Reparations

An Urgent Requirement for Humanity

International collective book coordinated by the MIR
International Movement for Reparations
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DIASPORAS NOIRES
Collection Racines

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Cover image: Designed in 2018 by Sathérou Seba and Mame Hulo for the 1st Konvwa in Africa, this image of a man with his broken chains, accompanied by his wife returning by sea, here in Goree, symbolizes a victory over all the so-called "**gates of NO RETURN**" that abound on the Continent. The descendants of the African deportees **are of RETURN** and this is a major reparation !

REPARATIONS

An urgent requirement for Humanity

COLLECTIVE INTERNATIONAL BOOK

Highlighting the 20th

KONVWA BA REPARASYON

May 2020 in Martinique

Work coordinated by MIR

(Mouvement International pour les Réparations/International Movement for Reparations)

Garcin Malsa & Mame Hulo

With the invaluable help of Myriam Malsa

Translated from French by Joséphine Ndiaye

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Introduction

By Garcin Malsa

Chairman of MIR International
International Movement for Reparations

For more than a decade now, the oppressed have been experiencing a growing need for justice, for humanity, for truth. In the same time, all types of political dynasties dressed up as democracies, which in fact are representing neo conservative ideologies, were tending to be systematically rejected -for being oblivious of the fact that people's memories, despite the fact that they have been deprived of everything else, remain alive. Advocacy of these ideologies has in fact been attributed to the occidental world.

More and more people are now turning their back to these leaders who were involving them in this neo conservative path. Isn't it obvious that this fragmented world, the fruit of clash of religions, of various culture and, civilizations is actually getting tired of all this? We are presently looking at the end of a world that is getting old and dehumanized, a dying world.

It is as if demonstrations that have occurred, might they have been violent or not, were just expressing far too much suffering from a ransacked and now erupting planet.

An erupting planet, civil wars – a dying world

As we have been crossing a different path, as far as history, culture, sociology are concerned, the African people, whereas in the continent or in the diaspora, considering all cultural mutations we have been through, should find a way to contribute to the birth of a new world to come, with more justice, humanity, solidarity, devoted to the living and ecology.

That is what the International Movement for Reparations (MIR) is about.

Prior to talking about MIR, I first want to pay a tribute to a great thinker whose writings have been inspiring to a great many pan Africanists, **Antenor FIRMIN**.

In his book, "About Racial Equality", written as an answer to GOBINEAU's book "About Racial Inequalities" he gives scientifically proved facts to wipe away GOBINEAU's racist and subjective thesis on human race.

He also proved to be a real visionary in the way he addressed to Haiti in the same book: *"…May this book be an inspiration to love for progress, justice and freedom for all the children of the black human race! For by addressing it to Haiti, I am also refering to today's destitutes and tomorrow giants"*.

I am quite satisfied to realize that protesters movements against colonial establishment in Africa, such as the refusal of CFA franc, claims of national sovereignty for African

states, land claim settlement in South Africa, etc., are an answer more than 135 years after the book was released to the call of Antenor FIRMIN.

I have also been able to observe that all these demonstrations of civil disobedience in Guadeloupe and Guyana by activists, were launched according to the wish of Antenor FIRMIN.

And then again, I am able to observe that movements of boycott against shopping centers, started by Martinican people to fight landowners' attempt to poison them with pesticides like chlordecone were launched according to the wish of Antenor FIRMIN call.

It is as if all these activists, most of all just young people, organized as they may, raging against injustices undergone by their people for more than four centuries now, were becoming the embodiment of so much suffering that has been taking place since black slavery had occurred. And now the amount of the suffering is expressed through righteous civil wars.

Seeing them in this process, one cannot but think to the oath taken in ***Bois Kaiman***, a spiritual preparation to the battle leading to the ultimate victory.

While protesters are now making calls for convergence in the struggle to demand justice and reparations, MIR is making a call to African people in the continent and in the diaspora for a voluntarist approach in order to meet and reconnect.

Where there is Reconnection, there necessarily is convergence, and Self-Reparation.

We cannot but add Reparation to all this.

MIR's requirement for Reparation is an integral part of DECOLONIZATION.

Thus allowing SOVEREIGNTY to be part of it.

This is MIR's self-assigned mission, since it has been created. Besides, well before that, its founding members had engaged western countries in 1992 by including the 3 R in their actions for Decolonization: **Recognition of crime, Reparation and Reconciliation.**

No prophecy, no messianic posturing, no coincidence.

Time has come for our ancestors to bring together their fruitful source of energy and fill us with it to reach every form of self-reparation while opening the way for thorough and integral Reparation. This will benefit the whole planet by bringing it well-being.

This is why I am addressing this call to all fair-minded people in the world to magnify actions already taken by MIR and bring them to international level.
In 2005, MIR Martinique brought an action against the French state for reparation following the constitution of a two-crimes commission and the designation of a college of experts to ultimately have a full knowledge of this hidden part of history.

A provision of 20 billion euros was requested and a college of experts convened to evaluate and expertise damages

This judicial initiative had not been taken seriously at the time and was even treated with sarcasm both by the press and the French state.

It was unanimously considered a bad joke.

Ten years later, the joke had become one of the most serious questions asked to the French state and, legal action initiated on all fronts, the provisional amount of 20 billion euros that some had found amusing then, now left them with no other option than to grin and bear it.

Over ten years later, the French state has no other option than taking the issue seriously and admit the relevance of these legal procedures taken to the French court and, acknowledge before the two-crimes commission, its responsibility despite scandalous and revisionist denial of the French state.

However, there was a lack of courage on the French government side, to reconcile the rigor of the criminal law which made it backed away about the compensation issue.
The French government denied any compensation on the grounds that it was subject to a prescription limit under French law and that TAUBIRA law also excluded financial compensation. There was an appeal against the judgment. The French jurisdiction confirmed the lower court decision.

The European Court of Human Rights has just declared the MIR request admissible, in February 2020. This is a first victory for the MIR and a slap in the face for the French government.

Obviously the two arguments put forward by both the Court and the French state do not withstand close examination, that crimes against humanity cannot be subject to statutory limitations, neither are integral rights for compensation which are inherently linked, that TAUBIRA law cannot by nature exclude any right to financial compensation of the two crimes without violating the constitutional principles ensuring every victim to receive compensation and not be discriminated.

In applying the law, there is no way to lose the fight, for it is just a question of time to compel judges to rule accordingly and not only order an expert to report but also sentence the French state to bear its costs.

Legally speaking, it is inevitable for the French State to be sentenced, the judges' ideological resistance together with their fear of being unfaithful to the French Nation as the good civil servants they are need to be forced open.

MIR Martinique, has been committing itself to fighting this war for over 15 years now and needs to step up to broaden the scope of its activities with an efficient tool.

At this stage the reparation issue is a timely theme that absolutely needs to be solved now, for those who are not in favour of reparations having understood that such an issue

cannot be avoided, have already chosen to reshuffle the cards.

Many organizations have opened their own workcamps, in which however reparation does rhyme with reconciliation and excludes financial compensation, in line with that of the French State, which only intends to provide a memory compensation that it does not otherwise assume.

The issue of the two crimes would therefore be considered a simple moral issue when the duty of memory is at stake.

These revisionists and servile ideologues at the service of the French state will increasingly occupy the media field and the fight initiated by MIR Martinique must be raised to another level.

This is why it was decided to create MIR International whose founding members will be international personalities who want the French State to finally pay its debt to the rightful heirs of the victims of both crimes.

The creation of this organization is a response to the current state of affairs.

The issue has been brought to the very UN by several sovereign Caribbean States.

Some heads of state are denouncing the system of domination and violent exploitation to which the West is subjecting the African continent. The white world and all its institutions are in fact working to maintain their shameless exploitation of the world.

The question of reparation is not only that of the two crimes of slavery and slave trade, the slave trade having been the most violent form of this exploitation that the West has been pursuing for 5 centuries in the other part of the world.

It concerns the whole world which has suffered the domination of Western civilization built according to a racialized, reductive model, on the top of which stands the white man. The white man, setting himself up as a master profiteer from the exploitation of the planet and its ecosystems, has led it to disturbances and its consequences on the existence of the living. An intolerable world.

Time has come for the peoples who have been exploited, expropriated from their natural resources, to demand compensation from those who have plundered them. The crime was not only the physical violence, multiple genocides and the death of millions of people, which are part of the civilizational balance sheet of Western societies.

The violence was also fundamentally both economic and political.

The crime has also been the systematic looting and misappropriation of another's wealth for its sole benefit.

The peoples' debt has been kept gigantic for 4 centuries. In the midst of this drama, Africa has been undergoing the greatest global plundering that humanity has ever known. The debtor is none other than the West itself...

Sooner or later the West will have to pay its debt just as the French State will have to pay for the commission of the two crimes recognized by the TAUBIRA Law.

The face of the world is going to change as well as the balance of power which has meant that until now, nation states have been servile and subject to the demands and power of the West.

The West will have to be made accountable, and this accountability will involve the question of reparation.

The legal question brought before the French courts thus opens the way to putting into perspective the political relations that continue to endure and keep most of the world in a state of servility.

All of this needs to go public at International level, since the procedure itself has an international scope: international scope, not only because it is a world first and a unique case in the systems of rights existing on the planet up till now, but because it is a procedure that concerns and interests the totality of the Diaspora living throughout the world composed of African descent and African populations in the whole, which more than five centuries ago and, for three centuries, have been used as a workpower for the capitalist development of the European and North American powers.

This ebony wood was the first resource upon which the wealth of the western world was built.

It is now a matter of historic urgency that an organization whose scope covers the whole planet, be created and finds financial means and the good will to lead this fight for reparation, the first step of which are these procedures which claim reparation from the French State, but whose object is the questioning of the domination of the West over the world and the refusal henceforth of the balance of power to which the great majority of Humanity has been forced for the sole benefit of a few.

MIR Martinique must grow and create a political corpus that is equal to the question of reparation, which is today international, if not global in nature.

The creation of an international MIR that will have the capacity to intervene on this scale of reality will be the best guarantee that the fight that begun in 2005 against the French state can achieve its goals, but also that the question of reparation can become the driving issue of global politics in the 21st century.

While the civil rights issue in the 1960s in the United States advanced the cause of blacks, it has not in any way solved the black question.

Being black is still a state in the United States in which everyone is liable to experience violent death.

The question of reparation is an issue that cannot be overcome, cannot be integrated, cannot be unmanageable for the current system of world domination because it touches on its foundation: money and the power it gives.

The realignments of power and wealth that have taken place between the oil-producing countries and the West have not changed the logic of the system, as these countries have integrated themselves into its mechanism and made themselves one of its main investors.

The West, facing the question of reparation and the debt to be settled, will no longer be able to exercise its domination. Without money, there is no power.

The creation of **MIR International** will therefore raise the fight for reparation to its true historical dimension, that of a promoter of a revolution in the balance of power instituted by the Western powers.

The assassination of KHADAFI did not happen randomly, but only occurred because his will to create an African bank was considered a threat to the racket system of the CFA franc which would have enabled the African continent to escape from the big international banks that have been holding Africa through a fictitious debt.

How could Africa, which has been plundered for several centuries, have a debt to the one that has been stealing its wealth?

This is a legal fact acknowledged only by a few, and a platitude of common sense that escapes the latter, to one who is convinced that Africa may owe something to the West.

The West was well aware of the danger represented by this questioning of the fixed situation in the submission of African States to supranational interests.

The main task of MIR international in the field of the problem of the upheaval of the dominant world order today will be to enable the action for reparation against one of the main criminal exploiters of the construction of Western power to succeed and to force the French State to finally pay the debt it has been accumulating for more than 5 centuries.

The question of financial reparation, which the French State stubbornly refuses to consider will find, through **MIR International** action, the assent if not the positive support of all those who are aware of what has made the history of our world for several centuries: the excessive exploitation of the dominated.

In addition to making the fight against the French State visible and public at the international level**, MIR International** will also work to ensure that the world Diaspora of the beneficiaries of the victims of the two crimes can personally come and claim reparation from the French State, the only State in the world that is confronted with legal means that allow it to be condemned.

MIR International's mission will be to work with the States that have already declared themselves in favour of the issue of reparation by former European powers for the two crimes, and to participate in all events that will be held at the international level on the issue of reparation in order to

make the world hear the voice of those who, after 2001, decided to make the French State pay for the crimes it committed.

MIR International will therefore give the question of reparation its global dimension and will seek to raise the awareness of all political leaders of countries that are victims of exploitation and domination by the West on this primordial question to ask the West, the question of reparation for 5 centuries of looting and violence against all dominated countries, that is to say, the crimes committed by colonialism, a system that replaced the slave trade and slavery in order to perpetuate an abusive domination of the world.

MIR International will therefore have the high task of taking over at the international level the work carried out by MIR Martinique at the national level by giving the question of reparation its true historical and global dimension.

Reparation, a demand for justice

By Claudette Duhamel & Alain Manville

Lawyers, Vice-President and Member of the MIR

Reparation must first of all be part of a vision of liberation of thought and of men, which implies a vast enterprise of restructuring the dehumanized and enslaved human being.

It therefore postulates reparation of the human in its spiritual dimension and in its dignity as a human being.

It must be a tool at the service of the total liberation and fulfilment of the Peoples of Africa and of deported and enslaved Africans.

For the Afro-descendant Peoples of the Caribbean, reparation is therefore essential to regain the real freedom, meaning the true freedom of the spirit, having the power to express a thought that is as much as possible the fruit of an interior deliberation free from alienation.

However, for many Africans and Peoples of the Diaspora, such reparation can only be a kind of utopia, because according to them, the crimes that have been committed, that have caused such amount of suffering and pain to their people there is no way to repair them.

Such an analysis, which claims to be objective, is in reality a denial to face the reality of our peoples who are still suffering from the serious consequences of this system, which has been lasting, as far as the transatlantic trade is concerned, more than three centuries.

The backwardness of our countries' development linked to the exploitation of our human and natural resources is a direct result of the system of enslavement that the slave trade was, enslavement and colonization.

While it is true that a human being who has been deeply debased will always remember it, and in that sense any crime that violates human dignity can never be erased, there is nothing to prevent it from being repaired.

Psychologically, these peoples, entangled in contradictory approaches, are suffering and are running away form all this.

While the crimes committed can never be erased, they remain as gaping wounds in the collective memory of peoples, and must be repaired.

Europeans who today try to minimize them cannot, however, erase the stench of guilt and responsibility that led them to officially acknowledge these crimes, while continuing to adopt aggressive attitudes towards the black peoples who are the victims.

The descendants of deported Africans and Africans, while seeking to spare Europe because of their situation of

economic dependence, cannot nevertheless forget that it is this same Europe that is at the root of the dramatic situation they are experiencing.

In 1985, associations were created between Martinican and Guadeloupeans, including the CIPN under the impetus of Martinican such as Me MANVILLE, and G. MALSA and the Guadeloupean LUC REINETTE and the late Batonnier RODHES.

For more than 30 years now, therefore, actions to bring about reparation have been set in **motion through various actions aimed at shattering the official collective memory which both imposes a vision of history to the glory of the colonial power and the repression of the central question of this ante and post slave history, namely the question of reparation**.

Thus, over the years, the voice of our peoples has been amplified through numerous events, including silent marches in Paris, the realization, thanks to the will of the former mayor of the commune of Sainte-Anne, of a triangular journey to restore the memory of the crime to young people and to make them aware of the need to get involved in a reparation process;

This convoy took place in 1998 between Nantes, Goree and then Martinique in Sainte-Anne. The debate was thus brought to the public arena and it is under the weight of this vast movement that France adopted in 2001 the law recognizing the slave trade and the slavery of Africans as a crime against humanity.

However, although France, forced by history to recognize the crime, was keen to ensure that this recognition did not imply reparation, it therefore only organized in this text the construction of places of memory, the inclusion of the subject of the slave trade and slavery in history books, in short, steps which, while having the merit of existing, remain ineffective in providing material compensation to the beneficiaries of the victims of these two crimes.

We have therefore made a point of letting France know through various symbolic actions, but above all through the initiation of legal proceedings that have been initiated that remind everyone of the inescapable fact that the recognition of the crime necessarily implies its material reparation. Because to refuse this principle is to continue to deny the humanity of the black man.

These actions were of a symbolic, legal and political nature.

The symbolic actions have notably resulted, since 2001, in the organization of konvwa for reparation on themes recalling the need for our peoples to pay homage to our Ancestors and honour our African roots and to renew links between the Diaspora and Africa. This has been a main focus.

Through this convoy which lasts a fortnight in May each year, we intend to make the people of Martinique understand that by anchoring themselves in their African roots, they can regain the impetus towards real freedom which consists -in the first place- in demanding respect for their human dignity.

At the political level, the MIR has participated in numerous international colloquia held in the Caribbean, the United States and Europe. On this occasion we have established lasting ties with the Caribbean by taking our place in the reparation movement launched by CARICOM.

But it is at the legal level that the MIR has launched an important battle to have the right to reparation for Afro-descendants recognized.

Since May 2005, a group of lawyers has been bringing legal proceedings before French judges to force them to condemn the French State for the two crimes of which it was one of the main perpetrators between the fifteenth and the first half of the nineteenth century.

The actions of this collective will be based on the Law of 21 May 2001 under which the Parliament of the French State, a former slaveholding power that had organized the slave trade and the enslavement of millions of Africans deported in the Caribbean Islands, voted a law acknowledging that this trade and enslavement constituted a crime against humanity.

This law reads as follows: "*the French Republic recognizes that the transatlantic slave trade and the slave trade in the Indian Ocean on the one hand and slavery on the other, perpetrated from the 15th century onwards in the Americas and the Caribbean, in the Indian Ocean and in Europe against the African, Amerindian, Malagasy and Indian populations constitutes a crime against humanity*".

This text was adopted at the instigation of many Martinican and Guadeloupean associations, such as the ICNP and the MIR.

This text gave rise to wide-ranging debates and strong resistance from many French parliamentarians who feared that the descendants of slaves would come, like the Jews, to take legal action for this crime against humanity.

The demand for reparation was therefore not mentioned in this law and the French state thought it had simply voted a so-called memorial law, i.e. without any legal consequences as to the necessary reparation of the crime against humanity.

In doing so, the French State remained in line with its doctrine applied to the populations descended from slavery, the Afrodescendants, in its last colonies, which consists quite simply in no recognition of their right to full and complete **humanity, which implies the right to reparation for crimes that undermine their dignity.**

Indeed, the crime against humanity constitutes **a denial of the inherent dignity of the human person** or of the group of persons who were victims of this crime;

Respect for human dignity must not be subject to any exception and is imposed on the authorities responsible for enforcing it, in this case French judicial authorities.

The adoption of this law would open the way for the establishment of legal action for reparation, but also for the

respect of our humanity by the French constituted bodies including justice, as we shall see, is based on justice.

I - ACTIONS BEFORE A CIVIL COURT FOR REPARATION AGAINST THE FRENCH STATE THAT ORGANISED THE SLAVE TRADE AND SLAVERY

It should be noted that there are many royal edicts organizing the slave trade that the French State financed.

Moreover, the French state went so far as to codify slavery and its avatars in a terrible text, the Code Noir.

The reading of this text is edifying, and all the more terrible as it is made to believe that it was taken to prevent abuses from slave owners.

Given his role as an organizer, and also as a beneficiary of these crimes, it seemed logical to sue the criminal French state.

A first action before the civil judge was first brought by the MIR and the CMDPA (World Council of the Pan African Diaspora) in May 2005, followed by the voluntary intervention of a number of Afrodescendants.

Within the framework of this first action, a provision of 200 million euros was requested and the designation of a college of experts made up of specialists in various fields to make proposals for reparations.

Of course, the French State in the first place, claimed that it was not the perpetrator of the crime, referring to the acts and actions of some individuals and opposing the statute of limitations. Renouncing to deny its responsibility, which is clearly designated in the text of the Taubira Law, it tried to evade the judicial judge by pleading the jurisdiction of the administrative judge.

In 2008, the judge of Fort-de-France recognized the judicial jurisdiction, while alleging that the action conducted under the sign of assault posed a difficulty since the said crime was, according to him, at the time of its commission, legal as demonstrated by the Black Code.

The plaintiffs demonstrated that the Black Code, an illegal text that was applied in the colonies by a coup de force, since it had not been submitted by Colbert to "registration" by the Paris parliament as required by the law of the former regime, could not have legalized a crime.

Facing the arguments developed by the plaintiffs before the court, the Cour de cassation in criminal proceedings found a way to overcome the objections that were made to the statute of limitations and the impossibility of legally excluding from the Taubira Law the principle of material and financial reparation for the two crimes legally qualified as crimes against humanity.

In a decision handed down on February 13, 2013, the Court of Cassation in this case opposing anti-racism associations to a descendant of slavers who had made an apology for the crime against humanity to enucleate the Taubira Act,

ruling that it constituted a private memory law of normative scope.

By this means, the Court of Cassation pursued only one aim, to deprive the plaintiffs' action of its main legal basis, the TAUBIRA Act, which was thus devoid of any normative scope and therefore lacking in legal efficiency, could no longer serve as a basis for a claim for reparation and could no longer stand in the way of the State's major argument that the statute of limitations was outdated.

It had to argue further that the action was time-barred, that it was the responsibility of another court that adjudicated disputes between the administration and private individuals, and finally that the slave trade and slavery were legal during the period in which it was practised, since it was not abolished until 1948.

The proceedings before the court, which lasted almost 9 years and ended with the rejection of the claims, the court finding that the claim made as the slave's heir was inadmissible because it was time-barred.

In this judgment of 29 April 2014, the court admitted that the claims of the Afro-descendants made in their personal capacity and not as beneficiaries of their ancestors were indeed admissible as not time-barred, but rejected them for lack of proof by the latter, according to the court, of a direct and certain causal relationship between the facts denounced and the alleged prejudices.

The court therefore did not deny their right to reparation as the decision of the Court of Cassation invited them to do. It simply based its decision on the statute of limitations on the action, considering that the latter, having regard to the time spent, could not justify a prejudice sufficiently linked to the crimes suffered by those of their Ancestors who had been victims of trafficking or slavery.

An appeal of this decision was filed by MIR and CMDPA and the Afro-descendant plaintiffs.

In a decision dated 19 December 2017, the Court of Appeal of Fort-de-France had to confirm the judgment, but on other grounds that paradoxically lead to the legal legitimization of the victims' claim for reparation, which was decried as the result of a legal blunder or ignorance on the part of those who led it.

The Court of Appeal held, in particular, that the statute of limitations had expired on the basis of the following argument: Afrodescendants had been able to act since the decree of 1848 abolishing slavery in Martinique, which recognized that slavery was an attack on human dignity; that if the action was suspended because of their material and moral situation until they were able to act, they did not provide proof of the impediment that would have lasted for 100 years and which would have hindered their action. It would be continued beyond that period.

The Court of Appeal, over and above the argument based on the overly late reaction of the rightful claimants, who only intervened in May 2005, i.e. more than 57 years after May

1948, endorsed the opportunistic and political jurisprudence of the Court of Cassation, according to which the imprescriptibility of crimes against humanity in French law would be valid only for the Nazi crimes judged by the Nuremberg Tribunal and would exclude all other crimes because of the non-retroactivity of criminal law in domestic law.

This jurisprudence of the Court of Cassation had been developed in the late 1980s to preserve the French State and some of its prosecutors for crimes committed in Algeria against its own jurisprudence, this time in conformity with international and domestic law, established in the Barbie and Touvier cases concerning Nazi crimes. It went so far as to challenge the imprescriptible nature of the crimes against humanity that were the slave trade and black slavery on the grounds that no text provided for a general principle of retroactivity of laws intended to prosecute and punish crimes against humanity.

However, the new argument of the Fort-de-France Court of Appeal of 2017 intended to prevent the demand for reparation was based on an error of law regarding the burden of proof, since the Court of Appeal placed the burden of proof on the plaintiffs for reparation on a fact that it was incumbent on the French State to report. Failing this, the State was to be ordered to make reparation.

Indeed, in addition to the legal fact that it was not up to the Afro-descendant claimants to prove the end of an impediment to act, the continuation of this impediment was

inferred from all the official positions taken by France's highest political representatives as well as from the decision of the highest legal authority, the Court of Cassation itself, which by its ruling of 5 February 2013 had denied them any right to act after the crime had been recognized by a legislative text.

To date, it can therefore validly be considered that the impediment has not been lifted, unless there is proof to the contrary and it is impossible for the French State to provide concrete proof.

The Court of Cassation, seized of an appeal in cassation against the Fort-de-France ruling, had to apply its jurisprudence tending to deprive us of any right to reparation.

The Court of Cassation, thus seized of a priority constitutionality question (QPC) on the legality of the law, refused to refer this question to the Constitutional Council, taking the place of that court on its own initiative. It considered, as it had already done in its famous decision of 5 February 2013, that the law having no normative scope could not therefore, in addition to serving as a basis for legal action, but above all violate a constitutional principle.

This decision on QPC by the Court of Cassation is in line with the line of defense of the interests of the French State, of which the ruling handed down on February 5, 2013 was the exemplary formulation, the sole purpose of the latter

having been to halt any claim for compensation on the basis of the TAUBIRA Law, which is considered to be an empty shell.

The MIR and a number of Afro-descendants took this denial of justice to the European Court of Justice in August 2019.

A second lawsuit before the civil judge was brought by the MIR and other Afro-descendants for the same purpose on the basis of the Taubira Law.

The judgment, which was handed down on 4 April 2017, is essentially based on the jurisprudence of the judgment of 5 February 2013, which ruled that the Taubira Act has no normative scope and that it cannot serve as a basis for financial reparations or any kind of reparation action for the benefit of Afro-descendants.

An appeal has been made against this judgment, reiterating the first errors of the court in 2014 and those of the Supreme Court of Appeal through the decisions of the civil courts. In response to our claims for compensation we have been able to make it clear :

- that the French State, which proclaims the equality of citizens, refuses any idea of reparation for Afro-descendants who were victims of the slave trade and slavery, even though it has recognized the principle of reparation for victims of Nazi crimes, i.e. white Jewish citizens.

- that this State refuses to apply the general principle of law that reparation should apply as soon as there is fault and injury, as it is the case with the slave trade and slavery.

- that it refuses to apply to the slave trade and slavery of Blacks the inescapable characteristic of imprescriptibility, since it rejects each time claims on the pretext that they are time-barred

- that in doing so, France's vision which is that of Europe is always to consider that there are several races and therefore that they are hierarchized in such a way that they must be treated unequally in law. Crimes against humanity committed against the Jews are imprescriptible, while those committed against Afro-descendants are time-barred and they can no longer be repaired for crimes whose consequences are still very much present.

Thus the French State, which proclaims the equality of citizens, refuses to provide for reparation in the 2001 Law on the grounds that the Taubira Law is memorial, whereas it claims that the Gayssot Law, which concerns Jewish victims of Nazi crimes, is not.

By our demands for reparation before the French courts we have forced the French State, which claims to be the homeland of human rights, to remove the mask and show the hideous face of a neo-colonialism that it applies to all the Black Peoples of the Caribbean and Africa still under its domination.

This determination not to make reparation and France's denial of humanity towards the Black People were also highlighted during the actions before the criminal courts brought by the MIR with a view to having certain descendants of slavers punished, who, being very present and powerful in Martinique, were able to make an apology for this system and for the former slavery society.

Here again, the French courts working in Martinique have protected these racists by refusing to apply the 2001 law, which qualifies the law as non-normative and therefore cannot be used as a basis for the offence of apology for crimes against humanity.

Seized by the MIR with an appeal against these discriminatory decisions, the ECHR (European Court of Human Rights) has just declared at the end of February 2020, the said appeal admissible, and a sanction by France for the failings of its civil courts is more than likely. In that it finally opens the way to the implementation of a real reparation for all Afro-descendants, this decision is historic and very important for the whole of humanity.

II ACTIONS BEFORE CRIMINAL COURTS FOR THE RESPECT OF THE DIGNITY OF AFRO-DESCENDANTS

The 2001 Law allows us to go much further in the reparation of the crimes against humanity suffered.

Thus, there is an important work of research to be done on the side of the big companies located in Martinique as well as in France to obtain that they repair whereas they built their fortune on the work of slaves.

On the basis of the 2001 law, the MIR lawyers are considering taking this route, which requires serious research and therefore has a very high cost without any measure with the current resources of this association.

The 2001 Act has already enabled us to do essential work on the consciences of Afro-descendants by attacking the doctrine that continues to allow the French state and the descendants of slaveholders to maintain the Black People in a situation of lawlessness, namely that of creolization.

The collective's work today is to exploit in multiple procedures the jurisprudence of the Court of Cassation on the impediment to act by multiplying the areas of litigation before all the French courts according to the strategy of "one, two, three, one hundred, one thousand Vietnam".

This vision of the world was implemented by Europeans, including white slaves, and applied to slaves in order to perpetuate slavery since it was absolutely necessary to make the slave accept his fate as a slave by leading him to consider himself as belonging to another species of another race than that of the white master, an inferior species since he was a slave and had no choice but to assimilate himself to the tastes of the colonist.

This thesis was widely developed by European theorists to justify slavery and to allow its perpetuation.

The belief in the existence of several races is at the root of racism, which is constituted not simply when one race is advocated as superior to another, but simply when the existence of several human species is considered to be true.

In our post-slavery world, the Creole vision continues to postulate the existence of several races and inevitably their hierarchy, which in fact justifies the unequal legal treatment applied to us.

The Taubira Law gave the opportunity to seize the repressive jurisdictions against the advocates of this Creole ideology, which obviously constitutes an apology for the crime against humanity, as we shall see. The French State understood perfectly well that it was under attack in the very legitimacy and legality of the doctrine it was imposing on us and sought through its highest court to short-circuit the effects of the 2001 Act, which made it possible, through the scope of the procedures it opened, to combat the racist theory of creolization.

In fact, on the basis of this law and other texts prohibiting the glorification of crimes against humanity, actions have been taken to convict the descendants of slaveholders who glorified slavery by promoting the creolization that was its ideological support.

In fact, in addition to the 2001 law recognising this crime, we have an arsenal of texts included in the so-called press law, which punishes the contestation and apology of crimes against humanity.

A first action was taken before the criminal court by associations fighting against racism against a descendant of a slave-driver who had allowed himself on the airwaves to make an apology for this crime against humanity.

The MIR had to file two complaints in 2010 and 2011 against a descendant of a slaver and his association called "tous créoles" for apology of crime against humanity, the latter praising creolization.

It is therefore this doctrine that was first attacked by the associations that brought Mr. HUGUES DESPOINTES before a repressive judge.

It is on the occasion of this lawsuit that the French State via its highest Court of Justice the Court of Cassation tried to cut short any lawsuit for reparation initiated, whereas in this case the Court of Appeal of Martinique had to recognize the crime of apology of crime against humanity, the highest French Court of Justice called Court of Cassation had at the end of a decision of February 5, 2013 to overturn this decision and render a decision aiming at making the Law of 2001 totally inoperative.

The Court of Cassation considered "*that if the Act of 21 May 2001 seeks to acknowledge the slave trade and slavery as a crime against humanity, such a legislative provision,*

whose sole purpose is to recognize an offence of this nature, cannot be covered by the normative scope of the law and characterize one of the elements constituting the crime of apology".

In that judgment, France, through its highest court, indicated to the Afro-descendant that no action brought on the basis of the Taubira Act could prosper.

We have therefore come up against this eminently discriminatory position throughout the proceedings that have been instituted against the apologetic statements of both the descendants of slaves and the magistrates.

Indeed, faced with such a violation of our right to dignity, the MIR decided to file a complaint with the public prosecutor against the magistrates of the Court of Cassation who had issued such a decision.

These magistrates were subsequently brought before the Criminal Court of Paris, but were obviously acquitted. The repressive court had to go further since it did not follow up on the MIR's appeal, the file having been lost between the criminal court and the Paris Court.

In this complaint the MIR recalled the perfectly normative character of the law which had been the subject of several decrees, i.e. texts taken by the government for the application of the Law.

It pointed out that the Act had amended articles of law, including article 48-1 of the Act of 29 July 1881 on freedom

of the press, by inserting after the words: "*by its statutes, to*" the words: "*defend the memory of slaves and the honour of their descendants*".

It was clear that the decision of the Court of Cassation was a decision of a political nature intended to render ineffective all proceedings brought before both civil and criminal courts for compensation or against the statements of the descendants of slaves and their supporters.

The repressive courts should initially feel comforted by the jurisprudence of 5 February in rejecting all actions brought on the basis of the Taubira Law for apology of the crime against humanity.

Thus, on another complaint filed by the MIR with the Investigating Judge of Fort-de-France for apology for a crime against humanity against a descendant of a slaver who had promoted the Creole system, the judge based himself on this decision of the Court of Cassation of 5 February 2013 not to prosecute the latter before the court.

On appeal by the MIR, the Court of Appeal upheld this decision by issuing a most racist decision since it referred to races and even human "strains".

The MIR had to bring all these magistrates before repressive courts, considering that they in turn were making an apology for the crime against humanity and were flouting all French texts against discrimination, based on their Creole and hence racist conception of the world, since they had a pluralist vision of humanity according to which there

are several human natures, which led them to deny that the dignity of the victims of Black slavery was equal to that of the victims of the Second World War.

Of course, our actions were unsuccessful, but they did have a certain modest impact, since the second complaint against the same descendant of a slaver was not treated in the same way, since the judge in charge of the investigation decided to refer him to the criminal court.

What should be remembered is that since these different procedures, no repressive judge in Martinique has relied on this decision of February 5, 2013 to refuse to prosecute for apology of crime against humanity when we act on the basis of the Law of 2001.

It is finally only the civil court which in its judgment of April 4, 2017 had to decide to apply this jurisprudence in the second reparation procedure.

However, one thing must be noted: all the legal actions of the MIR are likely to make Afro-descendants aware of the non-recognition by the French State of their fundamental right to dignity, since by obstinately refusing to recognize their right to reparation, this State does not hesitate to go outside the law with regard to its own legislation.

This awareness will enable us to understand that it is now up to us to promote genuine solidarity between all Afro-descendants in order to form a powerful common front to break the bonds of domination.

February 22, 2020