

JENGBA

Newsletter

You're not Alone

Issue 62

January-April 2023

Dear Fellow Campaigners Inside the Walls and those supporting them

It has been an incredibly busy few months for **JENGBA** and it does feel like the campaign is gaining ground although it is probably not something that has permeated into the prisons cause everything on the outside feels very doom and gloom lately. What with the corruption in plain sight in government and the cost of living crisis we can only imagine the anger many of you must feel at not being able to support your families. We have been considering holding our own national inquiry into joint enterprise but have concluded that right now is not the time. This is not because we are not going to get that, although Inquiries can take a lot of time and resources and do not always result in immediate change which is what we all want, we just need to keep applying so much pressure that the Government have to act.

So, after listening to activists and academics advice we have decided to hold a **JENGBA** Families Inquiry. This will be in the form of a Family Listening Day and we are following the format of Inquest who facilitate regular Family Listening Days for the "empowerment of families enabling them to control not only their own situation but also to contribute to the work of reform". It is only in the founding stages but please spread the word with family or supporters. At this stage we think it will be a one or two days held in Manchester, London and Birmingham. We would like to hear from families how the wrongful convictions of their loved ones have affected every aspect of their lives. Whether this is done in public, perhaps for those who feel they want to have their voice listened to or for those who would rather share privately. We will not be doing this Inquiry ourselves but will ask for professional help and Guidance. More information will be posted once the days are scheduled and families willing to attend. The report will be added to the Private Members Bill on why reform is urgently needed.



Barry Sheerman MP

On the Private Members Bill, many of you will know it had its successful

first reading on September 6th 2022 and the Second reading was supposed to be in March but luckily it has been postponed because we were warned that without enough MPs supporting it, it would not be passed. Barry Sheerman MP has raised the issue of wrongful convictions using joint enterprise in the House of Commons Chamber several times and on his recent one when he asked the Government Minister for Prisons if he would support the Bill he was told he would discuss it with him.



Kate Osamor MP

Kate Osamor MP is another supporter of **JENGBA's** campaign, she raised a question in Justice Questions about joint enterprise and was promised a meeting with the Minister. This is an important step because they could simply ignore the question, or kick it into the long grass, but the fact that they are willing to discuss the issue suggests they know it is something that can no longer be ignored.

JENGBA had a meeting with Kate and she was positive we are moving in the right direction. She also suggested that the Private Members Bill, with pressure, could be passed. The Bill demands a fair crack at appealing if you have been wrongfully convicted as a secondary party (ie not the actual person who committed the crime) because at the moment there is no remedy to do that because no one can prove they have suffered a 'substantial injustice'. For those of you not familiar with that term, 'substantial injustice' is the test the Supreme Court used to cover the fact there has been nearly four decades of people being convicted under the wrong law. It is an outrage and makes a mockery of the criminal justice system, not that it

needed much help in that department. The next reading of the Bill is going to be November 24th so that gives us plenty of time to really promote it. We are going to do everything we can on social media but we need families and prisoners to get behind the Bill. Please contact your MP if you have not done so yet and ask that they support the Bill, if he/she is unwilling ask them why and then let us know. That way we can challenge what their reservations are and put them straight. The point you need to stress is that the Judiciary (Supreme Court) put in a clause in paragraph 100 of their judgement in R v Jogee that stated even though the law had been wrongfully interpreted for over 3 decades, those wrongfully convicted under the wrong law cannot go back to the appeal court unless they can surmount the impossible substantial injustice test.

This brings us on to the latest academic report into the CCRC by Dr. Louise Hewitt at Greenwich University and who runs the Innocent Project there. This is a summary from her of her investigation into the Criminal Cases Review Commission, the organisation set up by the Government to investigate miscarriages of justice independently from the Court of Appeal and has found that they are doing exactly the opposite. Joint enterprise prisoners have to attempt to pass the CCRC's own 'real possibility test' and then Court of Appeal's 'substantial injustice test' and on their own it is nigh impossible but together no joint enterprise conviction is going to be overturned which is exactly their intentions for fear it would allow the flood gates to open.

Louise's Report summary is inserted separately in this newsletter.

JENGbA are going to help with a launch for this report probably in the House of Commons - again will keep you posted.

Since the Supreme Court decision in 2016, Felicity Gerry the Queens Counsel who represented Ameen Jogee, now KC, has been calling for an audit of the prisons to find out how many joint enterprise, secondary party prisoners there are. To reiterate, secondary party iis anyone who was convicted along with the Principal (person who did the actual crime) using joint enterprise. This includes those not at the scene, those convicted using music lyrics – so lots of young people – those who the prosecution argued 'planned, organised, assisted or encouraged the commission of the crime.

JENGbA are now demanding this audit is an urgent matter. We thought after the Supreme Court we would see some appeals being allowed but since that route is also being denied we want to know the data, the actual number of defendants that were convicted. Recently Barry Sheerman MP the chair of the All Party Parliamentary Group on miscarriages of Justice demanded an audit of joint enterprise prisoners in the House of Commons and the Prison's minister said he would meet him to discuss. We are about to have our files

scanned into an electronic system. This means we will have the most recent data on joint enterprise convictions. We will be able to see who the prosecutors were, the police forces, all the common denominators we know anecdotally happen in securing joint enterprise convictions. I recently took a call from an Inside Campaigner in HMP Whitemoor – he said nearly every Lifer on his wing was a secondary party joint enterprise. JENGbA wonder if there was a way you could start collating the numbers of JE prisoners in prisons. We are supporting 1400 JE prisoners but believe that is a conservative number especially in the YOIs because young people simply don't understand how they have been convicted for the most serious of crimes without having done them.

Nominate a JE inside campaigner on the wing do a head count, include tariffs and send us the info. The MoJ have hidden behind the fact that they don't have data on joint enterprise prisoners, a deliberate ploy to hide the truth. If say on one wing in Whitemoor we estimate that 80% of the prisoners are JE and that the average sentence is 22 years and we combine them and then work out the costs to keep innocent people in prison then it is another pressure point chipping away at the problem. We all know it will be millions and if you multiply that across the entire estate it should worry people how much money is being wasted and abused.

Some great news the Judicial Review JENGbA issued last year to the CPS on the fact they do not record data on joint enterprise charges. As the law is clearly discriminatory (racist) then they have a duty under the 2010 equalities Act to record ethnicity. We raised this legal challenge with the help of the charity Liberty. At first the CPS denied that they had to record the data and months of challenging them by sending every report, every achievement we have succeeded in meant

This is no longer a battle, it's a War that they

came back and said they had decided to record the data anyway. They still maintain it had nothing to do with our legal challenge. From February 2023 they are going to record ethnicity, gender, age, disability and whether the 'gang' narrative is being used. It is a six month pilot scheme and Jan and myself have been invited onto a joint enterprise scrutiny panel. They will have to produce their findings in September. We would like to see charging decisions – if defendants knew why the CPS and police charged individuals and on what evidence it would present a much clearer picture of the tactics used to secure convictions.

So going forward we want your help with the Private Members Bill, the audit of JE prisoners, send us any

News from the North

This years Wigan Diggers' Festival is Saturday 9th September 2023. We are hoping for a big JENGBA turn out, so please tell your families & supporters to come along. We will have a stall again. And it's not only a great opportunity to spread the word about joint enterprise to people from all over the North West it is a great opportunity to meet up with each other. Hopefully this year we will organise a fringe meeting so people in the audience can listen to the JENGBA story in a quiet space . Last year's event was cancelled so this year promises to be spectacular. Let people know in advance. As our inside campaigners it's up to you to try to gather as many of your families together as possible. We want to meet them if we haven't already.

As you will be aware our Manchester office opened its doors last summer and in a short space of time we have laid ourselves firmly on the map. We are the go-to place for new families to approach. If you are new to us let them know we are here to give guidance and support. We do a lot of work from there, and me and Louise are always happy to meet family members face to face for a catch up and a cup of tea. If you have a family member that lives close by tell them about our Manchester office. Maybe they could help us out in the coming months as we gear up to promote the Private Members Bill; which has its second reading in November this year.

I have also been asked to speak at the Salford May Day March again and it would be fantastic if the Salford May Day March was full of JENGBA families wearing red, carrying banners and spreading the word. We are hoping to film the event and share it on social media. I don't have the full details yet so tell them to give me a ring or look out for it on the website or Facebook page. Last year the MP Rebecca Long Bailey was there. It was only after hearing me talk that she understood what Joint Enterprise was. And because of it she pledged her support to the campaign and the private members bill. So however small these things are they are worth it.

I have spoken to some of your mums and loved ones and it is clear some aren't always coping very well with the awful injustice you have been delivered. It is also clear that once they do engage with the wider JENGBA family they get the support and guidance they need. So if you have a loved one who you think will benefit from being part of the network tell them it's ok to give us a call or just send an email and we'll get back to them. We build our strength by sharing our



Megan and Louise catch up at our Manchester Office

stories and supporting each other. It's not easy and some of us are over a decade into this fight so we have a wealth of experience. We know how strong you all are and we talk about that all the time. Your strength gives us strength, don't ever forget that, so if someone needs a helping hand we are here for them too.

We have monthly meetings in the London office and we can do that here in Manchester.

Big things have been happening and it's going to snowball and we want everyone to be involved, however great or small. Everyone can be part of this campaign for justice and the more feet on the ground the better. Me and Glo are sometimes so busy we lose sight of those important family connections.

We have a family engagement officer here in Manchester, Louise, who is here to help strengthen family connections. She's also been doing some very important work here in Manchester with the Mayor's office. Look out for this in the media. And remember the JENGBA tentacles spread far and wide and in many directions. You and your family can be part of this pioneering work. Our voices are louder together and no one needs to fight this battle alone. So rally the troops for the Salford May Day March, or the Wigan Diggers' Festival or let's just fill the Manchester office with your families once a month.

Jan

Women's Stories of Injustice

*In collaboration with Becky Clarke from Manchester University, we are going to be revisiting the evidence that we gathered from the women for the **Stories of Injustice** project back in 2020.*

*We are inviting released women and families of inside campaigners to meet at the **JENGbA** office in Manchester in May 2023. We want to think about how we further challenge the issues women on JE charges experience – in particular the research highlighted appalling police and CPS behaviour and charge decisions. We want to use the momentum from the recent **JENGbA** and Liberty JR win around CPS reporting of joint enterprise to push further on the wrongful charge and conviction of women as secondary parties.*

If you want to get involved, whether from inside via letters or through your family/supporters please write to us:

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Saturday
9th September 2023
Believe Square
WIGAN

Come and visit the **JENGbA** stall and support this fantastic festival. See Jan's NEWS FROM THE NORTH for more info.

INSERTS IN THIS ISSUE:

- A slip of paper which you can pass on to anyone who is inside through Joint Enterprise but who haven't got in touch with us yet, just tell them to fill it in and post it to us and we will send them our information pack.
- A summary of Dr Lewis Hewitt's report on Applications to the CCRC

Also, please let us know if you move, we are getting a lot of newsletters returned and we are losing touch with some of you. We want to keep you updated with news so don't forget to drop us a line if you have moved or about to move. Thanks.

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