

PETITION TO:

UNITED NATIONS
WORKING GROUP ON ARBITRARY DETENTION

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HUMAN RIGHTS COUNCIL
UNITED NATIONS GENERAL ASSEMBLY

In the Matter of
Mumia Abu-Jamal,
Citizen of the United States of America
v.
Commonwealth of Pennsylvania, United States of America

Petition for Relief Pursuant to Resolutions
1991/42, 1997/50, 6/4, 15/18, 20/16, 24/7, 33/30, 42/22, 51/8, and 60/8

Submitted by

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I. IDENTITY

1. **Legal surname:** Abu-Jamal **Family name (at birth):** Cook
2. **Legal first name:** Mumia **Given name (at birth):** Wesley
3. **Sex:** Male
4. **Birth date:** April 24, 1954
5. **Nationality(ies):** United States of America
6. **(a) Identity document number and issuing authority:** Social Security Number 160-44-0728, issued by the United States Social Security Administration
(b) Identity document number and issuing authority: Inmate Number #AM8335, issued by the Pennsylvania Department of Corrections
7. **Profession and/or activity:** Broadcast journalist; PhD Candidate in History of Consciousness at University of California, Santa Cruz; former member of the Black Panther Party, Philadelphia Chapter.

II. ARREST

1. **Date of arrest:** December 9, 1981
2. **Place of arrest:** Corner of 13th and Locust streets in Philadelphia, Pennsylvania, USA
3. **Forces who carried out the arrest:** Philadelphia Police Department
4. **Warrant or decision by public authority:** Mr. Abu-Jamal was arrested by the Philadelphia Police Department. He was convicted of first-degree murder and possessing an instrument of crime in a jury trial presided by Judge Albert Sabo of the Philadelphia Court of Common Pleas on July 2, 1982.

III. DETENTION

1. **Date of detention:** December 9, 1981
2. **Duration of detention:** 44 years, 7 months, and 19 days.
3. **Forces holding the detainee under custody:** The courts of Philadelphia County, Pennsylvania and the Pennsylvania Department of Corrections. Mr. Abu-Jamal was convicted of a criminal offense defined by, and remains detained under authority of, the law of the Commonwealth Pennsylvania.¹
4. **Places of detention:** From 2012 to the present, Mr. Abu-Jamal has been detained at State Correctional Institution (SCI) Mahanoy, a state prison operated by the Commonwealth of Pennsylvania located at 301 Grey Line Drive, Frackville, PA, 17931. He was initially detained pretrial at the Detention Center and Holmesburg Prison, both operated by Philadelphia County, from December of 1981 through May of 1983. He was held in continuous solitary confinement on death row at SCIs Greene and Huntingdon for 28 years from 1983-2011.
5. **Authorities that ordered the detention:** The courts of Philadelphia County, Pennsylvania.
6. **Reasons for the detention imputed by the authorities:** Mr. Abu-Jamal was detained on suspicion of the murder of Philadelphia Police Officer Daniel Faulkner.
7. **Relevant legislation applied (if known):** Mr. Abu-Jamal was convicted of criminal charges of first-degree murder, 18 Pa. C.S. § 2502(a), and possessing instruments of crime, 18 Pa. C.S. § 907. He was sentenced to death. As of 2011, he has been resentenced to a prison term of life without parole, also known as Death By Incarceration (DBI). Life sentences are a mandatory minimum sentence for convictions of first-degree murder in the Commonwealth of Pennsylvania under 18 Pa. C.S. § 1102(a); individuals serving life sentences are excluded from parole consideration by 18 Pa. C.S. § 7137(a).

¹ The United States ratified both the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination with the understanding that each Covenant would be implemented by state and local governments as well as the Federal Government. U.S. reservations, declarations, and understandings, International Covenant on Civil and Political Rights, 138 Cong. Rec. S4781-01 (April 2, 1992), available [here](#); U.S. reservations, declarations, and understandings, International Convention on the Elimination of All Forms of Racial Discrimination, 140 Cong. Rec. S7634-02 (June 24, 1994), available [here](#).

IV. THE CIRCUMSTANCES OF THE ARREST AND DETENTION AND PRECISE REASONS WHY WE CONSIDER THE ARREST OR DETENTION TO BE ARBITRARY

Mumia Abu-Jamal is a grandfather, award-winning broadcast journalist, prolific author, and former Lieutenant of Information for the Philadelphia Chapter of the Black Panther Party. He has devoted his reporting career to supporting Black liberation and exposing brutality and corruption within the police and prison system. On December 9, 1981, he was arrested on suspicion of the murder of a police officer after being shot himself. He has remained detained for over 44 years.

Mr. Abu-Jamal's prosecution, appeals, and post-conviction review processes violated numerous international norms relating to the right to a fair trial, rendering his continued detention arbitrary under the Working Group's Category III.

Mr. Abu-Jamal's mandatory sentence of life without parole (LWOP), also known as Death by Incarceration (DBI), is inherently arbitrary because it is indefinite and contains no meaningful periodic review of necessity or reasonableness; it is also unreasonable as applied to Mr. Abu-Jamal in light of his advanced age, declining health, and the lack of any risk he poses to the public, rendering his continued detention arbitrary under the Working Group's Category I.

Mr. Abu-Jamal has been continuously targeted for his political expression and associations, prior to his arrest, at trial, and over the course of his incarceration and appeals, raising questions as to violations of this Working Group's Category II; his judicial processes and the decades-long repression of his political speech have also been influenced by discrimination on the basis of race, raising questions as to violations of this Working Group's Category V.

A. Mr. Abu-Jamal's Political Activism and Career in Journalism

Mr. Abu-Jamal came of age in a Philadelphia dominated by a notoriously brutal and racist police department.² At a protest of presidential candidate George Wallace in 1968, at the age of fourteen, Mr. Abu-Jamal was kicked in the face by a Philadelphia policeman.³

Mr. Abu-Jamal went on to co-found the Philadelphia chapter of the Black Panther Party in 1969 at the age of fifteen, where he served as Lieutenant of Information and wrote numerous articles for the Party's newspaper. He was transferred from his high school in 1970 in retaliation for organizing a student government campaign and distributing material advocating Black revolutionary student power.⁴ Mr. Abu-Jamal was subjected to intensive surveillance by both the Philadelphia police's Civil Disobedience Unit and the Federal Bureau of Investigation, pursuant to the FBI's Counterintelligence Program (COINTELPRO) initiative to "discredit, disrupt, and destroy" radical Black political organizations.⁵

Throughout the 1970s and early 1980s, Mr. Abu-Jamal pursued a successful career in broadcast journalism. He reported for over a dozen radio and television news stations in Philadelphia, including National Public Radio affiliates. At the time of his arrest, he was serving as president of the Philadelphia Association of Black Journalists. Mr. Abu-Jamal was recognized as a "brilliantly creative news reporter"⁶

² Multiple federal lawsuits throughout the 1970s documented the Philadelphia Police Department's systemic bias against Black Philadelphians and patterns of brutality and excessive force. For one summary, see *Council of Organizations on Phila. Police A. & R. v. Rizzo*, 357 F. Supp. 1289 (E.D. Pa. 1973), available [here](#). In 1979, the United States Department of Justice filed suit against the Philadelphia Police Department for, inter alia, "widespread, arbitrary and unreasonable physical abuse" and "inflicting disproportionate abuse upon black persons and persons of Hispanic origin." *Nation: Cops on Trial*, TIME (Aug. 27, 1979), available [here](#) (quoting Department of Justice complaint).

³ Mumia Abu-Jamal, *Live from Death Row* (Avon Books, 1995), 149-151.

⁴ See *Lee v. School District of Philadelphia*, 51 Pa. D. & C.2d 503 (Pa. Comm. Pl. 1971), on file with undersigned counsel.

⁵ The full underlying FBI files are in the possession of his undersigned attorneys. For an illustrative sample, see Annex II, attached.

⁶ Chuck Stone, *A Disappearing Tape & Free Speech*, Philadelphia Daily News (June 20, 1975), 10, available [here](#).

for his in-depth coverage of marginalized communities, including back-to-nature Black radical organization MOVE.⁷

B. The Circumstances of Mr. Abu-Jamal's Arrest on December 9, 1981

On December 9, 1981, at approximately 3:55 AM, Philadelphia Police Officer Daniel Faulkner pulled over Mr. Abu-Jamal's brother William Cook in a traffic stop on the corner of 13th and Locust streets. Several clubs in the area were in the process of closing and sending their patrons out onto the street. Officer Faulkner placed a call on his radio for assistance and a police wagon.⁸ Cook exited his vehicle. Witnesses later testified that William Cook punched Officer Faulkner, and/or that Officer Faulkner beat William Cook with a blackjack or flashlight.⁹

Mr. Abu-Jamal was in his cab across the street on the northwest corner of 13th and Locust.¹⁰ Witnessing the confrontation, he ran across the street toward Cook and Faulkner. Within minutes, when police backup arrived, Officer Faulkner was lying on the street with gunshot wounds to the back right shoulder and face. Mr. Abu-Jamal was slumped on the curb with a gunshot wound to the chest. Officer Faulkner passed away from his injuries within hours. Mr. Abu-Jamal was accused of shooting Officer Faulkner and later charged with murder.

One of the first responding officers later testified to kicking Mr. Abu-Jamal in the throat and face.¹¹ Several other officers testified to picking Mr. Abu-Jamal up, running his head into a pole, and dropping him such that his face hit the ground.¹² Police transported Mr. Abu-Jamal to a hospital. Mr. Abu-Jamal's treating physician later testified that he arrived in critical condition, having lost one-fifth or more of his blood volume.¹³ He had a gunshot to the right chest that had passed through his diaphragm and liver; a four-centimeter laceration on his forehead; a laceration of the left lower lip; and swelling over the left eye, his right-side neck, and his chin.¹⁴ Mr. Abu-Jamal filed a complaint with the Police Department in early 1982 alleging that police had beaten him. The District Attorney's office dismissed the complaint.¹⁵

C. Violation of International Norms during Mr. Abu-Jamal's Trial

Mr. Abu-Jamal's criminal trial violated multiple international norms protecting the right to a fair trial, rendering his detention arbitrary under Category III. For a comprehensive account of Mr. Abu-Jamal's trial and appellate process through 2000 concluding that "the proceedings used to convict and sentence Mumia Abu-Jamal to death were in violation of minimum international standards," see Amnesty

⁷ In 1978, police constructed barricades around the MOVE group's home, launching a 56-day siege; on the final day, police surrounded the home with tear gas and machine guns, caved in portions of the home with heavy machinery, and flooded the basement with 250,000 gallons of water. Shooting broke out, one police officer was fatally wounded, and nine MOVE members were sentenced to 30 to 100 years in state prison apiece. Ryan Keating, *Remembering the 1978 Powelton Village MOVE Shootout* (May 16, 2025), available [here](#). In 1985, the Philadelphia Police Department dropped a bomb on the MOVE home, killing six adults and five children and destroying over sixty homes. Ali Rogin et al., *The Largely Forgotten History of Philadelphia's Police Bombing of Black Organization MOVE*, PBS (May 17, 2025), available [here](#).

⁸ Testimony of Reginald Thompson (police dispatcher), 6/19/82 at 3.105-106.

⁹ See, e.g. testimony of Michael Scanlan, 6/25/82 at 8.10-11. William Cook was subsequently prosecuted for assault, but never for murder. He had blood on his hand and a cut behind his left ear when other police arrived on Dec. 9, 1981. See testimony of Officer Forbes, 6/19/82 at 3.167; Officer McGurk, 6/30/82 at 12.54; Detective Thomas, 6/26/82 at 9.118.

¹⁰ Police impounded Mr. Abu-Jamal's taxicab and seized its contents, which included press credentials for the years 1976-1981; six reporter notebooks; six canisters of 35-millimeter color film; thirteen audio cassettes; a tape recorder; and a microphone at the time of his arrest. N.T. 1/20/82 at 2-8.

¹¹ Testimony of Officer Shoemaker, 6/19/82 at 3.116.

¹² Testimony of Officer Soboloski, 6/19/82 at 3.179-180 ("during the course of taking him to the wagon we accidentally ran into a pole;" "Q: His head made contact with that pole; is that correct? A: Yes. As a result of that he came down and hit his face on the ground."); see also testimony of Officer McGurk, 6/3/82 at 12 ("Q: Did you run my head into a pole, you and Officer Soboloski? A: Yes.").

¹³ Testimony of Dr. Coletta, 6/28/82 at 10.68, 77.

¹⁴ Testimony of Dr. Coletta, 6/28/82 at 10.53-77.

¹⁵ Statement of prosecuting District Attorney McGill, 6/24/82 at 7.170-172.

International, “USA: A Life in the Balance: The Case of Mumia Abu-Jamal” AMR 51/01/00 (2000), available [here](#).

i. Lack of an Independent and Impartial Tribunal

Mr. Abu-Jamal did not receive the fair and public hearing by an independent and impartial tribunal required under ICCPR Art. 14(a), UDHR Art. 10, and ICERD Art. 5(a). His trial was overseen by a notoriously biased judge. His case was ultimately decided by a jury from which Black members had been almost completely excluded by the prosecution, with two members who had openly expressed that they could not be fair or impartial.

Judge Albert Sabo of the Philadelphia Court of Common Pleas presided over Mr. Abu-Jamal’s criminal trial in 1982. In 1983, over a third of lawyers polled by the Philadelphia Bar Association considered Judge Sabo unqualified to serve as judge.¹⁶ By 1992, Judge Sabo had presided over 31 cases in which the defendant was sentenced to death – more than any other judge in Philadelphia, and possibly the country.¹⁷ All but two of these 31 individuals were members of racial or ethnic minorities.¹⁸ A Philadelphia court stenographer later signed an affidavit that she overheard Judge Sabo, while discussing the case of Mumia Abu-Jamal in mid-1982, state that “I’m going to help them fry the nigger.”¹⁹

Mr. Abu-Jamal’s trial was one of the most explosive news events of late 1981 and early 1982.²⁰ News that Mr. Abu-Jamal had been charged with murder was a front-page story in Philadelphia’s major periodicals within twenty-four hours of the shootings.²¹ Police made several claims to the papers that were never substantiated at trial, including that Mr. Abu-Jamal’s legally-owned weapon was a conclusive match to the bullets that killed Officer Faulkner and that four eyewitnesses “told police they saw Jamal fire repeatedly at the officer.”²² Multiple newspapers referenced Mr. Abu-Jamal’s history with the Black Panther Party, with several republishing an instance in 1970 in which he had criticized police murders of BPP members by incorporating a quote from Mao Zedong (“Black people are facing the reality that the Black Panther Party has been facing: political power grows out of the barrel of a gun”).²³ Within days of

¹⁶ Fredric N. Tulskey, *Phila. Bar may change how judges are evaluated*, Philadelphia Inquirer (Oct. 5, 1983), 6-B, available [here](#).

¹⁷ Fredric N. Tulskey, *What Price Justice?*, Philadelphia Inquirer (Sep. 13, 1992), A19, available [here](#); AMR 51/01/00 at 7.

¹⁸ AMR 51/01/00 at 7.

¹⁹ Declaration of Terri Maurer-Carter (Aug. 21, 2001); *Com. v. Abu-Jamal*, 574 Pa. 724, 735 (Pa. 2003). Compare Committee on the Elimination of Racial Discrimination (CERD), *General recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system*, 60 U.N. GAOR Supp. (No. 18) at 98, A/60/18, (2005), ¶ 460, available [here](#).

²⁰ *Contra Hum. Rts. Comm.*, General Comment No. 32, U.N. Doc CCPR/C/GC/32 (2007), ¶ 25, available [here](#) (“A hearing is not fair if, for instance, the defendant in criminal proceedings is faced with the expression of a hostile attitude from the public.”)

²¹ Robert J. Terry, Michael A. Hobbs and Marc Schogol, *Policeman shot to death; radio newsman charged*, Philadelphia Inquirer (Dec. 10, 1981), 1, available [here](#); *Newsman Charged In Officer’s Slaying*, Philadelphia Daily News (Dec. 9, 1981), 1, available [here](#).

²² Terry et al., *Policeman shot to death*, *supra* n. 21 (“Jamal had a .38-caliber revolver ... Police said it was that revolver that was used to shoot Faulkner”) and *Witnesses Identify Suspect*, Philadelphia Daily News (Dec. 10, 1981), 3, available [here](#). At trial, the prosecutor’s ballisticsian was unable to reach a conclusion as to a match between the bullets and Mr. Abu-Jamal’s gun. *Bail Cut for Brother of Suspect in Cop-Killing*, Philadelphia Daily News (Dec. 11, 1981), 30, available [here](#). At trial, only two witnesses identified Mr. Abu-Jamal and claimed to have seen the shooting; both had powerful reasons to manufacture testimony and curry favor with police and prosecutors. Compare U.N. Working Group on Arbitrary Detention (hereafter “WGAD”), *Opinion No. 89/2018 concerning Alexey Pichugin (Russian Federation)* (adopted Nov. 23, 2018), A/HRC/WGAD/2018/89, ¶ 79, available [here](#) (government failed to respect presumption of innocence under UDHR Art. 11(1) and ICCPR Art. 14(2) where a public official made a public statement “claiming irrefutable evidence of [the detained person’s] guilt”).

²³ As described below, prosecutor Joseph McGill was aware of both the politicized media landscape and this particular published statement, and he would introduce it to the jury to assist in sentencing Mr. Abu-Jamal to death. Terry E. Johnson and Michael A. Hobbs, *The suspect: One who raised his voice*, Philadelphia Inquirer (Dec. 10, 1981), 1-A, 22, available [here](#); *The Accused*, Philadelphia Daily News (Dec. 10, 1981), 4, available [here](#); for the full original quotation, see Acel Moore, *Protest Killings by Police: Headquarters Cold, But Issues Are Hot For Black Panthers*, Philadelphia Inquirer (Jan. 4, 1970), available [here](#).

the shootings, local radio talk shows were fielding callers who “want to lynch the man who calls himself Mumia Abu-Jamal.”²⁴

In the United States, criminal defendants are entitled to a trial by jury. A panel of twelve jurors decides questions of fact and ultimately reach a verdict as to guilt or innocence. In death penalty cases, jurors also decide whether to sentence a defendant to death.

All but one of the individuals who eventually served on Mr. Abu-Jamal’s jury had been exposed to news media about the case.²⁵ One juror answered “no” to a question as to whether he could “objectively determine the facts in this case,” then directly stated “I don’t think I could be fair to both sides” after his exposure to the media coverage.²⁶ Judge Sabo denied the defense’s challenge to this juror. Another juror answered “yes” to questions as to whether he “could not give [this defendant] a fair and impartial trial” or “could not be a fair juror because of your feelings,” because his close friend was a police officer who had been shot in the line of duty.²⁷

ii. Racial Discrimination at Trial

In Philadelphia murder trials, the prosecution and the defense are permitted twenty “peremptory” challenges to dismiss a juror without a stated reason. Both sides are allowed unlimited challenges “for cause.” The prosecutor in a capital case is permitted to dismiss jurors “for cause” if they express a fixed opposition to the death penalty. By the time of Mr. Abu-Jamal’s trial, it was well known that for-cause challenges based on opposition to death penalty excluded a disproportionate number of Black jurors.²⁸ Both the Pennsylvania Supreme Court and the federal court of the Eastern District of Pennsylvania noted this systemic disproportionality in their review of Mr. Abu-Jamal’s case.²⁹ However, state action that produces an effect of systemic racial discrimination without individual, invidious intent is permissible under American law, even as it is prohibited under the ICERD.³⁰

Prosecuting attorney Joseph McGill dismissed two dozen jurors based on their opposition to the death penalty. The actual number of Black jurors excluded for this reason is not ascertainable from the trial record. Mr. Abu-Jamal and his trial attorney had attempted to distribute a questionnaire to jurors that would have created a complete record of each juror’s self-identified race. Pre-trial municipal judge Paul Ribner denied this request, stating he was “not going to let you turn this into a political or racial thing.”³¹

²⁴ Dorothy Storck, *A killing put in perspective*, Philadelphia Inquirer (Dec. 13, 1981), 1, available [here](#).

²⁵ 6/9/82 at 191-197; 6/10/82 at 80-91, 137-145, 153-167, 207-218; 6/11/82 at 94-101, 115-124; 6/15/82 at 123-132, 234-247; 6/16/82 at 298-313, 381-413.

²⁶ 6/16/82 at 384-395.

²⁷ 6/15/82 at 15, 236. Mr. Abu-Jamal had been removed from self-representation at this point in the trial. His attorney did not attempt to object to this juror for cause, and did not exercise a peremptory strike.

²⁸ See 6/15/82 at 65 (Attorney Jackson stating “blacks by and large will exclude themselves, because of their views on capital punishment.”); see also *Fatal Flaws: Revealing the Racial and Religious Gerrymandering of the Capital Jury*, American Civil Liberties Union (June 24, 2025), available [here](#).

²⁹ Questions about fixed opposition to the death penalty leading to a prosecutor’s challenge for cause are known as the “*Witherspoon* inquiry” after the case *Witherspoon v. Illinois*, 391 U.S. 510 (1968). See *Com. v. Abu-Jamal*, 521 Pa. 188, 198 (1989), available [here](#) (“The ultimate composition of the jury is affected ... by challenges for cause (more acute in capital cases because of the *Witherspoon* inquiry)”; *Abu-Jamal v. Horn*, No. 99-5089, 2001 WL 1609690 at *105 n. 71 (E.D. Pa. Dec. 18, 2001), available [here](#) (“Even petitioner’s counsel conceded at trial that more black venirepersons than white venirepersons would be excused for cause because of their responses to the *Witherspoon* question.”))

³⁰ UDHR Art. 2, 7; ICCPR Art. 26. The ICERD recognizes both direct and indirect discrimination, and obliges states to “amend, rescind, or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists.” Art. 2(1)(c). For commentary on jury trials, see CERD General Recommendation No. XXXI, ¶ 31; Report of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement (EMLER), *Systemic racism against Africans and people of African descent in the criminal justice system*, A/HRC/60/75 (Sep. 9, 2025), ¶ 35, available [here](#); *Narrainen v. Norway*, CERD Comm. No. 3/1991, U.N. Doc. A/49/18 at 128 (1994), ¶ 9.2, available [here](#).

³¹ 3/18/82 at 11-15. Judge Sabo again denied the request to distribute a questionnaire. 6/4/82 at 4.123-137. The contents of the proposed questionnaire, including question “what is your race,” is discussed on 6/7/82 at 15-50, 17.

Prosecutor McGill objected to allowing Mr. Abu-Jamal to ask jurors their race for the record, arguing that it was “unnecessary,” “irrelevant,” and “kind of ridiculous.”³² His own notes from jury selection, only turned over to defense counsel in 2019, showed that he had been marking Black jurors’ names with a “B” corresponding to their race.³³ McGill exercised at least 10 peremptory strikes to remove Black jurors acceptable to the defense.³⁴

McGill’s strikes were part of a systematic pattern of racial discrimination in jury selection by Philadelphia prosecutors. Between 1981 and 1997, Philadelphia prosecutors struck 51% of prospective Black jurors but only 26% of prospective non-Black jurors from capital juries.³⁵ After the United States Supreme Court ruled in 1986 that racial discrimination in jury selection could be proven through evidence from an individual trial, the Philadelphia District Attorney’s Office held a training on how to keep African Americans off of juries while avoiding legal scrutiny.³⁶

The jury in Mr. Abu-Jamal’s trial was “sequestered,” meaning that they were housed in a hotel in order to prevent them from speaking with family or consuming media coverage during the trial. On the second day of trial, Judge Sabo dismissed the only Black juror personally selected by Mr. Abu-Jamal because she had gone home to take her sick cat to the veterinarian, in violation of the sequestration order. Judge Sabo had denied her the opportunity to leave with an escort, despite offering other jurors court staff escort for personal conflicts.³⁷ Having been removed as counsel the day before, Mr. Abu-Jamal was absent for this decision. Judge Sabo replaced this juror with the white alternate who had stated he did not think he could be fair to both sides.³⁸ The result was a final panel in which only two of 12 jurors were Black,³⁹ in a county comprised of approximately 37.8% Black people.⁴⁰

iii. Deprivation of Right to Self-Representation

³² 6/7/82 at 17-19.

³³ Mr. Abu-Jamal’s attorneys were not provided access to these notes until 2018. For further detail on discovery of these notes and Mr. Abu-Jamal’s unsuccessful attempt to seek a new trial on the basis of these notes, see the Annex to this Petition, *infra*.

³⁴ The race of eight of these struck Black jurors was recorded in the trial record. 6/7/82 at 121-163; 6/8/82 at 78-86; 6/10/82 at 72-80, 237; 6/11/82 at 115; 6/15/82 at 56, 179-180, 233. In post-conviction proceedings, Mr. Abu-Jamal’s attorneys established that two more jurors peremptorily struck by McGill were Black. *See Com. v. Cook a/k/a Abu-Jamal*, 30 Phila Co. Rptr. 1, 1995 WL 1315980 (Pa. Com. Pl. 1995), *103, ¶¶ 141-142, available [here](#).

³⁵ Baldus, Woodworth, Zuckerman, Weiner, & Broffitt, The Use of Peremptory Challenges in Capital Murder Trials: A Legal and Empirical Analysis, 3 U. Pa. J. Const. L. 3, 52–53, 73 (2001), available [here](#) (cited in *Miller-El v. Dretke*, 545 U.S. 231, 268 (2005) (Breyer, J., concurring), available [here](#)).

³⁶ In the tape-recording training session, Philadelphia prosecutor Jack McMahon stated that the stated purpose of voir dire “to get a competent, fair, and impartial jury” was “ridiculous;” that “it may appear as if you’re being racist or whatnot, but, again, you are just being realistic;” and that “in my experience, black women, young black women are very bad.” *Abu-Jamal v. Horn*, 520 F.3d 272, 309 n.37 (3d. Cir. 2008) (Ambro, J., dissenting in part), available [here](#). The Third Circuit had previously found that “McMahon leaves no doubt that he had developed the techniques he advocates over the course of his career.” *Wilson v. Beard*, 426 F.3d 653, 669 (3d Cir. 2005), available [here](#). McMahon had worked at the Philadelphia DA office since 1978. *Id.*

³⁷ 6/18/82 at 2.35-47 (dismissal, in which Judge Sabo also describes the juror as a “mental case”); 6/17/82 at 1.5 (discussing court escort for other juror’s settlement); 6/22/82 at 5.245 (discussing court escort for other juror’s civil service examination).

³⁸ 6/16/82 at 413; 6/18/82 at 2.87.

³⁹ *See Com. v. Abu-Jamal*, 521 Pa. 188, 195, 555 A.2d 846, 849 (Pa. 1989), available [here](#).

⁴⁰ *1980 Census of Population and Housing: Census Tracts – Philadelphia, PA.-N.J.*, U.S. Department of Commerce: Bureau of the Census (1983), available [here](#); P-172, Table P-7 (“Race and Spanish Origin: 1980”) (638,878 of 1,688,210 in Philadelphia County, excluding those of Spanish origin).

Attorney Anthony Jackson was appointed to represent Mr. Abu-Jamal on December 15, 1981. Mr. Abu-Jamal sought to represent himself in court, a right protected by the Sixth Amendment to the United States Constitution and ICCPR Art. 14(3)(d).⁴¹

When his trial officially began, Mr. Abu-Jamal was granted self-representation (“pro se”) status by Judge Sabo.⁴² Judge Sabo instructed Attorney Jackson to serve as “back-up counsel.” Jackson strenuously objected, as he had never served in “back-up” capacity, was uncertain of what was required of him, and requested to be removed. This request was denied.

Mr. Abu-Jamal represented himself over two days of jury selection. He questioned 23 jurors, dismissed four, successfully defeated the prosecutor’s improper challenge to one juror, and selected one juror to serve at his trial.⁴³ Judge Sabo then stripped Mr. Abu-Jamal of his right to represent himself, on the basis that he was “inexperienced” and “slow” and “these venire [the panel of prospective jurors] people have been rather unnerved or upset.”⁴⁴ Amnesty International’s independent review of the record “found no justifiable reason” for this decision.⁴⁵ Mr. Abu-Jamal instructed Attorney Jackson not to participate in the jury selection proceedings. Judge Sabo threatened to hold Jackson in criminal contempt of court and sentence him to State prison for six months, then personally took over the questioning process until Mr. Abu-Jamal agreed to have Attorney Jackson participate.⁴⁶

On the first day of the trial proper, Mr. Abu-Jamal was reinstated as his own counsel. Mr. Abu-Jamal requested that John Africa, the spiritual leader of MOVE, be permitted to serve as his lawyer or advisor seated at counsel table. Judge Sabo denied these requests.⁴⁷ Attorney Jackson again requested to withdraw, noting that he would seek an opinion from the Supreme Court of Pennsylvania. Judge Sabo stated “well, if you’re asking me to remove him, I’ll remove him. I’ll make it easy for you.”⁴⁸ Jackson clarified that he was not asking the court to remove Mr. Abu-Jamal. Judge Sabo entered an order that Mr. Abu-Jamal had “deliberately disrupted the orderly progression of this trial,” removed him as counsel, and re-appointed Jackson.⁴⁹

The following day, Mr. Abu-Jamal continued to protest the court’s orders. Judge Sabo ordered him removed from the courtroom. Two of Mr. Abu-Jamal’s brothers protested the judge’s orders from the audience. Judge Sabo summarily convicted both brothers of contempt and sentenced them to 60 days in prison.⁵⁰ Mr. Abu-Jamal continued to protest, demand his right of self-representation, request John Africa as counsel, or question particular witnesses at various points throughout his trial. When he did so, Judge Sabo removed Mr. Abu-Jamal from the courtroom. He was thus tried *in absentia* for several critical portions of trial.

iv. Deprivation of Adequate Time and Facilities for Defense and the Right to Obtain the Attendance and Examination of Witnesses

⁴¹ CCPR/C/GC/32, ¶ 37 (under ICCPR 14(3)(d), “any restriction of the wish of accused persons to defend themselves must have an objective and sufficiently serious purpose and not go beyond what is necessarily to uphold the interests of justice;”) *Faretta v. California*, 422 U.S. 806 (1975), available [here](#).

⁴² 6/1/82 at 36-37.

⁴³ 6/7/82 at 121-189; 6/8/82.

⁴⁴ 6/9/82 at 17.

⁴⁵ AMR 51/01/00, 12.

⁴⁶ 6/9/82 at 21, 106.

⁴⁷ 6/17/82 at 1.49-1.52. While Pennsylvania law does restrict the role of formal legal counsel to licensed attorneys, which John Africa was not, there was no legal prohibition to a non-lawyer being seated at the table with a self-represented person or providing lay assistance. Attorney McGill himself had a non-lawyer police officer seated at his counsel table for much of the jury selection process. 6/11/82 at 212.

⁴⁸ 6/17/82 at 1.117-118.

⁴⁹ An immediate appeal was taken to a single member of the Supreme Court of Pennsylvania, who ruled that John Africa could not serve as counsel and that Jackson could be appointed against Mr. Abu-Jamal’s wishes.

⁵⁰ N.T. 6/18/82 at 2.90-91.

Mr. Abu-Jamal's right "to have adequate time and facilities for the preparation of his defence" protected by ICCPR 14(3)(b) was severely impacted by systemic deficiencies in Philadelphia's system of capital defense.

Philadelphia policy at the time of Mr. Abu-Jamal's trial afforded capital defendants a base amount of \$150 dollars to retain expert witness assistance. Mr. Jackson sought to retain a forensic pathologist, a ballistics expert, a professional photographer, and a private investigator. While he was authorized to receive the base \$150 fee, neither the forensic pathologist nor the ballistics expert would agree to complete a full investigation or testify at trial without complete advance payment. Mr. Jackson repeatedly sought advance payments for these experts from the court, but his requests were denied.⁵¹ The trial proceeded without defense testimony on forensic pathology or ballistics.

Mr. Abu-Jamal's right to "examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him" was repeatedly violated at his trial, violating ICCPR Art. 14(3)(e).

Under the policy of the Philadelphia District Attorney's office at the time, witness statements were turned over to defense counsel in homicide cases with contact information redacted. Neither Mr. Abu-Jamal nor his counsel were able to contact witnesses interviewed by police without the assistance of the District Attorney.⁵²

The prosecution's case against Mr. Abu-Jamal rested primarily on two eyewitnesses.⁵³ The first, Robert Chobert, claimed to have been driving a taxi in the area, pulled his car up behind Officer Faulkner's car, and witnessed Mr. Abu-Jamal run across the street and shoot Officer Faulkner. None of the other witnesses at trial remembered seeing a vehicle behind Officer Faulkner's.⁵⁴ Chobert's first statement to police claimed the shooter was about 225 pounds, and that he saw the shooter run thirty feet.⁵⁵ Mr. Abu-Jamal weighed closer to 180 pounds, and was found slumped on the ground less than ten feet from Officer Faulkner. At the time of the shootings Mr. Chobert was on probation for arson, having thrown a Molotov cocktail into an elementary school for pay, and his drivers' license had been suspended.⁵⁶ Despite his apparent bias to curry favor with police, Judge Sabo did not permit cross-examination into his criminal

⁵¹ See N.T. 1/20/82 at 40-41; 3/18/82 at 6-10; 4/1/82 at 9-12; 4/29/82 at 10-13. This claim was litigated in Mr. Abu-Jamal's first post-conviction proceedings, when the Commonwealth elicited testimony from Mr. Jackson that these experts eventually received additional payment for their limited investigative efforts after the conclusion of trial. The systematic deficiency of this low basic rate of pay and refusal to provide standard advance payment was not considered by the courts. See Death Penalty Information Center, *Justice on the Cheap: The Philadelphia Story* (May 1, 1992), available [here](#) ("So little money is available for expert witnesses ... that many of the most qualified and respected in those professions refuse to provide their services under those conditions"); *Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System* (March 4, 2003) at 184-185, available [here](#) (concluding that "indigent defense receives inadequate resources to provide adequate representation" and "the lack of resources also prevents defense counsel from hiring experts").

⁵² See 6/2/1982 at 132; 6/30/82 at 12.10.

⁵³ While there were two additional eyewitnesses who testified at Mr. Abu-Jamal's trial, neither testified that they had seen Mr. Abu-Jamal shooting the police officer. Albert Magilton testified that he saw Mr. Abu-Jamal running across the street, lost sight of him, and then heard shots. 6/25/82 at 8.75-112. Michael Scanlan testified that he saw a man running across the street, and then saw a man shooting the police officer, but was unable to identify Mr. Abu-Jamal. 6/25/82 at 8.4-75. Mr. Abu-Jamal's legally owned and registered firearm, which he purchased for self-protection as a part-time cab driver, was recovered from the scene of the shootings. The prosecution's ballistics expert was unable to conclude that the bullet that killed Officer Faulkner came from Mr. Abu-Jamal's gun. The prosecution's ballistics expert did conclude that Officer Faulkner's gun had fired the bullet lodged in Mr. Abu-Jamal. 6/23/82 at 6.75-115.

⁵⁴ Images captured taken by local photographer Pedro P. Polakoff III shortly after the shooting on December 9, 1981, available [here](#), also show that there is no taxicab located behind Officer Faulkner's car.

⁵⁵ 6/18/82 at 3.234-237; see also 6/1/82 at 70 (pretrial testimony of a police inspector claiming to have spoken to a white cab driver [Chobert] who "stated that the man that shot the policeman ran away" but that he was a MOVE member because of the "funny hair" [dreadlocks.] The police inspector then took Mr. Chobert to a police wagon containing Mr. Abu-Jamal, who had dreadlocks, and Mr. Chobert identified Mr. Abu-Jamal.)

⁵⁶ 6/18/82 at 3.216-222; 8/15/95 at 5.

record. With this testimony barred, prosecuting attorney McGill argued in closing to the jury that Chobert had no motivation to lie.⁵⁷

Shortly after trial, Mr. Chobert wrote a letter to prosecuting attorney DA McGill stating “Mr. McGill, I have been calling you to find out about the money own to me. So here is a letter, finding out about money. Do you need me to sign anything. How long will it take to get it. How was your week off good I hope.”⁵⁸ Mr. Abu-Jamal’s attorneys were not given access to this letter until 2018. The jury at Mr. Abu-Jamal’s trial was never made aware of any suggestion that Mr. Chobert expected to be paid.

The second eyewitness, Cynthia White, claimed to have been standing on the corner and to have seen Mr. Abu-Jamal shoot Officer Faulkner. Ms. White had been arrested over 30 times for prostitution, and had three open cases at the time of her testimony in Mr. Abu-Jamal’s case. Attorney McGill asked her before the jury whether she had received “any kind of arrangement or deal by the District Attorney’s office in connection with those particular cases that are outstanding,” and her answer was “no.”⁵⁹

Mr. Abu-Jamal’s counsel called a witness named Veronica Jones to rebut the ostensible eyewitness Cynthia White. Ms. Jones was also a sex worker and knew Ms. White. Ms. Jones’s initial statement to police provided that she was on the scene and saw two men jogging away. While the police had interviewed Ms. Jones multiple times prior to trial, Mr. Abu-Jamal’s counsel had never spoken to her before the day of her testimony in court. Ms. Jones first testified, in direct contradiction to her prior statement to police, that she had not seen anyone running away. On further questioning, she revealed that she, and perhaps Cynthia White, had been pressured by police and offered leniency to lie: police were “getting on me telling me I was in the area and I seen Mumia, you know, do it, intentionally. They were trying to get me to say something that the other girl said ... It more so came about when we had brought up Cynthia’s name and they told us we can work the area if we tell them.”⁶⁰

Judge Sabo called for a sidebar and instructed Mr. Abu-Jamal’s counsel to limit his questioning to “one purpose and that is what she saw that night.” Mr. Jackson interviewed Ms. Jones during a recess, then relayed the substance of Ms. Jones’ account to the Court out of the presence of the jury – that she had been “picked up by uniformed officers who took her ... aside and said ‘Look, we will let you work the street and we will do you just like we have done Lucky.’ Lucky is Cynthia White’s name.” Judge Sabo disallowed any further questioning into the police’s offer of leniency to either Ms. Jones or Ms. White, holding that “it is not relevant to this case.”⁶¹

The prosecution also called two witnesses who claimed to have heard Mr. Abu-Jamal confess to the shooting. Neither of these witnesses came forward until several months after December 9, 1981, and only after Mr. Abu-Jamal filed his complaint against the police department alleging that he was beaten by police the night of his arrest. Hospital security guard Priscilla Durham claimed that Mr. Abu-Jamal had stated “I shot the mother fucker and I hope the mother fucker dies.” Her allegation was not lodged with the police department until February 9, 1982. She claimed at trial to have told her hospital supervisor about this confession in December of 1981 and recorded it in a handwritten note. The prosecution

⁵⁷ 7/1/82 at 13.181.

⁵⁸ For further detail on the discovery of this letter and Mr. Abu-Jamal’s unsuccessful attempt to seek a new trial on the basis of the letter, see the Annex to this Petition, *infra*.

⁵⁹ 6/21/82 at 2. Shortly after Mr. Abu-Jamal’s trial, a Philadelphia district attorney supervising Cynthia White’s prostitution cases wrote a memorandum to the attorney prosecuting her. The supervisor noted that “There is no objection to a plea being agreed upon for these three cases,” reminded the prosecutor that “this defendant was the witness in the recent police shooting case tried by Joe McGill,” and instructed the prosecutor to “please see him [Joseph McGill] and discuss this case” before reaching a plea agreement. For further detail on discovery of this memorandum in Mr. Abu-Jamal’s case files and Mr. Abu-Jamal’s unsuccessful attempt to seek a new trial on the basis of the memorandum, see the Annex to this Petition, *infra*.

⁶⁰ 6/29/82 at 11.129, 135-136.

⁶¹ 6/29/82 at 11.138-141; compare WGAD Opinion No. 3/2024 concerning Aleksandr Bialiatiski (Belarus) (adopted March 18, 2024), U.N. Doc. A/HRC/WGAD/2024/3, ¶ 105, available [here](#) (inability to cross-examine witnesses a denial of equality of arms in violation of ICCPR Art. 14(3)(e)).

attempted to introduce a *typewritten* note documenting the alleged confession; when Mr. Jamal’s counsel objected that this was inconsistent with her testimony, Judge Sabo allowed this typewritten statement into evidence, speculating that “she gave a handwritten statement and they took the handwritten statement and typed this ... You can’t assume that they didn’t.”⁶² Officer Gary Bell, Officer Faulkner’s partner, claimed to have heard Mr. Jamal make the same comment; he did not come forward with this claim until February 25, 1982.⁶³

Mr. Abu-Jamal’s counsel attempted to call an additional police officer to rebut this “confession” testimony. This officer, Gary Wakshul, had been with Mr. Jamal from the scene of the shootings through his time at the hospital, and wrote a contemporaneous police investigation note relaying that “the negro male made no comments.”⁶⁴ The prosecution claimed that Officer Wakshul was on vacation, despite a note on his investigation report instructing him to take “no vac.” Judge Sabo refused to issue a subpoena for Wakshul to appear, telling Mr. Abu-Jamal that “your attorney and you goofed.”⁶⁵ The trial proceeded without Wakshul’s testimony.

v. Prosecution’s Reliance on Political Thought, Expression, and Association

The prosecution at Mr. Abu-Jamal’s trial relied heavily on the political thought, expression, and association of both Mr. Abu-Jamal and his character witnesses to ensure conviction and a death sentence.⁶⁶

Prosecutor McGill was fully aware of the extent of the highly politicized press coverage around the case, including multiple reports that Mr. Abu-Jamal was a former Black Panther and a supporter of MOVE.⁶⁷ McGill cross-examined multiple character witnesses testifying to Mr. Abu-Jamal’s positive reputation as to whether “the sources of your information [was] newspapers,” “newspaper articles, or authors, or ... newspaper reporters in various news media,” or “any kind of published statement he made about anything at all about his beliefs.”⁶⁸ He cross-examined several more character witnesses about their awareness of “organizations [Mr. Abu-Jamal] has been associated with” and “associations he has been involved in.”⁶⁹ Mr. Abu-Jamal’s first character witness was university professor Sonia Sanchez, who had written a foreword to the memoir of political prisoner Assata Shakur, formerly known as Joanne Chesimard. The prosecution questioned Sanchez extensively about her writings that “deal with convicted police killer Judy Chesmar [sic]” and whether Sanchez was “in sympathy with her position.”⁷⁰

At Mr. Abu-Jamal’s sentencing phase, he gave a statement protesting mistreatment over the course of his trial and asserting his innocence. Prosecutor McGill was permitted to directly cross-examine him about his former membership in the Black Panther Party and his direct quotation of Mao Zedong that

⁶² 6/24/82 at 7.27-133, at 7.108.

⁶³ 6/24/82 at 7.133-176.

⁶⁴ 7/1/82 at 13.32-38.

⁶⁵ 7/1/82 at 13.48; *compare* CCPR/C/GC/32, ¶ 39; WGAD *Opinion No. 77/2022 concerning Saidnuriddin Shamsiddinov (Tajikistan)* (adopted Nov. 19, 2022), U.N. Doc. A/HRC/WGAD/2022/77, ¶ 73, available [here](#) (inability to call defense witness who might be capable of proving the accused’s innocence, leading to his acquittal, or otherwise influencing outcome of trial compromises the fairness of criminal proceedings); WGAD *Opinion No. 7/2024, concerning José Rubén Zamora Marroquín (Guatemala)* (adopted March 19, 2024), A/HRC/WGAD/2024/7, ¶ 109-111, available [here](#).

⁶⁶ *Contra* WGAD *Opinion No. 79/2022 concerning Mohamed Baba Nadjar (Algeria)* (adopted Nov. 17, 2022), U.N. Doc. A/HRC/WGAD/2022/79, ¶¶ 75-77, available [here](#) (direct download link) (finding violation of articles 2 and 7 UDHR, articles 2(1) and 26 of ICCPR based in part on extensive, irrelevant questioning about ethnic origin and political beliefs at murder trial).

⁶⁷ ADA McGill attempted to cross-examine character witnesses directly about the statement “political power grows out of the barrel of a gun”, but Judge Sabo considered himself constrained by recent precedent not to allow him to introduce the statement until the sentencing phase. 7/1/82 at 13.36-46.

⁶⁸ 7/1/82 at 13.5 (Mark Brakeman); 13.11 (Viola Young); 13.19-20 (Jerome Hunter). See also 13.21 (Akil Chionesu) (“Any of your sources of his reputation would they include statements that he made in the news media during the course of his life?”).

⁶⁹ 7/1/82 at 13.19-20 (Akil Chionesu), 13.25 (Harold Baranoff), 13.27 (Robert Sanders).

⁷⁰ 6/30/82 at 12.17-29.

“political power grows out of the barrel of a gun” (referencing police killing of Black Panthers).⁷¹ Mr. Abu-Jamal was then sentenced to death.⁷²

D. Ineffective Domestic Remedies: Violation of International Norms during Mr. Abu-Jamal’s Appellate and Postconviction Proceedings

i. Political Interference and Censorship Over the Course of Appellate Proceedings

Mr. Abu-Jamal published his first book, *Live From Death Row*, in 1995. In 1994, the Pennsylvania Department of Corrections initiated a “mail watch” on Mr. Abu-Jamal’s correspondence with his attorneys, in violation of UDHR Art. 12 and ICCPR Art. 17’s prohibitions on “arbitrary interference with ... correspondence.”⁷³ As described by the Third Circuit Court of Appeals, the “mail watch” consisted of opening Mr. Abu-Jamal’s legal mail, copying it, and forwarding letters pertinent to his criminal appeals, including sensitive information regarding the defense strategy, to the office responsible for advising the Governor of Pennsylvania on death warrants.⁷⁴ The Third Circuit Court affirmed that the DOC’s mail watch violated the United States Constitution in 1998.⁷⁵

Mr. Abu-Jamal’s journalistic work has been repeatedly censored by both state actors and private entities. Mr. Abu-Jamal had worked for National Public Radio (NPR) prior to his incarceration in 1981. NPR re-hired Mr. Abu-Jamal as a commentator for the radio program *All Things Considered* in 1994, with plans to air reporting from Mr. Abu-Jamal on prison life.⁷⁶ The Fraternal Order of Police (“FOP”) launched a massive press campaign to pressure NPR not to air Mr. Abu-Jamal.⁷⁷ United States Senator Bob Dole quoted from an FOP representative on the Senate floor, arguing to his colleagues that the proposed hiring of Mr. Abu-Jamal required “closer oversight by Congress” of public broadcasting.⁷⁸ NPR dropped Mr. Abu-Jamal as a commentator within weeks of their initial announcement, without airing a single commentary.⁷⁹

In 1997, Mr. Abu-Jamal was hired as a commentator by news outlet *Democracy Now!* His commentaries were scheduled to be aired in Pennsylvania by Temple University’s radio station WRTI-FM. After learning that Mr. Abu-Jamal’s commentaries would be included, Temple University’s leadership canceled its contract with the syndicator for *Democracy Now!*, preventing Mr. Abu-Jamal’s commentaries from being aired throughout the state.⁸⁰

⁷¹ 7/3/82 at 15.21-22.

⁷² 7/3/82 at 15.99.

⁷³ See also *United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court*, U.N. Doc. A/HRC/30/37 (Jul. 6, 2015), Guideline 8, ¶ 69, available [here](#); WGAD *Opinion No. 14/2016 concerning Alexandr Klykov (Russian Federation)* (adopted Apr. 21, 2016), U.N. Doc. A/HRC/WGAD/2016/14, ¶ 78, available [here](#) (“Authorities shall respect the privacy and confidentiality of legal counsel-detainee communications”); Comm. No. 74/1980, *M. A. Estrella v. Uruguay* (adopted March 29, 1983), U.N. Doc. CCPR/C/18/D/74/1980 at 158, 159, ¶¶ 9.2, 10, available [here](#) (reading ICCPR Art. 17 in conjunction with Art. 10(1) as applicable to prisoners); United Nations Standard Minimum Rules for the Treatment of Prisoners, G.A. Res. 70/175 (Dec. 17, 2015) (*Mandela Rules*), Rule 61(1).

⁷⁴ *Abu-Jamal v. Price*, 154 F.3d 128, 131-132 (3d Cir. 1998), available [here](#).

⁷⁵ *Id.*

⁷⁶ See, e.g., *NPR to feature death-row inmate*, The Tennessean, 3 (May 6, 1994), available [here](#); *Names and Faces*, Courier-Post, 44 (Camden, NJ, May 7, 1994), available [here](#).

⁷⁷ See, e.g., Elizabeth Kolbert, *Public Radio Won’t Use Commentary by Inmate*, New York Times (May 17, 1994), available [here](#); Kelly P. Kissel, *Philly police angry at plan to make inmate commentator*, Evening News (Harrisburg, PA, May 13, 1994), 15, available [here](#); *Inmate’s show creates controversy*, The Sentinel (Carlisle, PA, May 13, 1994), 2, available [here](#); *Condemned Cop Killer Gets National Public Radio Show*, Latrobe Bulletin (May 13, 1994), 2, available [here](#).

⁷⁸ 103 Cong. Record 10404 (Senate, May 17, 1994), available [here](#).

⁷⁹ Kolbert, *Public Radio Won’t Use Commentary*, *supra* n.78; Demetria Martinez, *How NPR Keeps Inmate Abu-Jamal Off the Air*, National Catholic Reporter (May 23, 1997), available [here](#).

⁸⁰ Minutes: Board of Trustees, Temple University (March 11, 1997), available [here](#); *Censorship Issues Raised In Silencing of Radio Show*, New York Times (March 3, 1997), available [here](#).

Mr. Abu-Jamal continued to publish books and edited collections. In 2014, the Pennsylvania legislature passed a law formally entitled the “Revictimization Relief Act,” and colloquially known as the “Mumia Silencing Act,” establishing a private right of action to enjoin individuals convicted of crimes from expressive “conduct which perpetuates the continuing effect of the crime on the victim.”⁸¹ This law was introduced three days after Goddard College, Mr. Abu-Jamal’s alma mater, announced its selection of Mr. Abu-Jamal as a commencement speaker.⁸² A co-sponsoring memorandum for the law “admonished an unidentified ‘convicted killer’ for ‘traumatizing the victim’s family;’” The Governor of Pennsylvania, Tom Corbett, signed the Act into law with a statement noting that it was “inspired by the excesses and hypocrisy of one particular killer.”⁸³ The Middle District of Pennsylvania found this law facially unconstitutional in 2015.⁸⁴

ii. The Ineffectiveness of Internal Remedies Available to Mr. Abu-Jamal

In the context of this overt censorship and political pressure, Mr. Abu-Jamal’s pursuit of internal remedies to overturn his conviction and obtain release or a new trial have been consistently denied by both state and federal courts. A fuller account of Mr. Abu-Jamal’s attempts to secure a new trial is detailed in the Annex to this Petition, *infra*. Mr. Abu-Jamal sought a new trial through multiple domestic avenues for relief: a direct appeal, six state-level petitions for post-conviction relief on the basis of new evidence and/or constitutional violations, and a habeas corpus petition in federal court. Despite raising the violations of his right to a fair trial detailed above, and despite the uncovering of significant new evidence subsequent to his trial, Mr. Abu-Jamal’s conviction has not been overturned.

Mr. Abu-Jamal’s death sentence, however, has been reversed. In 2001, the federal District Court for the Eastern District of Pennsylvania found that the phraseology of Mr. Abu-Jamal’s death-sentencing verdict form and jury instructions were unconstitutionally misleading. It vacated his death sentence on the basis that jurors might have been led to believe that they were required to agree unanimously upon any mitigating circumstances, contrary to Supreme Court precedent that unanimity on mitigation was not required.⁸⁵ The Commonwealth of Pennsylvania appealed this decision, and the overturning of his death penalty was not finalized until 2011.⁸⁶

E. Mr. Abu-Jamal’s Arbitrary Sentence to Death by Incarceration

After the overturning of his death sentence, Mr. Abu-Jamal was resentenced to a mandatory minimum term of life without parole (LWOP), also known as Death by Incarceration (DBI).⁸⁷ He was released from solitary confinement on death row into the prison system’s general population on January 27, 2012.⁸⁸ Given the violations of international law inherent to Death by Incarceration, this Working Group could find that it is clearly impossible to invoke a legitimate legal basis for the imposition of this sentence onto Mr. Abu-Jamal under Category I.

The inherent arbitrariness of Death by Incarceration, in combination with Mr. Abu-Jamal’s many years served to date, advanced age, declining health, and lack of risk to the public, violates multiple provisions of the UDHR, ICCPR, and other international instruments. In the absence of periodic re-evaluation of his sentence or any effective mechanism for reviewing its reasonableness, Mr. Abu-Jamal’s condemnation to death by incarceration is arbitrary as applied.

⁸¹ 18 Pa. Const. Stat. § 11.1304.

⁸² *Abu-Jamal v. Kane*, Memorandum, No. 1:14-CV-2148 (M.D. Pa. Apr. 28, 2015) at 3, available [here](#).

⁸³ *Id.* at 3-4.

⁸⁴ *Id.* at 1.

⁸⁵ *Abu-Jamal v. Horn*, 2001 WL 1609690 (E.D. Pa. 2001), at *115-126, available [here](#).

⁸⁶ *Abu-Jamal v. Sec’y, Pa. Dep’t of Corr.s.*, 643 F.3d 370 (3d Cir. 2011).

⁸⁷ For a description of the term “Death by Incarceration” and an articulation of the right to redemption, see Terrell Carter, Rachel López, and Kempis Songster, *Redeeming Justice*, 116 Nw. U. L. Rev. 315, 328 (2021), available [here](#).

⁸⁸ *Com. v. Abu-Jamal*, 2013 WL 11257188, at *1 (Pa. Super. Ct. 2013), available [here](#).

i. Death by Incarceration is Inherently Arbitrary

Sentences to Death by Incarceration are inherently arbitrary and violative of UDHR Art. 9 and ICCPR Art. 9(1), as they are indefinite and unreviewable by design. They expressly preclude “periodic re-evaluation of the justification of continuing the detention;” the mandatory nature of Pennsylvania’s sentencing scheme eviscerates the need to find that indefinite detention is “reasonable and necessary in all the circumstances.”⁸⁹

Mr. Abu-Jamal is one of a staggering number of individuals in the United States condemned to die in prison. As of 2020, 203,865 people in the United States were serving life or virtual life sentences, of whom 8,252 were in Pennsylvania;⁹⁰ 56,245 people in the United States are serving formal sentences of life without parole, of whom over 5,000 are in Pennsylvania.⁹¹ While Black people represent only 10.9% of the total Pennsylvania population, they constitute 62% of all those serving life sentences in the state prison system.⁹² A growing consensus of international authorities have condemned Death by Incarceration sentencing in the United States as violative of international prohibitions on racial discrimination.⁹³

Numerous empirical studies have demonstrated a clear and consistent relationship between incarceration and adverse health outcomes, including premature death.⁹⁴ Beyond systematic impacts on rights to health and life, the inherently cruel nature of condemnation to death in prison after decades of social isolation deprives individuals of their dignity, the ability to develop or maintain family relationships, and a chance for redemption and reintegration into society. The physical and psychological impacts of

⁸⁹ Hum. Rts. Comm., General Comment No. 35, ¶ 12, U.N. Doc. CCPR/C/GC/35 (Dec. 16, 2014), available [here](#); see also Case No.305/1988 (*Van Alphen v. The Netherlands*) U.N. Doc. CCPR/C/39/D/305/1988, ¶ 5.8 (1990), available [here](#); Case No. 1324/2004 (*Danyal Shafiq v. Australia*), U.N. Doc. CCPR/C/88/D/1324/2004, ¶ 7.2 (2006), available [here](#); WGAD *Opinion No. 54/2015 concerning Julian Assange (Sweden and the United Kingdom of Great Britain and Northern Ireland)* (adopted Nov. 30-Dec. 4, 2015), U.N. Doc. A/HRC/WGAD/2015/54, ¶¶ 84-85 (2015), available [here](#). Mandatory sentencing divests the state of their burden to establish the “reasonableness, necessity, and proportionality” of detention until death. A/HRC/30/37 , Principle 13, Guideline 14.

⁹⁰ Ashley Nellis, *No End in Sight: America’s Enduring Reliance on Life Imprisonment*, The Sent’g Project, 10 (2021), available [here](#).

⁹¹ Ashley Nellis and Celeste Barry, *A Matter of Life: The Scope and Impact of Life and Long Term Imprisonment in the United States*, The Sent’g Project (2025), available [here](#).

⁹² *Id.* at 19; *Race and Ethnicity in the United States: 2010 and 2020 Census*, US Census Bureau (Aug. 12, 2021), available [here](#). Nationwide, people of African descent make up 46% of the prison population serving life sentences, and comprise 12% of the general population. See *Communication to the Government of the United States of America*, U.N. Doc. USA 12/2023 (June 19, 2023), available [here](#), at 4.

⁹³ UDHR Art. 2, 7; ICCPR Art. 26; ICERD Art. 2(1)(c); Hum. Rts. Comm., Concluding Observations on the Fifth Periodic Report of the United States, CCPR/C/USA/CO/5 (Dec. 7, 2023) ¶¶ 46-47, available [here](#) (recommending prohibition and abolition of life imprisonment without parole for juveniles, as well as mandatory and non-homicide-related sentences of life imprisonment without parole, in light of disproportionate sentencing of persons of African descent and ICCPR Arts. 2, 7, 10, and 26); *Communication USA 12/2023* (expressing grave concern over death by incarceration sentencing and its disproportionate impact on racial minorities, and warning of potential violations of ICERD Arts. 2, 5, and 6, ICCPR Arts. 1, 2, 6, 7, 10(3), 16, 24, and 26; Mandela Rules 2(2), 24, and 27(1)); Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance: *End of visit statement: United States of America*, Oct 31-Nov 14, 2023, available [here](#) (expressing deep concern over the disproportionate use of ‘death by incarceration’ sentences amongst Black and Latino individuals, noting that “[w]ithout the chance of parole, the rehabilitative function of the prison system is negated, reducing it to a tool of segregation and exploitation”); CERD, *Concluding observations on the combined tenth to twelfth reports of the United States of America*, U.N. Doc. CERD/C/USA/CO/10-12 (Sep. 21, 2022), ¶¶ 26-28, available [here](#); EMLER, *Visit to the United States of America*, A/HRC/54/CRP.7 (Sep. 26, 2023), ¶¶ 93-97; Hum. Rts. Comm., Concluding Observations on the Fourth Periodic Report of the United States of America, CCPR/C/USA/CO/4 (Apr. 23, 2014), ¶ 23, available [here](#).

⁹⁴ See, e.g., Kathryn M. Nowotny et al, *Racial Disparities in Health Conditions among Prisoners Compared with the General Population*, 3 *Population Health* 487, 493 (2017), available [here](#); Christopher Wildeman & Emily A. Wang, *Mass Incarceration, Public Health, and Widening Inequality in the USA*, 389 *Lancet* 1464, 1467–68 (2017) available [here](#), and Michael Massoglia & William Alex Pridemore, *Incarceration and Health*, 41 *Ann. Rev. Socio.*, 291, 291, 295–96 (2015), available [here](#); Michael Massoglia et al., *The Relationship Between Incarceration and Premature Adult Mortality: Gender Specific Evidence*, *Soc. Sci. Res.* 46 (2018), available [here](#).

death by incarceration, as well as the cruelty inherent in denying an individual the chance to regain freedom, renders it inherently violative of prohibitions on torture or cruel, inhuman or degrading punishment in UDHR Art. 5, ICCPR Art. 7 and 10, and the Convention against Torture.⁹⁵

ii. Death by Incarceration is Arbitrary as Applied to Mr. Abu-Jamal in Light of His Advancing Age and Declining Health

Mr. Abu-Jamal is now 72 years old and has spent over 44 years in detention. He was held in solitary confinement for nearly 29 continuous years while on death row from May of 1983 to January of 2012.⁹⁶ Since his death penalty was overturned, Mr. Abu-Jamal has endured numerous near-death medical crises.

Mr. Abu-Jamal was diagnosed with hepatitis C in 2012. From August of 2014 through March of 2015, Mr. Abu-Jamal developed a painful, severe rash covering most of his body, potentially caused or exacerbated by his hepatitis C. On March 30, 2015, he was hospitalized after losing consciousness and going into diabetic shock, due to untreated hyperglycemia caused by steroid treatment for his skin condition. The Pennsylvania Department of Corrections opposed providing the only known effective treatment for Mr. Abu-Jamal's hepatitis C until forced by court order in January of 2017.⁹⁷ After receiving a complaint related to his deficient medical care during this crisis, the Special Rapporteur on Torture concluded that the United States had "violated the right of Mr. Abu-Jamal to be free from torture or cruel, inhuman, or degrading treatment" by "failing to protect [his] physical and psychological integrity."⁹⁸

In early 2021, Mr. Abu-Jamal was diagnosed with congestive heart failure and total occlusion of his coronary artery. He was hospitalized twice and underwent double bypass surgery. UN experts noted

⁹⁵ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, 39 U.N. GAOR Supp. (No. 51) at 197, A/39/51 (1984), 1465 U.N.T.S. 85, entered into force June 26, 1987, for the United States November 20, 1994. The Committee against Torture has repeatedly recommended that states should abolish irreducible life sentences, including LWOP sentences, and the Human Rights Commission urged the United States to consider a moratorium on LWOP sentences in its Fifth Periodic Report of the United States. CCPR/C/USA/CO/5, ¶46-47; CAT, Concluding Observations on the seventh periodic report of Poland, ¶¶ 13-14, U.N. Doc. CAT/C/POL/CO/7 (Aug. 29, 2019), available [here](#) (sentences without parole availability may "hinder respect for the principle of human dignity"); CAT, Concluding Observations on the second periodic report of South Africa, ¶¶ 18-19, U.N. Doc. CAT/C/ZAF/CO/2 (2019), available [here](#); CAT, Concluding Observations on the Third Periodic Report of Lithuania, ¶ 12, U.N. Doc. CAT/C/LTU/CO/3 (2014) (there should be "no blanket prohibition for life-sentenced prisoners to apply for release on parole for good reasons"), available [here](#); CAT, Concluding Observations on the seventh periodic report of Greece, ¶ 37(d), U.N. Doc. CAT/C/GRC/CO/7 (2019) (states should "guarantee the periodic review of life sentences with a view to their commutation"), available [here](#); see also EMLER, A/HRC/54/CRP.7, ¶97 (emphasizing that "disproportionate, excessive and discriminatory sentencing beyond life expectancy is a cruel, inhuman and degrading treatment, in violation of international human rights standards protecting life, liberty and against torture" and recommending that all prison sentences should include parole eligibility); For an extended argument that death by incarceration amount to torture or cruel, inhuman or degrading treatment and a violation of the right to life, see Submission on Death by Incarceration in the United States (Apr. 2025), available [here](#), and Civil Society Joint Submission 44 to the 2025 Periodic Review of the United States [here](#); Submission to U.N. Independent Experts Regarding Death By Incarceration (Sep. 15, 2022), available [here](#); see also Communication USA 12/2023 at 11.

⁹⁶ For Mr. Abu-Jamal's description of the 22-hour solitary conditions of death row, see *Live from Death Row* at 5-6. Prolonged solitary confinement of more than 15 days is prohibited by Mandela Rules 43(1)(b), 44, and 45. See also WGAD *Opinion No. 71/2024 concerning Abdullah al-Derazi et al. (Saudi Arabia)* (adopted Dec. 18, 2024), U.N. Doc. A/HRC/WGAD/2024/71, ¶¶ 64, 114, available [here](#); WGAD *Opinion No. 74/2023 concerning Hasan Mushaima et al. (Bahrain)* (adopted Nov. 16, 2023), U.N. Doc. A/HRC/WGAD/2023/74, ¶ 138, available [here](#); WGAD *Opinion No. 36/2024 concerning Paul Maillot (Madagascar)* (adopted Aug. 30, 2024), U.N. Doc. A/HRC/WGAD/2024/36, ¶ 67, available [here](#); Interim Report by Special Rapporteur of the Human Rights Council on Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, U.N. Doc. A/66/268 (Aug. 5, 2011), available [here](#); Interim Report of the Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, U.N. Doc. A/68/295 (Oct. 7, 2013), ¶¶ 60-61, available [here](#).

⁹⁷ For a concise summation of this medical crisis and the litigation that resulted in his treatment for hepatitis C, see *Abu-Jamal v. Kerestes*, 779 Fed. App'x 893 (3d Cir. 2019), available [here](#).

⁹⁸ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: Addendum: Observations on communications transmitted to Governments and replies received (Feb. 24, 2016), A/HRC/31/57/Add.1, ¶¶ 648-652, available [here](#); see also *Communication to the Government of the United States of America*, U.N. Doc. USA 10/2015 (Apr. 30, 2015), available [here](#).

that he was shackled to his bed for multiple days at a time in this hospital, and described his treatment during this crisis as “deplorable.”⁹⁹

In January of 2025, Mr. Abu-Jamal began experiencing a common and easily treated complication of cataract surgery known as posterior capsular opacification. The clouding of his vision became so severe that he was diagnosed as legally blind by an independent ophthalmologist retained by his attorneys as of June 2025. Despite multiple requests, he did not receive any treatment for this condition until September of 2025. He continues to suffer from multiple complex ophthalmological conditions, including proliferative diabetic retinopathy and glaucoma, that pose a significant risk of permanent blindness.¹⁰⁰

Mr. Abu-Jamal has no access to a reviewing body that can consider whether his change in circumstances, including changes in health, justify continued detention.¹⁰¹ This Working Group has held on several occasions that detention can become arbitrary over time due to changes in circumstances,¹⁰² especially when individuals become so elderly or unwell that they pose no threat to others.¹⁰³ While Mr. Abu-Jamal poses no threat to the public, his own health is continuously threatened by systematic deficiencies in the care available to him in prison.

Continued detention of Mr. Abu-Jamal is not reasonable or necessary. In combination with the manifest unfairness of his trial and appellate processes, targeting by the state for his political expression, and the systemic and individual racism inflecting his treatment over the past 44 years, Mr. Abu-Jamal’s continued detention is arbitrary under international law.

V. CONSENT OF THE ALLEGED VICTIM AND DETAILS OF THE PERSON(S) SUBMITTING THIS REQUEST

We have the consent of Mr. Mumia Abu-Jamal to submit this request. The filled consent form is attached. Communications concerning this submission can be directed to:

Bret Grote, Esq.; Abolitionist Law Center, 990 Spring Garden St., Ste. 306, Philadelphia, PA 19123; bretgrote@alcenter.org (email); +1 412-654-9070 (telephone).

⁹⁹ “USA: Shackling of aged inmate, Mumia Abu-Jamal, is deplorable – UN experts,” United Nations Human Rights Office of the High Commissioner (Apr. 20, 2021), available [here](#); see also *Communication to the Government of the United States of America*, U.N. Doc. USA 17/2021 (Apr. 9, 2021), available [here](#).

¹⁰⁰ See Annex III, attached.

¹⁰¹ *Contra*. [A/HRC/30/37](#), Guideline 15; WGAD *Opinion No. 7/2022 concerning Leonard Peltier (United States of America)* (adopted Mar. 30, 2022), U.N. Doc. A/HRC/WGAD/2022/7, ¶ 46-47, available [here](#).

¹⁰² WGAD *Opinion No. 90/2018 concerning Mohd Redzuan Bin Saibon (Malaysia)* (adopted Nov. 23, 2018), U.N. Doc. A/HRC/WGAD/2018/90, ¶ 33 n. 7, available [here](#); [A/HRC/30/37](#), ¶ 12.

¹⁰³ [A/HRC/WGAD/2022/7](#), ¶ 46-47; WGAD *Opinion No. 7/2017 concerning Kamal Foroughi (Islamic Republic of Iran)* (adopted Apr. 19, 2017), U.N. Doc. A/HRC/WGAD/2017/7, ¶ 44-45, available [here](#); for conclusion that denial of medical care can constitute a form of torture, see WGAD *Opinion No. 65/2022 concerning Naji Fateel (Bahrain)* (adopted March 15, 2023), U.N. Doc. A/HRC/WGAD/2022/65, ¶ 116, available [here](#); Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health (Apr. 10, 2018), U.N. Doc. A/HRC/38/36, ¶ 18, available [here](#).

ANNEX I: Mr. Abu-Jamal's Pursuit of Internal Remedies and Their Ineffectiveness

Mr. Abu-Jamal has diligently pursued internal remedies through appellate and post-conviction proceedings in both state and federal court. He has sought a new trial through a direct appeal, six petitions for post-conviction review in state court, and a federal habeas corpus proceeding. While his death sentence was successfully overturned, each attempt to secure Mr. Abu-Jamal a new and fair trial has been rejected.

These ostensible remedies consisted of a direct appeal with a cursory and non-substantive review of the facts, without the benefit of suppressed evidence uncovered years later; a post-conviction hearing with fact-finding conducted by the original trial judge, whose partiality was noted by independent observers at the time; appeals presided over by a former supervising District Attorney who advocated for sending a “strong message” to “police killers” during the pendency of Mr. Abu-Jamal’s direct appeal; and a final petition dismissed without a hearing despite the judge’s acknowledgement of open questions of fact. Within the context of the political pressure and censorship described above in Section D.i, Mr. Abu-Jamal’s appellate and post-conviction review processes have been marked by striking legal irregularities and manifest unfairness, depriving him of the genuine review required by ICCPR Art. 9 and 14(5).¹⁰⁴

Mr. Abu-Jamal’s direct appeal was decided by the Supreme Court of Pennsylvania in 1989. The Court dismissed a claim of error based on the prosecutor’s closing argument in his trial by minutely parsing differences between Mr. Abu-Jamal’s case and prior, nearly identical comments found unconstitutional.¹⁰⁵ Less than a year after Mr. Abu-Jamal’s direct appeal, the Court adopted a “per se rule precluding all remarks about the appellate process in all future trials.”¹⁰⁶ The Court dismissed legal claims of racial discrimination in jury selection, prosecutorial misconduct in the questioning of character witness Sonia Sanchez, and denial of his right of self-representation, and summarily concluded it had “no doubt as to the sufficiency of the evidence to support the verdict of first degree murder.”¹⁰⁷

Mr. Abu-Jamal filed a petition for post-conviction relief (PCRA) on June 5, 1995, four days after the Governor of Pennsylvania signed a warrant for his execution.¹⁰⁸ Unlike direct appeals, post-conviction proceedings provide individuals an opportunity to introduce new evidence. In Pennsylvania, post-conviction judges conduct evidentiary hearings and decide all questions of both law and fact. The factual determinations are then reviewed with extraordinary deference on appeal.¹⁰⁹

¹⁰⁴ WGAD *Opinion No. 18/2018 concerning Mateusz Piskorski (Poland)* (adopted Apr. 20, 2018), U.N. Doc. A/HRC/WGAD/2018/18, ¶ 56, available [here](#) (“if a State provides such an appeal or further instances of review, it must meet the standard of impartial and independent review required under article 9 (3) and (4) of the Covenant”); CCPR/C/GC/32, ¶¶ 45, 48; WGAD *Opinion No. 55/2024 concerning Juan Carlos Tovar Moreno (Mexico)* (adopted Mar. 6, 2025), U.N. Doc. No. A/HRC/WGAD/2024/55, ¶ 89, available [here](#) (Art. 14(5) “establishes the duty substantially to review a conviction as to the sufficiency of the evidence and the law”).

¹⁰⁵ Prosecutor McGill had argued to the jurors that “If you find the Defendant guilty of course there would be appeal after appeal and perhaps there could be a reversal of the case, or whatever, so that may not be final.” 7/1/82 at 13.145. *Com v. Abu-Jamal*, 521 Pa. 188, 206 (Pa. 1989), available [here](#) (distinguishing *Com. v. Baker*, 511 A.2d 777 (Pa. 1986) (finding argument “You get an appeal after appeal after appeal after appeal, if you think the Supreme Court is going to let anybody get executed until they’re absolutely sure that that man has a fair trial, make no mistake about that” unconstitutional) and *Caldwell v. Mississippi*, 472 U.S. 320, 328–29 (1985) (holding it is “constitutionally impermissible to rest a death sentence on a determination made by a sentencer who has been led to believe that the responsibility for determining the appropriateness of the defendant’s death rests elsewhere” on review of prosecutorial argument “Now, they would have you believe that you’re going to kill this man and they know—they know that your decision is not the final decision.”))

¹⁰⁶ *Com. v. Beasley*, 568 A.2d 1235, 1238 n.4 (Pa. 1990), available [here](#).

¹⁰⁷ *Abu-Jamal*, 521 Pa. at 193, 197-98, 215. The Supreme Court had decided only three years earlier that racial discrimination could be proven through facts from an individual trial in *Batson v. Kentucky*, 476 U.S. 79 (1986), available [here](#).

¹⁰⁸ *Execution Warrant is Signed for a Prison Celebrity*, New York Times (June 3, 1995), available [here](#).

¹⁰⁹ Pennsylvania state appellate courts will reverse a post-conviction trial court’s findings of fact only if it has no support in the record. *See, e.g., Com. v. Diaz*, 183 A.3d 417, 421 (Pa. Super 2018), *aff’d*, 226 A.3d 995 (Pa. 2020) (“We grant great deference to the PCRA court’s findings that are supported in the record and will not disturb them unless they have no support in the certified record”). After the passage of the Anti-terrorism and Effective Death Penalty Act of 1996 (AEDPA), federal courts reviewing state convictions under a writ of habeas corpus can only disturb state-court proceedings if they “resulted in a decision

Mr. Abu-Jamal's PCRA proceedings were presided over by the same Judge Albert Sabo who had initially heard his case.¹¹⁰ Mr. Abu-Jamal's counsel filed a petition seeking Judge Sabo's recusal, raising numerous specific instances from his initial trial that raised the appearance of bias. Judge Sabo refused to recuse himself.¹¹¹

Judge Sabo conducted an exceptionally tense and expedited hearing. Numerous journalists commented on Judge Sabo's open hostility toward the defense throughout post-conviction proceedings.¹¹² Sabo held Mr. Abu-Jamal's two attorneys in contempt of court, ordering one removed from the courtroom and fining another \$1,000.¹¹³

Among numerous claims and witnesses presented by Mr. Abu-Jamal at the PCRA evidentiary hearing, Robert Chobert, one of the eyewitnesses who had testified in the original trial, testified that he had sought assistance from the prosecutor in having his driver's license reinstated, raising additional questions about Chobert's bias.¹¹⁴ Officer Gary Wakshul, who had authored the note "the negro male made no comments," testified at the PCRA evidentiary hearing that he had been on vacation but present in the City of Philadelphia until he received word that the trial had concluded.¹¹⁵ Officer Wakshul then testified that he had heard Mr. Abu-Jamal state "I shot him and I hope the mother-fucker dies," but failed to include it in his initial statements to investigators.¹¹⁶ Just weeks before his testimony, Officer Wakshul had been beaten in open court by two Philadelphia police officers, whom he later sued for assault and battery.¹¹⁷

Judge Sabo denied each of Mr. Abu-Jamal's claims that his conviction should be vacated.¹¹⁸ The Supreme Court of Pennsylvania granted two remands for additional evidence after this order. The defense had newly located Veronica Jones, who came forward to testify directly that she had been pressured by police to recant her initial statement describing two men running away from the shooting.¹¹⁹ Judge Sabo ruled that her testimony was not properly presented under Pennsylvania's post-conviction statute, and that her testimony was not credible and could provide no relief to Mr. Abu-Jamal. The defense then put forth Pamela Jenkins, another sex worker who claimed to have been subjected to police pressure to testify falsely against Mr. Abu-Jamal, similar to Veronica Jones and Cynthia White.¹²⁰ Judge Sabo also found as a fact that Pamela Jenkins' testimony was not credible. After Mr. Abu-Jamal's defense team requested

that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding," 28 U.S.C. § 2254(d)(2); "a determination of a factual issue made by a State court shall be presumed to be correct" and a habeas petitioner has "the burden of rebutting the presumption of correctness by clear and convincing evidence." § 2254(e)(1).

¹¹⁰ A/HRC/30/37 Guideline 4, ¶ 51 ("the court reviewing the arbitrariness and lawfulness of the detention must be a different body from the one that ordered the detention"); WGAD *Opinion No. 46/2022 concerning Arash Ganji et al. (Islamic Republic of Iran)* (adopted Dec. 7, 2022), U.N. Doc. No. A/HRC/WGAD/2022/46, ¶ 77, available [here](#).

¹¹¹ 7/12/95 at 107-108, 136-138.

¹¹² *Compare Editorial: Mumia, Again*, 58 (Philadelphia Inquirer July 16, 1995), available [here](#) (Sabo "did not give the impression to those in the courtroom of fair-mindedness. Instead, he gave the impression, damaging in the extreme, of undue haste and hostility toward the defense's case"); Valerie M. Russ, *Sabo stalls Mumia's appeal* (Philadelphia Daily News Jul. 15, 1995), 3, available [here](#); *In Our Opinion: Mumia defense secret weapon: Sabo*, Philadelphia Daily News (Aug. 8, 1995), 17, available [here](#); Don Terry, *A Fight for Life Is Waged in an Angry Courtroom*, New York Times (July 30, 1995), available [here](#) (describing Sabo as "openly contemptuous of the defense") with CCPR/C/GC/32, ¶ 21 ("...the tribunal must also appear to a reasonable observer to be impartial.")

¹¹³ 8/2/95 at 7-8 (contempt and removal); 8/11/95 at 191-93, 311-16 (contempt and fine).

¹¹⁴ 8/15/95 at 3-4.

¹¹⁵ 8/1/1995 at 92-103.

¹¹⁶ 8/1/1995 at 25.

¹¹⁷ *Wakshul v. City of Philadelphia et al.*, 998 F. Supp. 585 (E.D. Pa. 1998), available [here](#).

¹¹⁸ *Com. v. Wesley Cook a/k/a Mumia Abu-Jamal*, 30 Phila. Co. Rptr. 1, 1995 1315980 (Sep. 15, 1995), available [here](#).

¹¹⁹ 9/28/1996, 10/1/1996.

¹²⁰ 6/26/1997. Pamela Jenkins had previously reported a scheme of extortion of witnesses and perjury in the Philadelphia Police Department, eventually resulting in the criminal prosecution of seven police officers and dozens of overturned convictions. Mark Fazlollah, *Corruption May Reopen Murder Cases* (Philadelphia Inquirer, Aug. 27, 1995) A1, A12, available [here](#); Mark Fazlollah, *39th Scandal Taints its 1st Murder Case* (Philadelphia Inquirer, Sep. 7, 1996) A1, available [here](#); Mark Fazlollah, *From Prison, Ex-Cops Call Offenses Routine*, Philadelphia Inquirer (May 12, 1996) A1, A10, available [here](#).

assistance in locating Cynthia White, the District Attorney's office entered as evidence a death certificate for a "Cynthia Williams a/k/a Mildred Saunders" with the same Social Security Number as Cynthia White, claiming that she was dead.¹²¹

On appeal to the Pennsylvania Supreme Court, Mr. Abu-Jamal requested recusal of Supreme Court Justice Ronald Castille. Justice Castille had served as a supervising prosecutor in the Philadelphia District Attorney's office during Mr. Abu-Jamal's trial; he had been endorsed by the Philadelphia chapter of the Fraternal Order of Police; and he was the elected District Attorney of Philadelphia during Mr. Abu-Jamal's first round of appeals, with his name appearing on all prosecution briefs in opposition to Mr. Abu-Jamal's appeal. Justice Castille refused to recuse himself, contending that he had limited personal involvement in Mr. Abu-Jamal's case and pointing out that four other justices of the Pennsylvania Supreme Court had been endorsed by the FOP.¹²² The Pennsylvania Supreme Court affirmed Judge Sabo's dismissal of Mr. Abu-Jamal's petition on all counts.¹²³

In 2001, Mr. Abu-Jamal filed a second PCRA raising an affidavit from the court stenographer who had overheard Judge Sabo state "I'm going to help them fry the nigger" during his trial. This claim was rejected on procedural grounds as previously litigated, on the basis that Judge Sabo's rulings had already been reviewed by the Pennsylvania Supreme Court and found to be fair.¹²⁴

In 2003, Mr. Abu-Jamal filed a third PCRA petition raising evidence from a woman named Yvette Williams who claimed Cynthia White had told her she had not seen the shooting and testified due to police threats. The petition also raised evidence from a man who claimed Priscilla Durham, the hospital security guard who testified that Mr. Abu-Jamal had stated "I shot the mother fucker and I hope the mother fucker dies," had told him she manufactured her testimony. This petition was also dismissed on procedural grounds.¹²⁵ A fourth PCRA petition in 2009 was also dismissed on procedural grounds.

In 1999, Mr. Abu-Jamal filed a petition for habeas corpus to review his conviction in federal court.¹²⁶ Affording Judge Sabo's factual findings a "presumption of correctness," the District Court for the Eastern District of Pennsylvania rejected all of Mr. Abu-Jamal's substantive claims of error save one. The Court found that the sentencing verdict form and instructions created a reasonable likelihood that the jury believed that it was precluded from considering a mitigating circumstance that had not been found unanimously, and vacated Mr. Abu-Jamal's death sentence.¹²⁷

On appeal, the Court for the Third Circuit upheld the District Court's judgment. Despite the U.S. Supreme Court opinion establishing the standard for relief based on racially discriminatory peremptory challenges to jurors four years after Mr. Abu-Jamal's trial, the Third Circuit deemed the claim waived

¹²¹ 6/26/1997 at 145-146.

¹²² *Com v. Abu-Jamal*, 553 Pa. 569 (Pa. 1998), available [here](#).

¹²³ *Com. v. Abu-Jamal*, 553 Pa. 485 (Pa. 1998), available [here](#).

¹²⁴ See Memorandum and Opinion, *Com. v. Abu-Jamal* (Phila. Ct. Comm. Pls, Nov. 21, 2001) (Dembe, J.); *Com v. Abu-Jamal*, 574 Pa. 724 (Pa. 2003), available [here](#).

¹²⁵ *Com v. Abu-Jamal*, 596 Pa. 219 (Pa. 2008), available [here](#). The claims were dismissed in part under Pennsylvania's post-conviction statutory requirement that individuals raising newly-discovered facts demonstrate that the facts "could not have been ascertained by the exercise of due diligence," before a court will exercise jurisdiction over the merits of any post-conviction claims. 18 Pa. C.S. § 9545(b)(1)(ii). The due diligence inquiry is notoriously flexible and inconsistently applied, one of several complex procedural barriers that plagues Pennsylvania PCRA's and state post-conviction review generally. See Lee Kovarsky, *Structural Change in State Postconviction Review*, 93 Notre Dame L. Rev. 443 (2018), available [here](#).

¹²⁶ "Habeas corpus" review permits federal courts to evaluate states' custody of individuals for whether such custody is in violation of the United States Constitution or the laws or treaties of the United States. Federal habeas corpus review was historically the principal forum in which individuals serving state criminal sentences could raise claims of federal constitutional violations in their trials. The 1996 passage of AEDPA, described *supra* in n. 106, limited federal courts' ability to review state convictions and imposed various threshold requirements, including the exhaustion of available state procedures for raising claims of error. 28 U.S.C. § 2254(b)-(c). State-level post-conviction review, such as Pennsylvania's PCRA, is now the most used procedure for individuals seeking to introduce new evidence not available at trial or to raise claims of constitutional error.

¹²⁷ *Abu-Jamal v. Horn*, 2001 WL 1609690 (E.D. Pa. 2001), at *126, available [here](#).

because his trial counsel had failed to raise a contemporaneous objection in the 1982 trial on the basis of the not-yet-established 1987 Supreme Court decision in *Batson*. This analysis garnered an extensive dissent from a Third Circuit judge, who noted that “Our Court has previously reached the merits of *Batson* claims on *habeas* review in cases where the petitioner did not make a timely objection ... and I see no reason why we should not afford Abu-Jamal the courtesy of our precedents.”¹²⁸ The Third Circuit did uphold the overturning of Mr. Abu-Jamal’s death sentence based on the verdict form and instructions. After an appeal from the Commonwealth, the Supreme Court of the United States vacated this decision for reconsideration in 2010.¹²⁹ The Third Circuit again overturned his death sentence in 2011.¹³⁰

In 2016, the Supreme Court of the United States ruled that Justice Castille’s failure to recuse himself from an appeal after he had served as District Attorney and authorized seeking the death penalty for the appellant at trial violated the Constitution.¹³¹ Mr. Abu-Jamal filed a fifth PCRA seeking review of his prior appeals presided over by Justice Castille in light of this new precedent, as well as a newly-discovered letter authored in 1990 by then-District Attorney Castille urging the Governor of Pennsylvania to “send a clear and dramatic message to all police killers that the death penalty in Pennsylvania actually means something.”¹³² In 2018, a PCRA trial court reinstated Mr. Abu-Jamal’s right to appeal previously-dismissed post-conviction petitions that had been reviewed by then-Justice Castille.¹³³ Shortly after this decision, newly-elected District Attorney Larry Krasner discovered six previously unreviewed boxes pertaining to Mr. Abu-Jamal’s case in the District Attorney’s office, and made them available to his defense for review pursuant to a discovery order from his open postconviction petition.¹³⁴

Officer Daniel Faulkner’s widow Maureen Faulkner filed a petition for the Pennsylvania Supreme Court to exercise “extraordinary jurisdiction” and prevent the District Attorney’s office from participating in Mr. Abu-Jamal’s case.¹³⁵ The Pennsylvania Supreme Court granted review and appointed a special master to investigate the District Attorney’s potential for bias *in favor of* Mr. Abu-Jamal. While the Court eventually dismissed the King’s Bench petition and allowed Krasner’s office to continue opposing Mr. Abu-Jamal’s claims, this unprecedented intervention generated an opinion in which the District Attorney’s deposition testimony asserting his confidence in Mr. Abu-Jamal’s guilt was placed in the public record.¹³⁶ Several Justices wrote separate opinions underscoring the potential for further intervention if Krasner’s office did not vigorously oppose Mr. Abu-Jamal’s appeals.¹³⁷

¹²⁸ *Abu-Jamal v. Horn*, 520 F.3d 272, 305-309 (3d. Cir. 2008) (Ambro, J., dissenting), available [here](#). The majority had analyzed Mr. Abu-Jamal’s claim in the alternative and rejected it on the merits. Judge Ambro also dissented from this merits analysis, noting Supreme Court precedent in which a “strike rate” of 10 of 14 had been found to raise a *prima facie* case of intentional discrimination.

¹²⁹ *Beard v. Abu-Jamal*, 558 U.S. 1143 (2010).

¹³⁰ *Abu-Jamal v. Sec’y, Pa. Dep’t of Corr.s*, 643 F.3d 370 (3d Cir. 2011).

¹³¹ *Williams v. Pennsylvania*, 579 U.S. 113 (2016).

¹³² *Com. v. Cook*, 256 A.3d 44, 290 EDA 2019 (Pa. Super. Ct. May 20, 2021).

¹³³ *Id.*

¹³⁴ *In re Office of Philadelphia District Attorney*, 664 Pa. 280, 283 (Pa. 2020) (Dougherty, J., concurring), available [here](#).

¹³⁵ Rather than standard practice by which the Supreme Court hears appeals of lower court decisions, “King’s Bench” petitions vest the Supreme Court of Pennsylvania with a broadly defined “power of extraordinary jurisdiction” to address issues of “immediate public importance.” *King’s Bench Power and Power of Extraordinary Jurisdiction*, Administrative Office of Pennsylvania Courts (Oct. 2013), available [here](#).

¹³⁶ *In re Office of Philadelphia District Attorney*, 664 Pa. 280 (Pa. 2020) (Dougherty, J., concurring and citing Krasner Deposition, 4/22/2020 (“the information that I have reviewed suggests to me that Mumia Abu[-]Jamal is guilty of this crime, that he committed a homicide”), available [here](#)).

¹³⁷ Justice Dougherty concurred in the result but noted that petitioner Faulkner’s “troubling claims ... may require closer judicial scrutiny,” *In re Office of Philadelphia District Attorney*, 664 Pa. at 281 (Dougherty, J., concurring), available [here](#). Justice Wecht wrote that it “is not unreasonable to characterize this as one of the most famous criminal cases in Pennsylvania history,” agreed that petitioner Faulkner’s allegations of bias in favor of Mr. Abu-Jamal may be “grave and alarming,” but found them to be unproven. *Id.* at 302, 319 (Wecht, J., concurring), available [here](#).

The Superior Court of Pennsylvania reversed the reinstatement of Mr. Abu-Jamal's appellate rights based on the involvement of District Attorney/Justice Castille in 2021. The Superior Court found that then-DA Castille's letter urging a "clear and dramatic message to all police killers that the death penalty in Pennsylvania actually means something" was "not equivalent to the evidence our jurisprudence has recognized as sufficient to require disqualification of a judge due to the appearance of impropriety."¹³⁸

Mr. Abu-Jamal subsequently filed a sixth petition for post-conviction review on the basis of material found within the six previously undiscovered boxes in the District Attorney's office. The boxes had contained Prosecutor McGill's notes from jury selection, which contained a handwritten indication of "B" and "W" over certain jurors' names corresponding to their race as "Black" and "White." The boxes contained a note from Robert Chobert, one of the eyewitnesses, to Prosecutor McGill, postmarked August 6, 1982, about a month after the close of trial: "Mr. McGill, I have been calling you to find out about the money own to me. So here is a letter, finding out about money. Do you need me to sign anything. How long will it take to get it. How was your week off good I hope." Finally, the boxes for Mr. Abu-Jamal's case contained a memorandum from an attorney supervising Cynthia White's prostitution cases, informing the prosecuting attorney that "this defendant was the witness in the recent police shooting case tried by Joe McGill" and instructing the prosecutor "There is no objection to a plea being agreed upon for these three cases ... Before proceeding to trial please see him [Joseph McGill] and discuss this case."

The trial court overseeing this petition dismissed it without holding an evidentiary hearing.¹³⁹ The court found that the claim of racial discrimination in jury selection was barred as previously litigated in other post-conviction petitions despite it being based on new evidence that had been suppressed for approximately 40 years; it was also waived for failure to raise a contemporaneous objection at trial. The court found that Chobert's note about "money own to [him]" and instructions to consult with a prosecuting homicide attorney before reaching a deal on Cynthia White's prostitution cases did not raise a reasonable probability of a different outcome at trial. The court found that any inference that Chobert had been induced to testify for pay "required additional support," but reasoned that an evidentiary hearing was unnecessary because Prosecutor McGill signed an affidavit stating he did not pay Chobert, and Chobert refused to speak with Mr. Abu-Jamal's private investigator. The court found that Mr. Abu-Jamal "supplies no extrinsic evidence supporting his claim" about Cynthia White, but denied an evidentiary hearing to further develop the record. The Superior Court of Pennsylvania affirmed the trial court's decision, and the Supreme Court of Pennsylvania declined review.¹⁴⁰

Mr. Abu-Jamal now has no legal avenue for relief. Pennsylvania has no legal mechanism for periodic re-evaluation of the reasonableness or necessity of detention for individuals serving life without parole sentences. He has pursued a direct appeal, state-level post-conviction remedies, and review of his trial in a federal *habeas corpus* proceeding. None of these remedies have proved effective in securing Mr. Abu-Jamal a new and fair trial or release from detention.

¹³⁸ *Com v. Cook*, 266 A.3d 656, 290 EDA 2019 (Pa. Super. Ct. Oct. 26, 2021), available [here](#).

¹³⁹ Post-conviction petitions can only be dismissed without an evidentiary hearing when the judge is satisfied that "there are no genuine issues concerning any material fact and that the defendant is not entitled to post-conviction collateral relief, and no purpose would be served by any further proceedings." Pa. R. Crim. Pro. 907.

¹⁴⁰ *Com. v. Cook*, 328 A.3d 487 (Pa. Super. Ct. Sep. 10, 2024), available [here](#); *Com v. Abu-Jamal a/k/a Cook*, 2025 WL 912473, No. 357 EAL 2024 (Pa. 2025).

ANNEX II: Surveillance of Mr. Abu-Jamal by the Federal Bureau of Investigation (FBI) and Philadelphia Police Department Civil Disobedience Unit (CDU)

These FBI files were originally obtained by Mr. Abu-Jamal's attorneys in the mid-1990s. The files primarily use the given name Wesley Cook in reference to Mr. Abu-Jamal.

The FBI opened a file for investigation of Mr. Abu-Jamal and placed him on their "security index" at the age of fifteen due to his affiliation with the Black Panther Party (BPP). Annex II.A. Shortly before the security index placement, Mr. Abu-Jamal had been arrested in a raid on the Philadelphia BPP chapter's office, with assistance from the Philadelphia police. Annex II.B. The FBI placed a wiretap on the phone line of the BPP's Philadelphia chapter office. Annex II.C. The FBI proposed forging Mr. Abu-Jamal's signature on a letter directed to BPP founder Huey Newton, which the Philadelphia office hoped could contribute to the "current of distrust running through the BPP hierarchy at the present time." Annex II.D. The files contain multiple summative memos detailing Mr. Abu-Jamal's known actions while a member of the party. Annex II.E-Annex II.F.

The FBI maintained an interest in Mr. Abu-Jamal when he graduated from high school and attended Goddard College in Vermont. Annex II.G. During this time, they investigated Mr. Abu-Jamal for potential connections to a breaking-and-entering incident. Annex II.H. Mr. Abu-Jamal was never prosecuted for this crime. The FBI then investigated Mr. Abu-Jamal for the murder of the Governor of Bermuda, because his telephone number had been found in the New York City apartment of a different BPP member. Annex II.I. Mr. Abu-Jamal was never prosecuted for this crime. After these fruitless investigations, records reflect that the FBI removed Mr. Abu-Jamal from its index in 1973 and was conducting "no active investigation," but continued to field tips from sources. Annex II.J.

Mr. Abu-Jamal was briefly prosecuted for one crime during this time period, by Philadelphia local rather than federal authorities. While reporting on the trial of Black Liberation Army member Russell Maroon Shoatz, Mr. Abu-Jamal was arrested for possession of a "six inch bladed Exacto knife" and charged with "Carrying a Concealed Deadly Weapon." Annex II.K. Exacto knives are small, precise blades frequently utilized by journalists editing physical audiotape.

The documents reflect renewed FBI interest in Mr. Abu-Jamal subsequent to his 1981 arrest. The FBI fielded a request from the Philadelphia Police Department to perform a toxicology screen on Mr. Abu-Jamal's blood on December 9, 1981. Annex II.L. In 1991, the FBI forwarded Mr. Abu-Jamal's prison visiting list to overseas FBI legal attachés (LEGAT) in Paris. Annex II.M.

Multiple of the files contain references to additional surveillance by the Philadelphia Police Department's Civil Disobedience Unit (CDU), a similar counter-subversive force at the local level, operated by the police department that would later arrest Mr. Abu-Jamal for murder. *See* Annex II.K; Annex II.N. Files on Mr. Abu-Jamal kept directly by the CDU have never been obtained.¹ The extent of any surveillance of Mr. Abu-Jamal throughout the 1970s or early 1980s by local, rather than federal, authorities remains unknown.

The Philadelphia CDU was led by Lieutenant George Fencel, a name which appears at multiple points in the FBI files. *See* Annex II.O (local press article clipped and placed within Mr. Abu-Jamal's FBI file stating "Branch Secretary Wes Cook said the raid was led by Lt. Georgey Fencel with the help of local police"); Annex II.B, *supra*.

On June 21, 1982, shortly before Cynthia White testified at Mr. Abu-Jamal's criminal trial for the murder of Officer Faulkner, Judge Sabo interrupted a discussion between counsel at sidebar for the stated reason: "Just a minute. Fencel is on the phone."²

¹ The CDU's surveillance materials were reportedly destroyed in or around 1980. *See* G.W. Schulz, *Frank Rizzo and Pennsylvania's 56-year legacy of police spying*, *Reveal: The Center for Investigative Reporting* (Oct. 1, 2010), available [here](#).

² N.T. 6/21/82 at 76.

ANNEX II.A

Memorandum Discussing “Security Index” Placement

FEDERAL BUREAU OF INVESTIGATION

Reporting Office PHILADELPHIA	Office of Origin PHILADELPHIA	Date 10/24/69	Investigative Period 8/1 - 10/20/69
Title of Case WESLEY COOK, aka Wes, West, Mumia X		Report made by [REDACTED] b7C	Typed By: [REDACTED]
		Character of Case RM - BPP	

SUMMARY

REFERENCES

Philadelphia airtel to the Bureau, 10/6/69,
captioned **BLACK PANTHER PARTY, RM**

- P -

LEADS

SAN FRANCISCO:

An information copy of this report is being
submitted to San Francisco because of the subject's
position with the Philadelphia Branch of the BPP as
Communications Secretary.

CHARLOTTE:

AT BURLINGTON, N.C.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/21/94 BY [REDACTED]

CN 363,302-001

Will verify subject's birth in Burlington on

Approved ☒	Special Agent in Charge	Do not write in spaces below	
Copies made:		157-3937-41	
3 - Bureau (RM)		[REDACTED] b7C	
1 - MI, PH (RM)			
1 - NISO, PH (RM)			
1 - OSI, PH (RM)			
1 - SS, PH (RM)			
2 - Charlotte (RM)			
1 - San Francisco (Info) (RM)			
1 - Philadelphia (157-1637)			
Notations: 1 - New York 1/19/70		Searched	
		Serialized	
		Indexed	
		Filed	

A.

157-3937-41

PH 157-3937

Lead Continued

4/24/54.

PHILADELPHIA:

AT PHILADELPHIA, PA.

Will follow and report subject's activities with the BPP in Philadelphia.

ADMINISTRATIVE DATA

Copies of this report are being designated at Philadelphia to NISO, OSI, SS, and MI.

This report is being classified ~~confidential~~ to protect [redacted] and [redacted] the information from whom if disclosed could reasonably result in identification of sources of continuing value and affect their future effectiveness.

b2
b7D

In spite of the subject's age (15 years), Philadelphia feels that his continued participation in BPP activities in the Philadelphia Division, his position in the Philadelphia Branch of the BPP, and his past inclination to appear and speak at public gatherings, the subject should be included on the Security Index. This recommendation will be submitted by separate communication.

INFORMANTS

Source

Location

[redacted] is
[redacted]
PHPD,
Civil Disobedience Unit
(Requested)

157-3937-1

b2
b7D
b7C

[redacted] is
[redacted]
PHPD,
Intelligence Division
(Requested)

This Report

PH 157-3937

[REDACTED] is
[REDACTED]
[REDACTED] is
[REDACTED]
[REDACTED] is
[REDACTED]

[REDACTED] b2
[REDACTED] b7D
[REDACTED] 1

Characterizations of SMC

- C* -
COVER PAGE

157-3937-41

ANNEX II.B

Article Clipped For FBI File Discussing Mr. Abu-Jamal's Arrest in FBI /
Philadelphia Police Raid on Panther Office

(Mount Clipping in Space Below)

Panther H.Q. attacked in Phila. frame-up raid

By PEARL CHERTOV

PHILADELPHIA—The FBI and the plainclothes Civil Disobedience Squad of the Philadelphia police raided the Black Panther Party headquarters here Sept. 23 and arrested six party leaders, bringing preposterous frameup charges against two.

The morning of Sept. 23, three FBI agents entered a house in the Strawberry Mansion ghetto area for the alleged purpose of looking for a suspect in a Philadelphia bank robbery. It is purely coincidental, the FBI would have us believe, that this house is the residence of the sister of Reggie Schell, Defense Captain of the Philadelphia Black Panther Party.

The FBI didn't find any suspect, but after searching the house one agent said he discovered an M-14 rifle, which he immediately identified as stolen from the Camp Lejeune, N.C., marine base in July 1968.

At 10:30 that night, Lt. George Fencil and a squad of his men from the Civil Disobedience unit, the local spiffy-suited, elite political police, apprehended five Panthers at gunpoint outside Black Panther Party headquarters at 1928 Columbia Avenue. Fencil and his men then went across the street and arrested Reggie Schell.

While the Panthers were being searched, the police smashed down a door to the headquarters, confiscated the Panthers' mimeograph machine, petitions containing 10,000 signatures for decentralization of the police and the files on their breakfast program for children. They ransacked the office and left it in a shambles.

Branch Secretary Clarence Petersop, Lieutenant of Finance Rene Johnson, West Cook and Craig Williams, Black Panther candidate for Philadelphia City Council, were all released without charges the next morning.

Defense Captain Schell was charged with possession of stolen government property (the M-14 rifle, allegedly found at his sister's house, where he is not a resident), which carries a maximum sentence of 10 years. Also held was Rollando Montae Hearn, Panther Breakfast Coordinator, on a bench warrant for contempt of court, allegedly because he did not show up in court several years ago. Hearn's "crime," says a Panther statement, "was putting into practice the theory that the Minister of Defense has instituted, that all should eat."

The Panthers told *The Militant* that they desperately need funds to replace the wrecked and stolen office equipment and to repair their ransacked headquarters. Funds may be sent to 1928 W. Columbia Ave., Philadelphia 19121. The Panthers observed that the raid occurred only one week after they successfully qualified two candidates for city council for the November election.

(Indicate page, name of newspaper, city and state.)

**P.5—"The Militant"
New York, N.Y.**

Date: 10/10/69
Edition: Vol. 33, No. 40
Author: Pearl Chertov
Editor: Harry Ring
Title:

Character:

or

Classification:

Submitting Office PH

☐ Being Investigated

157-3937-40
INDEXED
SERIALIZED

OCT 20 1969

FBI - PHILADELPHIA

157-3937-40

ANNEX II.C

Sample Memorandum Summarizing Wiretap on BPP Philadelphia Chapter Office

PH 157-2004

[REDACTED] spoke to [REDACTED]
[REDACTED] and inquired about an extra padlock.

Unknown female spoke to [REDACTED] said that [REDACTED] and [REDACTED] went to 61st Street. [REDACTED] said that they were low on food and had only \$9.00 left in the place. \$3.00 of this was to go for gas and [REDACTED] was going to take \$1.00 for papers.

[REDACTED], a community worker, spoke to [REDACTED] and said that he had a cold and would be in tomorrow.

[REDACTED] called [REDACTED] and said he wouldn't be in until tomorrow. He said he tried to get the typewriter but it was bolted down.

[REDACTED] called [REDACTED] and said that WES (WES COOK) could be reached at WA 2-4545, extension 579.

[REDACTED] called [REDACTED] at [REDACTED] [REDACTED] talked about a telephone bill of \$46.15, which had to be paid by 9/10/70, or else there would be a \$30.00 disconnection fee. [REDACTED] also said that they had a letter for HUEY and two postcards for [REDACTED]

[REDACTED] told [REDACTED] to get the community workers and the Panthers down to 1609 for a meeting.

A unknown female spoke to [REDACTED] [REDACTED] said that [REDACTED] was sent home because she had trouble with [REDACTED]

[REDACTED] called [REDACTED] and asked for [REDACTED] Hew wasn't in.

[REDACTED] Community Defense Service, called for [REDACTED] and said that [REDACTED] would not be able to meet

157-3937-147

ANNEX II.D

Memorandum Proposing Forging Mr. Abu-Jamal's Signature

NATIONAL HEADQUARTERS BLACK PANTHER PARTY
MINISTRY OF INFORMATION
3106 Shattuck Avenue
Berkeley, Calif

~~CONFIDENTIAL~~

ALL POWER TO THE PEOPLE***ALL POWER TO THE REVOLUTIONARY VANGUARD***
RIGHT ON HUEY AND BOBBY AND THE CENTRAL COMMITTEE***OFF THE
PHILADELPHIA DOG DECEIVERS***

I told the Black Panther Party last August I came to it to find political life because I had been politically dead. I believe in the principles of the Black Panther Party. Through Huey and Bobby I have become politically alive and have come to the conclusion only through the people's revolution can power be restored to the masses and taken from the hands of the racist pig oppressor.

I have worked for the party because I believed in it and its ability to bring power to the people, to educate them and serve. Even The Black Panther article May 19 says I worked handling the paper, educating the people and helping put out the Panther programs. But the rest of your article is a pig deceiving lie. Huey and Bobby and David and Eldridge deserve to know. Mumia only knows what Reggie tells him. Ask him if I didn't get busted by the federal pigs in Philly because I refused to disobey Black Panther rule #6. What I do refuse though is to accept deceit when it is done in the name of the party. I will not continue to ask for food to feed hungry children and then use it for me and my friends. I won't ask for cloths for cold naked blacks and others and then take them for myself cause its better than what I got on. The "people" have given drugs and medications to help the needy and then find out the Panthers use them to get high or sell them for the money. The Black Panther Party in Philadelphia is the pig, "the foul depraved traducer." Huey and Bobby are deceived and the pig department sits back and oinks its glee. Ask Reggie why the pigs always know what were doing and where its happening in advance. Ask him why pig Fencil and his head pig Rizzo let Toni bring all that grass to the office so he, Montae, Margaret and Cele and Stretch and Harold can blow their minds. Ask Fish Bruton who got busted up by the pigs for doing party work why he told Reggie to shove it.

You check it and then tell me who should be the Panther.

OFF ALL PIGS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 12/14/91 BY [REDACTED]
[REDACTED] 6/21/95

CN 363, 302-001

Jonathan Devan Pinkett

~~CONFIDENTIAL~~

ENCLOSURE (ENCL.)

100-448006-1805

UNITED STATES GOVERNMENT

Memorandum

TO :

FROM :

SUBJECT:

DIRECTOR, FBI (100-48006)

SAC, PHILADELPHIA (157-2371)

COINTELPRO-BLACK PANTHER PARTY (BPP) - DISSENSION
RACIAL MATTERS
BUDED: 2/10/71

DATE: 4/21/95 CN 363,302-001
11/30/83 12/8/71 CA#75-620
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED b7c
DATE 1/5/82 BY [REDACTED]

Re Bureau airtel 2/2/71.

Enclosed for the Bureau are one copy each of two letters submitted by Philadelphia for Cointel purposes. Copies are also enclosed for Pittsburgh and San Francisco.

The following proposal is submitted for the Bureau consideration as a Cointel suggestion designed to promote national dissension within the BPP.

The two enclosures are described as follows:

Letter Number 1

This letter is directed from WESLEY COOK, aka MUMIA X (BuFile 157-15510), to [REDACTED] a student at Francis College, Loretto, Pennsylvania. COOK discusses his leaving the BPP and solicits support for a new organization, Black United Liberation Front (BULF), formed by ex-Panthers from the Philadelphia BPP Branch.

Letter Number 2

This letter is directed from [REDACTED] to San Francisco Attorney [REDACTED] seeking his advice on what to do about the COOK letter. [REDACTED] enclosed COOK's letter for [REDACTED] information.

DECLASSIFIED BY [REDACTED]
ON 4/2/77

- 2 - Bureau (100-448006) (Encls. - 2) (RM)
- 2 - Pittsburgh (Encls. - 2) (RM)
- 1 - San Francisco (Encl. - 2) (RM)
- 1 - Philadelphia (157-2371)

TDD/kgg (6)



RACIAL INT. SECT.

EXP. PROC.

ENCLOSURE

100-448006-2257

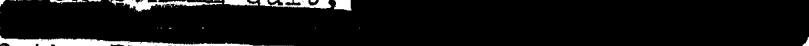
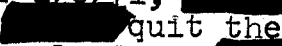
FEB 9 1971

PH 157-2371


Philadelphia proposes that Letter #2 with Letter #1 enclosed be forwarded to the Pittsburgh Division for mailing from Loretto, Pennsylvania.

The following information is set forth by way of background upon which this suggestion is based:

WESLEY COOK was one of the original founders of the Philadelphia Branch of the BPP with RICHARD SCHELL, aka REGGIE. From June, 1969, until October, 1970, when he quit the Party, COOK was very active as Communications Secretary in Philadelphia, with assignments also in New York and San Francisco. While on the West Coast he wrote several articles for the BPP newspaper under the alias MUMIA or MUMIA X. COOK is a 16 year old who left the Party to participate in BULF with SCHELL who left the Party after being ordered to report to New Haven as a Community Worker. SCHELL and about five other BPP members were demoted as a disciplinary measure in October, 1970. When he left the Party SCHELL took with him most of the old time Party members causing the BPP serious problems in finding people to handle the various BPP programs. SCHELL and his group (COOK included) have been labeled "Enemies of the People" in the BPP newspaper and have been accused of soliciting funds in the name of the BPP.

b7C
When SCHELL quit,  and  became co-leaders of the Philadelphia Branch.  left Philadelphia in mid-December to attend the Ideological Institute of HUEY P. NEWTON in California. As of 2/8/71,  is still in San Francisco. On 1/24/71,  quit the Party, leaving the Philadelphia Branch without a leader.  has indicated he will be returning to Philadelphia, but no date for his return has been set.

On 8/31/70, the Philadelphia Police Department raided three BPP locations in the city in executing search warrants. Voluminous records were seized including correspondence to the BPP from various individuals expressing support for the BPP. One letter seized was from an individual signing his name  a student at St. Francis College, expressing an interest in the BPP. This letter was forwarded to Pittsburgh 1/15/71.

100-448006-2257


PH 157-2371

Philadelphia feels that there is a current of distrust running through the BPP hierarchy at the present time, particularly because of the  incident. It is felt that through sending the enclosed letters to  they would end up in the hands of NEWTON and cause him to seriously doubt  loyalty.

No If approved, the letter from COOK would be typed on plain bond paper and signed MUMIA X. Philadelphia has in its possession handwriting samples from COOK upon which to base a reproduction of his signature. The letter from  will be typed on a different typewriter using typical college thesis paper. The return address used by  is a Philadelphia FBI Post Office Box. The original letters will be maintained by Philadelphia pending Bureau consideration of this suggestion. If approved, Letter #2 will be dated and forwarded to Pittsburgh for mailing from Loretto, Pa.

Bureau is requested to give expeditious consideration to this request since it is felt it might be more effective if  is still on the West Coast when the letters come to NEWTON's attention.

ANNEX II.E

Sample Memorandum Summarizing Mr. Abu-Jamal's Activities

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - SECRET SERVICE, PHILADELPHIA (RM)

Report of: [REDACTED] **b7C**
Date: MAY 31, 1971
Office: PHILADELPHIA, PA.

Field Office File #: 157-3937
Bureau File #: 157-15510

Title: WESLEY COOK

Character: RACIAL MATTER - BLACK PANTHER PARTY

Synopsis: COOK was Communications Secretary of Philadelphia BPP since its start June 69. [REDACTED] he transferred to New York and then to San Francisco in March 70. [REDACTED] COOK quit BPP and began working with ex-BPP Defense Captain PEGGY SCHELL in BULF Organization. COOK refused interview by FBI in January 71, no longer with BULF [REDACTED]

b7D

- P* -

DETAILS:

b7C
DECLASSIFIED BY [REDACTED]
ON 11/21/94
CN 363,302-001

~~CONFIDENTIAL~~

~~GROUP 1
Excluded from automatic
downgrading and
declassification.~~

PH 157-3937

I. BACKGROUND

A. Birth

COOK was born at Philadelphia on April 24, 1954, certificate number 16417.

[REDACTED]
February 26, 1970

B. Residence

WESLEY COOK currently resides with his mother, EDITH COOK, at 718 Wallace Street, Philadelphia, Pa.

[REDACTED]
May 21, 1971

C. Education

WESLEY COOK is presently attending Gratz High School, 17th and Luzerne Streets, Philadelphia, Pa.

[REDACTED]
May 21, 1971

D. Employment

As COOK is a student at Gratz High School, he is not known to be employed.

[REDACTED]
May 21, 1971

II. ACTIVITIES

Since June 1969 when the Black Panther Party (BPP) first opened its office at 1928 Columbia Avenue, COOK has held the position of Communications Secretary. In this position he has made public speeches and has written several articles expounding the ultra-militant revolutionary views of the BPP.

A characterization of the BPP is attached:

[REDACTED]
June 1969

PH 157-3937

b2
b7D
b7C

[REDACTED] COOK had been transferred from Philadelphia and temporarily assigned to the BPP-Bronx, N.Y., branch office of the New York City BPP.

[REDACTED]

[REDACTED] information was received that WESLEY COOK had [REDACTED] transfer to the BPP National Office in San Francisco.

[REDACTED]

On March 16, 1970, WESLEY COOK and two other New York BPP members were observed boarding American Airlines, flight number 15, departing JFK International Airport at 11:30 p.m. The flight was scheduled to arrive at San Francisco at 4:17 a.m., April 17, 1970.

On May 11, 1970, WESLEY COOK was working as "Officer of the Day" at National BPP Headquarters and was handling duties connected with this position.

[REDACTED]
July 21, 1970

On June 17, 1970, WESLEY COOK and [REDACTED] were present at BPP National Headquarters.

[REDACTED]

[REDACTED]
June 17, 1970

[REDACTED]

[REDACTED]

PH 157-3937

62
670
[REDACTED] WESLEY COOK was residing with his mother, EDITH COOK, at 718 Wallace Street, Philadelphia, Pa., and was again working with the Philadelphia BPP as Communications Secretary.

[REDACTED]

[REDACTED]

[REDACTED]

The following copies of index cards for WESLEY COOK were among BPP records confiscated during the execution of a search warrant by Philadelphia Police on August 31, 1970, at BPP Headquarters located at 2935 Columbia Avenue, Philadelphia, Pa.:

b7C

West ^{10th} ~~work~~ ^{high school - Malcolm} - organized for
the party - Feb. 67 to June '67
[redacted] & myself active in organizing
city-wide BBU - 10 pt. program for BBU

talent - eloquent with the pen. Wrote
Student News Services in high schools
Wrote Comm. News Services for Party -
functioned as Lt. of Inf. in Party
functioned as Minister of Inf. in the Salam Vaux Society
in high school.

West 'mrmia' Cook

718 Wallace St.

Age: 16 D.O.B. 4-24-54

Height: 6' (and still growing)

Weight: 170 (and still going)

phone: m27-0378

alias: mrmia

occ. of: other

in case of emergency contact above
address

ANNEX II.F

Memorandum Approving Mr. Abu-Jamal for “Administrative Index” “Category 2”

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, Philadelphia (157-3937)

DATE: 12/9/71

FROM : Director, FBI (157-15510)

SUBJECT: WESLEY COOK
EM - BPP

ReurFD-122 11/30/71 recommending subject for Category III of the Administrative Index (ADEX).

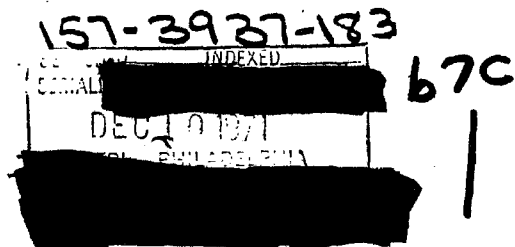
Your recommendation for inclusion in the ADEX is approved; however, the subject is being placed in Category II rather than Category III. Your ADEX cards on the subject will be furnished separately.

Subject is being placed in Category II since he has now actively aligned himself with the Cleaver Faction of the Black Panther Party.

The recently formed communications group of the Cleaver Faction, the Revolutionary Peoples Communications Network (RPCN), lists Mumia, known to be the alias of Wesley Cook, as its Philadelphia Correspondent. The 11/1-14/71 edition of the RPCN biweekly newspaper "Babylon" contained an article written by Cook under his alias concerning the arrest of H. Rap Brown.

Since subject is an active participant in furthering the aims and purposes of the black extremist Black Panther Party (BPP), he qualifies for Category II.

For criteria for inclusion in the various categories of the ADEX, refer to Bureau airtel to all offices dated 11/15/71 captioned "Security Investigations of Individuals."



5010-108

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

157-3937-183

ANNEX II.G

Surveillance of Mr. Abu-Jamal at Goddard College

F B I

Date: 2/25/72

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO: SAC, PHILADELPHIA (157-3937)
FROM: SAC, ALBANY (157-1064) (P)
SUBJECT: WESLEY COOK, aka
EM - BPP
b7C
(OO: PHILADELPHIA)

Re Albany letter to Philadelphia dated 2/22/72.

[REDACTED] Vermont State Police,
Montpelier, Vermont, advised on 2/23/72, that WESLEY COOK
appears on a list of students in the Third World Studies
Program at Goddard College, Plainfield, Vermont, and is
residing on campus. b7C

Subject has not been physically observed by
Albany Agents and Albany sources have been alerted in
effort to identify him and determine his activities.

PHILADELPHIA AND NEW YORK

Attempt to confirm subject's residence at Goddard
College through sources.

- ② - Philadelphia (RM)
2 - New York (RM)
2 - Albany
[REDACTED]
(6)
b7C

157-3937-195
SEARCHED INDEXED
SERIAL [REDACTED] b7C
FEB 28 1972
FBI - PHILADELPHIA
[REDACTED]

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

157-3937-195

ANNEX II.H

Investigative Memorandum re: Breaking and Entering in Vermont

NR006 AL CODED

12:17AM 6-28-72 NITEL 6-27-72 [REDACTED] b7c

TO ACTING DIRECTO (ATTEN. IDENTIFICATION DIVISION)

PHILADELPHIA (157-3937)

FROM ALBANY (157-1064)

✓
WESLEY COOK EM-BPP 00:PH

[REDACTED] ADVISED THIS DATE SUBJECT AT GODDARD
COLLEGE, PLAINFIELD, VERMONT AND [REDACTED]

[REDACTED] SUBJECT IS PRIME SUSPECT IN B & E IN THE AREA IN WHICH
LATENT PRINTS RECOVERED.

SUBJECT DESCRIBED AS FOLLOWS:

NAME	WESLEY COOK
ALIAS	"MUMIA"
DOB	APRIL TWENTY FOUR NINETEEN FIFTY FOUR
RACE	NEGRO
SEX	MALE
HGT.	SIX FEET TALL
WGT.	ONE SIXTY TO ONE SIXTY FIVE LBS.
HAIR	BLACK

END PAGE ONE

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157-3937-204

[REDACTED] b7c

[REDACTED]

ANNEX II.I

Investigative Memorandum re: Murder of Bermuda Governor

NR015 WA CODE

11:01 AM URGENT 3/13/73 [REDACTED]

TO ALBANY

PHILADELPHIA

FROM ACTING DIRECTOR

2P

UNSUB; MURDER OF SIR RICHARD SHARPLES, GOVERNOR OF BERMUDA, AND
HIS AIDE, CAPTAIN HUGH SAYERS, 3/18/73, EXTREMIST MATTERS.

REBUTEL 3/12/73 AND ALBANY LETTER 2/16/73 CAPTIONED "WEST NUMIA
COOK, EM - BPP; BLACK LIBERATION ARMY, EM - URBAN GUERRILLA WARFARE."

COOK, UNTIL JANUARY, 1973, ATTENDED GODDARD COLLEGE IN PLAINFIELD,
VERMONT. [REDACTED], A LEADING BLACK EXTREMIST IN BERMUDA WHO
HAS ADVOCATED THAT BLACKS GET GUNS AND KILL WHITES, HAS BEEN A VISITOR
TO GODDARD COLLEGE WHERE HE ATTEMPTED TO ESTABLISH AND DIRECT A
PROGRAM FOR BLACK STUDENTS.

TWO OTHER BLACK EXTREMISTS FROM BERMUDA, [REDACTED] AND
[REDACTED] ALSO ATTENDED GODDARD COLLEGE UNTIL [REDACTED] WAS
ARRESTED FOR ATTEMPTED THEFT OF FIREARMS IN MONTPELIER, VERMONT. COOK
IS A SUSPECT IN THE BREAKING IN OF A SPORTING GOODS STORE IN BERLIN,
END PAGE ONE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/21/94 BY [REDACTED]

CN 363, 302-001

157-3937-244

SEARCHED	INDEXED
SERIALIZED	[REDACTED]
FBI - PHILADELPHIA	

[REDACTED]

157-7580

QSS

157-3937-244

PAGE TWO

VERMONT. COOK'S TELEPHONE NUMBER WAS LOCATED IN AN APARTMENT IN
NEW YORK CITY OCCUPIED BY [REDACTED] AND OTHER BLACK PANTHER
PARTY - CLEAVER FACTION AND BLACK LIBERATION ARMY ASSOCIATES.
BECAUSE OF COOK'S BLACK EXTREMIST BACKGROUND, HIS POSSIBLE INVOLVE-
MENT IN THE URBAN GUERRILLA ACTIVITIES OF THE BLACK LIBERATION ARMY,
AND HIS ATTENDANCE AT GODDARD COLLEGE WHICH ATTRACTS BLACK EXTREMISTS
FROM BERMUDA, THE INVESTIGATION TO LOCATE HIM SHOULD BE INTENSIFIED
AND EFFORTS SHOULD BE MADE TO DETERMINE IF HE HAD BEEN OUT OF THE
COUNTRY OVER THE WEEKEND OF MARCH 9-11, 1973. SUTEL.

END

[REDACTED] FBI PHILADELPHIA

[REDACTED] b7C

b7C

ANNEX II.J

Memorandum on Removal from Administrative Index

DIRECTOR, FBI (157-15510)

4/4/74

SAC, PHILADELPHIA (157-3937) (C)

WESLEY COOK AKA
EM - BPP

Re Bureau O-1 - 3/20/74.

In March, 1973, per Bureau instructions, captioned subject was deleted from ADEX and no additional investigation conducted concerning his activities.

Sources, however, have continued to report periodically on COOK and, although he has not displayed a propensity for violence, he has continued to associate himself with individuals and organizations engaged in Extremist activities. COOK continues to reside officially at 718 Wallace Street, Philadelphia, Pa., with his mother.

The last information received concerning the subject's activities was reported by [REDACTED] who advised [REDACTED]

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|

Philadelphia is conducting no active investigation concerning the subject. Any positive information received concerning participation by him in Extremist activities will be reported to the Bureau.

- 2 - Bureau (157-15510) (RM)
- ① - Philadelphia (157-3937)

(3)

b7C

Searched	157-3937-259
Serialized	[REDACTED] b7C
Indexed	[REDACTED]
Filed	[REDACTED]

157-3937-259

ANNEX II.K

Memorandum on Arrest for Carrying “Concealed Deadly Weapon” (Exacto Knife)

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI

FROM : SAC, PHILADELPHIA (P)

SUBJECT: WESLEY COOK, aka
EM - BPP
(Bufile 157-15510)
(PHfile 157-3937)

DATE: 12/14/72

BLACK LIBERATION ARMY
EM - URBAN GUERRILLA WARFARE
(Bufile 157-10555)
(PHfile 157-6362)

Re Bureau letter to New York dated 10/16/72, New York airtel to Bureau dated 11/15/72, both communications captioned, "Black Liberation Army, EM - UGW", Philadelphia airtel and LHM to Bureau dated 6/30/72 and Philadelphia letter to New York dated 7/31/72, both communications captioned, "WESLEY COOK, aka".

Telephone number 215-627-0378 from Document Source R-14 was furnished by referenced New York airtel dated 11/15/72. The telephone number was obtained by New York in a search of apartment occupied by [REDACTED] and other BPP - CF and Black Liberation Army associates.

[REDACTED] This information is confidential and should not be made public without the issuance of a subpoena duces tecum directed to [REDACTED]

[REDACTED] Philadelphia, Pa.

Philadelphia Division opened a case under, "Unsub, Subscriber to Telephone Number 215-627-0378, PH file 157-7240".

- 3 - Bureau (157-15510) (RM)
 - 1 - 157-10555 (BLA)
- 2 - New York (RM)
- 1 - Philadelphia
 - 1 - 157-3937 (COOK)
 - 1 - 157-6362 (BLA)
 - 1 - 157-5420 (BULF)
 - 1 - 157-6296 (BPP-CF)
 - 1 - 157-7240

Searched

Serialized

Indexed

Filed



(9)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

1.

157-3937-220

b7D
b7C

b7C

PH 157-3937
157-6362

EDITH L. COOK, 718 Wallace Street, Philadelphia, is the mother of WESLEY COOK, aka. COOK is an ADEX subject from Philadelphia, who has been associated with the BPP and in the past has written articles for the BPP - CF newspaper, "Babylon". 718 Wallace Street has been the address utilized by the subject in the past.

On 11/24/72, [REDACTED] Civil Disobedience Unit, Philadelphia Police Department, advised that on 10/13/72 during the trial of RUSSELL SHOATZ, COOK was arrested while in the possession of a six inch bladed Exacto knife. SHOATZ was on trial on charges of homicide of Philadelphia Police park guard Sergeant FRANK VON COLLN. COOK attempted to attend the above trial and prior to entering the court room he was found to be in possession of the Exacto knife. COOK insisted that his address was 1928 West Columbia Avenue, the headquarters address of the BULF. BULF, an organization with aims similar to those of the BPP, is headed by RICHARD REGINALD SCHELL, former Defense Captain of the BPP in Philadelphia. COOK was arrested by the Philadelphia Police Department and charged with Carrying a Concealed Deadly Weapon. **b7E**

[REDACTED] a source who is familiar with BPP activities in Philadelphia, has continually advised that COOK is unknown, and he has never been known to associate with the BPP in Philadelphia. The source has also been unable to link COOK with the BULF, BPP - CF or the BLA. **b2, b7D**

In January 1971 COOK refused to be interviewed by Bureau Agents and further attempts have not been made to interview him since that time.

Philadelphia has a pending case on the subject and further efforts will be made to determine subject's associates and extent of alliance with BULF, BPP - CF and BLA. Results of investigation will be reported under individual caption.

ARMED AND DANGEROUS.

ANNEX II.L

December 9, 1981 Request for Bloodwork from Philadelphia Police



CITY OF PHILADELPHIA

POLICE DEPARTMENT
HEADQUARTERS, FRANKLIN SQUARE
PHILADELPHIA, PENNSYLVANIA 19106

MORTON B. SOLOMON
Commissioner

December 10, 1991

POLICE CHEMICAL LAB

ROOM 305

Director, FBI Laboratory
Attention: Chemistry Laboratory
9th & Pennsylvania Avenue
Washington, DC 20535

LOCAL & STATE

Dear Sir:

Please analyze the serum specimens submitted herewith by Policeman [redacted] of the Philadelphia Police Laboratory for the presence of drugs.

Lab #81-12261
DC #81-6-80238
PR #854922

1211018

Name of Defendant: Wesely Cook, aka Mumia Abu Jamal

Offense: Homicide of Policeman Daniel Faulkner

Date of Incident: 12/9/81 Time: 3:45 AM

Date Blood Drawn: 12/9/81 Time: 8:30 AM

Blood Drawn by: [redacted]

Location: Thomas Jefferson University Hospital

Specimen submitted by: [redacted] West Detective Division

Date Blood Received: 12/9/81 Time: 3:48 PM

The specimen was found to be negative for alcohol.

Q1 BLOOD

Police Laboratory Director

COPY AND SPECIMENS
RETAINED IN LAB FOR
LAB ACTION AND REPORT

5 DEC 16 1991

95-246778-1

ANNEX II.M

1991 Memorandum on Mr. Abu-Jamal's Visiting List and LEGAT Paris

2/7/91

FM FBI PHILADELPHIA (163E-PA-7723) (SQ10) (RUC)

TO DIRECTOR FBI/ROUTINE/

FBI WMFO/ROUTINE/

~~W~~ FBI LEGAT BONN/ROUTINE/

~~W~~ FBI LEGAT PARIS/ROUTINE/

BT

UNCLAS

CITE: //3620:SQ10//

SUBJECT: MUMIA ABU JAMAL; FPC - RECORD CHECK REQUEST.

RE LEGAT BONN TELETYPE FEBRUARY 15, 1991 TO FBIHQ, CAPTIONED "UNSUBS; RED ARMY FACTION; MACHINE GUN ATTACK OF AMERICAN EMBASSY BONN, FEBRUARY 13, 1991; OVERSEAS HOMICIDE; OO: WMFO". RE LEGAT PARIS TELETYPE TO FBIHQ DATED FEBRUARY 26, 1991.

LEGAT PARIS WAS FURNISHED RE LEGAT BONN TELETYPE WHICH REFLECTS INFORMATION REGARDING THE NAME MUMIA ABOU JAMAL WHICH

① 163E-PA-7723 (SQ10)

[REDACTED] b7C
(1)

(RUC 6)
Dated 3/96

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/2/94 BY [REDACTED]
ON 363,302-001 b7C

163E-PA-7723

APPROVED BY: [REDACTED]
JULIAN DATE: 058
MRI#: 1156 TIME: 1714
ISN#: 7

PER: [REDACTED] b7C

Searched
Serialized
Indexed
Filed

1. 163E-PH-7723-3

^PAGE TWO DE PH (163E-PA-7723) UNCLAS

AROSE AS A RESULT OF [REDACTED] ON **670**
MACHINE GUN ATTACK OF AMERICAN EMBASSY BONN ON FEBRUARY 13, 1991.
PHILADELPHIA HAS DETERMINED THAT THE INDIVIDUAL IN QUESTION IS
MUMIA ABU JAMAL, WHOSE TRUE NAME IS WESLEY COOK, DATE OF BIRTH:
APRIL 24, 1954, WHO WAS CONVICTED IN 1983 OF THE MURDER OF POLICE
OFFICER FAULKNER IN PHILADELPHIA, PENNSYLVANIA ON DECEMBER 9,
1981. AS A RESULT OF THAT CONVICTION, JAMAL IS PRESENTLY IN THE
HUNTINGDON STATE CORRECTIONAL INSTITUTE IN HUNTINGDON,
PENNSYLVANIA. THE STATE COLLEGE RESIDENT AGENCY, PHILADELPHIA
DIVISION, OBTAINED THE VISITING LIST FROM PRISON AUTHORITIES AND
HAS FORWARDED SAME TO LEGAT BONN. FOR FURTHER INFORMATION, IT IS
PHILADELPHIA'S UNDERSTANDING THAT AT LEAST ONE OF THE
PARTICIPANTS IN A TRIBUNAL ON HUMAN RIGHTS WHICH WAS HELD IN NEW
YORK RECENTLY AND WHICH CHARGED THE U.S. WITH A VARIETY OF
VIOLATIONS AGAINST WHAT WAS TERMED PRISONERS OF WAR IN U.S.
JAILS, VISITED JAMAL AT THE PRISON. AT THIS SAME TRIBUNAL, AN
ATTEMPT WAS MADE BY A NUMBER OF GERMAN NATIONALS ASSOCIATED WITH
TERRORIST GROUPS TO ENTER THE U.S. TO ATTEND THIS TRIBUNAL.
IMMIGRATION AND NATURALIZATION SERVICE OFFICERS TURNED THE GROUP
BACK AND THEY WERE PLACED ON AN AIRCRAFT AND RETURNED TO GERMANY.

^PAGE THREE DE PH (163-PA-7723) UNCLAS

PHILADELPHIA CONCLUDES THAT JAMAL'S NAME PROBABLY AROSE AS A RESULT OF THESE CONTACTS SURROUNDING THE NEW YORK TRIBUNAL WHICH WAS ATTENDED BY A NUMBER OF LEFTISTS FROM OTHER NATIONS.

PHILADELPHIA RECOMMENDS THAT LEGAT PARIS MAINTAIN CONTACT WITH LEGAT BONN IN CONNECTION WITH LEGAT BONN FILE 262-WF-17195 FOR INFORMATION REGARDING JAMAL, WHICH MAY BE OF INTEREST TO LEGAT PARIS.

THIS MATTER IS CONSIDERED RUC'D.

BT

ANNEX II.N

Sample Files Referencing Collaboration Between FBI and
Philadelphia Police Department Civil Disobedience Unit



In Reply, Please Refer to
File No.

~~CONFIDENTIAL~~

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Philadelphia, Pennsylvania

August 14, 1969

HIROSHIMA DAY RALLY
PHILADELPHIA, PA.
AUGUST 8, 1969

b7c

[REDACTED] Philadelphia, Pa., Police Department (PHPD), Civil Disobedience Unit (CDU), furnished on July 28, 1969, a leaflet advertising a Hiroshima Day Rally sponsored by the Student Mobilization Committee (SMC) at Rittenhouse Square, 18th and Chestnut Streets, Philadelphia, Pa., August 8, 1969, 7 to 9:30 p.m. The leaflet invited all to "join the fall anti-war offensive", and scheduled movies, folksingers, and speakers. A rain place was designated, Ethical Society, 1906 South Rittenhouse Square. A PHPD, CDU, report of this rally was furnished August 11, 1969. A copy of this leaflet is being reproduced herewith. Other copies of this leaflet were distributed in Philadelphia, Pa.

DECLASSIFIED BY [REDACTED] b7c

ON 11/29/94

CN 363,302-001

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In Reply, Please Refer to
File No. 157-2004

~~CONFIDENTIAL~~
UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Philadelphia, Pennsylvania

October 6, 1969

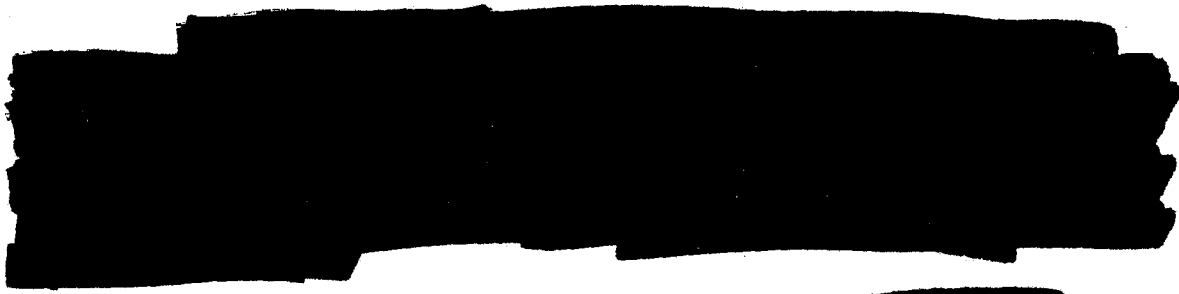
BLACK PANTHER PARTY

DECLASSIFIED BY 
ON 11/29/94

CN 363,302-001

b7c

On Tuesday, September 23, 1969, while investigating a bank robbery violation, agents of this Bureau determined that RICHARD REGINALD SCHELL, Defense Captain of the Philadelphia Branch of the Black Panther Party (BPP), was in possession of one fully loaded M-14 rifle, Serial Number 980589, which, through National Crime Information Center (NCIC), was determined stolen July 1968 at Camp Lejeune, N.C. An arrest warrant was obtained for SCHELL that date for possession of stolen government property, Title 18, Section 641, U. S. Code.



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The Philadelphia Police Department was made aware of the arrest plan in advance of the arrest and advised they intended to dispatch an appropriate detail of officers to the scene for the purpose of crowd control inasmuch as the area of the arrest is in a racially tense section of the Philadelphia ghetto and inside the area torn by fires and looting during the 1964 riot in Philadelphia.

At 11 p.m., September 23, 1969, SCHELL was arrested without incident by agents of the FBI at the Web Bar across the street from the BPP Office which is located at 1928 West Columbia Avenue.

~~CONFIDENTIAL~~
~~Excluded from automatic downgrading and declassification.~~
~~CONFIDENTIAL~~

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~~CONFIDENTIAL~~

BLACK PANTHER PARTY

At the time of SCHELL's arrest by the FBI, officers of the Philadelphia Police Department, Civil Disobedience Unit, observed ROLANDO HEARN in the Web Bar and arrested him on a bench warrant for Contempt of Court and Failure to Appear. HEARN is the BPP Breakfast for Children Coordinator. The Philadelphia police detained the following BPP officers for investigation as they followed the arresting agents out of the Web Bar:

1. CLARENCE PETERSON
BPP Minister of Finance
2. WESLEY COOK
BPP Minister of Communications
3. CRAIG WILLIAMS
BPP Officer of the Day
and candidate for City
Council
4. RENE JOHNSON
BPP Officer of the Day

On September 24, 1969, SCHELL was provided a hearing before EDWARD W. FURIA, U. S. Commissioner, Eastern District of Pennsylvania, and bail was fixed at \$2,500 good bail. SCHELL was represented by ROBERT WILLIAMS, a local attorney, who is running for Judge of the Court of Common Pleas, Philadelphia County. SCHELL paid \$250 cash bail and was released on September 24, 1969.

[REDACTED]

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On September 24, 1969, during the afternoon, a rally was held at City Hall to help raise money for SCHELL's defense and to support the "Chicago Eight" who went on trial Wednesday in Chicago, Illinois, for Conspiring to Start a Riot last August 1968. About 100 people were milling around and a small amount of money was raised.

[REDACTED]

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- 2 -
~~CONFIDENTIAL~~

157-3937-34

ANNEX II.O

Article Clipped For FBI File Discussing Lieutenant Fenc

(Mount Clipping in Space Below)

City police, FBI raid Black Panthers' HQ

Tuesday night at 10:30 Philadelphia police aided by F.B.I. agents raided the headquarters of the Black Panther Party of Philadelphia.

A group of the Panthers were arrested for allegedly possessing stolen military weapons.

Arrested were Defense Captain Richard Reggie Schell, who is being held for possession of stolen government property, and Rolando Montae Hearn for contempt of court and armed robbery. All other members were released yesterday morning.

The Black Panthers were congregated outside their headquarters when police and agents busted the headquarters located at the corners of 19th Street and Columbia Avenue.

Branch Secretary Wes Cook said the raid was led by Lt. Georgey Fencil with the help of local police.

Cook continued, seized were files, a mimeograph machine, security reports and the "much

needed protection for community control" of the police. The protection that Cook was talking about included an M-14 rifle.

Cook told News reporters that police were carrying no warrants, came without any type of warning and met no resistance whatsoever. Cook said they were not carrying weapons when arrested. The Panthers said they were taken at gunpoint and led to the police station where they were kept until 7 yesterday morning.

The Panthers said they feel that this seizure was a direct attempt to intimidate and to discourage and delude the "vanguard revolutionary forces."

The Black Panthers said they are not discouraged at this seizure however. They said it is a sign that the police finally are beginning to recognize them.

For the Panthers, Cook said, this was a show of strength and he believes that now is the time that they should act.

(Indicate page, name of newspaper, city and state.)

P.6-"The Temple News
Philadelphia, Pa.

Date: 9/25/69
Edition: Vol. XLXIV No. 10
Author:
Howard S. Shapiro
Title:

Character:

or

Classification:

Submitting Office: PH

☐ Being Investigated

157-3937-29

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FBI-PHILADELPHIA	