

INTERNATIONAL ASSOCIATION AGAINST TORTURE (IAAT-AICT)

Re: Submission of the December 12th Movement/AICT to the proposed Report on Reparations to the General Assembly by the Special Rapporteur on Racism

Special Rapporteur Achiume

Your proposed report to the General Assembly is extremely important as racism, in its particular form of white supremacy, was an ideological construct developed to justify the enslavement of Africans during the Trans-Atlantic Slave trade and Slavery in the Western hemisphere. White supremacy's continuation into this century is inextricably tied to the unfulfilled right to and demand for repair/reparations to the descendants of the victims of these Crimes against Humanity.

As you have set out in your Call for Submissions, the U.N. has instruments in place to provide for repair to the victims. What has been lacking is the will to provide redress by the member states who perpetrated these crimes. A clear example of this can be seen in the 2001 Durban World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance [WCAR] and by the followup or lack thereof to it. In the middle of the WCAR, the United States delegation fulfilled its threat, initially raised at the first international PrepCom for the WCAR (Geneva, May, 2000), that it would withdraw from the WCAR if there was any mention of compensation. The EU Group remained and reluctantly bowed to the resolute leadership of the African and Caribbean members in signing the Durban Declaration and Programme of Action [DDPA].

From the moment the DDPA was passed, the WEO Group has tried to disappear it. One blatant example, is that the normal five year followup to World Conferences didn't happen for 8 years, and then only after a great deal of demands and organizing from the NGO community.

Therefore, one of the steps that can be taken is ensuring the prominence of the DDPA within UN discussions/documentation and within effected communities of victims.

Our organizations have been closely involved with the decades long campaign in the U.N. to secure reparations for people of African Descent throughout the Diaspora. We organized the NGO Coalition of PAD that played a key role during the PrepComs for and at the WCAR in Durban in 2001. We brought 400 Black folks[\[1\]](#) to the WCAR to lobby for: 1) A Declaration of The Trans Atlantic Slave Trade, Slavery and Colonialism as Crimes Against Humanity; 2) Reparations for the Descendants of the Victims of these Crimes; 3) Acknowledgment of the Economic basis of racism. Our particular focus has been on PAD in the United States.

The history of Black people in the U.S. shows a direct line from the conditions of chattel slavery, through share-cropping, convict leasing, Jim Crow and mass incarceration to our conditions of underdevelopment today. This underdevelopment in terms of all socio-economic indicators of quality of life is not due to a genetic defect but to a systemic policy of racial suppression. Provision of Reparations is crucial to redressing this underdevelopment.

Another step that must be taken is to insist that the U.S. government adhere to international law which prohibits a statute of limitations for Crimes against Humanity. The U.S. on both the federal and state levels have raised the statute of limitations as a bar to litigating legitimate reparations demands (e.g. See Black Wall Street lawsuit, Alexander v State of Oklahoma[2], and the documentary “Before They Die”). Further the U.S. must waive the “absolute immunity” defense which prevents the government from being sued unless it agrees to.

Similarly the U.S. must not only retreat from its refusal to pay reparations but take steps to ensure that private actors do so as well. Members of our NGO were lead counsel in 2002 to a series of federal lawsuits seeking compensation from 17 transnational corporations for the profits they derived from their participation in the Trans-Atlantic Slave Trade and slavery (In re African-American Slave Descendants Litigation, appeals of Deadria Farmer-Paellman[3]. The case was eventually dismissed on “standing” grounds but the Court also talked about the statute of limitations as a bar to future litigation.

One of the positive actions that occurred as a result of the WCAR, the lawsuits filed and the first National Reparations Rally (which we, along with the National Black United Front, organized on August 17, 2002 at the Washington, DC Mall) was a campaign in different cities and states to enact “Disclosure Laws.” These laws required businesses seeking contract with government entities to disclose any and all ties they had to the TransAtlantic Slave trade and slavery. The U.S. government must enact such a law on the federal level.

We hope that this Report will catalyse action within the GA to expose and declaim the double standard that exists in human rights enforcement within the U.N., where the former colonizers claim economic, social, political and moral superiority over their former colonial subjects. We suggest that the GA enact a resolution to this effect, which will help create the pressure necessary to force these countries to fulfill their human rights obligations vis a vis reparations.

The demand for reparations must be a key part of the remainder of the International Decade for People of African Descent. The theme of IDPAD itself – *Recognition, Justice, Development*- is a testament to the resistance of WEOG to reparations. “Development” was a compromise because the WEOG refused to accept a theme which had “Reparations” in it.

We view Reparations for the Descendants of the victims of the TAST and slavery as the crucial issue for Black people in the U.S. and, indeed around the world[4], in the 21st century. We exist in a time where the Black population no longer provides a profit for the US economy [except in prisons, where slavery is still legal]. Despite the prominence of some individuals, Black people are being gradually “disappeared” across the United States.

In terms of the form of reparations, we believe that the perspective should be collective rather than individual. The crime committed was a collective one and so should be the remedy.

Finally, we ask this report to recognize the indispensable importance of mass action on the ground by the victims and their allies in ensuring their country’s implementation of reparations.

Respectfully submitted,

Viola Plummer

President - DTMIS

Roger S. Wareham

International Secretary General - AICT

[1] When the Special Rapporteur was at the U.N. in March 2018, we gave her a copy of the acclaimed film "The Durban 400" which documents the organizing campaign which helped pass the DDPA.

[2] Case No, 03-C-133-E (United States District Court, N.D. Oklahoma, Mar. 19, 2004

[3] 471 F. 3rd 757 [7th Cir. 2006]

[4] We were one of the presenters at the first conference of the Caribbean Reparations Commission in 2013 in St. Vincent and the Grenadines