

Dear Inside **JENGBA** Campaigners

We always said we would never send in a newsletter for the sake of it but only when we had campaign developments to share. Well I don't think there has ever been a more necessary newsletter than this one because EVERYONE is wondering what is happening?! What was the outcome of the first fresh appeals? Last June the first batch of appeals post *Jogee* were heard in the Court of Appeal. The Johnson brothers Asher & Lewis, Tyler Burton and Nicholas Terralonge, the Miah brothers Javed and Rubel, and Michael Hall, who has never had an appeal and served 9 years. The first 2 days of legal arguments were interesting as the 3 judges Lord Chief Justice Thomas, Lord Leveson and Lady Hallett attempted to get an understanding of cases that were tried using the wrong test as they were convicted on the basis of foreseeability and not 'intent' which is where the law apparently took a wrong turn. The court once again was awash with red as JENGBA campaigners turned out in force to support the families and once again these 'common' folk followed with interest, so that the Lord Chief Justice exclaimed "if we don't offer guidance and certainty it is unfair to both sides; victims' families and defendants' families also", whilst waving at us.

There was a very long discussion around the definition of 'substantial injustice' and out of time appeals, which will affect the majority of you who are reading this now. Most wrongfully convicted under joint enterprise will have been told by their solicitors and barristers representing them that they had NO grounds for appeal. This is because YOU were convicted using a doctrine that is now 'wrong' when evidence was based on 'association' but not real evidence and there was no way to challenge it. This was the point in the Supreme Court's decision that the law had been misinterpreted for 32 years but only cases that could show 'substantial injustice' would be able to go back to the Court of Appeal. Hmm? Surely someone who has been convicted of the most heinous of crimes, homicide, who has not murdered anyone but given a mandatory life sentence is a perfect example of substantial injustice. In many cases the secondary party has been given a longer sentence because they pleaded not guilty, whereas the principal, the actual murderer confessed to his crime.

But the Judges did seem to be in a quandary as to what to do. At one point Lady Hallett repeatedly said, "just because

a group of young men may have gone out to give harm and know one of their number carried a knife, the common purpose does not mean that they *knew* the knife would be used on that occasion." So you can imagine we were in a completely different place to what most of you will have experienced when you were *all in it together*, which has been the CPS default position for prosecuting innocent people. The Crown were very agitated when it came to explaining how these so called joint enterprises lead to convictions of murder, because they have lost the argument and know they have been rumbled for over-criminalising secondary parties.

And then we came to Michael Hall's appeal, which is one of the cases **JENGBA's** lawyer Simon Natas has always cited as a clear indication of why the doctrine has stretched beyond its scope of what joint enterprise actually means. Hall's appeal is crucial because he should have never been tried for "murder" and the court seemed to be accepting that. Lady Hallett even said to the Crown, 'I really can't see beyond violent disorder' which would mean that Michael should not even be convicted of manslaughter. But they are worried about floodgates and that is why we are in this state of limbo until they decide "what is exceptional circumstances?"



JENGBA families at the Court of Appeal, when the first post-*Jogee* appeals were heard.

June 2016

JENGBA's legal team, Simon Natas of ITN solicitors and Tim Moloney & Jude Bunting of Doughty Street, requested to intervene on **JENGBA's** behalf to give the court an understanding of why *all* of our cases have suffered from "substantial injustice". The Court have accepted **JENGBA's** request and we know our legal team will put in the best possible argument for why everyone should have a chance of appealing because of what the most senior judges have said was a wrong direction for the law.

The court of appeal have reserved judgement and are trying to find the way forward from the Supreme Court Judgement. So everyone has to calm down, because nothing can happen until we

know what they are going to do. We have come so far I genuinely don't think we can get a knock back but let's wait and see and all you Inside Campaigners do what you have been doing – spread the word – we are up to 726 prisoners – it will be thousands.

The template legal letters we included in the last newsletter are doing the trick and we have to thank Centre for Criminal Appeals for helping us with this. They have drafted letters to send to the Court of Appeal and the CCRC if you can't find any paperwork because it has been destroyed. The CCRC has statutory powers and they have said they want to help with JE cases. It doesn't matter if you have not had an appeal – apply to them anyway as specified in the letter enclosed. The Court of Appeal contacted CCA and told them they had received around 65 requests to date and asked if they could email the summings up via the CCA secure address. The CCA has agreed and will print off and send in to yourselves. This should eliminate any costs (see Sophie Walker's piece for more information).

Prison Reform Trust **released** another report on joint enterprise charging following round table discussions which JENGBA participated in as well as the CPS, MOJ, lawyers including Felicity Gerry (Ameen Jogee's QC) Lord Wolfe and academics from Birkbeck criminology dept. The outcome in a nutshell was that the records on joint enterprise charging were not robust enough and mandatory sentencing was disproportionate to what individuals deserve. Of course we already knew that, but the report was another one that gained media interest and is another push in our favour as to why appeals are urgent. We have been offered the help of several students and all of our data is finally being formatted into a spread sheet. This will be the most comprehensive data of JE convictions that anyone has compiled and we can send it the Justice Select Committee and the Lammy Report etc.

We await the reserved judgements with anxious anticipation but be assured we will never stop fighting for innocent **JENGBA** insiders – even if they are not helped by foresight and the *Jogee* judgement.

Gloria Morrison
Campaign Co-ordinator JENGBA



Legal Aid Lawyer of the Year Award 2016

JENGBA nominated Simon Natas in the criminal defence category and I am sure many others would have done so also because he is

such a passionate man of incredible integrity. He is also very humble and didn't expect to win but we couldn't see how he could lose! He did win and was presented with the award by Doreen Lawrence. Deb Madden and myself had a good chat with her after the awards and she was very interested in our campaign. We said that Stephen's case is always the one the media cite as a good example of joint enterprise and when I questioned whether they could have charged all five from the outset with JE she said they never even considered it. She agreed it is just another example of the police using JE when it suits them, not in the interest of Justice.



Gloria (far left) and Deb, far right with Julia and Simon

Julia Salasky also won the award for Access to Justice through IT for her newly formed charity Crowdjustice. She was nominated for enabling "ground-breaking and vital cases to go ahead, including **JENGBA's** intervention in the *Jogee* Supreme Court case." So we were really proud and pleased for Julia as well as Simon.

Fundraising



Well done Lisa and Brian McInerney (parents of Tommy), Bee Winston (mum of Dean) Lisa and Danielle Vaughan (supporters of Billy) who did a car boot sale and a market stall with donations from the JENGBA family. They raised an incredible £645.00!



The gang raising funds in the pouring rain—love the wig Brian!

We are listening

In December 2015, we wrote a report called 'Dangerous Associations: Joint Enterprise, gangs and racism' and it was published by the Centre for Crime and Justice Studies (CCJS). The report highlights the ways in which Joint Enterprise (JE) has been (ab)used by the Police and CPS and is responsible for the imprisonment of men and women who are not guilty of the offences for which they were convicted. The report is based upon your feedback to the **JENGbA** questionnaire sent out in 2015.

Another important finding from the research was that the police and CPS use JE to imprison people who they claimed were involved with gangs. We found this happened even when the individual was not involved in gangs, did not know the principal or were not present at the scene of the crime. In particular, JE was used against young black men even though official data shows that this group is not responsible for most serious violence offences in England and Wales.

What have we done with the findings?

Since the publication of the report, we have presented the findings to family members, campaigners, activists and students across London, Birmingham and Manchester. Many media outlets also reported on the findings such as 'Police Oracle', 'Police Professional', 'The Barrister' and 'Politics.co.uk'. We also spoke about the injustice of JE on national and local radio. Importantly, what you told us was presented to politicians in the House of Commons on the 26th January 2016 and on the 19th July 2016, David Lammy MP acknowledged in The Guardian newspaper that,

'The Metropolitan police may be overly targeting black and ethnic minority youths as gang members, resulting in them being treated more harshly by the courts, prisons and justice system.'

The Supreme Court ruling and now this acknowledgement by politicians about racial bias in the justice system, marks a significant develop in the campaign against the misuse of JE. The Dangerous Associations

report could only have been written with the stories and information that you took the time to share with us through the **JENGbA** questionnaires.

Knowledge is Power.

The report reminds us that 'knowledge is power' and through the collective sharing of your experiences we can continue to challenge the injustice of Joint Enterprise. *Thank you to those of you who supported this research and completed the questionnaire...we are listening!*

Patrick Williams and Becky Clarke
Manchester Metropolitan University

ARE YOU POST-TARIFF AND BEING DENIED ACCESS TO PROGRESS?



If you are post tariff and are being prevented access on the basis of denial and/or maintaining innocence, please write to

JENGbA, we will put you in touch with a lawyer who will look to frame a challenge given the PSI, discrimination provisions and public law duty.



**STOP THE TORTURE OF KEVAN THAKRAR!
IN SOLITARY CONFINEMENT FOR 5 YEARS**

JENGbA will continue to support Kev

BIRMINGHAM JENGbA

NEW DATE AND VENUE OF NEXT MEETING!

**Date for the next Birmingham meeting is
Saturday, 13th August 2016**

**Location: Royal Arch, The Mailbox, Birmingham
City Centre B1 1RS**

Start time: 12.15pm prompt

Solicitor Simon Pook and junior barrister
Mark Taylor will attend.

Please ask your family and supporters to attend on
your behalf if they are in the Midlands or nearby.

Getting your summing up transcripts and/or case files!

A few months ago, the Centre for Criminal Appeals (CCA) created a guide to finding a transcript of your summing up. So far, we have received positive feedback that JENGbA members are finding it helpful and are managing to retrieve their case files.

The Court of Appeal has received over sixty requests from JENGbA prisoners for their summing up transcripts.

In light of this, the Centre has agreed to work with the Court of Appeal to help prisoners gain quicker access to these transcripts.

The Court of Appeal will send the CCA the transcript via our secure email account and we will then send the transcript on to the prisoner. If you would like to take advantage of this, then please use the "Court of Appeal" template letter enclosed with this newsletter (further copies available from JENGbA or ask fellow JENGbA insiders if they have a spare copy).

ALSO, we have heard from prisoners who are not having so much luck. These are often prisoners who were convicted over seven

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years ago and their previous legal representatives have destroyed the case file.

If you are in this position, and have not appealed to the Court of Appeal, you can still apply to the Criminal Case Review Commission to review your case. The Commission has statutory powers that means they can gather papers that you cannot, including from the police, the courts or the prosecution.

You may find it helpful to use the "CCRC" template letter enclosed that sets out your reason for applying to the Commission despite not having first gone to the Court of Appeal. But this must be submitted with the CCRC's own Easy-Read Application form. So get this first, if you can't get it from your PO or at the prison, get it by writing to the CCRC and asking them to send you a copy. Their address is:

CCRC
5 St Philip's Place
Birmingham
B3 2PW

Once completed the "CRCC" letter and the EasyRead application form should both be sent to the CCRC.

Please do tell JENGbA if you find these letters helpful and good luck on your quest for justice.

Sophie Walker
Centre for Criminal Appeals

Contact Us

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Visit us on the web at
www.jointenterprise.co