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USA: Mumia Abu-Jamal -- Amnesty International calls for retrial

New Amnesty International report highlights inadequate legal representation, legal proceedings that fail to reach minimum international standards for fair trials, and possible bias of the appeal courts.

New York City -- Amnesty International today called for a new trial in the case of Mumia Abu Jamal on the basis that his original trial was deeply flawed.

"This is not about an issue affecting the life of just one man. This is about justice -- which affects us all. And justice, in this case, can only be served by a new trial," said Pierre Sané, Amnesty International's Secretary General.

After many years of monitoring the case and an exhaustive review of the original documents, Amnesty International has concluded that the proceedings under which Mumia Abu-Jamal was tried, convicted and sentenced to death fail to reach the minimum international standards for fair trials.

Speaking at a press conference in New York to launch the report *A Life in the Balance - The case of Mumia Abu-Jamal*, Mr Sané explained that Amnesty International has chosen this moment to publish the results of their painstaking review of the case because "Abu-Jamal's life and the fairness of the judicial system are now, more than ever, in the balance".

Without a new trial, the federal courts are Mumia Abu-Jamal's final opportunity to have many of the troubling issues in his case addressed. However, the 1996 Anti-terrorism and Effective Death Penalty Act severely limit the federal courts' ability to guarantee a defendants' rights.

Amnesty International fears the act has increased the number of executions that were in violation of international laws and standards governing the use of the death penalty.

The organization is also alarmed that the Philadelphia Fraternal Order of Police Officers is actively campaigning for the execution of Mumia Abu-Jamal.

"Police officers and their representatives should be impartial enforcers of the law. Amnesty International understands the anguish officers must feel when a fellow officer dies in the line of duty but their attempt to pressure the judicial system to execute Mumia Abu-Jamal is inappropriate," stressed Mr Sané.

Abu-Jamal's case illustrates broader problems in the judicial system, particularly those that involve the administration of the death penalty.

"Given the contradictory and incomplete evidence in the trial transcript, Amnesty International cannot take a position on Abu-Jamal's guilt or innocence," said Pierre Sané. "In calling for a new trial we are not ignoring the pain of the relatives and colleagues of Officer Daniel Faulkner, for whom we have the greatest sympathy."

"Nevertheless, Mumia Abu-Jamal's inadequate legal representation at his 1982 trial, the fact

that the judge appeared more concerned with expediting the trial than with ensuring justice, the politisation of the judicial process, and the possible bias of the appeal courts has lead Amnesty International to conclude that only a new and fair trial could prevent the execution of a man who has not been proved guilty in a fair trial," stressed Mr Sané.

The prosecution of Mumia Abu-Jamal was built upon three pillars: the testimony of eyewitnesses; ballistics evidence; and an alleged confession by the accused. After a thorough study of original trial documents, Amnesty International has determined that the veracity of each of these three pillars is in sufficient doubt to make a new trail essential.

Key concerns

The three prosecution eyewitnesses substantively altered their description of what they saw between their original statements to police and their trial testimony.

The witnesses were confused and unclear about the height of the shooter, what clothes he was wearing, in which hand he held the gun, and whether he ran away from the scene.

The alleged confession, reportedly crucial to the jury's decision and sentencing, was first reported more than two months after the shooting.

It directly contradicted the contemporaneous notes of one of the alleged witnesses to the confession (a police officer) that "the negro male made no comments." This evidence was not put before the jury.

There is also evidence that witnesses were offered inducements to alter their testimony in favour of the prosecution's version of events. This evidence was not put before the jury.

Lack of adequate ballistic tests to determine whether Abu-Jamal's gun had recently been fired. It was not determined, for instance, whether there was residue on his hands from firing a gun.

Additional information and background

Amnesty International opposes the death penalty in all cases as a violation of human rights. The organization is therefore calling for a new trial in which should preclude the re-imposition of a death sentence.

Mumia Abu-Jamal, black, was convicted and sentenced to death in July 1982 for the murder of white police officer Daniel Faulkner on 9 December 1981. He has consistently maintained his innocence.

Amnesty International can take no position on the guilt or innocence of Mumia Abu-Jamal. The organization has expressed concern however, over the activities of a government counter-intelligence programme which appeared to list Abu Jamal among its targets. Amnesty International is also concerned that political statements attributed to him as a teenager were improperly used by the prosecution in its efforts to obtain a death sentence against him.

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For more information please call Amnesty International's press office on + 44 171 413 5566

Website: <http://www.amnesty.org>