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::: THE VICTIMS REPARATIONS GUIDELINES (VRG)

Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Violations of International Human Rights and Humanitarian Law. This Law was written for Victims of Slavery and Abuse of Authority and Power.

Reaffirming the principles enunciated in the Declaration of Basic Principles of Justice for Victims of Crimes of Slavery, and Abuse of Power, including that victims should be treated with compassion and respect for their dignity, have their right to access to justice, and redress entities and mechanisms fully responsible for aggregated devastation, losses, damages, and injuries, and that the establishment, strengthening, and expansion of national funds for compensation to victims should be encouraged, together with the **expeditious development** of appropriate rights, remedies, and reparations for victims,

Noting also that the Rome Statute of the International Criminal Court requires the establishment of "principles relating to reparations to, or in respect of, victims, including restitution, compensation, land, and rehabilitation" and requires the Assembly of State Parties to establish a trust fund for the benefit of victims of crimes within the jurisdiction of the Court and of the families of such victims, and mandates the Court "to protect the safety, physical and psychological well-being, dignity and privacy of victims" and to permit the participation of victims at all "stages of the proceedings determined to be appropriate by the Court,"

Noting also that conflicts of a non-international character as well as internal conflicts that have occurred since the Second World War reveal that a high level of victimization has occurred at the hands of non-State actors, and that the (victims of violations of international humanitarian law and human rights law require the same protections as other victims, not only on the basis of principles of State responsibility but also on the basis of social and human solidarity),

Noting further those contemporary forms of victimization, _ while essentially directed against individuals, are nevertheless also directed against classes of persons or identifiable groups of persons who are targeted collectively (African-Americans), and who should also be entitled to the protection of their collective rights, and to engage in collective action,

Recognizing that, in honoring the victims' right to benefit from remedies and reparations, the international community keeps faith and human solidarity with victims, survivors and future human generations, and reaffirms the international legal principles of accountability, justice and the rule of law,

Convinced that, in adopting a victim-oriented point of departure, the community, at local, national and international levels, affirms its human solidarity and compassion with victims of violations of international human rights and humanitarian law, as well as with humanity at large, Now those in power are creating groups to select or produce a reparations plan. We were informed how the H.R. 40 hearings, and the Truth and Reconciliation Process in South Africa materialized. Both were travesties. To avoid this mess we circulate the AARS for these groups & public support.

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- (a) Making available adequate, effective and prompt reparations as defined below;
- (b) Take appropriate legal and administrative actions like agreeing on a monetary settlement;
- (c) Provide victims with equal and effective access to justice irrespective of who may be the ultimate bearer of responsibility for the violations;

10. (Victims should be treated) by the State and, where applicable, by intergovernmental and non-governmental organizations and private enterprises, (with compassion and respect for their dignity and human rights and appropriate measures should be taken to ensure their safety and privacy as well as that of their families). The State should ensure that victims should benefit from special consideration after criminal convictions, or proof of enslaving, exploiting, and benefitting from victims labor and resources, and care to avoid their retraumatization in the course of lawsuits, public processes, or administrative procedures, designed to provide justice and/or reparations.

- (d) Take measures to minimize the inconvenience to victims, protect their privacy appropriate, and ensure their safety from intimidation and retaliation, as well as that of their families and witnesses, before, during, and after judicial, administrative, or other proceedings that affect the interests of the victims;

- (e) Facilitate assistance to victims seeking access to justice and reparations.

In addition to individual access to justice, adequate provisions should also be made to allow groups of victims to present collective claims for reparations and to receive reparations collectively.

Adequate, effective and prompt reparations shall be intended to promote justice by redressing violations of international human rights or humanitarian law. Reparations should be proportional to the gravity of the violations and the harm suffered.

In accordance with its domestic laws and international legal obligations, a State, group, or union shall provide reparations to victims for its acts or omissions constituting violations to the victims of international human rights and humanitarian law.

In cases where the violation is not attributable to the State, the party responsible for the violation should provide reparations to the victims, or to the State.

In the event that the party responsible for the violation is unable or unwilling to meet these obligations, the State should endeavor to provide reparations to victims who have sustained bodily injury, or impairment of physical or mental health, as a result of these violations and to the families, in particular, dependents of persons who have died or become physically or mentally incapacitated.

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A State shall enforce its domestic judgments for reparations against private individuals or entities responsible for the violations. States shall endeavor to enforce valid foreign judgments for reparations against private individuals or entities responsible for the crimes and violations.

In cases where the State or Government under whose authority the violations occurred is no longer in existence, the State or Government successor in title should provide reparations to the victims.

X. Forms of Reparations

21. In accordance with their domestic law and international obligations, and taking account of individual circumstances, States should provide victims of violations of international human rights and humanitarian law the following forms of reparations: restitution, compensation, land, rehabilitation, and satisfaction of guarantees of non-repetition.
22. Restitution should, whenever possible, restore the victim to the original situation before the violations of international human rights or humanitarian law occurred. Restitution includes: restoration of liberty, legal rights, social status, family life, and citizenship; return to one's place of residence; and restoration of employment, and return of property.
23. Compensation should be provided for any economically assessable damage resulting from violations of international human rights and humanitarian law, such as:
 - (a) Physical or mental harm, including pain, suffering, and emotional distress;
 - (b) Lost opportunities, including economics and education;
 - (c) Material damages and lost earnings; ideas, property, and contributions that were not credited or compensated; including loss of earning potential individually and collectively;
 - (d) Harm to reputation or dignity; and
 - (e) Cost required for legal and expert assistance.
24. Rehabilitation should include adequate medical and psychological care as well as legal and family services, medicines, and medical services, and psychological and social services.
25. Satisfaction of guarantee of non-repetition should include the following:
 - (a) Apology for past crimes and cessation of continuing civil and human rights violations.

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