair trial.

So yes, I obviously can emphasise from first hand experience the pain, frustration and anger you all experience on a day to day basis. Worst of all is living each day praying that something will happen, we have to continue otherwise we are left with nothing.

Well please believe me when I tell you there is hope. And serious realistic hope, obviously events beyond our control have slowed things down. First Brexit, (remember that) and now the corona virus, which you are all having to endure. Both things have stalled all the work and progress which JENGBA have so far achieved. I have personally attended very positive, meaningful meetings with cross party MP's who are keen to help us in anyway they can. Basically this would mean taking matters out of the hands of our clearly dysfunctional judiciary by taking things back to Parliamentarians who are the real elected law makers/legislators. Hopefully this will result in enabling you to much easier access to a fair appeal (abolishing substantial injustice) this alone is massive, obviously we cannot disclose all of the details but be assured they are ground breaking steps taken on your behalf. In fact it's never been done before mainly due to politics and government policy but the time is right now and there really is no better time for change.

Also we have the amazingly dedicated Charlotte Henry and her Private Members Bill that she has worked on for over a year. This was due to be handed over to MPs on March 25th and as we all know that didn't happen due to Covid19. Please rest assured that this doesn't mean it isn't still going forward. What Charlotte and the JENGBA family have achieved is nothing more than amazing. This Bill was launched in Parliament and we must maintain the momentum that we gained on that day. It was full to capacity with cross party MP's who stood up advocating support for JENGBA. They promised to take the message to their colleagues and opponents. They clearly understood the devastatingly unjust effect on our society as a whole. And significantly to them how it is making a mockery of our judiciary and whole constitution. John

Contact Us

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