

Ms Patricia O'Brien
Under-Secretary-General for Legal Affairs
The Legal Counsel
United Nations
Room 5, 2590D
New York
NY 10017

Direct Dial: 020 7650 1234
Email: mday@leighday.co.uk
Your Ref:
Our Ref: MJD.NMA.71567.2 /Roma
Date: 16 November 2011

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Dear Ms O'Brien

Roma Ashkali and Egyptian Claim for Compensation on behalf of Roma Residents of Internally Displaced Person Camps – Mitrovica, Kosovo

We note, with quite some concern, the contents of your letter of 25 July 2011, dismissing our clients' claims. Your finding is in itself deeply disappointing for our clients but the length of time it has taken for you to arrive at that decision is unconscionable. It is quite inconceivable that despite receiving notification of our clients' claim on 9 October 2009, it has taken you almost two years to formulate seven paragraphs concluding with the simplistic assertion that our clients' claims are not private law in character and are, therefore dismissed.

No justification has been provided for your assertion. This is despite the UN, on several occasions, promising a *detailed review* as a result the "complexity" of the matter. For example:

'this is a complex matter...currently under review by the United Nations Office of Legal Affairs...'

30 October 2009 – Lamberto Zannier SRSG UNMIK

'...the complexity of this matter requires careful and detailed review by the United Nations Office of Legal Affairs...'

7 December 2009 – Lamberto Zannier SRSG UNMIK

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Martin Day
Anne C. Ingham
Russell Levy
Sally Moore
Frederic Leighton
Richard Spence
Helen Davies
Clare Logan
Sally Jean Whiteley

Sean Hunter
Bezena Michalowska-Nowell
Sapna Malik
Sarah Campbell
Alyson Gillis
Nicola Warrington
E. Ann Flynn
Daniel Easton
Richard Meacham

Chris Benson
Dorothy Knight
Camilla Palmer
Matthew Wright
Leahy Wilson
Kenna Matthews
Suzanne
Finance Director
Richard

Leigh Day & Co
Priory House
25 St John's Lane
London
EC1M 4LB

Tel 020 7650 1200
Fax 020 7253 4433
DX 53326 Clerkenwell
Web www.leighday.co.uk
Email postbox@leighday.co.uk

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Leigh Day & Co

'...the matter at hand is very complex...and requires careful review by the Organization's various Offices involved, including the United Nations Office of the Legal Counsel...'

4 October 2010 – Lamberto Zannier – SRSG UNMIK

Our clients have sought an opinion from leading counsel on your dismissal of their claims which is enclosed. In summary, counsel is of the opinion that our clients' claim is, indeed, a private law claim and further, that the United Nations has a duty to provide a dispute-resolution method where it is not presented with a frivolous claim. It goes without saying that our clients' claim is not frivolous and at the very least, there exists justification for a comprehensive investigation of their claim as opposed to an erroneous dismissal without explanation.

We have tried to retain a sensible discourse with your office over the last two years, however your July letter has forced us to look to ensure the issue is considered more widely and we have, therefore copied the letter to the following:

- His Excellency, Mr Ban Ki-moon, The Secretary General, United Nations
- Ms Navanethem Pillay, High Commissioner, Office of The United Nations High Commissioner for Human Rights
- His Excellency, Sir Mark Lyall Grant, Permanent Representative, UK Mission to the United Nations
- Mr Philip Muligan, Executive Director, United Nations Association of the UK
- Baroness Ashton, European Commission Foreign Secretary
- Baroness Nicholson, House of Lords
- Lord Eric Averbury, House of Lords
- Mr Antonio Guterres, High Commissioner for Refugees
- Mr William Lake, Executive Director of the United Nations Children's Fund
- Dr Margaret Chan, Director General, World Health Organisation
- Mr Lamberto Zannier, Special Representative of the Secretary General, United Nations Mission in Kosovo

Yours sincerely

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Martyn Day
Leigh Day & Co