



United States Department of State

*United States Permanent Mission to the
Organization of American States*

Washington, D.C. 20520

April 24, 2019

Dr. Paulo Abrão
Executive Secretary
Inter-American Commission on Human Rights
Organization of American States
Washington, D.C. 20006

**Re: Mumia Abu-Jamal, Petition No. P-611-12
Response to Additional Information**

Dear Dr. Abrão:

The United States Government has the honor of addressing the Inter-American Commission on Human Rights in regard to the above-referenced Petition filed on behalf of Mumia Abu-Jamal. On December 5, 2018, your office received additional information on behalf of the Petitioner, which you transmitted to the United States on March 25, 2019, via a letter dated March 20, 2019. That information indicates that Petitioner continues to pursue remedies in the courts of the United States.

As the United States submitted in its August 25, 2016, response to the Petition, Article 20(c) of the Statute and Article 31 of the Rules require that domestic remedies must be exhausted for a Petition before the Commission to be admissible. Mr. Abu-Jamal is still engaged in domestic U.S. litigation that has a direct bearing on his claims before the Commission. As Petitioner notes in his 2018 letter, in August 2016, Mr. Abu-Jamal filed a renewed petition in Pennsylvania state court for post-conviction relief. His Petition is thus plainly inadmissible under the exhaustion provisions of the Commission's Statute and Rules, which themselves reflect important principles of customary international

law.¹ This circumstance presents a quintessential illustration of the rationale underlying the exhaustion doctrine—international institutions such as the Commission must permit domestic proceedings to run their course, thereby affording the State the opportunity to fashion any appropriate remedy under its domestic law.² Domestic proceedings in Mr. Abu-Jamal’s case have, by Petitioner’s own actions in continuing to file lawsuits, not yet run their course. Petitioner concedes as much in his December 2018 correspondence. Thus, the exhaustion doctrine reflected in Article 20(c) of the Statute and Article 31 of the Rules compels the finding that Mr. Abu-Jamal’s Petition is not admissible.

Given its inadmissibility, the Commission should dismiss and close this Petition, as per the Commission’s longstanding practice.³ Such a closure would, of course, be without prejudice to Petitioner’s ability to later file another Petition if and when he can satisfy the requirements of Article 31 and the other admissibility requirements discussed in the August 2016 submission of the United States. It bears emphasizing that, should Mr. Abu-Jamal obtain effective relief in the domestic system, any future Petition would be inadmissible.⁴

The United States recalls its submission of August 25, 2016, in this matter, reiterates the positions of that submission, and respectfully requests again that the Commission find the Petition inadmissible. Should the Commission nevertheless declare the Petition admissible and proceed to examine its merits, it should find it meritless for the reasons discussed in the August 2016 submission, and dismiss it.

¹ See, e.g., *Interhandel Case (Switzerland v. United States)*, [1959] I.C.J. 6, 26–27; *Panevezys-Saldutiskis Railway Case (Estonia v. Lithuania)*, 1939 P.C.I.J., Ser. A/B, No. 77.

² See, e.g., *Vera v. Chile*, Petition No. 157-06, Report No. 11/13, Inadmissibility, Mar. 20, 2013, ¶¶ 20–26 (dismissing petition where petitioner had available domestic remedies).

³ See, e.g., *Undocumented Migrant, Legal Resident, and U.S. Citizen Victims of Anti-Immigrant Vigilantes v. United States*, Petition No. 478-05, Report No. 78/08 & 78/09, Admissibility, Aug. 5, 2009, ¶ 60 & Decision ¶ 3 (declaring case inadmissible with respect to one petitioner “because the presumed victim is pursuing a civil domestic remedy”) (“*Vigilantes* Admissibility Decision”); *Cherokee Nation v. United States*, Case No. 11.071, Report No. 6/97, Inadmissibility, Mar. 12, 1997, ¶ 41 (finding petition inadmissible because “[t]here are still available, domestic remedies in the United States to be invoked and exhausted” and accordingly closing the case); *Move Organization v. United States*, Case No. 10.865, Report No. 19/92, Decision of the Commission as to the Admissibility of Case 10.865, Oct. 1, 1992, Analysis § b(2) & Conclusion ¶ I (finding petition inadmissible for failure to exhaust because petitioner “has invoked and is currently pursuing” domestic remedies). An examination of the Commission’s inadmissibility reports with respect to other OAS member states reveals a number of other matters in which the Commission dismissed the petition as inadmissible because the petitioner was still pursuing domestic remedies. See, e.g., *Guimarães v. Brazil*, Petition No. 1242-07, Report No. 60/13, Inadmissibility, July 16, 2013, ¶¶ 18–19.

⁴ See, e.g., *Vigilantes* Admissibility Decision, *supra* note **Error! Bookmark not defined.**, ¶ 60 & Decision ¶ 4 (declaring case inadmissible with respect to petitioners who obtained access to an effective remedy in the domestic system).

The United States reserves the right to submit further observations should this Petition reach the merits stage.

Please accept renewed assurances of my highest consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ch. Trujillo', written over the printed name.

Carlos Trujillo
Ambassador