



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



CommDH(2009)42

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Dr. Angela MERKEL
Chancellor of the Federal Republic of Germany

Strasbourg, 25 November 2009

Dear Chancellor,

I take the opportunity to address you in respect of the forced returns to Kosovo* which are reportedly carried out in Germany during this period. I am aware that the vast majority of the people from Kosovo who have found shelter from conflict in your country are of Roma origin.

I visited Kosovo last March and on 2 July I made public a report on the human rights situation. My one-week field visit and continuous monitoring attest to the fact that Kosovo is a post-conflict society still struggling to come to terms with the consequences of the armed conflict.

Kosovo has not the infrastructure that would allow a sustainable reintegration of refugees. This goes all the more for the Roma, the biggest minority in Europe subject to wide and systematic discrimination.

My worries have been accentuated even more recently when I was informed that a number of Roma expelled from Council of Europe member states have returned to the lead-contaminated camps of Česmin Lug and Osterode in northern Mitrovica, inhabited for a decade now by Roma families, including children, with very serious effects on their health. In my report on Kosovo I urged the closure of the above camps as a matter of priority, the construction of adequate housing for these families, in the Mahalla if they wish, and repeated courses of decontamination treatment for all families affected.

On 9 November UNHCR confirmed that people who have fled Kosovo and are still at particular risk of persecution include, but are not limited to the following groups: (i) Serbs and Albanians in minority situations and Roma; (ii) persons in ethnically mixed-marriages and persons of mixed ethnicity; (iii) persons perceived to have been associated with the Serbian authorities after 1990; (iv) victims of trafficking; (v) victims of domestic violence; and (vi) persons whose claims are based on sexual orientation.

In view of the above, I think it is obvious that the time simply is not right for forced returns to Kosovo, especially of Roma people. I should like to stress that “return” is not purely a technical administrative act – it means to receive and re-integrate returning people and families in dignity and security, and in a sustainable way.

* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 (1999) and without prejudice to the status of Kosovo.

I call upon your Government to look into the above issue as a matter of urgency and adopt all necessary measures in order to prevent any further forced returns, particularly of Roma people, to Kosovo, as long as the situation on the ground provides grounds to believe that these returns put the returnees' life and personal security at a real risk.

Looking forward to receiving your reply, I remain,

Yours sincerely

A handwritten signature in cursive script, reading "Thomas Hammarberg". The signature is written in dark ink and is centered on the page.

Thomas Hammarberg