

26 May 2017

Statement attributable to the Spokesman for the Secretary-General on the Human Rights Advisory Panel's recommendations on Kosovo

The Secretary-General would like to reiterate his appreciation for the valuable work of the Human Rights Advisory Panel, which examined alleged violations of human rights by the United Nations Interim Administration Mission in Kosovo (UNMIK).

The Panel was a unique human rights mechanism established in the context of a United Nations peacekeeping mission that had an executive mandate in a post-conflict environment. It became operational in November 2007, receiving and reviewing over 500 complaints. In a number of cases, the Panel concluded that there had been failures to uphold human rights standards. The Panel completed its work and subsequently provided a Final Report in July 2016.

Successive UNMIK SRSGs have issued decisions in response to HRAP's findings and recommendations and have expressed deep regret for the suffering endured by the individuals identified by the Panel. The Panel's work has also received attention in the Secretary-General's regular reporting on UNMIK to the Security Council.

Among the cases reviewed by the Panel was a complaint submitted by 138 individuals from the Roma, Ashkali and Egyptian communities that they suffered lead poisoning and other serious health consequences as a result of their relocation to internally-displaced persons (IDP) camps in northern Kosovo. The Secretary-General is keenly aware of the particular plight of those individuals, as well as the other members of these most vulnerable communities who also lived in the IDP camps. The Secretary-General wishes to express the Organization's profound regret for the suffering endured by all individuals living in the IDP camps.

In view of the unique circumstances in Kosovo, the Secretary-General has decided, as an exceptional measure, to establish a Trust Fund. The Trust Fund will implement community based assistance projects, primarily in North Mitrovica, South Mitrovica and Leposavić, which will benefit more broadly the Roma, Ashkali and Egyptian communities. The assistance projects will focus on the most pressing needs of those most vulnerable communities, including with respect to health services, economic development and infrastructure.

The Secretary-General believes that it is our shared duty to support the Roma, Ashkali and Egyptian communities in Kosovo and ensure that they receive the assistance that they need. In this connection, the Organization will make every effort, in consultation with Member States, to mobilize the necessary resources in support of the Trust Fund. The Secretary-General calls upon the international community to support this initiative through the provision of resources to the Trust Fund.

The Organization will also continue to draw lessons from its experience in Kosovo and from the work of the Panel and take action to prevent such situations from happening again.

Stéphane Dujarric, Spokesman for the Secretary-General

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Cholera Victims' Advocates Denounce UN's Evasion of Responsibility in Kosovo

BOSTON, May 26, 2017 -- Advocates for cholera victims in Haiti condemned today's UN [statement](#) indicating that the Organization refuses to comply with its own human rights panel's [findings](#) that victims of lead poisoning in a UN displaced persons camp in Kosovo are entitled to compensation. Instead of the justice required by international law, the UN proposes providing victims with charitable community projects to the extent that the projects attract international funding.

"In Kosovo, as in Haiti, the UN is substituting charity for justice, evading its legal obligation to compensate by offering to ask other entities to fund charitable projects," said Sienna Merope-Syngé, an attorney with the Institute for Justice and Democracy in Haiti (IJDH), which has sued the UN in court over the cholera outbreak and led a [global campaign for justice](#). "These projects will have certain public relations benefits for the UN, but a highly speculative benefit to the victims suffering from devastating harm caused by UN recklessness."

Victims in Kosovo and Haiti have pursued [years-long struggles](#) to hold the UN-- which claims leadership in building the rule of law-- accountable for inflicting massive harm through reckless or negligent conduct. In Kosovo, hundreds of people were [poisoned](#) by lead in UN displaced persons camps located on industrial sites known to be contaminated with heavy metals. In Haiti, 10,000 people have died after the UN [recklessly introduced cholera](#) through the discharge of contaminated human wastes into Haiti's largest river system.

In both cases, victims sought compensation guaranteed by international law, and which the UN has repeatedly [committed](#) to providing in treaties, General Assembly resolutions, and Secretary-General reports. In both cases, the UN spent years and substantial resources tenaciously obstructing justice rather than addressing the harm it caused to vulnerable people it was charged with protecting.

"If the UN cannot honor its fundamental obligations to the people it has negligently injured and killed, than its professed commitments to human rights and dignity for all ring hollow. Advocates for cholera victims in Haiti stand in solidarity with victims in Kosovo who have once again been betrayed by the UN," said Beatrice Lindstrom, Staff Attorney with IJDH.

After years of mounting pressure, in December the UN finally [apologized](#) for its role in the cholera outbreak and set up a trust fund to raise \$400 million for cholera control and remedies for victims. Six months later, it has secured only [3%](#) of the money promised, and appears to have no viable plan to raise the rest. After initially promising to consult victims on the forms of remedies they need, the UN increasingly seems to be [foreclosing](#) individual compensation and replacing it with a plan for charitable community projects.

"Secretary-General Guterres promised to promote a 'culture of accountability' at the United Nations" said Brian Concannon, Jr., Esq., Executive Director of IJDH. "But what he is delivering is a slap in the face, to the victims in Kosovo and in Haiti, but also to the UN's own human rights systems, its Member States, and people all over the world who look to the organization to promote the rule of law."

RESPONSE BY DIANNE POST, ATTORNEY TO THE LEAD-POISONED ROMA IN KOSOVO

The Human Rights Advisory Panel (HRAP) panel found that the United Nations Mission in Kosovo (UNMIK) violated Articles 2, 3, 8 and 14 of the European Convention on Human Rights (ECHR); Articles 2, 11 and 12 of the International Convention on Economic, Social and Cultural Rights (ICESCR); 2 and Article 26 of the International Convention on Civil and Political Rights (ICCPR); Articles 1, 2 and 12 of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW); and Articles 3, 6, 24, 27 and 37 of the Convention on the Rights of Children (CRC). These are serious and long-lasting violations.

The HRAP panel recommended that UNMIK publicly acknowledge these failures and apologize for the harms caused. The UN statement issued on May 26 meets neither of those criteria. It only says we are sorry it happened, and that the Roma suffered without taking any responsibility themselves.

The HRAP decision also recommends that the UN take appropriate steps for payment of adequate compensation to the complainants for material and moral damages. A Trust Fund administered by an unknown entity for general community projects does not meet this recommendation. There is no guarantee that the actual complainants will receive any compensation whatsoever nor is there any determination of what is adequate for each complainant individually.

The UN has also ignored the recommendation to educate other bodies to avoid a repetition of these issues nor is there any indication how the Trust Fund is going to proactively involve Roma people as recommended by HRAP more than a year ago.

Dianne Post - Attorney representing 168 Lead-Poisoned Kosovo Roma

Human Rights Watch condemns UN

Louis Charbonneau, UN director at Human Rights Watch, said:

"By creating an unfunded Trust Fund for community assistance projects, instead of individual compensation for victims of its own negligence, the UN is selling the victims of lead poisoning at its camps in Kosovo short. When he took office, Secretary-General Guterres promised to build a culture of accountability and make victims of UN wrongdoing a priority. Apparently that doesn't apply to the men, women and children poisoned in Kosovo over a decade ago. Secretary-General Guterres inherited this problem, but he can still change course and implement the UN's own advisory panel's recommendations, most importantly by providing victims and their families with adequate individual compensation. Dodging responsibility for the suffering of lead poisoning victims only serves to undercut attempts to make the UN more accountable for its own failures. And in turn refusal to take responsibility for harm caused by the UN undermines the organization's ability to press governments and others to remedy their human rights abuses."