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Göttingen, Berne, Priština / Prishtina, New York, June 19, 2017

Letter to the Secretary General regarding his statement on the Human Rights Advisory Panel's recommendation on Kosovo regarding N.M. and others vs. UNMIK

Dear Secretary General Mr. Guterres,

In April 2016, an Internal Human Rights Committee decided that the United Nations International Administration in Kosovo (UNMIK) was responsible for the insufficient protection and the inadequate treatment of members of the Roma, the Ashkali, and the Egyptians and their families during their stay in refugee camps for internally displaced persons in North-Mitrovicë/Mitrovica. [*The Human Rights Advisory Panel (HRAP), N.M. And Others v. UNMIK Case No. 26/08 OPINION, 26 February 2016*].¹

Following the publication of the opinion, the UNMIK was asked to make a public apology. In addition, it was recommended to provide material and

¹<http://www.unmikonline.org/hrap/Eng/Cases%20Eng/2608%20NM%20etal%20Opinion%20FINAL%2026feb16.pdf>

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moral compensation for the affected Roma, Ashkali, and Egyptians who had filed a suit (138 people in total).

Back then, the Society for Threatened Peoples had welcomed the decision, since it was to be assumed that the victims would receive the compensation they had been waiting for all these years. We have been in contact with the respective people since 2005, have initiated a fact finding mission in the lead-poisoned areas, and were able to prove that the lead levels exceeded the limit values many times. The renowned German environmental physician Dr. Klaus-Dietrich Runow, an expert on heavy metal poisoning, found out that most of the people who were tested (66 hair samples) showed lead values between 200 µg /g and 1200 µg /g – which, according to Runow, were supposedly the highest lead values ever measured in hair samples (reference value: <1µg /g). In addition, there were extremely high arsenic and cadmium values. *[See Annex: a reference report by the environmentalist Klaus-Dietrich Runow, December 2005].*

In these camps, it was the children and the pregnant women who were particularly vulnerable. Several deaths were found to have been caused by lead poisoning.

Thus, we are all the more saddened by your recent decision not to follow the recommendations of the Consultative Human Rights Committee. Instead of providing material and moral compensation, the plan is to establish a fund to ensure medical and economic support for the Roma, the Ashkali, and the Egyptians in North Mitrovicë/Mitrovica, in South Mitrovicë/Mitrovica, and in Leposavić. At the same time, the intention is to improve the infrastructure in the settlements of the Roma communities.

[Secretary-General to Establish Trust Fund for Displaced Roma, Ashkali, Egyptian Communities in Northern Kosovo Following Human Rights Panel's Findings].²

Since this decision does not guarantee adequate material compensation for the affected persons and since there is no moral compensation at all, we see this line of action as a violation of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, A/RES/40/34 of November 29, 1985, Articles 8, 12, and 14, which focus on adequate compensation for victims and their family members.

In addition, the decision not to make a public apology once again violates the dignity of the affected Roma, the Ashkali, and the Egyptians, since the moral responsibility is denied. Humanitarian commitment is an inadequate substitute for justice and reparation. For us and those who are affected, it is out of all reason that the UN will not follow its own principles of human rights and human dignity in this case. This gives the impression that the Roma are even exposed to structural discrimination

² <https://www.un.org/press/en/2017/sgsm18538.doc.htm> and www.ohchr.org/EN/HRBodies/.../A-HRC-26-33-Add2_en.doc

within the UN – structural discrimination that the UN’s numerous programs and initiatives are supposed to do away with.³

For this reason, we would like to urge you to revise the decision and to compensate the affected families who have been struggling with massive health problems and economic hardship for decades. At the same time, we are appealing to you to ensure that the affected Roma families will finally be treated either in the United States or in Europe.

Hoping to be able to express our concerns in person, we would like to ask you for a meeting in New York or in Geneva – together with Dianne Post, the victims’ lawyer, and Bashkim Ibishi, representative of the Roma civil society. A meeting like this would be a symbolic statement against structural discrimination against Roma people within and outside the UN.

If you have any further questions, please feel free to ask.

Sincerely yours,

Ulrich Delius
Director
Society for Threatened Peoples, Germany

Co-signers

Christopher Wiedmer
Managing Director
Society for Threatened Peoples, Switzerland

Dianne Post
Lawyer, New York

Bashkim Ibishi
Advancing Together – AT, Pristina, Kosovo
(On behalf of the Roma organizations in Kosovo)

Đorđe Jovanović
President
European Roma Rights Centre

Copy to:

- Rita Iszak-Ndiaye, Special Rapporteur on Minority Issues,
- Zeid Ra’ad Al Hussein, High Commissioner for Human Rights

³ <http://www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/StudyProtectionRoma.aspx>