

Greetings Inside and Fellow Campaigners

It's been a busy few months, mainly with a lot of press reporting on the abuse of joint enterprise in England and Wales. There is also a Dispatches documentary coming out in January about the ten lads in Manchester who got convicted of conspiracy to murder, where no one was murdered and the prosecution relied on snapchat messages and the gang narrative. Look out for it: 'Untold; Jailed over a group chat'. JENGBA campaigners went to witness the Manchester supercourt hearing and the tactics being used, they were shocking and heartbreaking. The CPS once again used song lyrics to imply criminality which is becoming a common occurrence. The documentary raises some serious issues and was made by the same journalist who made 'Guilty by Association' on joint enterprise in 2015, Fran Robertson.

Joint enterprise is no longer a hidden secret as we are being contacted by organisations wanting to support us, including the Aboriginal Sobriety Group Indigenous Corporation of Australia. However, it is also apparent that the 2016 Supreme Court decision *R v Jogee* didn't actually change anything; the latest report by the Centre for Crime and Justice Studies has proved that convictions post *Jogee* have gone up and is still disproportionately targeting young black boys. This has been because of a deliberate and concerted effort by the CPS to use tactics that have nothing to do with the rule of law and everything to do with getting convictions despite lack of evidence.

On 6th September the Private Members Bill to get rid of substantial injustice and thereby secure appeals for joint enterprise prisoners had its first

reading in the House of Commons by Barry Sheerman MP and Chair of the All Party Parliamentary Group on miscarriages of Justice. It was also sponsored by 12 other MPs including Sir Bob Neill Chair of the Justice Select Committee. JENGBA campaigners attended including our latest patron the actor Andy Tiernan who was in Jimmy McGovern's film 'Common'. Once we were all seated we were asked to leave the public gallery. We hadn't done anything wrong they just decided that because we were a 'group' we were a threat – sound familiar? They did want us to leave the House of Commons but we hung about until the human rights lawyer from Liberty arrived and then they found us a room where we watched the reading together and could cheer when it passed. The second reading is supposed to be on January 20th but PMBs are phenomenally difficult to get passed so we are going to ask for it to be withdrawn from that date until we get a lot more MPs supporting it. Students are going to do this work for us.

JENGBA have been working with the Charity 'Liberty' since the beginning of the year on a civil action challenging the CPS on the lack of data recorded on JE prisoners especially secondary parties, race and disability. This is important because it gives the Government a get out of jail free card because they cannot tell us how many people were convicted using JE. The data is key to exposing its over-criminalisation and disproportionality on BAME and working class individuals. Jan and I had a meeting with the CPS in September and negotiations are ongoing; we will keep you posted.

continued

NEWS FROM OUR MANCHESTER OFFICE

JENGbA were invited to deliver a talk about the campaign to the Police Action Group and was amazed at the support from these lawyers. There were about 70 lawyers in the room and 40 online including Kings Counsels. They have offered to set up a Lawyers for JENGbA group and a meeting is scheduled for January to see how that might be of help and how it would work.

There has been another JE conviction quashed in the Court of Appeal; a referral from the CCRC and only the 2nd (John Crilly) since 2016. It was quashed last May, Philippe Sosongo a 14 year old black kid convicted 7 years ago who has been diagnosed with autism since he went to prison. Why the CPS get to retry is a mystery surely if the Court of Appeal deem a conviction unsafe then it is unsafe. The retrial was in November and it took the jury 20 mins to decide he was not guilty. JENGbA have spoken to the legal team and are arranging a meeting to see if the judgement can help others, though we were told that the legal team had to convince the CoA they were not trying to set precedent because they wanted to do the best for Phillipe. The court of appeal is so reluctant to do the right thing with JE wrongful convictions they also ignore corruption and evidence of innocence because they know it will open the floodgates. But we will get there and are going to demand a full enquiry.

It is a stressful time of year for everyone, a time when families mean so much to us all. So, for those of you who are missing your children JENGbA sends them and you our love, for those of you who are missing parents, JENGbA sends them and you our love, and for those of you who have very little family know that JENGbA is your family and we will never give up on you till we have justice for us all.

Love and solidarity

Glo

Campaign Co-ordinator



Youth Workers from Hideaway Youth Project with Louise from **JENGbA**



Our young campaigners had a great time too!



Our **JENGbA** family enjoyed a fabulous day to celebrate BHM and our new office in Manchester

During October, volunteers from our Manchester Office co-hosted an event to celebrate Black History Month and the opening of our newest office based in Manchester. It was run alongside Hideaway Youth Project in Moss Side which has been running since 1965.

The event was a great success, with lots of local talent performing everything from poetry to playing the steel pans.

JENGbA's presence in Manchester has been well received and local support for our campaign is growing daily.

The collaboration between JENGbA and Hide Away is hugely important as the youth club is in the heart of one of the most diverse areas of Manchester which in recent years has seen a disproportionate number of young black and dual heritage people affected by joint enterprise. We look forward to many more community led events in the future.

Louise Campbell

A Review of Joint by Jay Bernard presented by Indra Ova
Directed by: Jo Tyabji
Joint played as part of London Literature Festival at Southbank Centre

JENGBA estimate there are thousands of Joint Enterprise prisoners languishing in prison with very long sentences sometimes exceeding 30 years. Multiply that by the family members whose lives will never be the same. The agony of helplessness, watching your child, husband, sister, father suffer violation, segregation and deprivation is relentless. As one mother said it is like 'watching your child be buried alive'.

In 2013 my autistic son Alex Henry, aged 20 with no weapon ran into a 47 second spontaneous affray with a group of older strangers in which he threw a mobile phone at an assailant. Witnesses were unaware that the man who ran into the scene behind Alex had stabbed two of the assailants because this person used a knife concealed in a bag. The court decided Alex was guilty of joint enterprise because 'friends tell each other everything'. Alex received 19 years.

'Joint' is a series of spoken words; in each scene Indra portrays a different person affected by Joint Enterprise. With only a single change of accessory, a jumper perhaps or a scarf, her ability to switch character as if she were possessing a new personality was extraordinary. As I sat watching I wanted, so many times, to cry out 'yes that's my son' or 'I know that person'.

The opening scene made me literally sit on the edge of my seat not least because it felt like I was inside her head, screaming the words but also because in this portrayal there was stark and frightening truth. It was about Derek Bentley. 'Finally' I thought.

I have cried every day since.

Bentley, like my autistic son Alex Henry had a learning disability and a mental age of 11. In both cases the diagnosis was not available at trial and rejected at appeal. Bentley was found guilty of murder by Joint Enterprise and in 1953 he was hung in Wandsworth Prison aged just 19. He was sentenced to death for being present at the scene of a burglary when his co-defendant, Christopher Craig, shot a Police Officer. Craig was 16 and classified as a juvenile, which meant he avoided the death penalty, serving 10 years in prison.

Bentley's guilty verdict heavily relied on the evidence from three police officers who said Bentley cried out 'let him have it' inferring he meant that Craig should shoot the officer. Bentley denied this and later on it was suggested that in fact he had actually meant that Craig should give up his gun when he was prompted to do so by the police officer.

Public outcry and a petition signed by 200 Members of Parliament asked the Home Secretary Sir David Maxwell Fyfe to show mercy, but despite last minute appeals Derek Bentley was hung.

In 1998, after 45 years of campaigning by Bentley's mother and sister Iris, Bentley's conviction was deemed unsafe and he was posthumously quashed, but both Bentley's mother and Iris did not live long enough to see this.

In another scene Indra portrayed a woman recalling her hostility to another mother in a solicitor's office and her regret because she had thought she was better than her. This short exchange of words was left hanging and the meaning seeped out slowly, across the next scene and the next.

Because it showed that the bedrock of our flawed existence is based on our unconscious biases which shape our sense of who we are; we are secure in the social comparisons we make which elevate us and keep us marching blindly on. Until it happens to you. Then suddenly you are lying in the trenches with people you thought you were better than, learning from them and fighting with them.

After nearly a decade of campaigning my son, like Bentley, has a petition for a Royal Prerogative of Mercy which will be heard by the Ministry of Justice anytime now. But I am under no illusions that there will be no mercy because like Bentley, he was already discarded.

"Priti Patel's public campaign for the return of the death penalty under the guise of justice, when we know it is really revenge"



Could it happen again?

I think it could. Bernard's words echoed my worst fears because I am haunted by images of my son hanging and I cannot let my mind go there. I felt rage in those words; the condemnation of the lack of humanity which runs through the veins of our justice system. Priti Patel's public campaign for the return of the death penalty under the guise of justice when we know it is really revenge.

These monologues were powerful observations of Joint Enterprise; a social, political and psychological mentality used to oppress and obliterate us. And they do this knowingly.

Sally Halsall, Mum of Alex Henry

JENGBA Campaigner

**'I need my son he is half of my heart,
Without him we are failing to start.
A life without my son is a life I'm
struggling to live.
Most days I have nothing to give.
Every day the pain is too much to measure.
These are the times in his life I'm
supposed to treasure'**

(A poem by a JENGBA mum)

Those distressing pre-call telephone messages!

Steve Kidd, one of our JENGBA inside campaigners, is bringing a class action against the prisons for anyone whose contact with family or friends has been compromised by the new pre call message on prison calls. In particular any prisoner who has or could lose contact with children or the elderly, especially in children or families where mental health, disability or self-harm has spiked. Lots of people are affected by this inappropriate message and it won't go away without a legal challenge. *Share this with other prisoners!*

To be a part of this action please contact::

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Solicitors
27 London Road
Bromley, BR1 1DG
Tel: 02081 813100
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New York Times and The Guardian

JE

Get in there! Joint Enterprise made the front page of The New Times not once but twice in less than one week. For me it uncovers nothing new in its damning investigation. What it does do, is expose the shameful lack of transparency and underhand behaviour of the British Criminal Justice system on a global stage. A justice system that has the audacity to call itself the envy of the world.

JENGBA have been calling out the racism for years and the New York Times article has hit hard. It has left all of JENGBA feeling that because we have all fought so hard the system has battled on harder than ever and paid us back by making things worse. These kind of investigations & the magnificent research being carried out because of our existence is priceless. The spotlight is now on the Crown Prosecution Service, the courts, the judges & even defence lawyers. The Guardian called our Justice system shameful after the first article appeared. And because of this a question was then asked in Parliament. The Government response was one that confirmed this legal doctrine is racist and a second article appeared, this time with a quote from JENGBA.

We need to keep the spotlight on a Government that shies away from truth and justice. What they have and continue to do to you is shameful. When there is no justice there is no peace. **And you better believe it, we will not stop until we have justice.** 



The Guardian view Columnists More

Opinion
The UK should be ashamed of 'joint enterprise' convictions. America has put us on notice
Zoe Williams



Ukraine Signals No Slowdown During Winter

By CAROLITA GALL
As Ukraine's winter begins, the country's military has vowed to keep fighting. The Ukrainian army has lost its national flag over Kherson after a comprehensive Russian retreat, they give no sign of stopping their offensive for the winter, an advance the war to the east. Ukrainian forces continue to push forward and have expelled Russian forces from the eastern bank of the Dnipro River, across from Kherson.

U.K. Legal Tactic Unevenly Hits Black People

By JANE BRADLEY
The United Kingdom's highest court delivered what seemed like a major victory for civil liberties in 2019, ruling that prosecutors had overreached for decades in using a tactic that sent hundreds of people to prison for life — for most of them convicted by others. Defense lawyers, academics and activists had waged a decade-long, legal battle, arguing that those so-called "joint enterprise" cases were unfair and racially biased. They argued that the Supreme Court decision — but also as factors in how it was announced — and expected a sharp drop in prosecutions, as well as a wave of retrials and convictions. Six years later, none of that has happened. Further than he estimated by the ruling, senior prosecutors have quietly devised strategies to keep bringing joint enterprise cases and winning convictions. New data, obtained by The New York Times through public records requests, reveals that the Crown Prosecution Service, the national prosecutor, has actually stepped up the pace of such prosecutions since the ruling — even as the homicide rate remained largely stable. It's not going to be the radical change, said Simon Harding, a senior detective who ran a homicide unit at London's Metropolitan Police until 2012. "By the time all the questions had been asked, it was business as usual."



“Legal tactic unevenly affects UK’s Black people”

“UK legal tactic unevenly hits Black people”

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If anyone would like to donate please find a PayPal link on our website.

Howard League Conference 2022

A.Farquhar, JENGBA Family

The Howard League's **Crime, Justice and the Human Condition International Conference** was held in September, and I was delighted to be able to attend to help elevate the issue of Joint Enterprise, **JENGBA**, and share my son's story to bring to life the reality of the statistics and studies being discussed. The conference covered many sessions on prisons, rehabilitation and the over criminalisation and incarceration in the UK, all of which were really interesting, and it was great to see lots of really valuable reform work being undertaken.



Aimee at the Howard League International Conference

I spoke after Susie Hulley from the University of Cambridge who provided an informative presentation of her studies around Joint Enterprise. Susie covered some of the impacts on individuals convicted of murder under Joint Enterprise, Insight into attitudes of police/CPS on the matter as well as statistics highlighting the lack of impact of the Supreme Court's ruling on the misuse of Joint Enterprise back in 2016. I was able to then share my son's story which brought to life many of these issues, demonstrating how easy it is for someone to be convicted of a crime they did not commit and the shock and devastation that this causes to them and their families.

Overall, I was really pleased by the level of awareness of the issues of Joint Enterprise and I really hope that this will be

another strand of pressure for progressive change and the eventual end of people being convicted of crimes they did not commit. I now have the opportunity to write a paper for the Early Careers Academic Network which I hope will help influence people coming into the justice sector to resist and challenge injustices from the offset.

Footnote: You can join the Howard League (free of charge for prisoners and prisoners' families) and you will receive some information on their work and updates on campaigns. They may also write to you to get your views or experiences.

Just write to them at the address below providing your contact details and stating that you would like to become a member and they will sign you up. Or if easier you could ask a friend or family member to contact them on your behalf.

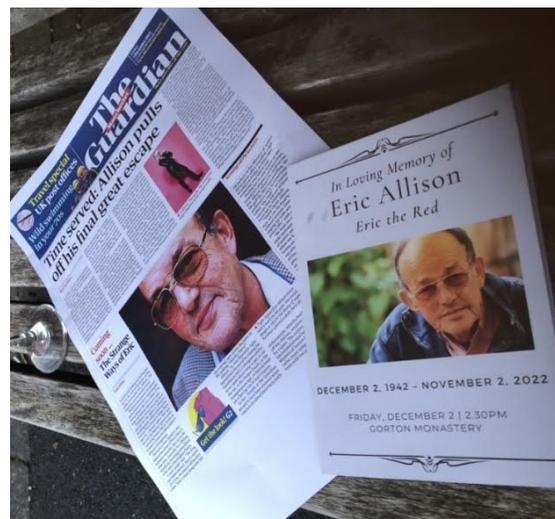
The Howard League for Penal Reform, 1 Ardleigh Road
London N1 4HS

RIP Eric the Red

JENGBA lost a good friend and ally last month. Journalist Eric Allison was laid to rest on Friday 2nd December on what would have been his 80th Birthday. It was a remarkable celebration of an incredible man's life.

In his role as the prison correspondent for the Guardian newspaper he managed to build enough pressure to make some major changes in the prison system. There were more changes he wanted to make and if he'd been given another 20 years I'm certain he'd have made them all.

Here's to Eric



When Charlotte Met Dom

Ladies and Gentlemen,

I managed to get a meeting with the Secretary of State for Justice (and also Deputy PM) Dominic Raab. He didn't really have a choice in the matter as I moved to his constituency so after initially declining my request for a meeting he eventually had to cave.

I entered the room to find he was flanked by two local government officials. It was explained to me that they had to be there because **JENGbA** is a national campaign.

I told him that the purpose of our Private Members Bill was to abolish the 'substantial injustice test' in order to obtain fair appeals for those convicted under pre-Jogee law.

There are currently two interpretations of the test - one for joint enterprise applicants and one for all other change of law cases. The test for joint enterprise applicants was created specifically for us as we would automatically pass the other test which only asks that the applicant be suffering the negative consequences of the conviction e.g., imprisonment, monitoring, societal stigma, high insurance premiums etc.

The consequence of a wrongful murder conviction is grave as our applicants are either imprisoned or being monitored in the community until they die.

I told him that the amendment will abolish the substantial injustice test in its entirety by creating a legislated test. This test is intended to reflect the consequences interpretation of 'substantial injustice' as applied to all other change of law cases presently. In essence, it puts all change of law cases on equal footing.

Given the recent publicity in joint enterprise, namely that it has been applied disproportionately to BAME and working-

class people, I believe the time is ripe for Government to take action (at the very least) by providing access to justice for those convicted prior to the change in the law.

I told him the Bill had been circulated to over 100 legal academics during a consultation period and of the academics that responded, 100% were in favour of the purpose of the Bill.

I told him that a Professor from Oxford University and Felicity Gerry KC had helped me write the final draft.

In short, I told him the Bill was well drafted and morally the correct thing to do.

He was full of compliments. He praised our achievements as a campaign, our tenacity and determination. He understood our pain.

I asked for the Governments backing on the Bill. He said that was not his to give. I asked him to approach the party whip and leader of the house to request time on the parliamentary calendar to debate the bill. He said that was not possible. I asked what can he do? He said he will consider the Bill and if he agrees with its content, we'll go from there.

Compliments doth butter no parsnips sir.

Charlotte Henry

If you have moved (or we have your name wrong) please let our London office know, as so many Newsletters are being returned undelivered.

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