



# FREETOWN REPARATORY TRUST

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**To: The Office of the High Commissioner for Human Rights**  
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**Copied to:** *Relevant Special Procedures of the United Nations Human Rights Council, including:*  
*Special Rapporteur on contemporary forms of racism*  
*Special Rapporteur on the right to development*  
*Working Group of Experts on People of African Descent*

29<sup>th</sup> March 2026

## 1. TITLE AND AUTHORSHIP

**Submission to the Office of the High Commissioner for Human Rights under the United Nations Human Rights Council:  
A Proximity-Based Claim for Reparatory Justice by Descendants of Recaptive and Freed Slave Populations in Sierra Leone**

Submitted by:  
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## 2. INTRODUCTION

This submission proceeds from a simple but unresolved truth: that transatlantic slavery and racialised chattel enslavement constituted not only grave crimes against humanity, but systems whose consequences remain materially present.

While international recognition of this history has grown, legal responses have struggled to translate moral clarity into actionable frameworks. This submission addresses that gap. It advances a model grounded not in abstraction, but in precision: identifiable descendants, traceable historical continuity, and measurable ongoing harm.

It focuses on the Creole (Krio) population of Sierra Leone—a community uniquely positioned within this history as descendants of freed and recaptive Africans, historically documented and

institutionally traceable, yet today experiencing demographic contraction, economic marginalisation, and diminished political representation.

### **3. CORRECTING THE LIMITATIONS OF EXISTING APPROACHES**

Contemporary reparations discourse has often been resisted on predictable grounds: that claims are too broad, beneficiaries insufficiently defined, and financial demands politically motivated.

Such critiques, whether advanced in good faith or not, expose a structural weakness. Where victims cannot be clearly identified, legal pathways falter.

This submission addresses that weakness directly by establishing a **defined claimant class**, grounded in demonstrable proximity to the original harm. It reframes the issue from one of diffuse historical grievance to one of **specific, legally cognisable injury**.

### **4. HISTORICAL SPECIFICITY: SIERRA LEONE AS A LEGAL-HISTORICAL NEXUS**

Freetown was not named aspirationally, but descriptively. Founded in 1792, it was conceived as a settlement for freed and recaptive Africans—Black Loyalists from North America, Jamaican Maroons, and liberated Africans intercepted from slave ships. It was, in essence, an early experiment in post-enslavement reconstruction.

From this convergence emerged the Krio people: a distinct, literate, and outward-facing community that would come to shape administration, commerce, and intellectual life across Sierra Leone and West Africa. Their identity is not speculative; it is documented in archives, embedded in institutions, and preserved in language and culture.

Yet history did not conclude at emancipation. The late twentieth century brought civil conflict, economic decline, and sustained migration. The result has been a gradual but profound erosion of this once-prominent community—marked by diaspora dispersion, limited economic opportunity upon return, and a visible decline in representation within national leadership.

Sierra Leone, therefore, is not a symbolic reference point. It is a **legal-historical nexus**: a site where the aftermath of slavery was institutionalised, and where its unresolved consequences remain visible in the present.

### **5. THE PROXIMITY DOCTRINE**

This submission advances a structured principle:

Reparatory claims gain legal force where there exists a demonstrable proximity between claimant and harm—historical, genealogical, geographic, or institutional.

Applied here, the Krio population satisfies this threshold:-

- They are identifiable as descendants of freed and recaptive Africans.
- Their displacement and resettlement are historically recorded.
- Their present condition reflects enduring structural disadvantage.
- This is not a claim constructed retrospectively. It is one sustained by continuity.

### **6. CONTINUING VIOLATION**

The central legal argument is not that injustice occurred, but that it persists.

The effects of slavery and colonial systems are not confined to the past; they manifest in ongoing disparities—economic, social, and developmental. Intergenerational loss of wealth, constrained access to opportunity, and structural marginalisation are not incidental outcomes. They are the extended shadow of a system whose consequences were never fully remedied.

Accordingly, this claim falls within the doctrine of **continuing violation**, and cannot be dismissed on temporal grounds.

## **7. ON THE QUESTION OF LEGALITY AT THE TIME**

It is sometimes contended that slavery, having been lawful under the domestic legal systems in which it was practised, cannot give rise to present claims.

That contention cannot be sustained. Acts that violate fundamental principles of human dignity—recognised in international law as peremptory norms (*jus cogens*)—are not rendered lawful by virtue of their contemporaneous recognition within domestic legal orders. The development of international law has consistently affirmed the primacy of such norms over conflicting municipal law.

The relevant inquiry is therefore not whether such systems were regarded as lawful within their respective jurisdictions at the time, but whether they were compatible with the fundamental principles binding upon the international community as a whole.

This position finds clear expression in the legal response to the Holocaust. Numerous acts committed under the Nazi regime were undertaken pursuant to domestic laws and administrative measures then in force. However, in the proceedings before the Nuremberg Trials, such acts were held to constitute crimes under international law, notwithstanding their conformity with internal legal frameworks. The Tribunal thereby affirmed that individuals may be held responsible for violations of overriding principles of international law, irrespective of domestic authorisation.

Subsequent developments have further consolidated this principle. The prohibition of slavery and the slave trade has attained the status of a *jus cogens* norm, from which no derogation is permitted. As such, any reliance on historical legality as a defence is without legal foundation.

Accordingly, the proposition that slavery cannot ground present claims by reason of its legality at the time must be rejected. What is determinative is the breach of peremptory norms whose authority transcends temporal and jurisdictional boundaries, and which bind all members of the international community.

## **8. DISTINGUISHING THIS CLAIM**

This submission does not speak for a continent. It speaks for a people.

A defined, historically traceable, and demographically diminishing population, whose identity is inseparable from the very system under examination.

This precision is not incidental. It is what renders the claim legally viable.

## **9. REPARATIONS DELIVERY: FROM THEORY TO MECHANISM**

A persistent concern in reparations discourse is practical: if compensation is granted, how is it administered?

State-to-state transfers risk dilution, misallocation, and disconnection from intended beneficiaries.

This submission has a solution:

The establishment of the **Freetown Reparatory Trust (FRT)**

An independent, Sierra Leone-based entity, governed by community representatives, legal experts, and financial overseers, designed to receive and administer reparatory funds transparently and directly.

Its mandate includes education, cultural preservation, land and housing initiatives, and economic empowerment—targeted specifically toward verified beneficiaries.

## **10. REQUESTED ACTIONS**

The Office of the High Commissioner for Human Rights is respectfully invited to:

- Recognise the Krio population as a distinct claimant group
- Engage with proximity-based frameworks for reparatory justice
- Facilitate dialogue on targeted, community-level reparations mechanisms
- Encourage the development of pilot models for direct distribution

## **11. STRATEGIC OBJECTIVE**

- This submission seeks not merely recognition, but transformation.
- To move reparations from rhetoric to legal structure.
- From abstraction to identification. From impossibility to implementation.
- It offers a test case—capable, if accepted, of informing broader global approaches.

## **12. REALITY AND PROGRESSION**

It is acknowledged that existing mechanisms are limited. That resolutions are often non-binding. That political resistance remains significant.

Yet legal history does not advance in single steps. It moves through recognition, articulation, and eventual enforcement.

This submission situates itself at that first, necessary stage.

## **13. COMPENSATION AND FINANCIAL REDRESS**

Reparation, in its accepted legal meaning, includes compensation.

Such compensation must not be diffuse. It must be directed, measurable, and grounded in identifiable harm.

This submission proposes the establishment of a dedicated reparations fund for the Krio people of Sierra Leone, administered through the Freetown Reparatory Trust, with valuation determined by independent assessment of historical loss and present deprivation.

## **14. CONCLUSION**

The question before the international community is no longer whether slavery was a grave injustice.

It is whether law is capable of responding to it with precision, integrity, and effect.

The Sierra Leone Krio case offers a path forward: defined victims, traceable harm, and a workable mechanism for remedy.

In that sense, it is not only a claim. It is a proposition.

That justice, even when delayed, may still be structured.



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