

JENGBA

Newsletter

You're not Alone

Issue 59

January-April 2022

Dear **JENGBA** Inside Campaigners, Friends, Supporters and Families,

An Inside Campaigner helping with this newsletter said we should call you all Political Prisoners. He has a point because your convictions using the racist, discredited application of joint enterprise was, and is, a policy driven law by successive governments to be 'tough on crime'. This means the Police and CPS can drive up conviction rates so it looks like they are being successful by criminalising innocent people. **JENGBA** will continue to call you Inside Campaigners for now until you tell us you would prefer Political Prisoners.

Some good news. **JENGBA** have secured funding from the Joseph Rowntree Charitable Trust to set up an office in Manchester. We have chosen Manchester as that is where they have built a 'super court' which locals are calling the 'gang court'. This allows CPS to charge large multi-handed trials all under the guise of tackling 'gangs' but is just racist and corrupt policing. There is a trial ongoing right now in Manchester and youth workers are posting on social media what the prosecutors are presenting as evidence. It would be funny if not so dangerous. They are literally seeking lengthy sentences for kids, youngest just 14 years old at time of the 'incident', an attempted murder, that they say was a retaliation. The youngsters' choice of music is presented as evidence. Now we know that a lot of you will have this 'evidence' used in your trials and if you appeared in a rap video, as these young people have, clearly makes them and you criminals. And the public know nothing about it, and don't see beyond the ridiculousness of the stereotypes prosecutors like to highlight. But it will be exposed as racist, even when used against young white men

and girls who like drill or rap as they should not like anything identified as Black culture. Hey, but if you're Tom Jones singing about stabbing his lover then that's a perfectly acceptable use of lyrics.

The new Manchester office will be up and running by the end of the month and we'll let you know address and phone no ASAP. It will be manned by volunteers as usual but they have included funding for an admin worker so there will be someone to take calls.

JENGBA London meeting

Thursday 21st April 2022

6pm-8pm

Resource for London,

Office 4.1a

4th Floor, 356 Holloway Road

London N7 6PA

We have also moved into the London office, Resource for London Centre Holloway Road and it is great to be in a professional space with lots of conference rooms. **JENGBA** are holding our first conference there on Thursday 21st April 6pm – 8pm and we are inviting every organisation working in the Criminal Justice and Prison Abolition/Reform as well as MPs, lawyers, activists and campaigners. The speakers will include researchers from the Centre for Crime and Justice Studies who have produced another report, using **JENGBA's** data and Freedom of Information requests. The report looks at whether the Supreme Court ruling in R v Jogee has made any difference in joint enterprise convictions. Practitioners (lawyers) tell us that it has in practice, but in reality the

CPS are still relying on inferences and associations to get convictions because it is easier than proving a defendant's intention. The report, which says JE is still used to over-criminalise secondary parties, is being officially launched later this month and we hope it will garner media coverage.

On the subject of data, the campaigning group Liberty are now helping us! They have sent a letter before action to the MoJ and CPS on the lack of data on joint enterprise cases. When JENGBA gave evidence to the Justice Select Committee's follow up enquiry in 2015 (never had a full enquiry which we have asked for countless times) the then DPP Keir Starmer was asked why the CPS did not collate data on such an important subject and he promised that they would going forward, but they never have. Since joint enterprise can be proved to be racist, and therefore against individuals' human rights, and we argue defendants did not have the right to a fair trial (because joint enterprise was and is a mechanism for convictions not justice) it is illegal not to keep data on the numbers, ethnicity, length of sentences on those convicted. They will probably ignore the LBA because huge can of worms and so Liberty will sue them on JENGBA's behalf. So we are litigating but with the powerhouse that is Liberty supporting us. We will do our utmost to get press coverage for this.

The lawyers advised us that we couldn't sue the Government because of their inaction regarding the Substantial Injustice test as there is no legal framework for it. We could have done it but most probably would have lost and then have to give the funding to the Government, which was a waste of resources. Barings Foundation know this and encouraged us to keep doing what we are, which as you know is chipping away until we get justice and convictions overturned. We are looking at other areas to challenge or litigate and one of them is to get a report to the Judicial Studies Board. We know Judges are getting it wrong, either because they simply don't care and don't challenge if prosecutors are lying, or they believe everything the media tells them about kids on housing estates, or from marginalised backgrounds. Again, I hear you say, cause I said it, how will that hold to account and help those wrongfully convicted Insiders, but it is the chipping that will resonate within the corrupt criminal justice system.

If you have some information about what you think your Judge got wrong please let us know. Your voice has always been the one that matters most.

Which brings me on to the Subject Access Request which Steve has explained how to do below. Please, please do it. Not just to find out what is being held on your prison record, you might be surprised how much unsubstantiated 'intel' could be on there just because a OM or SO decided to put in, but also pre conviction. There is a lot of work going on into 'gang' intel that might or might not have been used in court but is on your record. We know many of you will have been on the Gangs Matrix or Excalibur depending on which city you are from. JENGBA would like to find out if that was the main evidence used against you because the accuracy of the gangs matrix has already been challenged and discredited. If enough of you find out that you were identified as a 'gang' even when just with friends or relatives (like Johnson and the No 10 law breaking parities) JENGBA can challenge it either with litigation or fresh evidence of collective punishment based on false testimony. Especially if in your trial you had a 'police gangs expert' give evidence.

JENGBA has always relied on you to assist the campaign and I do understand, because I am reliably informed by many of you, that Inside it is harder to fight as it feels easier to put your heads down and do the time. But we would not be getting support that we are now from groups like Liberty, Howard League, Unjust, Centre for Crime and Justice Studies, Barings Foundation, Joseph Rowntree Charitable Trust and Trust for London if we hadn't shone a spotlight on wrongful convictions using joint enterprise. If we hadn't kept chipping away at it for 11 years. It feels like now is our time, we know we are right, you know we are right and with your help the public with finally know we are right.

We are launching the Private Members Bill in the House of Commons on Monday 16th May in the Atlee suite 2 – 5pm. We are organising a mass lobby before hand in the House of Commons so families can demand to speak to their MP. We may even march on the day. But please write to your MP, ask your families to also, requesting them to attend the JENGBA conference in the Atlee Suite. There will be speakers and a drinks reception after because we all know the MPs like a bit of cheese and wine! If anyone has Johnson as their MP tell him to Bring his own Bottle cause he likes those kinds of parties.

This is JENGBA's year to rise up and be heard. Fight with us as we will fight for you.

Gloria Morrison Campaign Co-ordinator

News from Jan Cunliffe

Channel 4 commission & Ron Todd Award

I spent the best part of last summer and beyond talking to a producer for ITN who wanted information so she could pitch an idea and make six ten-minute films for Channel 4 online. It was a hard slog, talk after talk, sometimes explaining the impossibilities of what she thought **JENGBa** could help her do. She was a good listener and determined to get something commissioned by Channel 4 and I can now say that this has happened. These things are terrifying but we do need to trust that these people will take our stories and tell them honestly, whilst accepting our mindfulness of the families that have lost a loved one.

I met the team in London in March and agreed to be filmed in Trellick Tower along with some other **JENGBa** family members. I know none of you will be able to watch as it's online, but your family members will. Who knows it might even lead to some better media output surrounding the injustice.

Last month also saw **JENGBa** win the **Ron Todd Social Justice Award**. I had no idea there was such an award until someone sent me a message saying we'd had lots of nominations and what's the address so we can send the award to the office. It's a great honour for us to be nominated, it shows how much support we have out there and to win this award is a big feather in our caps. It arrived in time for us to hold it up on the Zoom awards ceremony. You may think it's just an award and that awards are meaningless as long as you are all still suffering, but it



spurs us on the outside on and let's you know people are thinking of you too. It tells us we must be doing something right and that whatever that is we must continue until the bitter end.

Steve Kidd, A9166AZ. 14.03.22

HMP Berwyn, CD1-13

Hello to All

I am writing to give you some details of what I've been doing to get information held on me by HMPPS before I sit my first parole board that is due "soon".

I've written to (MoJ) Data Access and Compliance Unit, Information Operations Division, Building 16, NDC Site, Burton Road, Branston, Burton upon Trent, Staffordshire DE14 3EG. I've sent my letter under (SAR) Subject Access Request rules. **There is now no fee to pay.**

I've requested all my NOMS records that are on me, all security intelligence reports (SIRs), all police intelligence data held on me, and all complaint(s), DIRFs, Apps and all replies I've done.

These are all specific to Parole but we can also ask for a "gist" of MAPPA information held on us by other agencies, ie Probation, Social Services, CACASS etc. Branston (MoJ) will send you a confirmation letter with your case reference number after receiving your letter of request.

They then have 40 days to send you the information.

We can also request all information held on us by Police force(s) who convicted, or are trying to convict us. Also to your Prison's healthcare service provider's head office.

Always remember, knowledge is our power. These are our lives, we have a right to know what the system alleges about us so that we aren't on the back foot when challenged by the Parole Board. Don't ever be fooled into thinking there aren't bad things wrongly written about us.

I've just received 13 pages of alleged security "intel" on me, yet no action was taken against me by Security. It's now proven to be spiteful staff simply trying to mess up my chance of Cat D.

Write your letter to Branston. Pass the information you receive to your Solicitor and **JENGBa**.

Take care all of you. Never let your heads drop. We are one family and we will succeed against JE.

S B Kidd

Political Prisoner

Ya Ukraines

PARTICIPANTS NEEDED FOR RESEARCH

Are you black or mixed-race and were convicted under Joint Enterprise?

Nisha, who is a researcher from the University of Oxford, is looking for **young black and mixed-race men** who have been **convicted under Joint Enterprise since February 2016** to take part in her research project.

Nisha's research study aims to develop a better understanding of the experiences of young black and mixed-race men convicted under Joint Enterprise. She will be examining whether prosecution processes are informed by cultural assumptions and stereotypes. In doing so, she will explore the quality of evidence used to convict young black and mixed-race men on the basis that they 'assisted or encouraged' an offence.

If you identify as a black or mixed-race man, you were 26 or under at the time you were charged, and you were convicted after February 2016, you could take part in this important research. If you are interested in having a visit with Nisha, please send a letter stating that you are interested in taking part to the JENGbA address and we will get back to you with more information.



Manchester families never giving up!



Families meeting in Birmingham to spread the word and continue the fight!



Recent visitors to our new office included Jodie and Emmanuelle from Liberty and Nisha from the University of Oxford who is looking for participants in her research (see above)

IF YOU HAVE MOVED (OR WE HAVE YOUR NAME WRONG!) PLEASE LET US KNOW ASAP AT THE ADDRESS BELOW AS SO MANY NEWSLETTERS ARE BEING RETURNED UNDELIVERED.

JENGbA

**Resource for London, Office 4.1a,
4th Floor, 356 Holloway Road,
London, N7 6PA**

**Office no. 02076974071 or 02076975071
M 07709 115793 (Glo)
M 07725 727520 (Jan)**

Extract from an article in the Independent newspaper— 7th April 2022

Government and CPS face legal action over ‘racist’ joint enterprise law

Nadine White Race Correspondent

The Ministry of Justice and the Crown Prosecution Service are being sued by a human rights charity over the “racist” joint enterprise law, which research indicates disproportionately imprisons young Black men.

The legislation is often used to prosecute people in “gang” related cases, in which groups are convicted of a crime committed by one person on the back of prejudicial evidence that they are in a gang. The human rights charity, **Liberty**, is arguing that the evidence of involvement can often be inaccurate and is likely to be premised on racist stereotypes.

Despite overwhelming concerns being raised by campaigners over the years, the CPS and MoJ do not record data on joint enterprise cases. The charity is acting on behalf of **JENGBA** (Joint Enterprise Not Guilty by Association), a grassroots campaign group that supports approximately 1400 prisoners (mainly those serving life sentences), all of whom have been convicted under the joint enterprise doctrine.

Lana Adamou, a lawyer at **Liberty**, said: “We all want our communities to be safe, and for our laws to treat us equally. But joint enterprise is overwhelmingly used against people from marginalised communities, especially young Black men, and drags people unfairly into the criminal justice system.”

Campaigners have been raising concerns for years about racism and joint enterprise prosecutions, and the Justice Committee recommended as early as 2012 that the CPS and MoJ should start collating data about joint enterprise prosecutions.

“It’s completely unacceptable that there is still no official data being recorded about how the doctrine is used, and who it is used against. By failing to do so, the justice system has been recklessly sweeping thousands of young black men into the prison system.”

She added: “The CPS and MoJ must urgently begin recording this data so that any race discrimination in the use of joint enterprise is no longer hidden from view and that steps can be taken to eliminate it. There should be no place for racism to hide in the criminal justice system.”

In 2016, the Supreme Court reconsidered the joint enterprise doctrine and found that the justice system had “taken a wrong turn”, with the law on joint enterprise being misinterpreted for years. However, despite high hopes, this did not steer the law back on course or rectify the wrongful convictions it created.

A number of studies indicate that joint enterprise prosecutions are more likely to target young Black men.

Liberty says that, in failing to record data on joint enterprise prosecutions, the CPS and MoJ are breaching their duties under the Equality Act 2010. It says that, contrary to the Public Sector Equality Duty, neither has taken any steps to ascertain the extent of, and eliminate, any race discrimination in the use of joint enterprise laws.

Gloria Morrison, co-founder of **JENGBA**, said: “**JENGBA** have been campaigning for many years highlighting the racist application of joint enterprise to over-criminalise secondary parties from marginalised communities.

“It is common law, used against common people, that makes no common sense. **JENGBA** want to thank Liberty for their support in challenging the use of this doctrine and who it targets.”

David Lammy, shadow secretary of state for foreign affairs, has said that a Labour government would reform the law of joint enterprise. “It is shoddy law, it’s outdated, it’s backward. How can you be in custody for years and years and years when you weren’t anywhere near a crime?” the Tottenham MP told a Westminster rally in July.

“How can you be in custody if you simply withdrew from a crime that was being committed? How can you be in prison because you were in the park but were nowhere near the murder that was being committed? That is the kind of injustice that is being done in the name of joint enterprise and it has to end.”

A Ministry of Justice spokesperson said: “While charging decisions are made by independent prosecutors, we are currently considering the feasibility of collecting data on joint enterprise cases.”

A CPS spokesperson said: “We have received a letter from Liberty regarding joint enterprise prosecutions and we will respond in due course.”