

Office of the High Commissioner on Human Rights

“Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers”

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NGO in Consultative Status with the United Nations ECOSOC

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Who are we?

We are a Nation(al)/Community of Descendants of Enslaved Africans in the United States (DEAUS) with an NGO, Africans in America for Restitution and Repatriation/Kha-Nu National Community, in consultative status with the United Nations Economic and Social Council. The Community is in pursuit of a United Nations General Assembly resolution for the Return and Resettlement of the Nation/Community to Africa. Since its inception, the NGO has participated in [the United States of America Summary Submission to the UN Universal Periodic Review, September 2014](#) to the [Regional Meeting for Europe, Central Asia and North America on the International Decade for people of African Descent, November 2017](#), United Nations events and much more [Our program of activities has been received by the Working Group of Experts on People of African Descent, Office of the High Commissioner for Human Rights](#) and Director of the New York bureau of the United Nations Agency for Human Rights.

The Urgency is now – The Remedy for Systemic Racism against DEAUS.

In June 2020, the United Nations Human Rights Council surveyed racial discrimination and police brutality in the United States. H.E. Michelle Bachelet, the Council’s high commissioner, stated that police brutality “has come to symbolize the systemic racism causing pervasive, daily, life long, generational, and too often lethal harm.”

The OHCHR summarize DEAUS status in the USA. DEAUS in the USA have such a “well-founded fear of persecution” that we are eligible for asylum in other countries, especially our own. That is the international legal standard that refugees use when fleeing nations where, because of their race, they are targeted for violence and incarceration.

The 1951 Refugee Convention defines a refugee as someone who has left their country due to a well-founded fear of persecution on the basis of race, religion, nationality, political opinion or membership in a particular social group, and due to that fear is unable or unwilling to seek protection from their country.

We are advocating for DEAUS in our Community be repatriated from the United States with international support and seek refuge/asylum in a land of our own in Africa. The social and political unrest in the USA is evidence to support any claims of “well-founded fear “of DEAUS’s safety and wellbeing in the USA.

After collectively witnessing the murder of George Floyd, the subsequent numerous acts of police brutality in the ensuing protests and systematic state treatment of DEAUS qualify as a legitimate basis for asylum claims. The stories I have read from refugees who were racially or ethnically profiled, subjugated to systems of targeted oppression, who feared imprisonment and

were jailed, sometimes repeatedly, facing mistreatment by police and prison guards are quite like the stories of so many DEAS.

subjugated

The stories I have heard from refugees who were racially or ethnically profiled, subjugated to systems of targeted oppression, who feared imprisonment and were jailed, sometimes repeatedly, facing mistreatment and torture by police and prison guards are quite similar to the stories of so many DEAS.

Their persecution was based on race. And their persecutor was the state or agents of the state, thus rendering the authorities unwilling or unable to offer protection.

The UN High Commissioner for Human Rights has called out disproportionate and unnecessary violence by police during the protests following the murder of George Floyd, as well as the more than 200 attacks on journalists and infringements on the right to freedom of expression.

In a bold and rare display of unanimity, 47 UN human rights experts issued a statement on “systemic racism that produces state-sponsored racial violence, and licenses impunity for this violence” in the US.

Perhaps nowhere is American racial inequity laid bare than in its criminal justice system. A searing report from The Sentencing Project to the UN found the US in violation of Article 2 and 26 of the International Covenant on Civil and Political Rights for pursuing policies that allow racial disparities in its criminal justice system.

In 2016, 27 percent of arrests in the US were of DEAS – double their share of the population. DEAS minors, who are 15 percent of the child population, accounted for 35 percent of juvenile arrests.

Unsurprisingly, the US government’s own findings reveal racial disparities in sentencing as well, with DEAS prisoners’ sentences nearly 20 percent longer than those of white prisoners.

Even when progress is supposedly made, it is dubious at best. Statistics from 2018 show a 34 percent decrease in the imprisonment rate for DEAS since 2006, but they only accounted for inmates sentenced to a year or more in state or federal prison and excluded shorter sentences and inmates held in local jails.

Even with varying theories accounting for the decrease and factoring for differences in data, the lower imprisonment rates in 2018 did not depict a less oppressed race. DEAS remained the most incarcerated population – making up 33 percent of the sentenced prison population in 2018, despite being only 12 percent of the adult population.

Proportionally, this means DEAS are nearly twice as likely to be imprisoned as Hispanic people and five times more likely than white people. One in 10 DEAS children spends part of their childhood with one parent behind bars.

Racial disparities in the juvenile justice system are heading in the wrong direction. Between 2003 and 2013, the rate of DEAS youth incarceration jumped from being 3.7 times higher than that of white youth to 4.3 times higher.

The Guardian’s database of police killings in the US revealed that the number of young DEAS men killed in 2015 was five times higher than that of white men of the same age.

In 2014, the UN expressed concerns when the US failed to bring to trial the police officers

responsible for the deaths of Michael Brown and Eric Garner. The Special Rapporteur on Human Rights said the decision lent to a pattern of impunity where excessive force is used on DEAS victims.

In 2016, following the deaths of Philando Castille in Minnesota and Alton Sterling in Louisiana, the UN body on human rights said excessive use of force by police in America against DEAS was becoming an everyday occurrence.

After an official visit in January 2016, the UN observed “alarming levels of police brutality and excessive use of lethal force by law enforcement officials committed with impunity”. Among its recommendations were calls to improve investigations of extra judicial killings by police forces.

As noted in the 1968 landmark report by the Kerner Commission, convened after the 1967 unrest in Detroit, racial disparities in the US criminal justice system go hand in hand with “culturally embedded forms of racial discrimination” in DEAS communities seen in inadequate housing, high unemployment, voter suppression and access to upward mobility. Today, DEAS are twice as likely to be unemployed than the rest of America.

What accounts for mistaken links between race and crime is more an outcome of urban poverty and racial policing, which forces individuals into a vicious cycle of crime and incarceration. At the same time, racial bias – implicit and explicit – causes white Americans to overestimate crime committed by DEAS, contributing to racial profiling. The fact that DEAS are victims of crime disproportionately more than other groups is usually overlooked.

Social mobility is denied in numerous ways to Black citizens and DEAS communities, which are deprived of social services. Redlining – policies which limit access to means of upward mobility such as banking, insurance, better schools and housing, through the practice of districting neighborhoods – although banned, still affects DEAS communities.

The landmark 1988 Atlanta real-estate investigation, which revealed wide lending disparities between white and DEAS neighborhoods of similar income levels, essentially highlighting racist practices that denied DEAS access to bank loans and thus better housing and schools, is one of the numerous examples of how institutional oppression affects present and future generations.

Systemic income inequality has made white Americans 20 times richer than DEAS. DEAS communities face stark inequalities in both healthcare and education. Implicit bias and racial disparities cause DEAS to receive lower-quality healthcare than white Americans. In schools in minority and DEAS communities that are chronically underfunded, DEAS students are suspended and expelled from school at a rate three times higher than white students and school policing makes DEAS students more vulnerable to the criminal justice system and higher dropout rates.

The voting rights of DEAS communities are diminished in half the country or even suppressed in some states. Recent state elections in the US highlight failures such as poll worker shortages, long lines and processing delays that are designed to disproportionately impact DEAS and people of color.

White nationalism, on the rise since the election of Donald Trump, extremism and hate groups are further threats to DEAS and minority groups. In 2018, the US Commission on Civil Rights found a lack of civil rights protections across the country based on race.

In 2019, 90 civil society groups urged the US to invite a fact-finding mission from the UN Special Rapporteur on racism. The last such UN mission in 2008 found that “the historical, cultural and

human depth of racism still permeates all dimensions of life of American society”.

The US is party to the Convention on the Elimination of Racial Discrimination and yet it lags in implementation and its long-overdue periodic report to the UN on its obligations to uphold those commitments is perhaps emblematic of the problem. (Aljazeera, 2020)

It should be clear that DEBUS leaving the USA is one of many requirements that must be met by anyone seeking refugee status, and I am advocating for our Community of DEBUS fulfill the remedies of the Durban Declaration – Facilitation the return and resettlement of descendants of enslaved African in the USA.

This call is meant to illustrate that this community is seeking the High Commissioner in the preparation for its comprehensive report to the Human Rights Council, include the need for this community of DEBUS be given international protection, support for our return and resettlement, and refugees/asylum status. This could very well be receive given the USA disastrous human rights record and the pervasive institutional discrimination. The fact that DEBUS are victims of crime disproportionately more than other groups is usually overlooked by the WGEPAD and OHCHR.

The US is party to the Convention on the Elimination of Racial Discrimination and yet it lags in implementation and its long-overdue periodic report to the UN on its obligations to uphold those commitments is perhaps emblematic of the problem. Our Community's return and resettlement plan guarantees 100% total elimination of racial discrimination.

As a proclaim Nation of DEBUS, we have the right of return. Article 12 of the ICCPR states: 2. Everyone shall be free to leave any country, including his own; 4. No one shall be arbitrarily deprived of the right to enter his own country.

Like all rights, the right to return binds governments. No government can violate this right. The right is formulated in several modern treaties and conventions, most notably in the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights and the 1948 Fourth Geneva Convention. The right of return is often invoked by representatives of refugee groups to assert that they have a right to return to the country from which they were displaced. It should be clear that leaving one's country is one of many requirements that must be met by anyone seeking refugee status, and I am advocating for our Community's return and resettlement into our own/ceded land in Africa.

The only REMEDY for systematic racism is best stated in the Durban Declaration.

The obligation of the United Nations to uphold the rule of law and to ensure the immediate and full implementation of the right of return is even greater due to the role that the OHCHR.

Recalling “The Durban Declaration and Programmed of Action”, Section IV. Provision of *effective remedies, recourse, redress, and other measures at the national, regional and international levels.*

158. The Conference recognizes the need to develop programs for the social and economic development of these societies and the Diaspora, within the framework of a new partnership based on the spirit of solidarity and mutual respect, in the following areas:

- Building or strengthening democratic institutions;
- Infrastructure development;
- Human resource development, including capacity-building;

- Education, training and cultural development;
- **Facilitation of welcomed return and resettlement of the descendants of enslaved Africans;**

Our program of activity is for the international community in accordance with international law, Durban Declaration, mandates, etc. to facilitate our return and resettlement into our claim/ceded land in Africa.

In 2017, we met with the WGEPAD, and expected the WGPAD to follow their mandate as defined by the Human Rights Council Resolution 9/14 from 2008, the mandate of the WGEPAD is:

(e) To address all the issues concerning the well-being of Africans and people of African descent contained in the Durban Declaration and Program of Action.

(f) ...promote the human rights of people of African descent through, inter alia, the following activities:

- i. Improving the human rights situation of people of African descent by devoting special attention to their needs through, inter alia, the preparation of specific programmes of action;*
- ii. Designing special projects, in collaboration with people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;*

The WGEPAD mandate states to "*address all the issues concerning the well-being of Africans and people of African descent contained in the Durban Declaration and Programme of Action; **“DESIGNING SPECIAL PROJECTS, IN COLLABORATION WITH PEOPLE OF AFRICAN DESCENT, TO SUPPORT THEIR INITIATIVES AT THE COMMUNITY LEVEL.”** We are a Nation(al) community of descendants of enslaved Africans in the USA with a program of activities, according to international law and the Durban Declaration, for our return and resettlement in our own or ceded land in Africa.*

Recalling A/HRC/RES/43/1, paragraph 8. Invites all treaty bodies, special procedure mandate holders and international and regional human rights mechanisms, within their respective mandates, to pay due attention to all forms of racism, racial discrimination, xenophobia and related intolerance, including against Africans and people of African descent, and to bring them to the attention of the Human Rights Council;

Recalling A/HRC/RES/43/1, paragraph 3. Requests the United Nations High Commissioner for Human Rights, with the assistance of relevant special procedure mandate holders, to prepare a report on systemic racism, violations of international human rights law against Africans and people of African descent by law enforcement agencies, especially those incidents that resulted in the death of George Floyd and other Africans and people of African descent, to contribute to accountability and redress for victims;

As a Nation(al) Community DE AUS and victims of systemic racism, again we request our

remedies (1) return and resettlement of the Community into our claim or ceded land in Africa, (2) Refugee/Asylum Status (3) Migration plan for DE AUS (International Organization on Migration) be presented in the report to the Human Rights Council. This is the only remedy to end all forms of racism, and systematic racism in the USA against DE AUS.

These earnest and exigent policy recommendations are humbly tendered to OOHCHR Chair, on this 4th day of December in the year 2020

Respectfully submitted by a proud descendant of enslaved Africans in the USA.

Regards,

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