



January 3, 2018

To:

Pennsylvania Governor Tom Wolf
Philadelphia District Attorney Larry Krasner

From:

Concerned Members of International Community

**A CALL TO RELEASE THE DISTRICT ATTORNEY AND POLICE FILES
RELEVANT TO MUMIA ABU-JAMAL'S CASE
AND TO FREE ABU-JAMAL NOW**

We, the undersigned individual and organizational members of the international community concerned with issues of human rights, call your attention to an egregious example of human rights violations in your respective jurisdictions: the case of Mumia Abu-Jamal. Specifically, we call on you both, key officials with the power to determine Abu-Jamal's fate, to:

- 1. Assure that all the District Attorney and police files relevant to Abu-Jamal's case, be released publicly as the Philadelphia Court of Common Pleas is reviewing the potential involvement of retired Supreme Court Justice Ronald Castille in a conflict of interest when he reviewed Abu Jamal's case as a PA Supreme Court Justice.**
- 2. Release Abu-Jamal now from his incarceration. That given the mounds of evidence of Abu- Jamal's innocence and even more evidence of police, prosecutorial, and judicial misconduct, his unjust incarceration, including almost 30 years on death row, his twice near-executions, his prison-induced illness which brought him to the brink of death, and the lack of timely treatment for his hepatitis-C which has left him with a condition, cirrhosis of the liver, which poses a potential threat to his life ... we call for the freedom of Mumia Abu-Jamal now.**

SUMMARY OF THE CASE AND AN UPDATE ON RECENT EVENTS

Mumia Abu-Jamal is an internationally renowned US political prisoner, widely honored (with streets and cities named after him, including the award of Honorary Citizenship of Paris) for his piercing indictments of the racial inequities and brutal imperial powers of the United States. Abu-Jamal was originally targeted for "surveillance" and "neutralization", that is, assassination, when he was a 15 year-old spokesman for the Black Panther Party, by the U.S. Federal Bureau of Investigation (FBI) and its notorious Counterintelligence program, designed and implemented by J. Edgar Hoover. By the age of 26 Abu-Jamal was an award-winning radio journalist with a wide following, known as the "voice of the voiceless" and outspoken in his defense of the MOVE organization and other targeted individuals and organizations.

On December 9, 1981, in the middle of a street altercation, Abu-Jamal was critically shot and brutally beaten by police, framed for the murder of Police Officer Daniel Faulkner, and, in a sham of a trial, sentenced to death. Abu-Jamal is innocent. The Fraternal Order of Police (FOP), and those who support the organization politically and financially, have continued to clamor for Abu-Jamal's death and consider it a crime that he has survived.

The legal challenges to Abu-Jamal's conviction expose the systemic injustice of the U.S. criminal justice system. The police and prosecution manufactured the evidence of Mumia's guilt—the ballistics evidence was false, the witnesses were coerced to lie, and the so-called confession was fabricated. The evidence of Abu-Jamal's innocence, was known to police on the scene. The police knew that Officer Faulkner was shot and killed by someone other than Abu-Jamal. Numerous witnesses saw the likely shooter run from the crime scene. Rights to due process and a fair trial were denied: these included the right to a jury selected without racial discrimination, the right to counsel of the defendant's choice, the right to self-representation, the right to resources to challenge the prosecution's case and hold the prosecution to its burden of proof beyond a reasonable doubt.

Abu-Jamal's frame-up did not begin or stop with the police and prosecution. The U.S. judicial system and its judges are increasingly recognized as racially and class biased and largely accounting for the mass incarceration we see in the US. The trial and post-conviction judge was the infamous Judge Albert Sabo, known as the "king of death row" for sentencing to execution more people than any other judge in the entire U.S. As both the trial and postconviction appeal judge, despite international denunciation by legal experts of his biased practice and rulings in the court room, Sabo denied every single challenge to Abu-Jamal's conviction from 1982-1997!

In 2002 a court reporter disclosed that at the start of the 1982 trial, she overheard Judge Sabo telling another judge that he was going "to help them fry the 'n---r'." Judge Sabo's clear exposure of his gross racism was deemed not relevant by Philadelphia Judge Pamela Dembe who agreed that Sabo's language was heinous, but asserted that he had nonetheless been fair during the trial and had shown *no racial bias*.

Dembe also ruled that the confession of a man who swore he, and not Abu-Jamal, shot and killed police officer Faulkner, should not be heard in the court. In 2003 the Pennsylvania (PA) Supreme Court upheld these rulings and denied Abu-Jamal a new trial.

Defeating two death warrants in 1995 and 1999, because of massive international protest, now imprisoned for 36 years, almost thirty of those years on death row, Abu-Jamal continues to fight his conviction in the courts and with grassroots support internationally that extends from the U.S. to Europe, Latin America, Japan, and South Africa.

In December 2001 a federal court judge ruled that Abu-Jamal's death sentence was illegal. But Abu-Jamal remained locked in solitary confinement on death row for ten more years while the prosecutor appealed twice to the federal appeals court and twice to the U.S. Supreme Court. After the DA lost in the courts in the attempt to reinstate the death penalty, Abu-Jamal was transferred off death row in December 2011. The Philadelphia prosecutor peremptorily sentenced Abu-Jamal to life imprisonment without the possibility of parole. A sentence of life imprisonment without the possibility of parole is a sentence of slow death in prison.

Subsequently, the FOP initiated various efforts to stop Abu-Jamal's publications but were defeated by a powerful legal and grassroots battle. Yet the persecution of Abu-Jamal continued including the medical malfeasance that resulted in near death from diabetic shock, a mistreated painful and debilitating skin condition, and the prolonged refusal to treat Abu-Jamal's hepatitis C that has left him with cirrhosis of the liver. Cirrhosis of the liver can certainly develop into cancer and surely imposes a high risk of a much shorter life span. It took sustained international protest and the judge's order that Abu-Jamal be given the hep C cure, and that denying him that cure, was cruel and inhuman punishment, for Abu-Jamal to finally be treated appropriately.

Now, Abu-Jamal has a new legal challenge in the Pennsylvania courts on the grounds that PA Supreme Court Justice Ronald Castille had a conflict of interest when he denied Abu-Jamal's appeals from 1998-2014. The new action is

based on a precedent setting U.S. Supreme Court decision, *Williams v. Pennsylvania*, that a judge who had been personally involved in a critical prosecutorial decision violates the defendant's right to an impartial judicial review if he then gets to rule on the case as a State Supreme Court Justice. Castille was the Philadelphia elected District Attorney during Abu-Jamal's first appeal process, after his conviction and death sentence, from 1986-1991. He was a PA Supreme Court Justice from 1994 to 2014, during which time Abu-Jamal's case came before him multiple times.

Castille was elected DA and then judge with the support of the FOP. He ran for Supreme Court Judge bragging that he put 45 men on death row. Given his pro-police and pro-death penalty positions, there is no doubt that Castille had a significant personal interest in upholding Abu-Jamal's conviction and death sentence. Abu-Jamal made application to Judge Castille to recuse (remove) himself from deciding on his appeals in 1996 and in 2012. Castille denied both requests insisting that he could be fair.

The *Williams* decision began a new legal fight for Abu-Jamal's freedom. Since August 2016 demands have been made for the DA's office to open its files and documents that show Castille's personal interest in Abu-Jamal's case. The DA has alternately stalled, denied the existence of memos and files, and now reluctantly released evidence of Castille's actions to get execution warrants signed against convicted "cop killers." But to date, the DA argues that this is not proof of Castille's direct involvement in Abu-Jamal's case. We demand the full public disclosure of the police and prosecution files. If Abu-Jamal wins this new challenge there will be a new appeal, opening the door for a reversal of his conviction.

Abu-Jamal's fight for hepatitis C treatment resulted in his medical treatment through a federal court ruling that now serves as precedent for prisoners in PA and around the U.S. to obtain treatment. Abu-Jamal's legal challenge against judicial bias in his case is an attack on the prevalence of such bias by criminal court judges. The public release of the state's files prosecuting Abu-Jamal will similarly expose the frame-up against this innocent man and, potentially, of others.

Mumia Abu-Jamal should never have been arrested or convicted. His life is in danger every minute that he remains imprisoned. He cannot be allowed to die in prison from a prison-induced illness or from old age!

We demand: Public disclosure of the police and DA files!

Free Mumia Abu-Jamal Now!!

SIGNERS (LIST IN FORMATION)

Angela Davis

Danny Glover

Kathleen Cleaver, JD, Faculty Emory University Law School

Keith Cook, Mumia's brother, District Director, NC NAACP State Conference

Lewis Gordon, Uconn, professor

Mireille Fanon-Mendes-France, President, Frantz Fanon Foundation, Expert, ex-chair of the UN Working Group on People of African Descent, Human Rights Council, FRANCE

Nelson Maldonado Torres, Rutgers University, professor

Oscar Lopez Rivera, Puerto Rican Nationalist hero, recently released from 35 years of US Federal incarceration

Tariq Ali, Author, GB

Wadiya Jamal, Mumia's wife

NORTH AMERICA COUNTRIES

Alan Benjamin, Editor, The Organizer newspaper

Aleta Alston Toure, New Jim Crow Movement, Jacksonville/ Savannah.

Amanda McCaw, History teacher, Parkway NW HS, School for Peace and Justice

Amina Baraka, Artist, Activist

Ana Vasquez, Potrero Hill Projects Tenant & Family Advocate San Francisco, CA

B. Ross Ashley, Retired hospital worker, member of the SEIU, Executive member of the Toronto-St Paul's Constituency Association of the New Democratic Party, Supporter and Former Member of the Steering Committee of the NDP Socialist Caucus, Member of the Liaison Committee of Trotskyists in Canada. * CANADA

Basyn Hasan, Democratic City Committee Member, Pennsylvania Prison Society

Ben Martin, Payday Men's Network, CANADA

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Bob Mandel, Oakland Teachers for Mumia

Bob Wells, Oakland Teachers for Mumia

Bryan Pfeifer, Wisconsin Bail Out the People Movement

California Coalition for Women Prisoners

Caroline Barker SRN, London, UK

Charles Barron, New York State Assemblymember and Operation POWER, Founder

Cinque Brath, President, Elombe Brath Foundation

Claude Marks - Freedom Archives

Colin "Papa Bear" Neiburger, Peace Day, Asheville, NC

Dan Kaplan, Executive Secretary, San Mateo Community College Federation of Teachers, AFT Local 1493

Demitrus Evans, Esq., The Evans Exoneration Project

Diane Fujino, Professor, University of California, Santa Barbara*

Don Rojas, Journalist, Institute of the Black World

Don Schweitzer, St. Andrews College, Saskatoon, CANADA

Dr. Jay Hanes, Associate Professor, Edinboro University of Pennsylvania

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Dr. Roxanne Dunbar Ortiz, Historian, Author, Professor Emerita, California State University

Ellen Barfield, War Resisters League

Eric Gjertsen, Payday Men's Network, Pennsylvania

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Esebio Halliday, Black Panther Party Volunteer Committee

Estela Vazquez, First Vice President, Local 1199 SEIU (US)

Evan M Fales, Professor Emeritus, Philosophy, University of Iowa

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Food Not Bombs Solidarity

Geoff Hagopian, Professor of Math and Computer Science, College of the Desert

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Georgio Riva, Payday Men's Network

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Greg Ruggiero, Editor, City Lights Books

Haldon C. Sutton, 1st VP, SW Florida, UAW Retired Workers Council
 Harold Wilson, 120th Exonerated PA Death Row Survivor
 Havard Winant, Distinguished Professor, Sociology, University of California, Santa Barbara
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 Heinrich Becker, Chairman of Retired Teachers in
 Howard Kamm, National Association of Blacks for Reparations in America (‘NCOBRA)
 Ian MacDonald, Queens Counsel, Member of the English Bar
 Inez D. Barron, New York City Councilmember and Operation POWER, Founder
 Ira Gladnick, University of California, Santa Barbara
 Ira Gladnick, University of California, Santa Barbara
 J. Curtis McIntosh, MD, Co-chair, CEMOTAP (Committee to Eliminate Media Offensive to African People)
 Jai D. Hudson, President of "Of Royalty" Art Collective
 James Early, Institute for Policy Studies, Board Member
 Jean Halley, Ph.D., Professor of Sociology, College of Staten Island, CUNY, Women and Gender Studies, Graduate Center, CUNY
 Jean Halley, Ph.D., Professor of Sociology, College of Staten Island, CUNY, Women and Gender Studies, Graduate Center, CUNY
 Jeffrey L. Edison, Esq. National Conference of Black Lawyers, Michigan Chapter
 Joan Gibbs, Esq.
 John M Miller, War Resisters League
 John Pietarom Writer, Musician, Cultural Organizer
 Johnnie Stevens, Community Labor, United for Postal Jobs and Services
 Jonathan Keller, Peace Now
 Judith Arnold, R.N., Ph.D.
 Julian Kunnie, First Nations Enforcement Agency
 Julian Kunnie, First Nations Enforcement Agency
 Julie Davis Carran, Westchester Martin Luther King Institute for Nonviolence
 Kara Lynch Associate Professor of Video and Critical Studies, Hampshire College
 Kathe Karlson, VENCEREMOS BRIGADE
 Kim Sparrow, Single Mothers’ Self Defence
 Laura Whitehorn, Former Political Prisoner
 Les Gottesman, Professor Emeritus, Golden State University, San Francisco, California
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 Linda M Thurston, War Resisters League
 Lisa Nicole Spees, Director of Virginians for Judicial Reform
 Lynne Stewart Organization, Ralph Poynter, Co-founder
 Marc Lamont Hill, Author, Professor, Temple University
 Margaret L Seely, Licensed Clinical Social Worker
 Mark Lewis Taylor, Ph.D. Princeton Theological Seminary, Maxwell M. Upson Professor of Theology and Culture, Theology, Religion and Society
 Marta Guthenberg, M.D.
 Marta Guthenberg, M.D.
 Martha Grevatt Trustee UAW Local 869*
 Mechthild Nagel, Ph.D., United Voices of Cortland, NY
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Micki Dickoff, Filmmaker
 Mimi Rosenberg, Esq., Senior Staff Attorney, The Legal Aid Society, Radio Producer, WBAI
 Minister Gregory Muhammad, Nation of Islam, Student Prison Reform Minister, Delaware Valley Region, Philadelphia
 Minnie Bruce Pratt, UAW/National Writers Union 1981*
 Mya Shone, Co-producer, Taking Aim
 Myrna Cherkoss Donahoe, Professor Emeritus, California State University, Dominguez Hills, Chair of Mumia's M.A.Thesis, South West Labor Association.
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 Nambiath Vasudevan, Trade Union Solidarity Committee Mumbai, Continuation Committee of Nancy Adelman, Granny Peace Brigade
 Nancy Lee EXISTENCE IS RESISTANCE
 Naomi Jaffe, NY State Prisoner Justice Network*
 National Jericho Movement
 New Abolitionist Organization, Ralph Poynter and Betty Davis
 Noah De Lissovoy, Associate Professor, Culture Studies in Education, University of Texas, Austin
 Noah De Lissovoy, Associate Professor, Culture Studies in Education, University of Texas, Austin
 Norman Conti, Ph.D., Duquesne University of the Holy Spirit
 Olga I. Sanabria Davila, Committee for PUERTO RICO at the United Nations
 Pancho Valdez, Workers World Party
 Ralph Schoenman, Co-producer, Taking Aim
 RazakhanWali, Nation Time Judicial Research
 Robyn Spencer, Associate Professor, History, Lehman College, City University of NY
 Ron Daniels, President, Institute of the Black World, Professor, York College, CUNY
 Rosemari Mealy, Ph.D., Board Member, IFCO (Interreligious Foundation of Community Organizations)-Pastors for Peace
 Ruth Needleman, Indiana University, Professor Emerita
 Sally Jane Gellert, Occupy Bergen County, NJ, Committees of Correspondence
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 Sam Anderson, Black Left Unity Network
 Sara Catalinotto, UFT Member, Local 2
 Susan Kingsland, War Resisters League
 Tara Tabassi, War Resisters League
 The Northeast Political Prisoner Coalition
 Thomas Dublin, Distinguished Professor Emeritus, SUNY Binghamton
 Thomas Dublin, Distinguished Professor Emeritus, SUNY Binghamton
 Toby Emmer, Director, UAW, Worker-Family Education Program*
 Vanessa Brown, Pennsylvania State Assembly Representative, 190th District
 Workers World Party (US)
 Zaliya Adamu, Student, California State U, East BMicay
 Zayid Mohammad, Artist, Activist

EUROPEAN COUNTRIES

Aline Pailler, journaliste, France
Amadou Gueye, Molecular Biology Applications Specialist, FRANCE
Bettina Wegner, Singer-Songwriter, Berlin, GERMANY
Birgit Gärtner, Journalist, Hamburg, GERMANY
Blas Tristan, Worker, FRANCE
Christian Juhl, Member of Parliament, DENMARK
Daniel Gluckstein, National Secretary, Democratic Independent Workers Party, Member, Continuation Committee, International Workers Committee Against War and Exploitation, FRANCE
Dennis Gallie, retired auto worker, FRANCE
Dhoruba Bin-Wahad, Long time Freedom Fighter, Former Political Prisoner
Diarapha H. Diallo, Just Justice, Tours, FRANCE
Djigui Diarra, Actor/Director/Journalist, FRANCE
Eva Flyvholm, Member Parliament, DENMARK
Finn Sørensen, Member of Parliament, DENMARK
Floren Aoiz Monreal, écrivain, Pays basque
François Gèze, éditeur, France
Genevieve Foulde, Retired Nurse, BDS Militant, FRANCE
Gustav Massiah, économiste, France
Henning Hyllested, Member of Parliament, DENMARK
Holger K. Nielsen, Member of Parliament, Former Minister of Foreign Affairs, DENMARK
HW Schuster, Chairman of the Workers' Commission of the SPD in Dusseldorf, GERMANY
Jakob Sølvhøj, Member of Parliament, DENMARK
Jesper Kiel, Member of Parliament, DENMARK
Johanne Schmidt- Nielsen, Member of Parliament, DENMARK
Leila Noui, Id surol NIL, Education/Art, FRANCE
Magali Bessone, universitaire, France
Maria Reumert Gjerding, Member of Parliament, DENMARK
Mathilda Legitimus, Pan African Working Group of Munich, GERMANY
Matthias B. Lauer, Chairman, Christianity and Social Democracy Committee Austria (ACUS), Member, Federal Party Council, Social Democratic Party of Austria (SPÖ) AUSTRIA
Niaso Tchitchim, Meduim, FRANCE
Nikolaj Villumsen, Member of Parliament, DENMARK
Nordine Saidi, Activist, Decolonize Belgium, Bruxelles Pantheres, BELGIUM
Norman Ajari, professeur, France
Patrick Braouezec, Honorary Member, Parliament, FRANCE
Pelle Dragsted, Member of Parliament, DENMARK
Peter Terryn, Coordinator, Solidarity for All, BELGIUM
Ratsamy Siamnouay, Teacher, THE NETHERLANDS
Rune Lund, Member of Parliament, DENMARK
Sabine Lösing, Member of the European Parliament (MEP), Vice-Chair: Subcommittee on Security and Defence, Member: Committee on Foreign Affairs;Confederate Group of the European United Left - Nordic Green Left & DIE LINKE, GERMANY
Samuel Legitimus, President, James Baldwin Collective, Paris, FRANCE

Samuel Marie-Fanon, expert politique, France
Sara Catalinotto, UFT Member, Local 2
Søren Egge Rasmussen, Member of Parliament, DENMARK
Søren Søndergaard, Member of Parliament, Former member of European Parliament,
DENMARK
Stéphane Knapp, Democratic Independent Worker's Party, National Secretary, FRANCE
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Stine Maiken Brix, Member of Parliament, DENMARK
Trade Union of Science and Education (GEW) in County Hessen, GERMANY
Zorobabel-Laplagne Loïc, Designer, FRANCE

UK and IRELAND

Crissie Blackwell, Sara Callaway, Women of Colour Global Women's Strike (UK)
Michael Kalmanovitz, International Jewish Anti-Zionist Network, UK
Nicola Mann, Women Against Rape, UK
Oscar Guardiola-Rivera, writer, Colombia/UK
Payday in the UK, an international network of men working with the Global Women's Strike,
UK
Sam Weinstein, Payday in the UK
Selma James, Co-coordinator, Global Women's Strike ENGLAND/IRELAND

AFRICAN COUNTRIES

Inchat-Nadmat Saïd Mansoib, activist, Mayotte
Fatma Alloo, Media Women's Association, TANZANIA
Liévin Feliho, Bénin, Soliho chairperson
Gnokhobaye Diouf, Secretary General of the Association Black Farmers, Coordinator of the
Secretariat of the Organization of Pan-Africanists, Representative of International Youth
Workers Committee, SENEGAL
Issa Shivji, Professor-Director of Nyerere Research Center, TANZANIA
Kabwe Zitto, Act Wazalendo Party, TANZANIA
Labor Against Racist Terror, Social Media Project
LALIT, Political party, MAURITIUS
Lindsey Collen, Writer, MAURITIUS
Socialist Azanian Youth Revolutionary Organization SOUTH AFRICA

ASIAN COUNTRIES

International Workers Committee, INDIA

SOUTH AMERICAN AND CARIBBEAN COUNTRIES

Esperanza Martell, 36 Mujeres Para Oscar Lopez Rivera
Hélmer Eduardo Quinones, Consejo Nacional de Paz Afrocolombiano
Lillian Jimenez, Latino Educational Media Center
Lionel Jean Baptiste, Congress to Fortify Haiti
Maria Teresa "Mariposa" Fernandez, Artist, Activist

Yvette Modestin, Afro-Panamanian

AUSTRALIA

Piergiorgio Moro, Labour activist, Melbourne

MUMIA ABU-JAMAL SUPPORT GROUPS, US AND INTERNATIONAL

Amig@s de Mumia de México, MEXICO

Campaign to Free Mumia

Committee to Save Mumia

Educators for Mumia

Free Mumia Abu-Jamal Coalition (NYC)

Free Mumia Network, GERMANY (Free Mumia Berlin, Free Mumia Frankfurt, Free Mumia Heidelberg, and Free Mumia Nurnberg)

French Collective Libérons Mumia (encompassing 100 organizations and municipalities including Paris), FRANCE

International Action Center

International Concerned Family and Friends of Mumia Abu-Jamal

Mobilization to Free Mumia (California)

Oakland Teachers for Mumia

Saint-Denis Mumia Committee

The MOVE Organization

INDIVIDUAL SIGNERS

- Crissie Amiss, London, UK
- Didi Rossi, Community Worker, London, UK
- Droppa Gyorgy, HUNGARY
- Esebio Halliday, Oakland, California
- Georg Neubauer, Nuernberg, GERMANY
- Margaret L Seely, Licensed Clinical Social Worker
- Marta Guthenberg, M.D
- Milla Lippke, Colgne, GERMANY
- Noah De Liss
- Nydia Leaf, Retired Educator

* For identification purposes only

