
amnesty international

UNITED STATES OF AMERICA

Letter to Fulton County District Attorney

concerning the forthcoming death penalty trial of

Jamil Al-Amin in Atlanta, Georgia

12 December 2001

AI INDEX: AMR 51/179/2001

Paul Howard
Fulton County District Attorney
136 Pryor Street, S.W., 3rd Floor
Atlanta, GA 30303, USA

10 December 2001
Human Rights Day

Dear District Attorney

I am writing concerning the forthcoming murder trial of Jamil Abdullah Al-Amin, formerly H. Rap Brown, rescheduled to begin in Fulton County Superior Court on 7 January 2002, at which the prosecution intends to seek the death penalty.

As you know, from a previous occasion in Atlanta in 1997 when you met our then Secretary General Pierre Sané, Amnesty International opposes capital punishment in all cases. As an organization that works on a daily basis with and on behalf of victims of violence, we have the utmost sympathy for the victims of violent crime and their families.

Nevertheless we believe that the death penalty can offer no constructive contribution to society's efforts to combat crime or to assist those affected by it. We deeply regret therefore that your office continues to pursue death sentences.

We do not seek to express any opinion on the guilt or innocence of Jamil Al-Amin in the shooting on 16 March 2000 in Atlanta in which Fulton County Deputy Ricky Kinchen was killed and his partner Deputy Aldranon English seriously injured. We trust that a fair trial will determine that.

Concerned that external events had thrown the possibility of a fair trial for Jamil Al-Amin into doubt, on 17 September Judge Stephanie Manis postponed the proceedings, which had been scheduled to begin five days earlier. The religious faith of Jamil Al-Amin, an imam at an Atlanta mosque, is well-known and visible, and following the widespread backlash against Muslims and others perceived by their race or religion to be associated with the attacks on New York and Washington on 11 September, Judge Manis believed that a postponement of his trial was necessary.

Amnesty International is concerned that anti-Islamic sentiment, while perhaps less evident than it was immediately following the 11 September attacks, may still be running high enough to have the potential to jeopardize the fairness of Jamil Al-Amin's trial. We urge that the prosecution make every possible effort to ensure that no discrimination based on the defendant's race, religion or political beliefs, enters the courtroom during any part of the proceedings against him.

We recall that in August this year, the United Nations (UN) Committee on the Elimination of Racial Discrimination urged the USA to ensure that "no death penalty is imposed as a result of racial bias on the part of prosecutors, judges, juries and lawyers...". We further recall the concern expressed by the UN Special Rapporteur on religious intolerance in his 1998 report on the United States: "[I]t has to be recognized that there is an islamophobia reflecting both racial and religious intolerance. This is not the fault of the authorities, but of very harmful activity by the media in general and popular press in particular, which consists in putting out a distorted and indeed hate-filled message treating Muslims as extremists and terrorists". The Special Rapporteur, who noted that the intensity of intolerance and discrimination against Muslims "varies in the light of international events", urged the US authorities "to help combat the iniquitous representation of Muslims".

With this in mind, Amnesty International is troubled by the news that in the event of a conviction the prosecution intends to introduce excerpts of Jamil Al-Amin's writings in the punishment phase of the trial as "aggravating" evidence for a death sentence. The excerpts, as yet unidentified, would be from two books – *Die Nigger Die!* and *Revolution by the Book*, published in 1969 and 1994 respectively. Amnesty International does not know what probative value the prosecution may seek to attach to these writings – a 30-year-old autobiographical publication containing the author's views surrounding racism in the United States written in a very particular period in the history of US race relations, and his more recent theological publication on Islam. What the organization fears, especially in the post 11 September climate, is that the prejudicial effect would outweigh any probative value. We are concerned that the introduction of this material – presumably chosen for its perceived usefulness to the prosecution in its pursuit of a death sentence and excerpted from its context to this end – runs the risk of inflaming the jury against the defendant on the basis of his opinion and beliefs, including those stated decades ago.

In 1992, the United States of America ratified the International Covenant on Civil and Political Rights. Article 26 of the Covenant states: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal protection against discrimination on any ground such as race, colour, sex, language,

religion, political or other opinion....”. Amnesty International is concerned that the introduction of Jamil Al-Amin’s excerpted writings threatens to lead to a violation of the USA’s international legal obligation under Article 26. All possible steps to avoid this outcome should be taken by your office.

Where a defendant’s life is at stake, the need for meticulous adherence to legality, fairness and transparency is paramount. As the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions wrote in his 1998 report on the USA, capital cases demand “the most scrupulous attention to fundamental principles of non-discrimination, fair trial standards and equal protection before the law”. Amnesty International is concerned that the scope for the misuse of, and juror misinterpretation of, what may be provocative and unpopular opinions, taken out of context, is too great in the context of a capital sentencing. We urge your office to reconsider its intention to introduce Jamil Al-Amin’s writings as aggravating evidence against him. At the very least, we call for clarification of exactly which excerpts of the books the prosecution intends to use and why.

We would also like to take this opportunity to appeal to you to reconsider your support for the death penalty. A majority of countries have abandoned executions in law or practice, placing the USA clearly out of step with the aspirations of the international community. We urge you to do your part in opposing this cruel, brutalizing and divisive punishment. Withdrawal of your office’s intention to seek the execution of Jamil Abdullah Al-Amin would be as good a place to start as any, and would send a powerful message to the wider community that Fulton County will explore alternatives to a punishment that is a symptom of a culture of violence rather than a solution to it.

Yours sincerely

Susan Lee
Program Director - America

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM