

# PRISONERS OF FAITH CAMPAIGNPACK



## IMAM JAMIL ABDULLAH AL-AMIN

**WARNING:** Some of the contents of this report deal with torture and may cause distress

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“For more than thirty years, I have been tormented and persecuted by my enemies for reasons of race and belief...I seek truth over a lie; I seek justice over injustice; I seek righteousness over the rewards of evil doers; and I love ALLAH more than I love the state.”<sup>1</sup>

- Imam Jamil al-Amin.

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<sup>1</sup> Grady-Willis, Winston A. ‘Epilogue’, *Challenging U.S. Apartheid: Atlanta and Black Struggles For Human Rights, 1960-1977*, Atlanta (GA): Duke University Press, 2006, 209.

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***Before: Imam Jamil with his son***



***After: In prison***

*Since this campaign pack was produced, Imam Jamil has been convicted of the charges against him and sentenced to life imprisonment without the possibility of parole. His defence is appealing the decision.*

## Introduction

Assalaam alaikum wa rahmatullah wa barakatuh

Dear Brothers and Sisters

It has been estimated that there are approximately 250,000 Muslim prisoners of faith around the world today, held in both Muslim and non-Muslim countries. They can be politicians, members of human rights organisations, students, writers, actors and indeed come from all spheres of life, but have one thing in common in that they have wished to adhere to the Islamic belief and way of life. The government of the country where the prisoners of faith are held often portrays them as terrorists, inciters of religious hatred or of even trying to change the constitution of the country. Once locked away, it is all too easy to forget about these prisoners of faith, who can be subjected to the most extreme and brutal forms of torture. Despite the various human rights treaties which have been ratified by governments to protect the right of an individual not to be subjected to torture and the countless UN resolutions banning its use, this practice still continues, largely ignored by the international community. The right not to be tortured is non-derogable, meaning in all situations even in a state of emergency this right must be guaranteed.

**IHRC's prisoner of faith campaigns have been running since the organisation began and continue and complement the work of many dedicated campaigns world-wide. More packs will be made available. Please check our website and go to the campaigns page at [www.ihrc.org.uk](http://www.ihrc.org.uk) or contact us via email at [info@ihrc.org](mailto:info@ihrc.org).**

## The Letter Writing Campaign

IHRC's campaign for prisoners of faith is based on a letter writing campaign. We have found this to be an effective method of applying pressure to different governmental organisations, (national and international), bodies such as the United Nations, European Commission of Human Rights and other similar organisations. They are currently failing to exert pressure on member countries which have pledged to uphold human rights values.

Questions that have been asked in the past concerning the campaign have included:

- What difference will one letter make?
- Does it really work?
- Will we get in trouble writing the letters, since *they* will have our contact details?

It is true that one letter may end up being ignored by the recipient. At least the person who sent it will be able to answer on the Day of Judgement that s/he made a stand against injustice to try to help the prisoners. However letters sent in their hundreds cannot be ignored. One MP stated that if his constituency receives even five letters on the same topic, a meeting is convened to answer the question at hand. Of course this may be the policy of one of the "better" MPs, but the fact remains that hundreds of letters demanding to know why a certain prisoner of faith is being detained and tortured for no other reason than wishing to practice his/her religion must generate a response which can then be taken further.

In fact it was due to a sustained letter writing campaign that the Turkish journalist Gul Aslan, held for three years without charge in Bandirma prison was released in August 1999; the judge presiding over her trial stated that her case was an international embarrassment. Thousands of prisoners of faith have also been released in Bahrain, India and Nigeria after similar campaigns.

Huda Kaya, whilst held in Malatya Prison in July 1999, after participating in a rally against the hijab ban, wrote the following to IHRC:

“We are so proud to see that you are interested in the problems of Muslims in Turkey who are living the basic principle of Islam that only the momineen are brothers...Surely Allah loves those who fight in His way in ranks as if they were a strong and compact wall (Surah Saff-4/Holy Qur'an)...And again by using IHRC, I am sending salaam to all those valuable momineen brothers and sisters. WE ARE WAITING FOR YOUR LETTERS.”

Al-Hamdullillah, Huda Kaya and her daughters who faced the death penalty for participating in the rally were released from prison in December 1999.

Many people do feel slightly apprehensive about writing letters to different governmental organisations about prisoners of faith. Letter writing is a tool widely used by human rights organisations and is a fundamental basic right aligned to freedom of speech.

Model letters are provided for each of the prisoners of faith, which can be sent directly or adjusted as necessary to include further details. We ask that if you do receive a reply to send **a copy of the letter sent (even if it is the model letter) and the reply to IHRC**. This is extremely important as it helps IHRC to monitor the situation with regards to the prisoner of faith and to improve upon the current model letters. Please also keep letters polite.

Letter writing campaigns take time to become established, but Insha'Allah further results will be obtained. However, the success of the campaign is dependent upon the number of people committing to it. More campaigners need to get involved, on a regular basis. The campaign can then be extended to include e.g. vigils and protests at different embassies to raise awareness and Insha'Allah obtain the release of the prisoner of faith.

Finally we ask you to remember these and the many thousand other prisoners of faith in your du'as – imprisoned simply for their beliefs.

## Why Campaign with the Islamic Human Rights Commission?

As Muslims, we have an undeniable responsibility to struggle against oppression and injustice, and to work for a world based on principles of equity and compassion. To do so, Muslims must first of all be aware of the current state of affairs in the world at large, an obligation that has been indicated by the Prophet Muhammad (SAW) as follows: “Whoever wakes up in the morning not thinking about the affairs of the Ummah (community) is not one of us.” (Muslim)

The Qur’an clearly points out that Muslims must fight against oppression in all forms, be it against Muslim or non-Muslim: “*And what reason have you that you should not fight in the way of Allah and of the weak among the men, women and children (of) those who say: Our Lord! Cause us to go forth from this town, whose people are oppressors, and give us from Thee a guardian and give us from Thee a helper.*” (Qur’an 4:75) This verse shows that Muslims have a responsibility to aid the oppressed regardless of the faith or ethnicity of both the oppressed and the oppressor.

Indeed, the Prophet (SAW) has clearly stated that refusing to struggle against oppression and injustice could be tantamount to becoming an oppressor and even exiting the fold of Islam. “Whoever goes along with an oppressor and strengthens his hands, knowing that he is an oppressor, has taken himself out of the fold of Islam.” (from ‘Aws ibn Sharahbil, by al-Bayhaqi in his *Shu’ab al-Iman*; cited in *Mishkat* (1381 AH), Vol. 2, p. 641:5136) “Whoever sees something wrong should use his strength to set it right; if he cannot, he should speak against it; and if he cannot it, he should at least consider it wrong in his heart; and this is the weakest of faith.” (Muslim, from Abu Sa’id al-Khudri, Vol. 1, p. 69:78, *Kitab al-Iman*)

Thus, it is clear that genuine adherence to Islam inherently entails committed activism against all forms of injustice and oppression. This includes standing up against those who perpetrate and promulgate injustice regardless of whether they are Muslim or non-Muslim, and striving to protect the rights of all people from oppression once more regardless of ethnicity or religion.

The question then arises as to the best methodology we should implement to fulfil the obligation outlined above. Once more, the Qur’an and the Prophet (SAW) have made clear the best means of doing so. First of all, the Qur’an states that it is an obligation for Muslims to form groups or organisations through which they may exhort to what is right and denounce wrong: “*Let there be among you a group that invites to the good, enjoins what is right and forbids what is evil, and they are those who are successful.*” (Qur’an 3:104) In other words, Muslims should form structured organisations through which they can call upon all relevant parties to implement justice and avoid injustice - the Islamic Human Rights Commission (IHRC) strives to be just such an organisation. This is a universal obligation that Muslims have been commanded to fulfil by Allah (SWT) in relation to all individuals, communities and groups, both Muslim and non-Muslim without exception. This therefore necessarily includes calling on international organisations such as the United Nations and NATO; national organisations such as human rights groups and think-tanks; governments and non-governmental organisations; state and non-state institutions; and so on, to implement justice and avoid injustice. It is the obligation of Muslims to make significant contact with all such national and international bodies to encourage and exhort them to practice justice, and finally to denounce and condemn any of their unjust practices.

Indeed, the Prophet (SAW) has quite specifically highlighted the merits of speaking out directly to the perpetrator or supporter of oppression. This is done by condemning their oppressive behaviour, recommending to them the most just practice in relation to this behaviour, and calling upon them to reform their behaviour according to justice by implementing this recommendation. The Prophet (SAW) stated: “The best Jihad is the word of truth spoken in the presence of a tyrant ruler” (narrated by Ahmad). Indeed, this sort of direct activism against oppression may not necessarily be literal and physical. Research and campaigning through writing in order to fulfil the obligation outlined above has also been highly praised by the Prophet (SAW), and therefore must include contacting relevant groups and organisations to demand that they adhere to justice. This has been directly alluded to in the

statement of the Prophet (SAW) quoted above: “Whoever sees something wrong should use his strength to set it right; if he cannot, he should speak against it...”

The next question with regards to methodology is how to call upon these groups, bodies and organisations in an effective and convincing manner. It is well known that when the Prophets (AS) fulfilled their mission to preach the message of Islam to the different communities to which they came, they did so deliberately in a language and terminology which they could best understand. In other words, they gauged the intellectual and rational background of their listeners and tailored their preaching so that listeners were able to comprehend the Prophets’ message.

This has even entailed utilising the ideology of the listeners in such a way as to use the concepts and terminology which they are already familiar with, to prove a correct concept. For example, the Qur’an relates that Prophet Ibrahim (AS), in conversation with his people, utilised the concepts and terminology of the paganist worldview to prove the Islamic worldview. (*Qur’an* 6:75-79, 7:80-83, 41:47)

In a similar fashion, it is possible to highlight the unjust practices of governments, organisations and individuals using concepts and terminology that they understand - such as the prevailing human rights discourse - so as to prove their unjust nature. The objective of doing so would simply be to demonstrate their hypocrisy in failing to adhere to the very humanitarian principles which they themselves claim to uphold, by pointing out the discrepancy between their behaviour and the basic rights of human beings.

Where the Divinely-ordained rights of human beings correlate with rights recognised internationally, it makes sense to call upon national and international bodies to implement such rights. This would serve greatly to help fulfil our Islamic responsibility to struggle against global injustice and oppression, to protect the intrinsic rights of Muslims worldwide, and to promote justice and equity. In this way, we would be pressuring existing international instruments to act in accordance with justice. As the Prophet stated in a famous hadith: “The similitude of the believers is like a single body. If any part of it complains of an injury, the entire body responds.” Campaigning with IHRC can help make this response effective.

There are many examples proving that Muslim pressure can have an impact. For example, the Zionist Lord Michael Levy was temporarily sidelined from his position as Tony Blair’s Middle East envoy. This occurred in the wake of the Foreign Office having received up to over a thousand letters from IHRC campaigners. Lord Levy’s sidelining was widely reported in the press by newspapers such as the *Times* and the *Independent*. Although Lord Levy was later returned to his position, it remains clear that this sort of pressure can work.

Similarly, when a number of Turkish Sisters were jailed for undertaking a peaceful protest against the ban on Hijab in schools and universities, IHRC volunteers were asked to send letters to several organisations and leaders, including Mary Robinson, the then UN High Commissioner for Human Rights. The Turkish sisters, who had the death sentence levelled against them, were soon released when the UN intervened under pressure from IHRC campaigners to prevent them from being killed.

Another recent example is that of Oxfam, when it announced that it will not renew its contract with pro-Zionist Starbucks after immense pressure from various human rights groups led by IHRC.

Yet another example is that of the recent success in the case of Mirza Tahir Hussain whose imminent death sentence was commuted owing to great efforts by many governmental bodies and co-ordinated by IHRC.

There are many other examples. Campaigning can work if enough consistent, determined and widespread pressure can be imposed on political leaders and organisations. IHRC believes that it is our

responsibility to call these leaders and organisations to account for their policies and actions, and to exhort them to act in accordance with justice.

## **Imam Jamil Abdullah Al-Amin**

IHRC joined the campaign to support Imam Jamil Abdullah Al-Amin in August 2001. Although the case has been reported widely in the American media and Imam Jamil has received support from the major Muslim groups in America, little is known in the UK about Imam Jamil.

### **Background**

Imam Jamil (formerly known as H. Rap Brown) was one of the most articulate and outspoken critics of the tyranny and oppression perpetuated by the Jim Crow laws of the 1960's which served to legally segregate whites from blacks. Known as a bold and daring fighter for the rights of the oppressed and unjustly treated, he was accorded the same status by media personalities and law-enforcement officials as that given to El-Hajj Malik El-Shabazz (Malcom X). During this period, Imam Jamil received his 'violent' label by these individuals who sought to demean his advocacy of self-defence against US government-induced terrorism against the black communities and racist Ku Klux Klan activities.

Throughout the 1970's, 80's, and 90's, Imam Jamil has proven himself to be an outstanding Islamic leader as exemplified through the following:

- Establishment of the first mosque in the city of Atlanta, Georgia where the five compulsory prayers are regularly performed to this day. The establishment of this mosque has been credited with helping radically to eliminate crime in an area that was once crime infested, due to the leadership of Imam Jamil, and the help of Allah. In addition, the Islamic community of the west end regularly adheres to the payment of Zakat (charitable contributions to the poor).
- Efforts to uniformly recognize the beginning and ending of the Holy Month of Ramadan and the successive Eid celebrations.
- Organizing mass pilgrimages to Mecca (Hajj) from the western hemisphere.
- Promotion of safe streets and efforts to eliminate drug trafficking and related crimes throughout the west end of Atlanta, as well as other communities nationwide.
- Establishment of the United Peace Initiative (UPI) and the Unity Truce among street gangs throughout the United States.
- Initiation of city, state, and nationwide Islamic Leadership Councils.

### **The Case**

Imam Jamil was charged with 13 counts of murder and felony murder in March 2000 after shootings outside his grocery store earlier in the same month which resulted in one deputy being killed. Ultimately, he was found guilty of all 13 counts and sentenced to life imprisonment without parole.

The media coverage that followed the shootings made a fair trial look impossible even before September 11, 2001 (the original jury selection was to begin on September 12). The judge presiding over the trial, Judge Stephanie B. Manis granted a continuance for the new trial date to begin on January 7, 2002. Jury selection began by Judge Manis calling 1500 potential jurors, more than three times the usual number to form a 12 member jury.<sup>2</sup>

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<sup>2</sup> Marina Jimenez, 'Muslims rally around former Black Panther Accused of killing deputy: Atlanta murder trial seen as test in wake of Sept. 11', *The National Post*, 10 January 2002, <http://www.nationalpost.com/home/story.html?f=/stories/20020110/1087248.html>

The trial followed the extremely muddled and chaotic investigation of the shootings in which flaws have been well documented. On March 16 2000 (Eid al-Adha), two deputies Ricky Kinchen and Aldranon English arrived at Imam Jamil's grocery store in the West End neighbourhood of Atlanta. They were to serve him with a warrant for failing to appear in Cobb County Court earlier in January. (The warrant related to three charges in May 1999; Imam Jamil had previously refuted all the charges made against him).

According to media reports in the next few days, the two deputies, not finding Imam Jamil in the store, drove around the block and upon returning parked near the store, where a black Mercedes was also parked nearby. The deputies asked the man in the black Mercedes to show them his hands, concerned they could not see what he was doing. Firing began at this point; Deputy Kinchen died from gunshot wounds the following day at Grady Memorial Hospital but Deputy English survived, spending days in intensive care at the same hospital. It was within hours of receiving emergency surgery that Deputy English identified Imam Jamil from a photo line up as the assailant who shot him and his partner.<sup>3</sup>

Imam Jamil was charged with 13 counts of murder and felony murder by Fulton County Grand Jury in March 2000.<sup>4</sup> In May 2000 the district attorney proceeded to ask for the death penalty, as had been expected, since an officer had been killed in the line of duty.

Some of the many contradictory findings that have emerged since the shootings are below:

- Both deputies claimed to have shot Imam Jamil on 16 March 2000, once shooting at the two deputies began. According to various media reports within the next few days, a trail of blood followed by the officers led to an empty house around the corner. Within the next week reports had changed with police denying that a trail of blood had been found altogether. Instead, blood was found at the empty house and the blood at the scene of the crime was old and unrelated to the shootings.<sup>5</sup> Changes in the reports coincided well with the fact that when examined, Imam Jamil was free from any wounds that could have been caused as a result of being shot.<sup>6</sup>
- The warrant used to search Imam Jamil's house was obtained using 'common knowledge around the office that blood had been found'<sup>7</sup> The police sergeant who had obtained the search warrant testified in court that he had unintentionally lied about the trail of blood, in order to get the warrant.<sup>8</sup>
- Deputy English stated after the shootings that the attacker had 'gray [sic] eyes'<sup>9</sup> whereas Imam Jamil's eyes are brown.
- A possible suspect and / or witness was overlooked by the prosecution, possibly deliberately. Otis Jackson, in April 2000 was in the process of being extradited to Nevada, on an unrelated charge when he told an officer he had been involved in the shooting of an officer in Georgia. This claim was not investigated until over two months later and ended with Otis Jackson signing a confession, where he admitted to shooting a police officer. He mentioned details including how the officers had tried to serve Imam Jamil with a warrant, how he [Otis Jackson] began fighting with one of the officers and the shooting that ensued. Otis Jackson also stated the make of the gun he used for the

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<sup>3</sup> El-Hajj Mauri' Saalakahn, Director, The Peace and Justice Foundation, 'Analysis of Otis Jackson's Confessions', <http://www.imamjamil.com>

<sup>4</sup> Jack Warner, 'Al-Amin indicted on 13 counts', *The Atlanta Journal-Constitution*, 29 March 2000

<sup>5</sup> Amina Saeed, 'Too Much Contradictory Evidence in Imam Jamil Al-Amin Case', <http://www.imamjamil.com>

<sup>6</sup> Coalition for Imam Jamil, Metro Washington, D.C.-Area, '7 facts concerning allegations against Imam Jamil', fact 6, <http://www.imamjamil.com>

<sup>7</sup> Steve Visser, 'Al-Amin supporters blast police', *The Atlanta Journal-Constitution*, 28 March 2001

<sup>8</sup> Linn Washington Jnr, 'Mistaken Identity or Guilty While Black', *The Philadelphia Tribune*, 17 July 2001

<sup>9</sup> *ibid*

shootings whose casing matched the casings found at the scene.<sup>10</sup> However within days of his confession, it was announced that Otis Jackson has recanted it. His recantation was immediately accepted and further investigations were not made despite Otis Jackson's detailed knowledge of the events on the night of 16 March 2000. He was not even allowed to meet the defence team.<sup>11</sup>

- In June 2000 it was reported that police officers admitted the patrol car used by Deputies Kinchen and English had been repaired and now could not be used as evidence by Imam Jamil's defence. The police had claimed that Imam Jamil stood on the right side of the police car when he fired upon the officers, but bullet holes were found on the left side of the car.<sup>12</sup> In addition to this car, two other cars parked near the site of the shootings, also containing bullet holes were not examined by the defence. One was never impounded and the other remains in police custody.<sup>13</sup>

The Freedom of Information Act revealed that there are over 44,000 documents compiled on Imam Jamil's life since the 1960s when he was known as H Rap Brown<sup>14</sup>, which Imam Jamil himself has made reference to on several occasions. The media coverage of Imam Jamil has conveyed him as being 'some kind of gun-toting, irresponsible Black thug'<sup>15</sup>, according to a close friend of his. Imam Jamil himself said in his statement of innocence that for over 30 years he has been "...tormented and persecuted for reasons of race and belief" and now "...They have done their level best to reduce me to a one-dimensional monster that is a composite of a Black Panther..., a cop killer, and the fictional character of the Godfather..."<sup>16</sup>

All these connotations have been projected, even though since his conversion to Islam in 1971, Imam Jamil has worked hard for the Muslim community in America. He established the Community Mosque of Atlanta and in 1983 formed the National Islamic Community, an amalgamation of 30 mosques. Friends have described Imam Jamil as humble and respectful and he has been widely credited on the work he has undertaken with '...ridding his neighbourhood of drug dealers...' <sup>17</sup> Perhaps then, it is not difficult to believe him when he stated, after his arrest in Alabama, "It's a government conspiracy".<sup>18</sup>

Due to a gagging order placed by Judge Manis in August 2000, Imam Jamil has not been able to proclaim publicly his innocence.<sup>19</sup> She ruled against lifting the gagging order a year later in August 2001.<sup>20</sup>

In December 2001, Imam Jamil sent a letter to the Community Mosque in Atlanta, proclaiming his innocence. He wrote of the value of human life, stating "...Allah and only Allah is the author of life and death..." He described state executions as "...little more than ritual murders that mock justice..." and compared them to "...the ancient practice of human sacrifice." The letter ended with, "Let us not serve as handmaidens to power and principalities but as stewards of life and devoted servants of Allah."<sup>21</sup>

<sup>10</sup> El-Hajj Mauri' Saalakah, Director, The Peace and Justice Foundation, 'Analysis of Otis Jackson's Confessions', <http://www.imamjamil.com>, see also Brian Cabell and the Associated Press, 'Atlanta area officer dies after shootout: 1960s militant sought', 17 March 2000, <http://www.cnn.com>

<sup>11</sup> 'New Developments in the Case of Jamil Al-Amin', 25 February 2007, <http://blog.myspace.com/index.cfm?fuseaction=blog.view&friendID=114462347&blogID=234565084&MyToken=46050b16-c0dc-4a7b-ab8d-b26d918c256f>

<sup>12</sup> Linn Washington Jnr, 'Mistaken Identity or Guilty While Black', *The Philadelphia Tribune*, 17 July 2001

<sup>13</sup> Joshua B Good, 'Judge rules against lifting Al-Amin gag order', *The Atlanta Journal-Constitution*, 17 August 2001

<sup>14</sup> email rec'd by IHRC 'Pre-Trial Court Hearing State of Georgia v Imam Jamil Abdullah Al-Amin', 19 May 2001

<sup>15</sup> 'Four Muslim leaders on the case of Imam Jamil al-Amin', <http://www.imamjamil.com>

<sup>16</sup> 'H. Rap Brown/Jamil Al-Amin: A Profoundly American Story', *The Nation*, 28 February 2002

<sup>17</sup> Linn Washington Jnr, 'Mistaken Identity or Guilty While Black', *The Philadelphia Tribune*, 17 July 2001

<sup>18</sup> Brian Cabell and the Associated Press, 'Lawyer for former Black Panther leader Al-Amin says client is innocent', 21 March 2000, <http://www.cnn.com>

<sup>19</sup> Joshua B Good, 'Judge says gag order applies to Al-Amin', *The Atlanta Journal-Constitution*, 16 August 2000

<sup>20</sup> Joshua B Good, 'Judge rules against lifting Al-Amin gag order', *The Atlanta Journal-Constitution*, 17 August 2001

<sup>21</sup> Imam Jamil Abdullah Al-Amin, 'Text of Al-Amin's letter to congregation' *The Atlanta Journal-Constitution*, 1 May 2002, Full text of letter can be viewed at <http://www.accessatlanta.com/ajc/metro/alamina/010502letter.html>

At the beginning of January 2002, several newspapers published portions of a 20 minute interview Imam Jamil gave by telephone from Fulton County jail. He stated that the FBI had found nothing from the 44,000 documents they had gathered over him, so "...at some point, they had to make something happen to justify all the investigations and all the money they've spent."<sup>22</sup> He did not discuss the shootings on 16 March 2000, but emphasised that it was his embracing of Islam that led to his arrest. He again criticised the gagging order stating "I can't even say I'm innocent. Do you know of any other defendant who is not allowed to say he is innocent?"

As a result of the telephone interview Imam Jamil was found in contempt of court. Judge Manis stated that the timing of the comments would prejudice potential jurors. For a period of about 4 weeks, Imam Jamil was not allowed to make telephone calls from the jail, send any letters or receive visitors other than his lawyers, until jury selection was completed.<sup>23</sup>

He was held in solitary confinement in Fulton County jail and denied the one hour break outside which is designated to all detainees, in fear of violating the gagging order.

The opening arguments in the case were made on 18 February 2002. In spite of the irregularities Imam Jamil was found guilty on 9 March 2002 on all 13 counts. On 14 March 2002, the jury rejected rendering a death sentence and voted instead to sentence Imam Jamil to life imprisonment without parole.

On 24 March 2004, the Georgia Supreme Court affirmed the conviction. In June 2004, the Georgia Supreme Court denied Imam Jamil's Motion for Reconsideration.

## **Imprisonment**

After seven years of solitary confinement at the State Prison in Reidsville, Georgia, the Imam was still in high spirits and hopeful of his release. His comments that "They ain't make me ... so they can't break me"<sup>24</sup> has inspired his supporters. However, since the beginning of his imprisonment he has not been treated in accordance with international human rights standards as is evident from the list of grievances that he has filed against the State Prison over conditions and policies that violate his human rights.

On 1 August 2007, the Imam was transferred from the Georgia State Prison, in Reidsville, to Colorado's ADMAX Federal facility, America's most notorious supermax prison also known as the 'Guantanamo Bay of the mainland'. It is named as such for its housing hundreds of the countries highest-profile Muslim prisoners amongst others. This transfer, which relocated Imam Jamil thousands of miles away from his legal counsel and family, was indeed a surprising move, as neither did his record indicate any institutional behavioural problems, but he never had any federal charges levelled against him, which begs the question as to why he has been moved to a federal facility. As such, this clearly violated his right to due process of law and procedure.

## **Post-Conviction Appeals**

Shortly after Imam Jamil began serving his life-sentence on 27 September 2004, his legal counsel filed a petition for a writ of certiorari<sup>25</sup> in the US Supreme Court, however, it refused to hear the case. The

<sup>22</sup> David Firestone, '60's Firebrand, Now Imam, Is Going on Trial in Killing', *The New York Times*, January 6 2002

<sup>23</sup> Lateef Mungin and Alan Judd, 'Al-Amin held in contempt for interviews'. *The Atlanta Journal-Constitution*, 6 January 2002

<sup>24</sup> International Committee to Support Imam Jamil Al-Amin (ICSIIJA), 'Community Report and Update 2007', <http://web.mac.com/powerportraits/iWeb/Site%203/COMMUNITY%20REPORT.html>

<sup>25</sup> A writ (order) of a higher court to a lower court to send all the documents in a case to it so the higher court can review the lower court's decision.

following year, on 14 November 2005, Imam Jamil's legal team filed a habeas corpus on his behalf, citing 14 grounds for the reversal of his sentencing. Some of these grounds included failure of the trial counsel to:

- investigate the confession of Otis Jackson;
- request a change of venue due to negative publicity;
- permit Imam Jamil to testify in his own defence;
- challenge the issue of the prosecution striking out all persons from the jury who indicated an affiliation to Muslims;

Other grounds which dealt with errors committed by the judge included denial of:

- the right to counsel of Imam Jamil's choice, by eliminating all but one of his four trial lawyers from participating in voir dire<sup>26</sup> of the jury;
- the opportunity to present favorable evidence, including two 911 tapes, which directly contradicted the State's position;
- the right to introduce evidence relating to Imam Jamil's work to improve the West End community;
- the presentation of favorable testimony;
- the opportunity to confront an FBI agent in the case of prior misconduct against a Muslim, his misleading and false testimony, and questionable activity in the case, including tampering of evidence;

Other errors committed by the State included:

- failure to provide discovery<sup>27</sup> to the defence team;
- inappropriate statements about Imam Jamil's courtroom conduct and his failure to testify, when he did not stand up for the jury as members entered the courtroom;

The habeas corpus action also addressed several other issues, including an oath which the jury was asked to take. The counsel holds that this oath was in violation of the Establishment Clause<sup>28</sup> of the First Amendment to the United States Constitution, suggesting that the religion of the defendant affected the court procedures.

Further, subsequent evidence, including a letter from Otis Jackson stating that 'he never recanted his confession, rather it was recanted for him'<sup>29</sup>, demands further investigation. Otis Jackson had previously confessed to the crime of shooting the two Fulton County Sheriffs but then had recanted it just days afterward. His letter states:

"Unfortunately the law enforcement officials wanted him [Imam Jamil] and so they were willing to let me walk on the death of one of their own...I looked into the eyes of English so he must remember me but he was never...[shown]...my picture and I never recanted anything, they recanted for me. I pray to Allah (SWT) that this murder is taken off of the Imam and put on the right person [i.e.] me."<sup>30</sup>

<sup>26</sup> *Voir dire* refers to the questioning of prospective jurors by a judge and attorneys in court in order to determine if any juror is biased and/or cannot deal with the issues fairly, <http://dictionary.law.com/default2.asp?selected=2229&bold=>

<sup>27</sup> *Discovery* refers to the entire efforts of a party to a lawsuit and his/her/its attorneys to obtain information before trial through demands for production of documents, depositions of parties and potential witnesses, written interrogatories (questions and answers written under oath), written requests for admissions of fact, examination of the scene, and the petitions and motions employed to enforce discovery rights, <http://legal-dictionary.thefreedictionary.com/discovery>

<sup>28</sup> The Establishment Clause prohibits the establishment of a national religion by Congress or the preference of one religion over another, or religion over non-religion, [http://en.wikipedia.org/wiki/First\\_Amendment](http://en.wikipedia.org/wiki/First_Amendment)

<sup>29</sup> 'New Developments in the Case of Jamil Al-Amin', 25 February 2007,

<http://blog.myspace.com/index.cfm?fuseaction=blog.view&friendID=114462347&blogID=234565084&MyToken=46050b16-c0dc-4a7b-ab8d-b26d918c256f>

<sup>30</sup> *ibid*

Hence not only has Otis Jackson admitted to the crime but he is willing to accept the punishment as well. This discovery clearly brings into question the grounds for Imam Jamil's sentencing, as well as serious problems in the US judicial system which is apparently adamant upon detaining an innocent man and willing to let the offender go free.

In light of the above-mentioned evidence, a habeas hearing was held on 27 February 2007<sup>31</sup> during which the legal counsel presented evidence and testimony. Imam Jamil, too, testified and proclaimed his innocence during the hearing.

This hearing concluded on a positive note and Imam Jamil's case still remains open. The judge is expected to take a decision as to whether this newly presented evidence requires a new trial. This decision was supposed to take place during the latter part of 2007; however, the date for a new trial is yet to be announced. If and when a new trial takes place, at least two hundred thousand dollars will be required to assure minimal legal representation. If Imam Jamil is denied this trial then his case will have to be pursued at the federal level.

Imam Jamil's counsel has filed two other lawsuits on his behalf, one of which includes a challenge to his involuntary protective custody resulting in his constant 23-hour lockdown status. The second lawsuit pertains to his legal mail being illegally opened in his absence, violating both the attorney-client privilege and the prison's standard operating procedures.

Further information about Imam Jamil's case and about ways to support him can be found at the following links:

<http://www.myspace.com/freetheimam>

<http://www.icsija.tk>

<http://www.imamjamil.com>

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<sup>31</sup> 'Update! Outcome of Yesterday's Hearing!', 28 February 2007, <http://blog.myspace.com/index.cfm?fuseaction=blog.view&friendID=114462347&blogID=235888104&MyToken=92f482b5-c67b-4d14-a887-e74faf7a4add>

**Address for letters of support to Imam Jamil:**

Imam Jamil Abdullah Al-Amin  
 99974555  
 U.S. Penitentiary  
 P.O. Box 8500  
 Florence CO, 81226  
 USA

**Instructions for Sending Sample Letters**

Sample letters are given below for your convenience. Please send the model letter with the chosen insertions to the addresses below. Addresses for the recipients are given immediately after the model letters. Please note that letters can be sent as they are or adjusted as necessary to include further details. If you receive a reply to the letter you send, we request you to send a copy of the letter you sent and the reply you received to IHRC. This is extremely important as it helps IHRC to monitor the situation with regards to our campaigns and to improve upon the current model letters.

**Model Letters for Imam Jamil****1) Letter to UN High Commissioner on Human Rights or Minister of Foreign Affairs in your country**

Name  
 Address

Date

[Name of Recipient]  
 [Address of Recipient]

Dear [Name of Recipient]

Re: Appeal for Imam Jamil Al-Amin (USA)

I am very concerned about the transfer of Imam Jamil Abdullah Al-Amin to the ADMAX Federal Prison at Florence, Colorado, as well as his 23-hour solitary confinement and treatment therein. Imam Jamil was sentenced to life imprisonment on charges of 13 counts of murder and felony murder for shooting two deputies on 16 March 2000, one of whom, Deputy Ricky Kinchen, died as a result of the shootings.

On 1 August 2007, Imam Jamil was transferred from the Georgia State Prison, in Reidsville, to Colorado's ADMAX Federal facility, America's most notorious 'supermax' prison. Prior to this transfer, Imam Jamil had already filed a list of grievances with the Georgia State Prison, which included denial of religious rights, sexual abuse and being held in solitary confinement for 23 hours a day

The transfer to USP Florence, and to a facility which similarly keeps its prisoners in constant 23-hour solitary confinement violates the UN Convention against Torture. Now Imam Jamil is thousands of

miles away from his legal counsel and family. This transfer was indeed surprising, as neither had his record indicated any institutional behavioural problems, nor had any federal charges ever been levelled against him, begging the question as to why he was been moved to a federal facility. As such, this clearly violates his right to due process of law and procedure. This is moreover shocking in light of his having a pending habeas corpus action in the state of Georgia addressing the many contradictory findings which emerged throughout the murder investigation as well as questioning the overall fairness of the murder trial itself.

The inconsistencies of the prosecution, along with failures of the overall trial, included these several points:

- Even though both deputies claimed to have shot Imam Jamil, after examination, there were no injuries found on his body that could have resulted from being shot.
- The deputies' patrol car had been repaired before it was used as evidence by the defence.
- Otis Jackson confessed to the crime of shooting the deputies; however it was later announced that he recanted his confession and was thereafter acquitted. However subsequently, he publicly confessed to the crime again revealing that he never recanted his confession rather it was recanted for him.
- The request for a change of venue due to negative publicity was denied by the trial counsel.
- Imam Jamil was not permitted by the trial counsel to testify in his own defence.
- Trial counsel did not address the challenge of the defence regarding the prosecution's action to strike out all persons from the jury who indicated an affiliation to Muslims.

Throughout his life, Imam Jamil Amin has proven himself to be an exemplary community leader. He established the first community mosque in Atlanta, which has been credited with helping in the radical elimination of crime in an area that was once crime infested. Likewise, Imam Jamil worked to promote safe streets and to eliminate drug trafficking and related crimes throughout Atlanta's West End, and in several other communities nationwide. Furthermore, he established the United Peace Initiative (UPI) and the Unity Truce among street gangs throughout the United States.

Given the information at hand, I sincerely question the fairness of the trial Imam Jamil received. Furthermore, I am deeply concerned about his daily 23-solitary confinement and transfer to a federal facility.

[INSERT APPROPRIATE PARAGRAPH]

I look forward to hearing back from you soon regarding this urgent matter.

Yours sincerely

[Name]

### **Insertions**

Recipient Name: Ms Louise Arbour, UN High Commissioner on Human Rights

### **INSERTION**

I request you to ensure that Imam Jamil is given a fair trial based on the facts of the case. Likewise, Imam Jamil should be relocated to a facility near his family and legal counsel. However, in the meantime, he must be treated in accordance to international human rights standards while he is held in prison. Please ensure the appropriate working groups in your office act upon this matter.

Recipient Name: Minister of Foreign Affairs in Your Country, UK residents can write to Rt. Hon. David Miliband MP

## INSERTION

I request you to make representations on behalf of Imam Jamil and pressurize the American government to offer him a fair trial based on the facts of the case and to relocate him to a facility near his family and legal counsel. However, in the meantime, he must be treated in accordance to international human rights standards while he is held in prison.

**2) Letter to the Prison Warden for USP Florence ADMAX or the Director of the Federal Bureau of Prisons**

Name  
Address

Date

[Name of Recipient]  
[Address of Recipient]

Dear [Name of Recipient]

Re: Imam Jamil Abdullah Al-Amin 99974555

I am very concerned about the transfer of Imam Jamil Abdullah Al-Amin to the USP Florence ADMAX as well as his 23-hour solitary confinement and treatment therein. Imam Jamil was sentenced to life imprisonment on charges of 13 counts of murder and felony murder for shooting two deputies on 16 March 2000, one of whom, Deputy Ricky Kinchen, died as a result of the shootings.

On 1 August 2007, Imam Jamil was transferred from the Georgia State Prison, in Reidsville, to Colorado's ADMAX Federal facility. Prior to this transfer, Imam Jamil had already filed a list of grievances with the Georgia State Prison, which included denial of religious rights, sexual abuse and being held in solitary confinement for 23 hours a day.

The transfer to USP Florence, and to a facility which similarly keeps its prisoners in constant 23-hour solitary confinement violates the UN Convention against Torture. Now Imam Jamil is thousands of miles away from his legal counsel and family. This was indeed surprising, as neither had his record indicated any institutional behavioural problems, nor had any federal charges ever been levelled against him, begging the question as to why he was been moved to a federal facility. As such, this clearly violates his right to due process of law and procedure. This is moreover shocking in light of his having a pending habeas corpus action in the state of Georgia.

Given that Imam Jamil is not a federal convict, I urge you to see that he is returned to the custody of the Georgia Department of Corrections. However, so long as he remains at USP Florence, I kindly ask you to make sure that he is held in accordance with international human rights standards.

I look forward to hearing from you soon on this matter,

Yours Sincerely,  
[Name]

**Addresses for Imam Jamil Abdullah Al-Amin Model Letters**

- Ms Louise Arbour  
UN High Commissioner on Human Rights  
Petitions Team  
Office of the High Commissioner for Human Rights  
United Nations Office at Geneva  
1211 Geneva 10, Switzerland  
  
Fax: (+ 41 22) 917 9022 (particularly for urgent matters)  
Email: [tb-petitions@ohchr.org](mailto:tb-petitions@ohchr.org)
  
- Rt. Hon. David Miliband MP  
Foreign and Commonwealth Office  
King Charles Street  
London SW1A 2AH  
  
Fax: (+44) 20 7839 2417  
Email [private.office@fco.gov.uk](mailto:private.office@fco.gov.uk)
  
- Warden Ron Wiley  
USP Florence ADMAX  
U.S. Penitentiary  
PO Box 8500  
Florence, CO 81226  
USA
  
- Mr. Harley G. Lappin  
Director  
Federal Bureau of Prisons  
20 First St., NW  
Washington, DC 20534  
USA