

Documentary-maker Fran Robertson reflects on the troubling case of the Manchester 10

By FRAN ROBERTSON

Seventeen year old Ademola Adedeji was a teenager with a bright future ahead of him. A talented rugby and basketball player, he'd been head boy at his school and had an unconditional offer to study law at Birmingham University. Described by his youth worker as 'an exceptional young person', he already had a track record of charity work and had co-written a book profiling inspirational young black people from his area.

Today, at 20, Ade is 18 months into an eight year prison sentence following his conviction, along with nine other teenagers, on conspiracy charges. At trial the only evidence presented against him was the 20 minutes he had spent in a group chat, weeks before any violence took place.

Following the trial, the case received international attention and notoriety, raising questions about the way that drill music and gang narratives are being weaponised in court against young black defendants and the use of conspiracy law in a time of social media.

In November 2020, Ade's friend John Soyoye was murdered. Ade, who had known John since early childhood through family connections and their church, was devastated. Three days later he was invited to join a group chat on the Telegram messaging app where a number of John's friends vented their grief and anger.

Although no-one mentioned in the chat was ever physically harmed - the person →

JAILED

OVER A GROUP CHAT



Photographs:
All pictures by
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who set up the group chat went on to be involved in what the prosecution described as 'revenge attacks'. His arrest led to the arrests of all those who had taken part in the Telegram chat, including Ade.

In his police interview in April 2021, Ade gave a full account of his actions - and described the grief he had been feeling at the time. He told the police: 'It was just out of emotions... you have to understand, that's someone I grew up with, someone who I saw a future with, we had plans together and his life just got cut short and it's taken away from him, just like that.'

In March 2022, Ade along with nine other teenagers went on trial charged with conspiracy to murder and conspiracy to cause grievous bodily harm. The prosecution told the court that, although no murder had taken place, all the defendants were part of a violent, brutal gang who had conspired together to avenge their friend's death.

Alongside the group chat, their friendships and shared interests were used as evidence of gang membership. Drill music formed a large part of the case against them - with lyrics and videos found on their phones presented to a mainly white jury as evidence of violent intent.

Ade was active in the group chat for twenty minutes and sent only 11 of the 345 messages. One of these was the postcode of someone thought to have been involved in John's murder. Although no-one at the address was harmed, the prosecution argued that this showed that he had shared information in the conspiracy.

At the end of the trial four defendants were found guilty of conspiracy to murder and six guilty of conspiracy to cause grievous bodily harm. Ade and his three friends whose only involvement had been in the group chat were given eight year sentences.

The convictions caused an outcry in the community with hundreds demonstrating in the centre of Manchester to protest the unfairness of the verdicts.

Roxy Legane, a youth worker and founder of Kids of Colour who organized the protests and who has supported all of the boys whilst in prison believes there



should have been a different approach.

'In this case, no one was murdered, but a collective 131 years in prison were handed down. Some boys merely sent texts, days after their friend was killed. The messaging group was constructed as 'gang conspiracy', but imagine if we recognised it for what it was, emotion, anger, sadness, grief, youth, and offered outlets or counselling.'

This is a case that has shone a light on the way race impacts the criminal justice system. Nisha Waller is a criminologist at Oxford University who watched some of the trial (see page 20). She says that the huge gap in the way that Ade and his friends were presented at trial against the reality of their lives reveals how the gang narrative is used to over-criminalise black friendships.

Her research has shown 'that police and prosecutors are conflating so-called gang behavior, with what is actually just normal black youth culture'. This she believes is 'racist because it's not based on anything they have done that is criminal'.

Post-trial, Ade is represented by a new legal team who are launching appeals against both sentence and conviction.

Junior Counsel, Audrey Cherryl Mogan of Garden Court Chambers, agrees that the use of the gang narrative was a key factor in persuading the jury to believe that a young person who had never been in trouble before and where there was no

Photograph †
Fran Robertson
on location

evidence they did any violence, was agreeing for all this violence to occur.

The way that this is done, Mogan argues, is by taking away the defendant's individuality and humanity so that 'just like in Joint Enterprise cases, you're being convicted of who you know and where you grew up as opposed to what you've actually done'.

The case has also raised questions about the use of conspiracy at a time when so much is written on social media. Were the expressions of grief and anger following the death of their friend enough to warrant murder charges when they were so far removed from any violence that later occurred?

Garden Court's Keir Monteith KC, Ade's barrister, argues that conspiracy is a powerful prosecuting tool in these kinds of cases because 'the laws surrounding conspiracy generally allows prosecutors to put in lots of evidence that in other situations wouldn't necessarily be admissible - including acts and declarations of co-conspirators. If you combine this with social media then that is really dangerous in terms of the type of evidence that is presented to the jury.'

Audrey Cherryl Mogan echoes these concerns. Whilst not criticizing the offence of conspiracy itself, she worries about its use in the context of a proliferation of social media and messaging apps.

'We're using young people's lives as evidence in a case - building links where there aren't any in order to find them guilty of having committed offences which are basically thought crimes'.

Ade's appeal will be heard later this year. Keir Monteith KC sees it as a clear miscarriage of jus-

You're being convicted of who you know and where you grew up as opposed to what you've actually done

tice and is hopeful that they can be successful. If they are, Monteith believes it would have wider ramifications for the use of conspiracy law, social media and prosecutions using drill.

If Ade and his friends had not taken part in a group chat that lasted less than half an hour, they would now be in their third year of university, contributing to the community - and perhaps, in Ade's case, playing sport professionally. For his family Ade's conviction is devastating.

His mother Taiwo tells me: 'We are shattered and life will never be the same.' In prison, Ade is keeping busy. He's done all the courses on offer to him, applied to the Open University to study Criminology and Psychology and recently made a speech in prison to mark Black History Month.

For those that have known Ade, the overriding feeling is of a criminal justice system that has overreached itself and the terrible waste of a promising young life. ●

Jailed over a Group Chat was broadcast by Channel Four in November 2022 as part of its Untold documentary series.



express the desire to do him harm.

It is ironic that those who complain about the state's investment in Venables, who call for him to be unmasked, have his name tattooed on his forehead and be set loose in Bootle, are the very reason he continues to need protection.

A very similar lifetime anonymity order was made in 2003, to protect the new identities of Mary Bell and her daughter. Bell had killed two small children, Martin Brown and Brian Howe in 1968, one just before and one just after her 11th birthday. She had been found guilty of manslaughter on the grounds of diminished responsibility, while her co-accused, the unrelated Norma Bell was acquitted. The order has since been extended to protect Mary Bell's grandchild. They too were recognised to be at risk.

The Venables/Thompson injunctions were a reference point for the Mary Bell order and for a number of other similar orders made since to shield in perpetuity the identities of children who committed serious crimes, as well as individuals and their families who may be informants in trials and remain in witness protection. Such an order was made in 2005 to protect the new identity assigned to Maxine Carr, following her release from prison after pleading guilty to perverting the course of justice in relation to the 2002 murders of schoolgirls Holly Wells and Jessica Chapman, by her partner Ian Huntley.

In three notable cases, the child defendants' real identities have never been disclosed. In a 2009 case, two brothers aged 12 and 10, from the south Yorkshire town of Edlington were convicted of GBH with intent and other offences against three boys. They were described in the media as 'devil brothers', 'torture bruvvz' and 'hell boys'. The reporting restrictions imposed at the Crown Court had never been lifted, but in 2016, the youngest boy would turn 18 and both faced identification.

As the judge, Sir Geoffrey Vos said in granting the injunction, the revulsion their crimes had caused appeared not to have died down in the eight years since, and the 'extreme likelihood of physical and mental damage' being done to them if they were identified made the injunction a necessity.

In December 2014, two girls, D, aged 13, and F, 14, beat Angela Wrightson to death in her home in Hartlepool. Their first trial had to be abandoned because of a 'blitz of extreme and disturbing' comments, which included the girls' names, posted on Facebook and elsewhere as the trial got underway.

A media appeal against the trial judge's refusal to lift the restrictions on naming the girls was rejected by the Court of Appeal Criminal Division, led by Sir Brian Leveson. The girls were convicted of murder after a second trial in 2016 – the presiding judge, Henry Globe, had been the prosecuting junior in the Bulger trial.

In sentencing them both to detention for a minimum of 15 years he declined to grant a media application to lift the reporting restrictions on their identities. Both girls had made suicide attempts and he placed their welfare above open justice and the freedom of expression.

In 2021, as the youngest girl turned 18, they were granted lifetime anonymity injunctions, the High Court judge, Mrs Justice Tipples prioritising their Article 8 rights to privacy because of the ongoing risk of suicide or self-harm. In her order, Tipples cited the case of RXG, a 14 year old who had pleaded guilty to two charges of inciting terrorism in 2015. He

was the youngest person ever convicted of terrorism offences. He was sentenced to detention at Her Majesty's Pleasure, with a minimum term of five years. The judge refused to lift the naming restrictions, citing the harm that might be caused to RXG's rehabilitation and the possibility his crime might be glorified and inspire others.

RXG was never given a new identity and in 2019 was granted a lifetime anonymity injunction at the High Court.

In recent cases where defendants have been named, judges have granted a so-called 'excepting direction' to the section 45 reporting restrictions. Those directions are susceptible to challenge by way of judicial review.

This was what happened in the case of Kim Edwards and Lucas Markham, two 15-year olds who in 2016 carried out a plan to kill Edwards' mother and sister at their home. Markham pleaded guilty to the two murders and Edwards was convicted after trial and both are serving sentences of detention at Her Majesty's Pleasure with minimum terms of 17.5 years. The trial judge, Charles Haddon-Cave, decided there was a strong public interest in full and unrestricted reporting of the case, which would be hampered if the restrictions remained and the relationships of the accused to the victims could not be explained. He granted the excepting direction with a stay – delay – pending an application for judicial review of his decision by the defendants. The court lifted the stay and allowed the excepting direction to proceed on the basis that the alternative would 'impose a substantial and unreasonable restriction on reporting' the case.

There was a judicial review challenge to the excepting direction, in the case of Klem Lewis who was convicted of the 2018 stabbing of Ayub Hassan in west London. Lewis was aged 15 at the time and the incident was related to drug-dealing. Restrictions remained in place during his trial, but following his conviction for murder in 2019, the trial judge granted an excepting direction that would allow Lewis to be named. He applied for judicial review of the decision and lost, but the

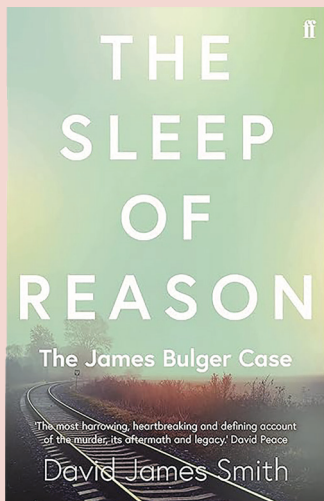
Justice may be best served in exceptional cases by keeping confidential the name of the offender

stay on naming him remained for a few further weeks until his lawyers decided there would be no further appeal and he was finally named in April 2021.

In each of these cases the welfare of the defendants, their risk of harm, their prospects of rehabilitation, their privacy were weighed against the principles of open justice and public interest in open reporting. Undeniably such assessments involve a degree of informed gazing into a crystal ball, with no real idea of the impact that naming will have in the future.

The aftermath of the Bulger case provides some tangible precedent for the harm that can be done, in the case of Venables who seems to have been released when he was not really ready and whose repeat offending has increased his notoriety. It would be hard to argue, especially with Sir David Omand's observations in mind, that naming him after trial did him anything but ill.

But then, the case also exemplifies the apparent ability a defendant might have to be fully rehabilitated and live down their crime. We don't know what Robert Thompson thinks or feels about what he did, or about his name being in the public domain, but at least, in his case, if only in the evidence of absence, there is some proof that there can be life after death for children who commit the worst crimes we can imagine. ●



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