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Lawrence Krasner

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Sprecherin für Menschenrechtspolitik
der Fraktion DIE LINKE.

Mitglied im Ausschuss für
Menschenrechte und humanitäre Hilfe
Mitglied und Obfrau im
Verteidigungsausschuss

Dear Lawrence Krasner,

The various German governments and the Bundestag have long been following the case of African American journalist Mumia Abu-Jamal who was sentenced to death on May 25, 1983, for the murder of a police officer, Daniel Faulkner. Abu-Jamal spent almost three decades on death row where he was held in solitary confinement until he was released into general population, now serving a sentence of life without the possibility of parole.

We, the undersigned, are aware of serious doubts with regard to Abu-Jamal's murder conviction and in particular with regard to the integrity of his trial. We therefore concur with the conclusion Amnesty International drew in its February 2000 report on the case, namely, "that the

interests of justice [both for Mumia Abu-Jamal and the bereaved family of Officer Daniel Faulkner] would best be served by the granting of a new trial to Mumia Abu-Jamal."

Since the publication of the Amnesty report *A Life in the Balance*, still more troubling facts about Abu-Jamal's trial and conviction have come to light. After the year 2000, a number of authors have published books and articles calling into question whether the two main prosecution eyewitnesses even saw the killing of the officer and whether a confession Abu-Jamal supposedly made in the presence of police officers and security personnel ever happened.

Allegations of prosecutorial racism in jury selection have been made in this case almost from the beginning, and against this backdrop, it is extremely disquieting that in 2001 a court stenographer claimed to have overheard the trial judge say in a rear room on the second day of the trial that he was going to help the prosecution "fry the nigger."



We have learned that fairly recently, in 2018/19, clerks of your own office discovered material in the prosecutors' files that should have been turned over to the defense right after it was produced.

- There was (1) a letter by one of the alleged eyewitnesses mentioned above right after the trial in which he asked the prosecutor for money allegedly owed him; (2) an exchange of letters between judicial authorities in the months after the trial suggesting that the other alleged eyewitness was given preferential treatment on her own criminal charges, and (3) jury selection notes of the prosecutor suggesting that his exclusion of many Blacks from the Abu-Jamal jury was indeed racially motivated.

On March 31, 2023, a judge in Philadelphia found these three points insufficient for a new trial or an evidentiary hearing and her decision is now being appealed.

Given our respect for the separation of powers we refrain from addressing the court or the appeals court in this matter, but we find the court's decision, which was made on the recommendation of your office, deeply regrettable. The three points mentioned above add new doubts to a case whose credibility has by now already become thin. The credibility of the judicial system can only win if it agrees to expose itself to the test of a new trial in order to finally remove all doubts and to establish the true facts, or at least to the test of an evidentiary hearing. We herewith want to politely ask your office to withdraw your opposition to that.

We do not claim to know the truth in this case or whether Abu-Jamal is guilty or not. As we also do not believe in interminable prison sentences, we think that Abu-Jamal should now be a free man by either way, but if he is to be kept in jail anyway, that should be based on a fair trial and a conviction beyond a reasonable doubt. We do not see this here, nor does the OHCHR's Working Group of Experts on People of African Descent (WGEPAD), which has asked for a new trial for Abu-Jamal in an Amicus Brief filed on his behalf in December 2022.

A solution in this case is all the more urgent as Abu-Jamal has now been in jail for more than 41 years and has survived at least two very severe health crises, among them his hepatitis C illness from 2015 to 2017 during which members of the Bundestag also became active and contributed to saving his life (and that of many other prisoners who then got the same medical treatment as he).

His continued incarceration based on an unfair trial and/or an unsound conviction would be a tragedy. Please use your powers to prevent such an outcome.



Sincerely,

Žaklin Nastic

Member of the German Bundestag

Max Lucks

Member of the German Bundestag

Ali Al-Dailami

Member of the German Bundestag

Canan Bayram

Member of the German Bundestag

Sevim Dagdelen

Member of the German Bundestag

Nicole Gohlke

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