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Criminal Appeal (Amendment) Debated on Tuesday 6 September 2022

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I beg to move, That leave be given to bring in a Bill to amend the Criminal Appeal Act 1968 to allow leave to appeal an unspent conviction where there has been a material change in the law, notwithstanding the date of conviction; and for connected purposes. I declare my interest as a co-chair of the all-party parliamentary group on miscarriages of justice and chair of the future of justice commission. Before I begin, I would like to pay tribute to the wonderful volunteers in JENGbA—the Joint Enterprise Not Guilty by Association group—for their tireless work campaigning against miscarriages of justice for so many years. It is great to have many of them in the House today, and I thank them for joining me yesterday for our launch event. I would also like to thank my good friend and colleague Glyn Maddocks, who has been unwavering in his determination to see these injustices put right. There is a great coalition of people campaigning for justice in this respect.

Way back in 1992, when I was shadow Home Secretary Roy Hattersley's deputy, it was the time of the Guildford Four and the Maguire Seven. I became very much involved in those controversial cases, and since then fighting miscarriages of justice has been a core passion of mine. Through the APPG, we started a commission that produced a leading report on the Criminal Cases Review Commission. That report's recommendations have been well received and are being used as far afield as Canada, and the Law Commission is now reviewing the real possibility test in this country.

For those who suffer a miscarriage of justice, the consequences are truly devasting, not only for them but for their family, their neighbours and their community. It is vital that we as parliamentarians do everything we can to ensure that quick and effective mechanisms are available to right wrongs when they occur in our criminal justice system. No criminal justice system is perfect. One cause of miscarriages of justice is the legal doctrine of joint enterprise. Joint enterprise is a wide legal doctrine, so I will focus on one aspect of it: Parasitic Accessorial Liability, or PAL. PAL arises where two or more people commit a criminal offence, and during the commission of this crime another individual goes on to commit a further, usually more serious, offence. All those who committed the first crime will also be liable for the second crime if they foresaw the possibility that the offence would occur. It was formulated in 1985 by the Privy Council and brought into English law by the House of Lords in 1999. It has since received much criticism from legal academics and practitioners for being both unclear and unfair.

One of the reasons for this criticism is that the doctrine has resulted in the anomaly whereby it is easier to convict the accessory than the individual who physically committed the crime. In addition, the law has disproportionately impacted on marginalised people: for example, young, black, working-class men are severely Toggle showing location ofColumn 136over-represented in convictions under joint enterprise according to a study by Manchester Metropolitan University. JENGbA says that around 80% of the people who contact them are black or minority ethnic, and almost all are working class.

Additionally, it is often individuals on the autism spectrum who are impacted by joint enterprise. I am closely involved in the Westminster Commission on Autism, so this aspect of joint enterprise is of particular concern to me. The way in which the criminal justice system has dealt with autistic people in joint enterprise cases is nothing short of a travesty. Names such as Alex Henry and Osime Brown will be familiar to anyone who has taken an interest in this area. Alex's sister Charlotte is here today, I believe. She has been a fearless campaigner for justice. Autistic individuals, because of their condition, often do not have the cognitive ability to foresee a crime taking place and so are particularly vulnerable, yet time and again they have been convicted using this law.In part because of the criticisms, in 2016 the Supreme Court handed down a judgment in the case of Jogee. In doing so, the Court departed from precedent, stating that the law relating to joint enterprise had taken a wrong turn. This meant that people could no longer be prosecuted for the possibility of foreseeing a crime taking place, but only if they intended to assist in committing it. That was a genuine moment of legal history. The Supreme Court recognised that a colossal error had been made and that many people had been prosecuted under an incorrect interpretation of the law.

The House would expect that after such a significant change, there would be a wave of successful appeals, but that has not been the case. By last year, only two out of 103 appeals made with reference to Jogee had succeeded. In part, that is because of the restrictive approach used by the courts in out-of-time appeals. Leave to appeal in these types of cases is granted only if the applicant can demonstrate that they have suffered a "substantial injustice" because of the change in the law, and the current interpretation of substantial injustice is uncertain at best.

Courts have identified a changing range of factors that applicants have to meet to demonstrate that they have suffered a substantial injustice. At present, it seems that the definition of substantial injustice in joint enterprise cases is be found in a notorious case, also from 2016, in which the court decided that appellants would have to prove that they would have been found not guilty in their trial. For example, for murder cases, someone would have to satisfy the Court of Appeal that they would not have been convicted of murder. This test is higher than the mere "safety" required for an in-time appeal, and even higher still than a "significant possibility" that a jury would acquit the appellant.

When the proportion of miscarriages of justice is so high in this area of law—it is reckoned that 1,000 people, mainly young men, are in prison as a result of this law—I fail to see the policy justification for dealing in absolutes as the Court of Appeal has done. I understand the need for finality in criminal appeals, but it cannot come at the cost of the right to access a court for a fair retrial. At present, the process places a disproportionate burden on the appellant.In my view, 30 years of erroneously applying the common law should amount to a substantial injustice, and the people who have been convicted under this law deserve to have their appeals heard. The courts have Toggle showing location ofColumn 137failed to provide a mechanism for people who have been convicted under the pre-Jogee law to appeal their convictions, and we cannot continue to wait for the courts to assist these people. It is time, and it is right that we as parliamentarians act to right this injustice.

That brings me quickly on to the substance of the Bill, which would amend the Criminal Appeal Act 1968 by inserting a new subsection in section 18. It would give leave to appeal against a criminal conviction for an offence that no longer exists, or if the offence has changed in a way that is material to the applicant's conviction. That includes the availability of a defence that did not previously exist.

As I have said, a key principle in criminal appeals is finality. I accept that there are legitimate policy reasons for restricting appeals: I agree that we cannot have appeal after appeal; that to maintain trust in the criminal justice system, cases must be settled; and that unfettered appeals must not be permitted. Because of that, my Bill includes a clause that would create conditions for using the new avenue of appeal. The application must be served before the conviction is spent or there must be some other compelling reason why it is in the interests of justice to allow the appeal. The Bill, if passed, would permit those convicted under the pre-Jogee joint enterprise law to appeal their con-

victions without having to pass the high bar set by the substantial injustice test. It would also remove the 28-day time limit for change of law cases if they met those conditions. Although you might not think so, Madam Deputy Speaker, this is a simple Bill that would have a great impact on a large number of people. Because the Ministry of Justice does not hold figures on those convicted under joint enterprise, we do not know how many people that would be, but from estimates by JENGbA and others, we know it is in the thousands. If passed, my Bill will help to provide them with the access to justice that we all deserve in a democratic society. Strengthening our justice system does not just benefit those who interact with it; it makes our entire society stronger and ensures protection for every one of us, whenever we may need it.

Today, I hope that all right hon. and hon. Members will join me in fixing a major flaw in our justice system, making amends and taking a big step to guarantee the right to justice for every citizen. The law was wrong for 30 years and it is now time for us to give the courts the chance to put it right. I commend my Bill to the House. Question put and agreed to. Ordered, That Mr Barry Sheerman, Sir Robert Neill, Kim Johnson, Mr Andrew Mitchell, Yasmin Qureshi, Julie Elliott, Janet Daby, Dan Jarvis, Hilary Benn, Jim Shannon, Valerie Vaz and Kim Leadbeater present the Bill.cMr Barry Sheerman accordingly presented the Bill. Bill read the First time; to be read a Second time on Friday 20 January 2023.

10 Year Old - Stephen Geddis 1975 killing by British Soldier Not Justified or Justifiable

Kevin Sharkey, BBC News: An inquest has found that a British soldier was unjustified in firing a plastic bullet that killed a schoolboy. Stephen Geddis, who was 10-years-old, died after being hit in the head in the Divis area of Belfast in August 1975. The schoolboy became the first, and the youngest, person to die after being hit by a plastic bullet. Initially, soldiers claimed they had fired on children who were throwing stones in the area. On Tuesday, 6th September 2022, a coroner found that the decision to fire the plastic bullet was not justified or justifiable. The inquest concluded that Stephen Geddis had "posed no threat" to soldiers when the plastic bullet was fired into the ground before ricocheting and hitting him on the head. This inquest, the second into his death, was ordered by the attorney general in 2014 and took place at Laganside Courts in Belfast. It had been conducted as part of the five-year legacy inquest plan. Numerous attempts to whitewash the killing failed.

South Wales Police Apology 70 Years After Hanging Injustice

Danielle Fahiya, BBC News: The family of a father who was wrongly convicted of murder have been given a police apology 70 years after he was executed in a British prison. Mahmood Mattan, a British Somali and former seaman, was hanged in 1952 after he was convicted of killing shopkeeper Lily Volpert in her store in Cardiff. His conviction was the first Criminal Case Review Commission referral to be quashed at the Court of Appeal in 1998. South Wales Police have apologised and admitted the prosecution was "flawed". "This is a case very much of its time - racism, bias and prejudice would have been prevalent throughout society, including the criminal justice system," said its chief constable, Jeremy Vaughan. There is no doubt that Mahmood Mattan was the victim of a miscarriage of justice as a result of a flawed prosecution, of which policing was clearly a part. It is right and proper that an apology is made on behalf of policing for what went so badly wrong in this case 70 years ago and for the terrible suffering of Mr Mattan's family and all those affected by this tragedy for many years."

Mr Mattan's wife Laura and their three sons David, Omar and Mervyn, who was also known as Eddie, campaigned for 46 years after his execution for his name to be cleared. They have all since

died and while the family welcomed an apology, one of his six grandchildren has called it "insincere." "It's far too late for the people directly affected as they are no longer with us and still, we are yet to hear the words I am/we are sorry," said granddaughter Tanya Mattan The Mattan family received compensation from the Home Office in 2001 but never had an apology from the police force until now.

Detectives from Cardiff City Police, which is part of now South Wales Police, investigated the brutal killing of Ms Volpert inside her family outfitters and haberdashery shop in the docks area of Cardiff on 6 March 1952. The well-known 41-year-old businesswoman had her throat cut while her mother, sister and niece were in the next room of the property in Cardiff's old Tiger Bay area. There was no forensic evidence and despite having alibis backed by numerous witnesses, Mr Mattan, was arrested within hours of the murder, charged and convicted by an all-white jury. Feeling of prejudice towards Mr Mattan, who spoke very little English, was heightened during his three-day trial at the Glamorgan Assizes in Swansea when his own defence barrister called him a "semi-civilised savage". Within six months of the murder, the 28-year-old was executed by infamous hangman Albert Pierrepoint in the gallows at Cardiff prison on 3 September 1952. His widow Laura only found out he had been hanged when she went to visit him in jail - a few hundred yards from their home in Davis Street - and discovered a notice of his death pinned to a door. "Even to this day we are still working hard to ensure that racism and prejudice are eradicated from society and policing," said Mr Vaughan. "Police investigations would have been totally different then and a long way off today's excellent investigative standards. Even when reflecting on a case from 70 years ago, we do not forget those who have been affected by miscarriages of justice and we do not underestimate the impact this has on individuals."

Relatives say the 46-year fight to clear the name of Mr Mattan, the last innocent man in Wales to be executed, "took its toll" on his family. "My sons and I have not lived. We have simply existed," Mrs Mattan, who died in 2008, once said. Middle son Omar was just eight when he heard what happened to his dad and described that knowledge of being like a "cancerous growth" in his head and said it changed his outlook on life and his behaviour. "I think he struggled all his life. I know he was very angry," Tanya Mattan, Omar's daughter, told a new BBC Sounds podcast about the case. Omar was found dead on a remote Scottish beach in 2003, aged 53, with a half drunk bottle of whisky next to his body. He grew up very angry at the world I guess because of what happened. It never should have happened, he should still be here, living his life and watching his grandsons grow up," added Ms Mattan. Whilst I am happy that an apology has finally been acknowledged, it seems it's only been prompted by the upcoming podcast and so feels insincere."

Tanya's cousin Kirsty, daughter of Mr Mattan's youngest son Mervyn, said the trauma of what happened to their father and the 46-year battle to clear his name affected them. "It's not just one life they took, three sons went through the stigma of their father being a murderer," added Ms Mattan. "My dad was a great man, our pillar of knowledge and strength. But they were all in dark places, they all abused alcohol and sadly died from it. It affected them mentally. My dad felt the loss of his father, it took its toll and they all died young."

The legal team that represented the Mattan family at the Court of Appeal claimed he had been the victim of institutionalised racism as vital evidence to his case was not made available at his trial. Leading human rights barrister Michael Mansfield, who represented the Mattan family at the Court of Appeal, said with the Black Lives Matter movement this case is "very pertinent right now. Defendants who were non-white were in a worse position," Mr Mansfield, who was also involved in the Birmingham Six and Stephen Lawrence cases, told the Mattan: Injustice of a Hanged Man podcast. If anything played a part in this case, it was anti-Somali - they would have been seen

as intruders in south Wales - taking our jobs, our homes, they shouldn't be here so get them off the street. And a jury listening to this case, looking at him 'thinking he's one of a number and if he didn't do it, one of his mates did' - it's that kind of ethos."

Mr Mattan, originally from Hargeisa in what was then known as British Somaliland, was one of thousands of seamen from overseas that made Cardiff docks their home after settling in the UK following World War Two. A year after arriving in Wales, he married local girl Laura in 1947. But such was the prejudice and opposition towards their interracial marriage, the young couple were forced to live separately on the same street. "People thought he was cheeky because he was British Somali and he wanted to be British and live British," Laura once recalled. "He loved everybody and thought everybody loved him. He just didn't know the hostilities all around us."

Greece: Prisoners Conditions "An Affront to Their Human Dignity"

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) today published its report on a visit to Greece (from 22 November to 1 December 2021) to examine prisoner treatment and review progress made by the authorities in implementing recommendations made over the past decade. These mainly concern overcrowding and poor detention conditions, inter-prisoner violence, severe understaffing, and inadequate health care provision. To this end, the report describes critical findings from visits undertaken to Korydallos Men's Prison – the largest remand establishment in Greece – and to Nigrita Prison and to prisons on the islands of Chios, Corfu and Kos.

In its report, the CPT concludes that far too many prisoners in Greece continue to be held in conditions, which represent an "affront to their human dignity". The Committee urges the Greek authorities to ensure that prisons move away from merely warehousing persons in "overcrowded, dangerous and poor conditions" with no purposeful activities to places which offer decent living conditions and that prepare persons for reintegration back into the community upon their release. In addition, the Greek authorities need to invest in sufficient, competent staff to manage prisons and provide requisite support to persons held in prison.

At the time of the November/December 2021 visit, the prison population stood at 11,182 for a capacity of 10,175 places: a prison occupancy rate of 110%. But the distribution of prisoners across the prison estate – and even within individual prison establishments – means that overcrowding is "far more severe" than indicated by that percentage, according to the report. Indeed, at the time of the visit, 24 of 34 prisons were overcrowded, with 15 having an occupancy rate of above 130% of their official capacity, including large prisons such as Korydallos Men's (152%), Larissa (134%) and Patras (137%), while Komotini Prison accommodated 280 prisoners for a capacity of 166 places (occupancy rate of 172%) and Ioanina Prison held 126 persons for 66 places (190%).

A silver lining in the report shows how efforts can improve matters: the CPT found that the treatment of patients at Korydallos Prison Health Centre had improved due primarily to lower patient numbers and higher staffing levels. However, a targeted visit to Korydallos Psychiatric Hospital for Prisoners revealed an institution so neglected that it was unable to provide appropriate care to its patients. The report also criticises the way in which autopsies are carried out and the lack of thorough inquiries into deaths in custody. Furthermore, while the report notes some progress in the treatment of persons held at Athens Transfer Centre for Prisoners, the CPT is again "highly critical" of the conditions in which prisoners are transported around the country by the Hellenic Police.

Most detained persons met by the CPT's delegation stated that custodial staff behaved correctly towards them. However, at Corfu Prison, the delegation received a few allegations of physical ill-

treatment of prisoners (punches and kicks) by certain prison officers which apparently took place either in the cells or in the reportedly disused wing at the entrance of the establishment and was perceived as being inflicted as a punishment for challenging orders given by prison officers.

Cpt Recommendations For The Greek Authorities Include Instructions For Specific Prisons Visited And More Generally The Following: Urgently And Vigorously Pursue Efforts To Stop Prison Overcrowding, By Investing And Placing Further Emphasis On Non-Custodial Measures In The Period Before The Imposition Of A Sentence, Increasing The Use Of Alternatives To Imprisonment And Adopting Measures To Facilitate The Reintegration Into Society Of Persons Deprived Of Their Liberty. Take Necessary Steps To Effectuate A More Even Distribution Of The Prison Population Across The Prison Estate, Bearing In Mind The Need To Consider Proximity To The Prisoner's Family Or Residence. In Addition, The Criteria For The Transfer Of Persons To Rural Prisons Should Be Reviewed.

Chris Kaba Family Demand Criminal Investigation Into Fatal Police Shooting

Udit Mahalingam, Justice Gap: The family of a 24-year-old black man shot by officers in the Metropolitan Police have demanded that a criminal investigation into his death be opened amidst revelations that he was unarmed at the time of the incident. Chris Kaba was killed on September 5, 2022, by a single shot fired from a police issue firearm following an attempted vehicle stop in the Kirstall Gardens area of Streatham Hill in South London. His family have called for 'answers and accountability' from the police watchdog responsible for the investigation into this death.

A statement issued via the legal charity INQUEST confirmed that 'the family of Chris Kaba seek a homicide investigation into his death from the outset. We have today told the Independent Office for Police Conduct (IOPC) of that demand and that we do not want any delay as has happened in other fatal shootings – otherwise we and the wider public can have no confidence that the police will be held to account.' 'We also want the IOPC to tell us whether or not a weapon was found in any search of the vehicle that Chris was driving. We have not received this information even though the shooting happened almost two days' ago.' The family issued an additional appeal 'for any witnesses, whether before, during or after the pursuit and the shooting, to come forward to the IOPC and / or to our solicitors at Hickman and Rose.'

Deborah Coles, the director of INQUEST, expressed support for the family's calls for a criminal investigation. 'When the police kill, they must be held accountable to the rule of law. INQUEST fully supports the family's call for this to be a criminal investigation from the outset. It is essential that fatal use of force by police is examined with this high level of scrutiny.' In addition to the IOPC investigation, Kaba's death is also expected to be subject to an inquest in due course. 'We understand at this stage that police officers in an armed response vehicle attempted to stop the vehicle Mr Kaba was in, following the activation of an automatic number plate recognition camera which indicated the vehicle was linked to a firearms incident in the previous days,' said the IOPC in an update to the investigation published yesterday. 'A detailed search of the scene and surrounding area was completed last night. No non-police issue firearm has been recovered from the vehicle or scene.'

The IOPC also confirmed that it had met with Mr Kaba's family to explain their role and update them on the progress of their investigation. At present, the IOPC is due to complete a forensic examination of the vehicle Mr Kaba was driving and of some of the police vehicles involved, which have been removed from the scene and taken to a secure location. Sal Naseem, the Regional Director for London at the IOPC, said the watchdog was committed to carrying out a thorough and comprehensive investigation to ascertain the relevant facts

and circumstances surrounding the fatal shooting. 'We recognise that there is community concern following this incident and we appreciate that questions will remain around how Mr Kaba tragically ended up being fatally shot following an attempted vehicle stop.' 'While we have already undertaken some door-to-door enquiries in the neighbourhood, there is likely to be members of the public we are yet to speak to which may have information that could assist our investigation. Anyone with information that may be useful in helping us to paint the picture of the events that evening is asked to contact the IOPC by phoning 0300 303 0779 or by emailing witness@policeconduct.gov.uk – referencing "Streatham Hill".'

Scrapping Scottish 'Not Proven' Verdict Risks Miscarriages of Justice

Jack Sheard, Justice Gap: Lawyers north of the border have criticized proposals by the Scottish Government to scrap the 'not proven' verdict on the basis that its abolition risks more miscarriages of justice. The 'third verdict' of 'not proven' is unique to the Scottish courts. It allows juries to express misgivings about the accused's innocence, while accepting that the prosecution has not made its case 'beyond all reasonable doubt'.

The Scottish Government announced plans to abolish 'Not Proven' as part of its proposed criminal justice reforms. Critics of the verdict argue that it leads to lower conviction rates, particularly in sexual offences. According to Rape Crisis Scotland, the Not Proven verdict is used twice as much in sexual offence acquittals as in other crimes. Rape and attempted rape has a 43% conviction rate in Scotland, the lowest for any category of crime, compared with 68% in England and Wales.

However, the Law Society of Scotland has expressed grave reservations about the verdict's abolition. Its president, Ken Dalling, said, 'manipulating a justice system to increase conviction rates is a very dangerous path for any government to go down. It inevitably risks miscarriages of justice.' The Scottish Law Society has also noted that 'the availability of a third verdict acts to balance the fact that Scotland – almost uniquely – permits simple majority verdicts'.

Research commissioned by the Scottish Government found that 'removing the not proven verdict might incline more jurors towards a guilty verdict in finely balanced trials – and might, therefore, lead to more guilty verdicts'. A survey of Scottish solicitors found that 83% who are in favour of retaining the verdict believe 'not proven' is a 'necessary safeguard against wrongful convictions'.

Slovakia: Young Woman's Fall From Police-Station Window: Violation of Right to Life

In Chamber judgment in the case of P.H. v. Slovakia (application no. 37574/19) the ECHR held, unanimously, that there had been: a violation of Article 2 (right to life) of the European Convention on Human Rights regarding the investigation into an incident in which the applicant's life had been put at risk, and a violation of Article 2 regarding her injuries while in police custody. The case concerned an incident in which the applicant had fallen from a second-storey window next to a toilet in a police station while in custody on suspicion of theft, and the resulting investigative proceedings. The Court found that the investigation had been inadequate from the point of view of the situation not having been looked at as a whole, the evidence taken and procedural steps not carried out, and the negligible disciplinary penalty imposed, with that decision not having even been sent to the P.H. and the Constitutional Court misconstruing her subsequent complaint. In the absence of any recollection by the applicant of the circumstances of her fall, the Court held that the domestic authorities had failed to look after her in the vulnerable position of police custody. In particular, the police could have ensured that the windows had been locked or that P.H. had been accompanied to the toilet by a woman, and so could have prevented her fall.

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A Few Well Chosen Words - From the Screws on Entering Prison

Michael Stone, HMP Full Sutton, 2003: Come in, come into our reception, We will soon change your perception. Thought out in civvy street you were a Mr. Nice? We'll soon make you as cold as ice. We will use you, we will abuse you. We will confuse you, By then we will amuse you! You will laugh if you see others cry. You will have hysterics when others die. We are gonna change you, Into a mean, mean guy. We can't have you out there in the gutter. Come in, you're our bread 'n butter.

A sign by our door says, 'we're impartial'. True! We'll make anyone into a right rascal! We will assess you. We will test you. We will molest you. By then we will impress you. You'll see the life of a bully is grand. We'll get you to join our band. Exploit the vulnerable, pick on the weak. We'll prepare you for civvy street. We can't have you running around free. Come in, you provide our tea. A sign by our door says,'we're not prejudiced'. True! We'll make anyone into a recidivist! You ain't seen the likes of us perform. We'll soon make you conform. We'll degrade you, hurt you in everyway. You'll become more like us everyday! You'll cheat, steal and lie. That's it lad, 'stab him in the eye'. Kick him in the throat'. 'Put a mars bar down his boat'. You will hate us while we love you. You will love us while we hate you. We'll make you mentally unstable. Coz you put the food on our table.

Come in, come into our reception. We wanna change you perception. Watch us drive the weak to suicide. See how after, the truth we hide! Lad, do you know what a deaf eye is? How about a blind ear? Go and cut a nonse, Or bash a queer, that's the way my dear! Throw boiling water over a grass. Or if he's pretty, gang rape his arse. But don't get caught calling the chaplain a tart. Instead wait till Sunday church and let out a big fart! We will cage you. We will outrage you. We will re-arrange you. By then We'll have deranged you. We can't have you out there a success. Come in, you're soon become a mess. Thought out in civvy street you're a Mr Right? We'll soon teach you how to fight. First you find the ideal opponent. Someone old, fragile or weak. Make sure he has no help or mates. Then attack him as he sleeps.

For dinner your gonna have goo. For ya tea, some more too. You'll hate us through and through. We'll make a monster out of you! Come in, come into our reception. We will soon change your perception. Thought out in civvy street you could go straight? One way or another we'll get you through our gate! We'll soon make you into a repeat offender. Smoke some gear lad, go on a bender. If you're guilty of a crime, we'll give you a right good time. Luxuries,

rewards, privileges and incentives lad. See life's so bad. You just make sure you've left plenty of people out there real sad. If you did no wrong that's okay. We're still make sure you stay. For someone else's wrong you'll pay. In fact we like it better that way! Coz you feel more tormented. We're make you even more demented.

No telly, no steaks, you'll do it rough.Time We're through, you'll be super tough. Come in, come into our reception. Come and learn the art of deception. Come and learn the tricks of the trade. See how many beasts We've made. We will fill you with venom. We will fill you with bitter hate. Oh, we're proper shape you up ready for the gate. Give us your body. Give us your heart. Give us your mind. We'll make you one of our kind. Come in, come into our reception. We're gonna change your perception. Callous, cold and ruthless you'll soon be. Your better nature we'll soon make History!

Joint Enterprise Bill Passes First Hearing

Emma Guy, Each Other: On 6 September a Private Members' Bill calling for fairer appeal processes passed its first reading in the House of Commons. The Criminal Appeal (Amendment) Bill or 'Joint Enterprise' Bill, calls for a fairer appeals process for those who remain detained on remand and convicted by joint enterprise will now progress to a second reading later this year. The landmark Bill will help those detained by joint enterprise to invoke their right to a fair trial, which is enshrined in the Human Rights Act (HRA).

Barry Sheerman, Labour (co-op) MP for Huddersfield, presented the Bill. Sheerman stated:"On 6 September, I presented a Bill to Parliament that would give leave to appeal when there has been a material change in the law. Many people have been convicted under a form of joint enterprise that the Supreme Court ruled was misapplied." Recently, Sheerman wrote to former deputy prime minister Dominic Raab, calling for changes are made to the appeals system to protect access to justice for those wrongfully convicted. Calls have also been made to the attorney general, Suella Braverman QC MP.

What will the Bill do? If the Bill is passed it will abolish the substantial injustice test, which many human rights experts and campaigners have described as an 'unreachable' test that is forced upon those convicted under the wrong interpretation of the law. It will mean cases that fall under Parasitic Accessorial Liability (PAL), which the Supreme Court abolished in R v Jogee (2016), will gain the right to an appeal. In 2016, the Supreme Court ruled that joint enterprise had been misinterpreted in UK courts for over 30 years. Now, it is understood that a person will only be guilty of a joint enterprise offence if they intended to encourage or assist the person who committed the offence to do it. However, since 2016, the way that the law has been used has proved controversial.

Relatives Were Dubbed 'Security Risks' and Moved - Charlotte Henry, witnessed the reading of the Bill. Charlottes brother was convicted under the doctrine and has campaigned on behalf of him, and all people convicted under the doctrine. She stated: "Thousands of people were convicted by joint enterprise before the law changed in 2016. My brother Alex Henry was one of them. Since then I have only existed & happiness is a past time." Charlotte, alongside Jengba and families and friends whose loved ones are detained, watched the Bill presented before parliament from the public gallery. However, it was cut short. The group, were asked by security to 'vacate Westminster grounds' on the basis that they were a 'security risk'.

The group were then moved to a holding room within Westminster, after they informed security that Lana Adamou, a Lawyer from the human rights group Liberty, was on her way to the gallery. Adamou joined the rest of the group in the holding room, where they watched the Bill pass its first readings from their mobile phones. "Never once previously have we caused a

disturbance at Parliament and this occasion was no different. However before Barry Sheerman MP presented the Bill we were asked to leave the gallery because we posed a security risk. It transpired that because we arrived wearing campaign clothing we posed a risk of disruption. In short we were treated in the same way as the joint enterprise convicts we fight for – a mob of undesirables, all in it together and up to no good."

The Bill passed its first reading with the support of 12 MPs sponsoring it. Henry stated: "Today has been overwhelming and we're so grateful for the support shown by MPs especially Barry Sheerman. We await a full explanation from the Sergeant at Arms as to why our Article 10 rights were curtailed in such a unfair way." Neither the Crown Prosecution Service (CPS) nor the Ministry of Justice (MoJ) records or monitors data about joint enterprise prosecutions, meaning there is no official record of the ethnicity or age of those prosecuted under joint enterprise, or the outcomes of those prosecutions. The advocacy group Liberty is taking legal action against the CPS and the MoJ on behalf of the grassroots campaign JENGbA (Joint Enterprise Not Guilty by Association) for their failure to record data on joint enterprise prosecutions. A spokesperson for Liberty stated: "This failure breaches their duties under the Equality Act 2010 to have due regard to eliminating racial discrimination. We are calling for the CPS and MoJ to record data on: The number of joint enterprise prosecutions brought for offences involving violence by area- The ethnicity and age of those prosecuted -nWhether any 'gang' evidence was relied on by the Crown in those cases 0 And the outcomes of those prosecutions."

Attica Prison Riot 1971—'We aren't Beasts, we Won't be Beaten'

A prison uprising can leave even presidents shaken. That was certainly the case in August 1971 when people caged in Attica prison in upstate New York revolted against the system of incarceration. The revolt was a powerful element that formed part of a period of rage and revolt against the racism ingrained within US society. It also showed that determination to resist was so strong that it could appear anywhere, even within prison walls. Attica prison held a majority black and Latino population in terrible conditions with very little access to medical care. Such conditions were commonplace in prisons across the US. White guards, some of them members of white supremacist organisations, watched over the inmates.

The prisoners faced brutal racism, with guards forcing white inmates to remain segregated and banning Islamic religious practices. The civil rights movement had inspired many of the inmates. And the recent murders of Black Panther Fred Hampton and Malcolm X led them to revolutionary conclusions. Inmate Herbert X Blyden co-founded the Attica Liberation Faction (ALF). The group understood that the violent prison system was a tool of the state to oppress individuals based on race and class. They argued for prison reforms such as a minimum wage and better conditions. But they also argued for prisons to be replaced with educational programmes that gave more opportunities to working class people.

In August 1971, 700 Attica prisoners refused food in response to the murder of Black Panther George Jackson at San Quentin State Prison, California. In the following weeks, tensions between guards and inmates rose and culminated in a riot beginning on 9 September. Twelve hundred prisoners occupied the yard. They seized tear gas canisters and took 40 guards hostage. They organised first aid, rationed food and elected a strike committee.

Elliott Barkley was elected speaker. He told the press, "We are men, we are not beasts, and we do not intend to be beaten or driven as such. What has happened here is but the sound before the fury of those who are oppressed." In the yard rivalries between prisoners started to break down.

One older man reportedly began to cry as it had been so long since he was "allowed to get close to someone." The revolt shook the ruling class leading President Richard Nixon to intervene. Nixon and the prison bosses wanted to set a clear example to black inmates and their families and supporters that their resistance would be futile. They called for the uprising to be crushed and demands for an amnesty to be ignored. Prisoners refused to back down, and so the prison commissioner ordered troops into the yard. Helicopters dropped tear gas, and guards fired 2,000 shots blindly into the haze. They massacred 29 prisoners and shot Barkley in the back. Survivors were stripped, tortured and deprived of medical attention. Blyden was starved for days, and others were sexually assaulted and had their genitals mutilated. Prison bosses branded their rampage a "beautiful operation". Nixon agreed, saying the way to stop "radicals" was to "kill a few". Attica has been a model for many following prison strikes, including the 2016 strike, which began on Attica's 45th anniversary. Those strikes spread to 45 facilities. It showed that some of the most downtrodden and oppressed people would fight back fiercely by any means necessary.

Thousands Demand Justice for Chris Kaba

Simon Basketter, SWP: There was a powerful outpouring of grief, mourning and anger in central London on Saturday 10th September. Up to 5,000 people came together to remember Chris Kaba and to protest against the police who killed him last week. Signs read "Black Lives Matter", "Justice for Chris Kaba" and "Abolish the Met". Repeated chants of "No justice, no peace" and "Police are the murderers" filled the air. Despite many others calling off strikes, events and protests, people were right to take to the streets

At the beginning as people assembled in Parliament Square the cries of Helen Nkama, Chris's mother echoed around the sombre gathering. The grieving family led the march, it took regular stops as the family needed breaks. "We will go at the pace of grief," a steward said. Mike one of the marchers said, "I'm here to show that there are people out here that care about this. They need to charge a cop quickly—people should be brought to justice. If it was a white person killed there would be a lot more questions being answered."

The march went up Whitehall to Trafalgar Square before heading to Scotland Yard. It was at this point Sky News bizarrely and offensively declared it was a crowd of mourners for the queen. At the point their helicopter took the pictures people were chanting, "Say his name! Chris Kaba!" On the march, Andrea said, "There is a lot of noise because a very old woman died peacefully. But we are here because the cops executed a young man and nothing is going to be done about it. Another marcher Zak said, "If I'm honest, I am scared. I am definitely sad but I am also really angry, raging that this keeps happening. We have to come together—it is what we can do."

Labour MPs Diane Abbott and Bell Ribeiro-Addy spoke before the march. At Scotland Yard a rally heard Temi Mwale of 4frontproject, Deborah Coles from INQUEST, activists Lee Jasper and Stafford Scott and others. Stormzy told the crowd, "I just encourage everyone to have stamina. I know it's a very difficult thing to say because no one should have the stamina to go on a journey like this to get justice or to get answers but, when these people do these things, they get away with it. Have the stamina to keep going because they have killed someone, that's murder. Just keep going, because the family needs you." Delia Mattis from Black Lives Matter said, "Black people don't have a history of violence against the police. The police have a history of violence against black people." On the route "Touch one, touch all" was the chant when the police came a little too close than the marchers thought respectful. Weyman Bennett from Stand Up to Racism told the crowd, "The only weapons we have are unity and solidarity. We need to use them and we need to abolish the Metropolitan police."

Chris's cousin Jefferson spoke for the family, "One word that has remained at the forefront of my mind, that I kept repeating to myself, that I desperately need an answer to—that word was why. Why did you not have mercy on him as he sat in the car, defenceless, unarmed, scared and terrified? Why did you destroy the possibility for me to tell him that I love him and why did you destroy the possibility for him to reply I love you too big cuz. Why does his mother have to grow old whilst her first-born child lies six foot under? Why did you take a friend, a loving partner, a son, a confidante, a soon-to-be father? As much as that police officer lays bare the hatred that exists in this world, the countless people who have come together offering all kinds of support lays bare the love that will always exist to fight against it. Chris's warmth has since left us but we've all kept his warmth alive when we came together for him. There's a tree called the redwood tree, they're extremely tall though their roots are extremely shallow. These are one of the strongest trees in that they rarely fall over. How could such a tall tree be so strong even though they have very short roots? The answer is this. The roots don't grow vertically, they grow horizontally and connect to the roots of the other redwood trees around them. The tree does not rely on its own strength but on the strength of the countless trees that forms this complex root system. They killed Chris not knowing he was a tree that was connected directly or indirectly to the roots of the countless trees around him. Chris died not to expose the hate of this world but instead to reveal the power of love, community and togetherness. In that sense of togetherness, we shall discover the truth. Make the Met fully accountable and ensure there is justice."

Legal Visit to Prison? You Can't Bring Legal Papers

A senior solicitor has expressed her frustration after she was banned from bringing legal paperwork to a prison visit and was forced to talk to her client through a glass screen. Dr Laura Janes needed to talk to a young man at HMP Stocken ahead of his Parole Board hearing, to get his views on reports about him. She had hoped to conduct the meeting via video link, but despite making the request to the prison a month in advance she was told that no slots were available until after the hearing. The meeting could not be held via telephone because the man did not have enough credits on his account. So, she had to travel in person to the prison, in Rutland – a four-hour round trip, with the taxpayer picking up a bill for more than £100 in train and taxi fares. On arrival, she was told that she could not bring in printouts of the parole reports or Legal Aid forms which the client needed to sign. She was given plain paper and a pen, and directed to a "closed" visits booth, where she was separated from her client by a screen with air vents.

Describing her experience on Twitter, Dr Janes – who is a consultant solicitor with two law firms and a board member of the Legal Aid Practitioners' Group – said: "In almost 20 years lawyering I have never been prevented from bringing legal papers into a legal visit. Why now?" She added: "I asked the officer why my client was on closed visits and was told All legal visits are this way. I also asked why I wasn't allowed papers, and was told it was to stop lawyers bringing in drugs. I asked if that used to happen on visits and was told it didn't." Half-way through the booked visit time, the prisoner told her that if he did not leave soon, he would not be allowed a shower or outdoor exercise that day, as the time slots for those activities clashed with the time slot for the legal visit.

A Ministry of Justice spokesperson told Inside Time that Dr Janes was required to hold her legal visit in a closed visits booth "to ensure client confidentiality as no other suitable areas were available". The spokesperson said that it was not standard practice for solicitors to be banned from bringing paperwork into Stocken, adding: "There is not a blanket ban on paper going in. We don't know why that happened on this occasion."