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USA: Mumia Abu-Jamal -- Overturning of death sentence falls short of full justice

The overturning of Mumia Abu-Jamal's death sentence is a welcome step, but it leaves unanswered all the questions about the fairness of his original trial, which did not comply with international justice standards, Amnesty International said today.

"Mumia Abu-Jamal's right to a fair trial was violated in 1982, but yesterday's ruling clearly failed to address this," the organization added, renewing its call for new proceedings to be opened in his case.

On 18 December 2001, federal judge William H. Yohn Jr. overturned the death sentence of Mumia Abu-Jamal on the grounds that the judge's instruction to the jury during the penalty phase of the original trial was confusing and therefore faulty. The ruling allows the prosecution 180 days to reconvene a new sentencing hearing. Should they fail to hold the hearing within that time frame, the sentence will automatically be commuted to life imprisonment.

"Indications that the state of Pennsylvania will continue to seek the execution of Mumia Abu-Jamal by appealing this decision to a higher court are also a cause of great concern," Amnesty International said.

"There is little doubt that -- should they fail to have this decision overturned -- the prosecution will again argue to a jury that Mumia Abu-Jamal should be sentenced to death. This is particularly worrying

because the highly political nature of this case raises doubts as to the impartiality of the justice officials who represent the state," the organization added, urging the Philadelphia Attorney General to desist from seeking the execution of Mumia Abu-Jamal.

"Regardless of yesterday's decision, the best interests of justice would be served by granting Mumia Abu-Jamal a new trial," the organization concluded.

Background

Mumia Abu-Jamal was sentenced to death in 1982 for the murder of a police officer. He has always claimed he is innocent. In February 2000, Amnesty International completed an exhaustive review of his trial and released its finding in *A Life in the Balance - The Case of Mumia Abu-Jamal*. The organization found that, as in so many of the trials of the men and women condemned to death across the USA, Mumia Abu-Jamal's trial was in violation of international law and standards governing the imposition of capital punishment.

Mumia Abu-Jamal was denied effective and adequate legal representation and was denied the right to legally represent himself. African Americans appear to have been systematically removed from the jury, thereby denying him the right to be judged by a panel that represented the racial make up for the area. His lawyer was denied sufficient funds to hire experts that challenged the state's version of events. Throughout his trial, the judge appeared to be overtly hostile to Mumia Abu-Jamal and have a bias in favour of the prosecution.

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