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*Member organisation of the Africans and African descendants Caucus  
accredited to the WCAR Review Conference in 2009*

## SUBJECT: 4th World Conference Against Racism

To the attention of Ms. E. Tendayi Achiume,  
Special Rapporteur on contemporary forms of racism,  
of racial discrimination, xenophobia, and related intolerance

12 February 2021

Mrs Tendayi Achiume,

We come to you on this 20th anniversary of the Durban Conference, to ask for the programming of a 4th World Conference against Racism.

The **first conference against racism in 1978**, was marked by the Palestine struggles, the racist strongholds of Southern Africa (South Africa/Bantustans, Rhodesia, Namibia); by the permanent aggression through the sending of Western mercenaries from the newly independent former Portuguese colonies ; by the revival of the struggle of the indigenous peoples of the by the American Indian Movement in 1978, through the USA, of "The Longest Walk" in protest at the refusal by the federal state to honour the "Indian Treaties".

The **second anti-racism conference in 1983 had in its** sights the eradication of the apartheid system and the liberation of South African political prisoners; the issue of Palestine had become even heavier with the occupation of the Golan Heights, the invasion of Southern Lebanon by Israel and Lebanese militias, the massacres of Palestinian refugees in the camps of Sabra and Shatila; finally the question of the denial of the human rights of migrants had become a major issue: This was linked to the explosion of economic migration following the deterioration of the terms of trade & the structural adjustment programs imposed on States by the IFIs as part of a global crusade to impose the primacy of business law over any other law.

The **third anti-racism conference in Durban in 2001 came** after the fall of the Berlin Wall, two decades of resistance to the attempted imposition of the New Western World Order, and the gradual emergence of a new multipolarity; during these two decades two key issues were put on the agenda by the activist movement: the imperative of the preservation of the living & the reparation of colonial crimes and looting, the latter being carried by the black liberation movement; and Durban broke with all previous UN conferences,

1. By acting as a sounding board for the voices of victims (*who, to make their demands heard, have until now had to go through the medium of "northern" associations known as "solidarity" or even "charity" associations*).
2. By calling for a general mobilisation and empowerment of everyone, whatever their position in society or in the world and works of life, in favour of human rights; UN Secretary General Kofi Annan was working to institutionalise and strengthen (*Global compact, SDGs...*) the orientation of the struggle (*mobilisation of all & synchronisation of the common framework of struggle and provision of tools*) initiated, since the apartheid years, by the Reverend Leon Sullivan.

**Fully conscious of the half-century journey that has allowed racism to be outlawed, what justifies our demand today is to put crucial issues on the international agenda, crushed under a blanket of Lead:**

1. The release of political prisoners and in particular the opening of the Historic file of Political Prisoners in the USA. It should be remembered that in the West, in the 1990s, there was no equivalent to the liberation of the gulags in the East. For the past four decades, an emblematic case of this "de facto assault" has been that of Mumia Abu Jamal: <https://vimeo.com/71372627>; moreover, with the COVID-19 pandemic, the lives of elderly prisoners have been illegally endangered, as the state has failed in its mission to guarantee decent conditions for prisoners.
2. The revival of the fight against slavery and slavery-like practices, which are experiencing a new expansion, including at the heart of the economy of "democracies", with the continuous strengthening of the industrial prison complex.
3. Review of (anti-terrorist) security legislation and its implementation through the prism of racism, xenophobia, and intolerance.
4. The automatic inclusion of all colonised territories in decolonisation, in terms of governance, proximity being a condition for accountability and therefore democracy to function.

For your convenience, we have attached four concept notes relating to each of these chapters.

Given the urgency, we hope that this conference can be held **before 2024, towards the end of the Decade for People of African Descent, and that the preparatory processes can therefore begin as soon as possible.**

Yours sincerely, Mrs. Tendayi Achiume

Annex 1 - US Political Prisoners & the Mumia Abu Jamal Case

Annex 2 - Revitalising the fight against slavery

Annex 3 - Review of (anti-terrorist) security legislation through the prism of racism, xenophobia and intolerance

Annex 4 - Automatic inclusion of all colonised territories on the list of territories to be decolonised & (non)International justice

# **APPENDIX 1: US Political Prisoners & the Mumia Abu Jamal Case**

In 2021, and in addition to the illegal convictions, there is the COVID emergency, which, given the conditions prevailing in the prisons, is tantamount to the death sentence for old and sick prisoners.

For the record :

1. In 1978, in an interview in Paris with the newspaper Le Matin, Andrew Young, the first African American ambassador of the United States to the UN, stated that there are hundreds, perhaps even thousands, of political prisoners in American prisons.
2. With the fall of apartheid in Southern Africa, the democratically elected black power opted for UBUNTU, marking the end of an ideological war, the replacement of one paradigm by another.

While in the USA, those who won the ideological victory against segregation are behind bars; in South Africa, the pro-Apartheid settlers who lost ideologically live freely.

The effective outlawing of racism in the USA is conditional on the liberation of the historical ideological victors.

And in the context of the prevailing HEALTH EMERGENCY, we demand that the negotiation with the US government, in a kind of Jubilee action, since it is a government of Christian denomination, of a **Protocol for the Immediate Collective Release on humanitarian grounds** of those who today are the oldest political prisoners in the world, be placed on the agenda.

More than two decades ago, in a collective effort, the historical political prisoners of the United States, including **Leonard Peltier, a leading** figure in the Native American movement, called on human rights defenders to focus and concentrate their energies on the release of **journalist Mumia Abu Jamal**. We hope that these emblematic figures, Leonard Peltier and Mumia Abu Jamal, will be included among the beneficiaries of this exceptional collective liberation protocol. The Fraternal Order of Police has never forgiven journalist Mumia for having denounced, with supporting evidence, the illegal practices of the Philadelphia Police in the 1970s, which led to the launching of an FBI investigation that paved the way for the dismissal of several corrupt police officers. As a result, the Fraternal Order opted for the Law of Retaliation, proclaimed its desire to exact revenge on Mumia, and subscribed to the Black adage that "if not you, then your brother", ultimately caring little about who killed police officer Daniel Faulkner. This is a legacy of the era of slavery, and the mass protests that have been recorded since the death of George Floyd have been indicative enough of the popular will to break out of the old paradigm and forge a new era.

## **ANNEX 2: Revitalising the fight against slavery**

This revitalisation has three components:

1. The examination of the ideology of slavery apprehended in its historical depth,
2. the identification of current slavery and slavery-like acts,
3. the criminal prosecution of slavers and institutions that promote or tolerate slavery.

**Examination of the ideology of slavery apprehended in its historical depth:** it should make it possible to redraw school textbooks and other works and media for the public which continue to convey this ideology. The eradication of racism requires :

- ✓ identification of the ideological propaganda that supports racism,
- ✓ by examining the construction of this propaganda by occultations and distortions, and
- ✓ by indexing (name & shame) the actors in the production of the related "national novels".

**The identification of current slavery and slavery-like acts & the criminal prosecution of slaveholders and institutions that promote or tolerate slavery:**

- ✓ **Physical enslavement: in particular,** what about the responsibility of the European Union in entering into agreements with the Maghreb for managing migration with full knowledge of the facts regarding organ farms, labour camps, and sexual enslavement of sub-Saharan migrants? What about the responsibility of the US in the development of the industrial prison complex?
- ✓ **Ideology: in particular, we must put an end to the** impunity of archive destroyers and disseminators of fake material, especially through educational materials, including when a text as fundamental as the Manden Charter of the early 13th century (one preamble, seven sections - registered as UNESCO intangible heritage), is subject to an offensive financed at the highest level by foreign forces engaged in a double enterprise of erasure and substitution.

## **APPENDIX 3: Review of (anti-terrorist...) security legislation through the prism of racism, xenophobia and intolerance**

**Over the last few months**, France has been facing ideological challenges and large-scale demonstrations (notably **the yellow waistcoat movement**), has opted for distrust of any challenge, and is in the process of adopting two laws that will pave the way for fundamental freedoms to be called into question: The **Global Security Bill**, and the Bill to **strengthen respect for the principles of the Republic**.

Moreover, following computerisation, foreigners now must make an appointment online to renew their papers, and the service is permanently inaccessible (with a possible window of a few minutes every 24 hours), leading the foreign population to sink into irregularity on a massive scale, as they have been unable to obtain an appointment after months of unsuccessful attempts during night and day lasting for months unending.

### **Since 1685: The "assault"**, a longstanding French practice

The violation by the State of its own law is a longstanding practice in France.

For the black population in particular, the violation of human rights and denial of citizenship based on origin is constant.

1685 is the date of publication of the first royal edict founding the BLACK CODE. A corpus of legislation (the first in the world?) which established a derogatory right based on skin tone (colour), in the last quarter of the 17th century,

- ✓ Argumentative texts by scholars such as Epiphane de Moirans & Francisco de Jaca denouncing the crime,
- ✓ the Vatican confirms the illegality of the practice,
- ✓ the Sorbonne Court on cases of conscience confirms this illegality,
- ✓ The French magistrates of the Paris Parliament (in charge of saying the right to the colonies) refuse to register the Black Code, and condemn the masters when slaves brought to France manage to flee and bring proceedings.

And after the brief parenthesis of the abolition of slavery 1794-1802 following the liberation of Santo Domingo/Haiti, it is still in total violation of legal procedures that slavery was re-established in 1802 by Napoleon for half a century. After which France published a CODE OF INDIGENITY for its new colonies in Africa and Asia, forced labour being abolished only in 1946.

In other words, the State measures that undermine public freedoms and the private lives of Black people in territories under French administration are centuries old. And in 2021 France still has colonies, where the black population lives under an exceptional regime, an exception which extends throughout the hexagon, and which includes :

- **State crimes.** For example, the continued use in the French colonies of Martinique & Guadeloupe of highly toxic pesticides (chlordecone...) several decades after they were banned elsewhere, including in France,
- **Sprains to the constitution.** For example, in the systematic failure of the French administration to register (*theoretically within the range of 3 to 10 working days*) asylum seekers in Mayotte (a colony in the African archipelago of the Comoros) and their subsequent persecution: stalking, internment in inhuman conditions, non-payment of the subsidy due to asylum seekers, illegal deportations to Anjouan.

- **The impossibility of obtaining justice in the French courts**, which is *a step backwards compared to the 18th century before 1789, when magistrates still managed to resist the government*: This is evidenced by the proceedings initiated by the family of Lamine Dieng, killed by the police in 2007, and the proceedings for compensation for the crimes of trafficking and slavery initiated in 2005 by the MIR-Martinique; in both cases, it was not until all the remedies in the French domestic courts had been exhausted that the case was brought before the European Court and won in 2020.

### **2021: attempt to enact unconstitutional laws**

However, in 2021, in the name of "safeguarding public order", what is being put in place is legislation which, **under the pretext of protecting against obscurantism and terrorist acts** (*notably by ceasing to subsidise proselytising Islamist associations working in private education and advocating the application of Sharia law to Muslims, etc.*), **aims more broadly to freeze the social order**:

- ✓ Imperative to adhere to the national novel,
- ✓ Condamnation of civil disobedience,
- ✓ Hunting for protesters
- ✓ confinement of "undocumented migrants" outside the scope of human rights.

In concrete terms, this mechanism claims in particular :

1. prohibit the dissemination of images of police officers beating, racketeering, etc.
2. legalise the use of UAVs with facial recognition in the surveillance of demonstrations, paving the way for *targeted checks, searches, confiscation of recording equipment, etc.*
3. subcontracting the regalian police functions to the private sector: knowing that the number of staff is as follows: police/gendarmerie 250,000, municipal police 33,000, private security, 175,000.
4. broaden the framework for the dissolution of associations by the State by means of a wording that is subject to interpretation: for example, the grounds for dissolution include "violent acts against persons and property", since "violent act" includes in the text "attacks on the psychological integrity" of persons in authority: This may include the *psychological* destabilisation of police officers during demonstrations by activists trying to raise their awareness by analysing aloud the role the state makes them play, or the dissemination of images of police officers arbitrarily beating people who do not pose any threat. Dissolution may also be motivated by the nature of the comments made by followers on the association's web pages, bearing in mind that these comments cannot always be erased. The door would thus be open to arbitrary dissolutions, without recourse, even more so as legalisation is a prerequisite for being able to take legal action.
5. making the funding of associations subject to the signing of a "republican commitment contract" making them de facto take on the role of deputies of the Ministry of the Interior; *is helping an undocumented immigrant an aid to a delinquent, an accomplice to a crime?*

Thus, these new provisions will be able to automatically bar an exercise of freedom of expression, militant protest, and the defence of universal human rights, even though this exercise, because legitimate, could be judged legal by magistrates with regard to the constitution, if legal action were possible.

## **ANNEX 4: Automatic inclusion of all colonised territories on the list of territories to be decolonised & (non) International justice**

### **Completion of decolonisation**

The deregistration of certain territories is based on information provided by the colonising power: <https://www.un.org/dppa/decolonization/fr/nsqt>

To comply with the spirit and the letter of international law, the decolonisation settlement should therefore be completed.

To perpetuate the monopolisation of resources (including maritime resources) and to consolidate its geopolitical designs, the colonial power does not hesitate to opt for physical genocide or genocide by substitution (population replacement); this is the case for the French colonies, and it is aberrant that the colonial state should have the upper hand in the deregistration of its colonies from the Committees.

### **International Criminal Court**

To this day, double standards are evident: most people of African descent, and there is a blatant absence of States that manufacture weapons and make money from the wars they foment.

In the case of Gbagbo, the institution appears clearly instrumentalised.

A review of the functioning of the ICC through the prism of racism is urgently needed.