

Dear Inside Campaigners and fellow JENGBA supporters, Whenever we have our regular London Meetings, (now being held in Friends' Meeting House, Euston Road 2nd Tuesday of the Month next 11/09/18 7pm – 8.30) we nearly always welcome, sadly, new families who do not understand how their loved ones have been sentenced for a crime they did not commit, especially murder although joint enterprise is used in lesser offences. I have just gone back through our database counted the number of times a family member has phoned/emailed with the name of a newly convicted prisoner under joint enterprise. This year alone it is 28 people, predominantly young people. I do not give you this nugget to depress you, since we all know nothing has changed post Jogee, I give it to you to suggest we all get a bit angrier. That's 28 young people convicted to Life that should not have been charged with murder in the first place! Not only under the 'wrong' law, but under a 'law' the CPS have been unable to issue 'guidance' on. More on that further down. We think the use of the doctrine of JE peaked in 2005 – 2007 and sentencing back then was average 16 years rec so many of you wrongfully convicted will be coming to the end of your disgraceful sentence. I know I can hear the shouts! – many won't, those given 26 rec up to 35 and 40 in one case. But why we all need to get angrier is because these are young people who, like you all, had their whole lives ahead of them and all our years of campaigning means nothing has changed!

Or has it? Eight years ago when we launched JENGBA, there was very little known in the legal establishment about the abuse of joint enterprise and nothing published in the media. Any multi handed cases reported in the press all followed the implicit and often explicit line of 'gangs' or at the very least 'you were all in it together'. Never once was the role of secondary parties questioned (and I hear you, people who were not even at the scene so couldn't even be secondaries!). Since then we have had 2 Justice Select Committee Inquiries, a major film by UK's leading writer (and JENGBA patron) Jimmy McGovern, 'Common' which went out to 4.4million viewers, the documentaries, 'Lethal Enterprise' & 'Guilty by Association', lots of press interviews on most of the leading radio stations and articles in most UK press publications (remember JENGBA boycotts the S#n in solidarity with Hillsborough).

We had a fantastic backbench cross-party debate in House of Commons earlier this year and now have support from

MP's because they know this law is wrong and incriminating innocent people. Many of you know all of this so why am I telling you again? Because many won't, especially those recently convicted and let's be certain it will not just be 29 it will be far higher they just won't have heard about JENGBA's campaign yet. Did you know that England and Wales has 4 times as many life-sentenced prisoners (7,439) as Russia (1,804)? How and why could that be possible? Joint Enterprise and the disgrace that is IPP's is why. A prisoner recently told me, we don't like our Governor (I am being polite!) but he doesn't agree with joint enterprise.

These kinds of details are important. If we have possibly a worse justice system than Russia and even the people in charge of running our out of date establishments know that the law that is putting innocent people away then the Law is Broken. It is why we have to keep chipping, keep spreading the word on the wings and with officers who care in the hope that they will spread the word that innocent JE prisoners are stuck in prison. We must keep the political pressure up and later in the year we have been promised another debate in the House of Commons. This will get media coverage. Keep your families aware of the struggle and keep them on board the JENGBA juggernaut; we will win, there are far too many of us now and the establishment know we are right, that is why they do not know how to do the right thing that will not embarrass the British Justice System. In solidarity,

Campaign co-ordinator Gloria Morrison



Our volunteers giving up their day's wages for JENGBA

CPS 'Legal Guidance on Secondary Liability'

The Supreme Court addressed the controversial doctrine of “parasitic accessorial liability” in R v Jogee (Feb 2016) and held that the law had been misinterpreted for 32 years so that prosecutors could no longer rely on ‘foresight’ to convict but had to go back to ‘intent’. This meant the Crown Prosecution Service had a responsibility to issue new Guidance for Prosecutors to follow when consider charging defendants if the law changes. After a consultation paper was sent out, to which JENGBA responded, an interim version of the guidance was sent out in July 2017. In May 2018 the CPS published it revised Legal Guidance on Secondary Liability. JENGBA were lucky enough to secure the services of Matt Stanbury barrister at Garden Court Chambers and Dean Kingham solicitor at Swain & Co (pro-bono) to see if we could challenge it – cause even those of us with little legal knowledge knew that nothing had changed excepted language, innocent people would still be charged using phrases ‘accessorial liability’ and whether we could issue a Judicial Review to the CPS Guidance.

Here’s what happened next. JENGBA began a crowd-justice application to launch as soon as we had the response to our pre-action protocol letter, so that if we lost the JR and were liable for any costs we would be covered. After many weeks of chasing said response, (the CPS hadn’t received the letter, so sent again, then the person dealing with it was on annual leave) we finally got the response on 16th August. Here it is:

“By way of its pre-action protocol letter before claim, the proposed claimant [JENGBA] sets out three grounds on which it claims the guidance and unlawful:

- 1. The guidance on children and those with relevant disabilities – which we submit has failed to have regard to your public law duties and is liable to lead to unreasonable and discriminatory charging decisions;**
- 2. The guidance on cases involving spontaneous outbreaks of violence – which we submit does not accurately reflect the law and is liable to lead to unreasonable and erroneous charging decisions;**
- 3. The guidance on cases where the act is admitted but the purpose is denied (“denied purpose**

cases”) – which we submit does not accurately reflect the law and is liable to lead to unreasonable or erroneous charging decisions.

The proposed claimant sets out three required actions;

- 1. Agree to review and revise the SL [secondary liability] guidance in the 3 aspects we have identified**
- 2. Disclose the autism guide for prosecutors (April 2015)**
- 3. Disclose and equality impact assessment or other evidence that you complied with the PSED [The Equality Act 2010 and the public sector equality duty under s149 EA]**

Response to the proposed claim. [CPS]

“The claim is conceded in part, in that we propose to make two of the requested revisions to the guidance, in relation to points 1 and 2 of your letter; and we have enclosed a copy of the requested autism guide.

We do not agree with your request to revise the guidance with regard to point 3 of your letter, on “denied purposes cases”.

So a partial victory, they have even agreed to meet with JENGBA and our representatives to discuss these issues. A big shout out of thanks to Matt and Dean for their work in this matter. However, even if they go back to the drawing board Judgements like the one from the Australian Supreme Court discussed by Jan later on, is clear evidence that, call it what you will , *joint enterprise, parasitic accessorial liability, accessorial liability* and now ‘secondary liability’ are all one and the same, cut from the same cloth, **not fit for purpose** except if that purpose is to secure a conviction for the police and CPS. Commendations and promotions all round!! And by the way if everyone convicted since 1984 was convicted using the ‘wrong law’ what about those since 2016, not only the wrong law but guidance that the Crown has conceded is still not right!

CCRC Stakeholders' Meeting



Felicity Gerry QC

Gloria is representing **JENGBA** at the CCRC stakeholders meetings that our trying to establish a better working relationship with lawyers and campaigners who are trying to get convictions overturned and want the CCRC to do more. No doubt most of you will have seen the CCRC piece in Inside Time that a third JE case has been referred to Court of Appeal – we are still waiting to hear the dates and will let everyone know once we do.

JENGBA welcomes feedback from any of you who have recently been turned down by the CCRC especially if you have their letters of reasons.

The next meeting with them is 10th October. After the last one Felicity Gerry gave a lecture on “Joint Enterprise Appeals: Have the Courts of England & Wales Lost Sight of Justice?” It was a brilliant lecture which **JENGBA** thanks Felicity for and to date we have sent copies of it to nearly 80 MPs that we have had correspondence with over the year. Also we sent it in to many of you we knew it would give a lift. If you didn't receive a copy and would like one let us know or ask your loved one to post in as it is on the website.

A colorful flyer for the 8th Wigan Diggers' Festival. The background features a large, dark, stylized image of a pickaxe. The text is arranged in several sections: '8th Wigan Diggers' Festival' in large white letters at the top, followed by 'Much more than digging' in yellow. Below that, '.... much more than a music fest!' in yellow, and 'A FREE, FUN PACKED, OPEN AIR EVENT' in white. A line of text reads 'commemorating Gerrard Winstanley & the 17th Century Diggers' Movement'. Three logos are displayed: 'THE BLOCKHEADS', 'MERRY HELL', and 'BARNSTORMER 1649'. The date 'SATURDAY 8TH SEPTEMBER 2018' is in large yellow letters, with '11.00am - 9.30pm' below it. At the bottom, the location 'Gerrard Winstanley Gardens - The Wiend - Wigan' is written in white. A small box on the left lists '2018 Entertainment includes:' followed by a list of bands: 'Joe Astley - Bard Company', 'The Amber List - TE Yates', 'Jupiter Hollow Blues Band', 'Rare Ouf' Times - Joe Solo', and 'Brandon Lee Webb Band & More'.

This is the flyer for this years Wigan Diggers' Festival. **JENGBA** again have a stall and we urge families to attend. Last year over 5000 people attended not just to listen to the live music but to speak with the campaigners on the site.

It's important to be at events like this telling our stories to ordinary people who more often than not ask what they can do to help.

Even on the other side of the world joint enterprise remains a contentious issue, with Senior Judges acknowledging the need for robust law reform

The following was taken from remarks made by The Hon. Justice Weinberg at the New South Wales Supreme Court Conference in Australia on 25th August 2018

‘One thing is clear. The present law of criminal complicity, (Joint Enterprise), is in a state of some disorder, if not disarray. The problem is straightforward to diagnose. The solution is less apparent.’

I'm sure the solution would be far more apparent, as well as urgent, if those being convicted were members of the aristocracy, MPs or even the children of judges and prosecutors. Talk is cheap, and the continued incarnation of the innocent is expensive, not just in terms of money but human misery. The one thing these senior judges throughout the world continue to fail to mention.

The law is devoid of the emotional impact its mistakes inflict upon us all. We continually have talk about the victims of crime, and quite rightly so. The time has now come to start talking about our loved ones as the victims of crime. The victims of another person's crime who is vilified and punished unduly by a legal doctrine that throughout the world is deemed archaic, chaotic and unjust.

Jan Cunliffe

Fundraising event for JENGbA

We are holding a fundraising event in London

**at the Maxilla Community Centre on
12th October
7pm to 11pm**

Nearest Station Latimer Road. It will be free to enter, donations at the door and lots of activities inside as well as highlighting JENGbA cases and campaign.

Live music and dancing



Please persuade everyone to attend!

Contact Us

Write to us at:

**JENGbA, Axis Community Hub. Office A, Norland House, 9 Queensdale Crescent
LONDON W11 4TL**

**New!! LANDLINE: 0203 582 6444 (let it ring & you will get Gloria if she's free, at landline cost)
07709 115793 or 07725 727520**

Visit us on the web at www.jointenterprise.co