

JENGBA

Joint Enterprise: Not Guilty by Association
27 Old Gloucester Street, LONDON WC1N 3AX



Lord Justice Leveson

generalenquiries@levesoninquiry.org.uk

12th March 2012

Dear Justice Leveson

We represent a campaigning group **Joint Enterprise: Not Guilty by Association** which is made up of prisoners and their families who have been convicted under the joint enterprise doctrine. JENGBA has been contacted by nearly 300 prisoners since we launched in September 2010 and we believe this number nowhere near the actual figure of people who have been wrongfully convicted under this archaic doctrine.

You may be aware that last October the Justice Select Committee held an inquiry into Joint Enterprise and JENGBA were invited to give oral evidence at that inquiry. The Select Committee's subsequent report was that reform was needed and the DPP issued a statement that he would draw up immediately guidelines which are expected in the next few months. The Justice Committee and the DPP's response show that there are very serious concerns about how this law has been applied.

JENGBA would like to participate in the Leveson Inquiry into Press Standards as we believe that many of the people we are supporting did not have the right to a fair trial because of press reporting before and during the trial and then the subsequent reporting afterwards. We also believe that the police were directly responsible for the types of reporting in the tabloids that gave weight to guilty convictions in cases they decided to make 'high profile'.

As you will be aware Article 6 states that the following should be adhered to:

- 1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly, but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.*
- 2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.*

*3. Everyone charged with a criminal offence has the following minimum rights -
(a) to be informed promptly, in a language which he or she understands and in detail, of the nature and cause of the accusation against him;*

(b) to have adequate time and facilities for the preparation of his defence;

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

Since JENGBA began our campaign, and I must point out we are grassroots, not legally trained professionals, we have been contacted by many prisoners and now have overwhelming evidence that most if not all of these basic rights have been ignored. For the purposes however of your Inquiry we wish to highlight three cases that clearly show that the Press were deliberately aiming for a guilty verdict before the case went to trial. We believe this information was often supplied by the Police or prosecutors and in many cases was simply made up to sensationalise an already tragic situation.

The cases JENGBA are including as supplementary evidence are Ruby Turner, Jordan Cunliffe and Tirrell Davis. These were all extremely high profile cases that the press set out to bias any chance they would have had for a fair trial by repeatedly printing inaccuracies and lies. However, we have many more cases, particularly those who were reportedly part of a 'gang' where we can also show this was not the case and that the police in fact made up the 'name' of that gang and gave it credence by passing it on to the press who then went on to repeatedly print it.

We would also like to point out [3.(d)] that it is impossible for the Defence to examine the 'witnesses' reported in the press if they did not actually exist. However their 'testimonies' have already influenced the public perception of the defendants.

JENGBA will also be submitting information relating to the third module of the Inquiry as this is also an important aspect of our campaign.

We hope you will be able to acknowledge receipt of our submission and look forward to hearing from you in due course.

Yours sincerely

Gloria Morrison

Campaign Co- Ordinator JENGBA