

KILLING THE LAW



When their children are convicted of murder, a group of women take on the establishment, revealing a darker side to the British justice system.

The mothers...

Rachel Whitehead – from LEICESTER

Campaigner and mother of Ameen Jogee who is serving a life sentence for murder under Joint Enterprise



"It's like they've just ripped your heart out"

Jan Cunliffe – from WARRINGTON

Campaigner and mother of Jordan Cunliffe who is serving a life sentence for murder under Joint Enterprise

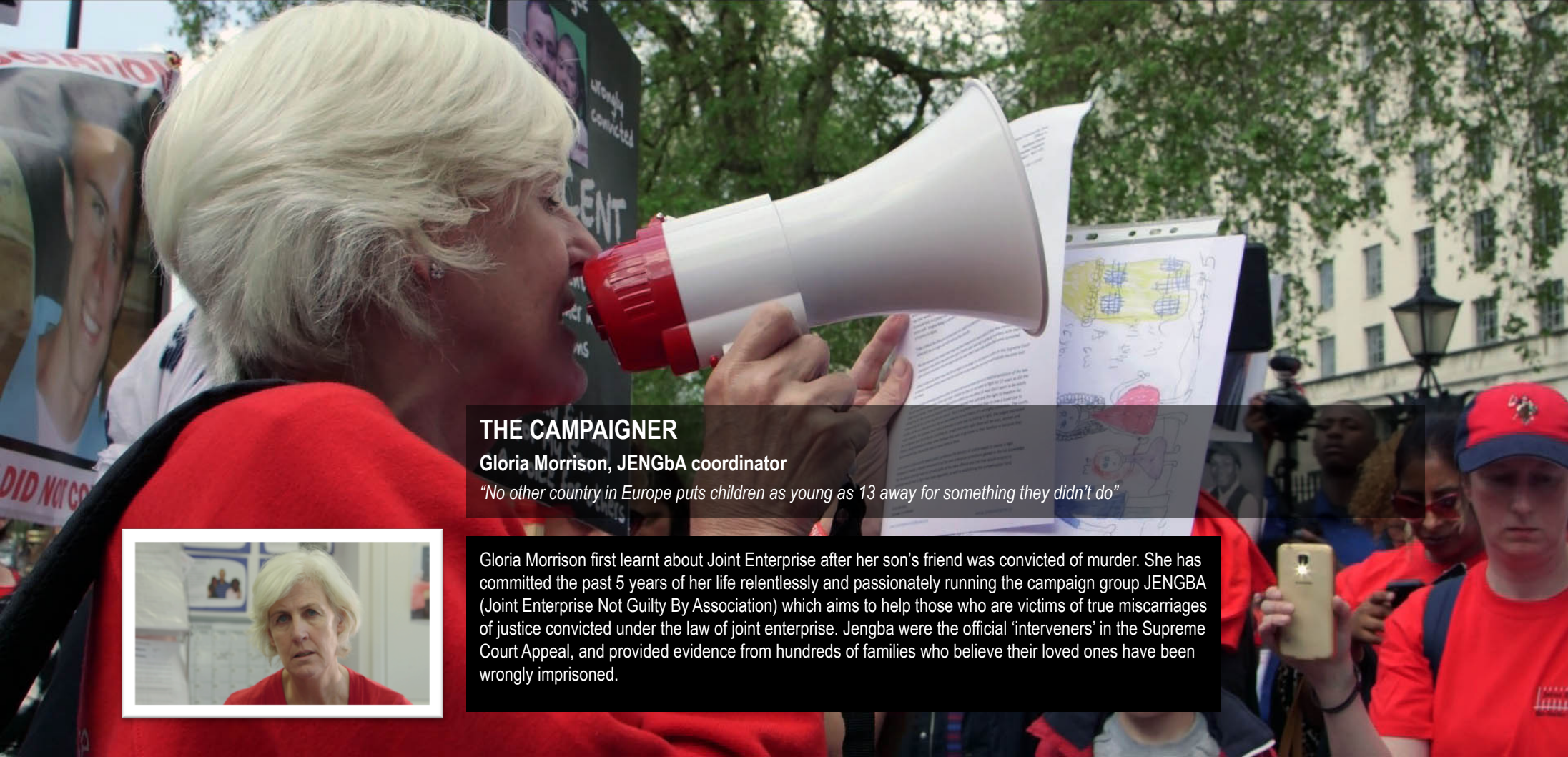
"He just shrank and it was like the life had just got sucked right out of him"





"In order for something like this to get into the public psyche and to work, you have to pick the lowest denominator in the public's imagination and you have to pick the people that no-one cares about and that's usually people from council estates, or poor backgrounds or black people or Asian people..."

Janet Cunliffe, mother & campaigner



THE CAMPAIGNER

Gloria Morrison, JENGbA coordinator

"No other country in Europe puts children as young as 13 away for something they didn't do"



Gloria Morrison first learnt about Joint Enterprise after her son's friend was convicted of murder. She has committed the past 5 years of her life relentlessly and passionately running the campaign group JENGbA (Joint Enterprise Not Guilty By Association) which aims to help those who are victims of true miscarriages of justice convicted under the law of joint enterprise. Jengba were the official 'interveners' in the Supreme Court Appeal, and provided evidence from hundreds of families who believe their loved ones have been wrongly imprisoned.

THE LAWYER

Felicity Gerry QC

"Mostly they are just kids who have been led astray..."



In 2011 as a junior barrister Felicity Gerry represented Ameen Jogee's in his original trial. After he was convicted of murder and given a life sentence, she was determined to appeal his conviction believing it to be grossly unfair. After years of trying to appeal, in 2015 she was finally granted leave to appeal to the UK Supreme Court. This appeal to the highest court in the land not only provided the opportunity to review Jogee's case, but also to review the entire 500-year old law around Joint Enterprise. As the lead barrister heading the team, Felicity had to persuade the Law Lords that it was time for a change in the law.

The law around Joint Enterprise

Criminal law generally only holds offenders liable for their own actions but, under the doctrine of joint enterprise, a person may be found guilty for another person's crime.

Simple association or accidental presence during a crime is insufficient for a charge under joint enterprise. A suspect must knowingly assist or encourage the crime and agree to act together with the primary offender for a common purpose. For example, the driver of a getaway vehicle can be charged with robbery under joint enterprise even if an accomplice actually perpetrated the crime.

Foresight element

As part of Common Law, Joint Enterprise has evolved from case law set by judges. Therefore under law set by precedent, if they were involved with an accomplice in one offence, and they “foresaw” that the accomplice might go on intentionally to commit another, they could be found guilty of the second offence without having taken part in it. So if there was a fight between two groups of teenagers, and someone was killed, then one of the teenagers could be found guilty of murder if, without intending it himself, he realised that someone else in his group might intentionally kill one of their opponents. He might be a long way off, out of sight and unarmed when the killing took place, but if it could be proved that he had the requisite foresight when he took part in the fight, it would be enough to get a conviction and a life sentence.

The Jogee case and the UK Supreme Court

On 9 June 2011, Jogee and his co-defendant, Hirsi, spent the evening together. Twice during the night the pair visited the house of Naomi Reid who was in a relationship with Paul Fyfe, a former police officer and soldier. After the second visit Reid sent Jogee a text asking him not to bring Hirsi back to her house but the men returned for a third time only minutes later. By this time Paul Fyfe had returned to the house and an angry exchange ensued between him and the two defendants. At 2:30am on 10 June 2011, whilst Jogee was outside the house, Hirsi stabbed and killed Paul Fyfe.

Both Hirsi and Jogee were convicted of murder, and given life sentences with minimum terms 22 and 20 years respectively. Jogee was convicted of murder on the basis that although he was a secondary party and was not 'involved' in the actual stabbing, he was alleged to have assisted or encouraged Hirsi to cause serious harm at least, and could foresee that Hirsi might stab Paul Fyfe.

Following an appeal by his lawyers, the UK Supreme Court in October 2015, reviewed Ameen Jogee's case. In a historic announcement in February 2016, the Law Lords over-turned his conviction on the basis that the law of Joint Enterprise had been misapplied and that the law had taken a wrong turn 32 years earlier. Ameen Jogee has since been retried for the murder of Paul Fyfe, and subsequently been found guilty of manslaughter, replacing his original murder conviction.

This outcome and due to the change in the law has opened the door for hundreds of other Joint Enterprise cases to be reviewed.

The creative team

Director and Producer - Anton Califano

Anton is an passionate storyteller, with two decades of filmmaking experience including as an editor cutting award-winning independent films and broadcast documentaries for BBC, Channel 4 and ITV. More recently Anton has more recently worked as a self-shooting director / cameraman on films about a wide range of subjects from the Why Poverty? series for BBC Storyville to more recently a feature doc about David Bowie. Anton set up Movement In Media in 2006, Anton's more recent documentary work focuses on cultural identity, justice, and social equality.

Producer – Milica Kastner

Milica has been working in film practically all her life. Her father Elliott Kastner was one of the world's biggest independent film makers. She started in marketing and publicity at EON for the James Bond Franchise then became head of development at REDBUS (now Lionsgate UK) bringing in the film Bend it Like Beckham. She met Gloria Morrison from JENGbA in 2006 at Kindergarten when dropping of her children, and first learnt about Gloria's campaign to end Joint Enterprise.

A woman wearing an orange hijab and a green jacket is holding a wooden sign. The sign has handwritten text in black ink. To her left, the side profile of another woman is visible. The background is a blurred outdoor setting with buildings and trees.

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CURRENTLY IN PRODUCTION

TASTER VIDEO:

<http://www.movementinmedia.com/killingthelaw>

JOINT ENTERPRISE NOT GUILTY BY ASS

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