



17 April 2009

Dear Mr. Hammarberg,

I refer to your letter dated 6 April 2009 on the issue of Roma, Ashkali and Egyptian (RAE) families living in Česmin Lug/Çesmin Llug and Osterode camps in north Mitrovica, and agree with the need for an immediate and determined response.

The immediate evacuation of the families remaining in the two camps, which you recommend, is a solution which has been considered by the agencies involved and efforts to effect this continue. An order of forced evacuation in the interest of public health had been previously considered and consultations held with all relevant stakeholders, but in the end, UNMIK took the view that it would be ill-advised to invoke such an order in the circumstances then prevailing, including for reasons of resistance from informal political leaders in control of the north, implicit threats against UNMIK, and the potential for serious violence and threats to public order. Further, there were limitations on UNMIK's effective capacity to control these factors owing to the complex political environment, limitations which may not be readily apparent but were and remain all too real. Mindful also of the need to respect the rights of RAE IDPs to make decisions to leave the camps on their own free will, efforts to date have focused on less intrusive measures including awareness-raising campaigns, consultations with communities concerned, and otherwise making available the necessary support (eg housing and other assistance) to encourage affected families to vacate the contaminated area. The situation of children is particularly of critical concern, and your advice on questions relating to the appropriate ethical and legal framework from a human rights standpoint to effect their and the others' immediate evacuation, and any other practical assistance, would be most welcome. With this in mind, I would like to share with you a history of the efforts made by UNMIK and the international community to address this problem, which illustrates the difficulties which needed, and still need, to be overcome.

In 1999, the former Treпча management operated its lead smelter without a proper filtration system for the exhaust, widely polluting the Mitrovica area and causing high blood-lead levels in the Mitrovica population as a whole. In autumn 2000, as an emergency measure, the then-Special Representative of the Secretary-General ordered the smelter to be closed, a decision that was enforced by KFOR, and commissioned a public health report on "Lead Pollution in Mitrovica Region" which recommended, *inter alia*, subjecting the population of Mitrovica municipality to epidemiological studies over several years, the relocation of the Roma camp to a lower risk area because the Roma community showed the highest blood-lead levels among the samples taken, and continuous education on reducing lead exposure.

In the summer of 2004, the World Health Organization conducted a comparison of the blood-lead levels of children living in the vicinity of the Treпча industrial sites and mine waste dumps and those of children residing in less contaminated areas. The study showed significant lead contamination among the RAE IDPs living in the camps, UNMIK sought to

relocate them and thus began negotiations with the Municipality of Mitrovica to effect the return to their place of origin, in southern Mitrovica, of as many RAE from the camps as possible. Following difficult negotiations with the receiving community, in April 2005 UNMIK signed a joint agreement with OSCE, UNHCR and the Mitrovica Municipality, which launched a comprehensive project for Roma returns to their Mahala (neighbourhood) in southern Mitrovica. Phase I of the project, which was co-managed by the project signatories, was completed on 30 March 2007 and facilitated the successful return of 102 RAE families (462 individuals) to four newly-constructed apartment blocks and 54 private houses. The RAE beneficiaries of this project came mainly, though not exclusively (as the project was restricted to accommodate RAE returnees who were originally from the Roma Mahala), from the polluted camps in northern Mitrovica. Two more apartment buildings in Roma Mahala will be finished this month and could house 24 RAE families who are expected to return on 17 April—16 of these 24 families come from the camps.

In mid-2006, UNMIK also took over camp Osterode from French KFOR and facilitated the transfer of RAE families to Osterode from the heavily polluted camps of Kablare/Kablar, Zhitkoc/Zitkovac and Česmin Lug/Česmin Llug, which were earmarked for demolition right after the relocation of their residents to Osterode. Before the RAE families were transferred to Osterode, Osterode camp was cleaned of lead and the soil covered over with concrete. 114 households comprising 460 individuals were relocated to Camp Osterode from the three Roma camps. The camps at Kablare/Kablar and Zhitkoc/Zitkovac were demolished. While sixty (60) families from Česmin Lug/Česmin Llug were moved to Osterode or the Roma Mahala, some 34 families preferred to remain at Česmin Lug/Česmin Llug and thus the camp could not be demolished. UNMIK steadfastly attempted to convince the remaining families at Česmin Lug/Česmin Llug to move to Osterode at the earliest in order to provide a healthier environment for their children, also because the WHO would not provide medical treatment for lead-poisoning (known as chelation therapy) to Česmin Lug/Česmin Llug residents unless they moved to Osterode. It is not possible to provide chelation therapy – i.e., to remove the lead from their blood – if the affected persons return to a lead-polluted environment, because then they are at greater risk since their bodies will absorb even larger quantities of metal from the environment.

The families who moved to Osterode were provided with chelation therapy, combined with therapeutic food distribution, which resulted in dramatically lowered blood-lead levels. A number of NGOs provided health checks and medical centres provided chelation therapy, special food programs, lead information and even temporary evacuation of mothers with babies and small children (which only lasted two weeks because the heads of the families insisted on their return) for the residents of Česmin Lug/Česmin Llug, which however were not as successful as the efforts made in Osterode given the camp's lead pollution. Another contentious issue is the extent to which high blood lead levels are caused by craft smelting in the home of some RAE families in the camps. UNMIK has continued to appeal to the RAE leadership to support efforts to effect the relocation for medical reasons and treatment of the remaining Česmin Lug/Česmin Llug families to lead-safer Osterode camp, however temporary, whilst permanent housing solutions are being pursued. Unfortunately, these efforts have not been entirely successful.

The reasons why many RAE families have not left the camps are complicated and multi-dimensional and need to be taken into consideration in their totality in order to tailor a sustainable solution to the situation. Many RAE individuals do not appear to understand the severity of the risks to their health, in spite of health education efforts, and have tended to give greater importance to factors such as perceived personal security and economic opportunities when weighing decisions to leave the camps for homes in the Roma Mahala.

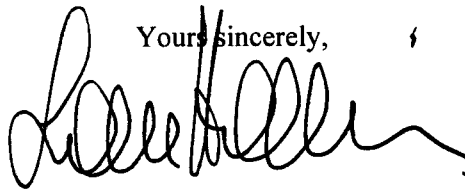
Finding viable alternative places of residence for the RAE IDPs has been extremely difficult and the process has often been politicized. There is also the perception among some

RAE IDPs that returning to the Mahala may result in the loss of welfare benefits provided by the Government of Serbia and that they may not be safe in southern Mitrovica, leading them to want to be relocated in northern Mitrovica. A sustainable solution therefore needs to address the economic needs of the community as well as their health needs, and both the Serbian and Kosovo authorities need to be included in resolving the situation.

With respect to your point about the need for money, in light of the limited resources of the Kosovo authorities, I fully concur that international funding must be secured, not just for accommodation, but for livelihood support. In fact, earlier attempts at finding a durable and sustainable solution for the relocation of the camps' residents were stymied, not only due to reluctance on the part of local authorities to allocate land for permanent housing, but also due to lack of funding to carry out housing construction. However, you will be pleased to learn that two international NGOs, Mercy Corps and Norwegian Church Aid (NCA), have already secured necessary funding to provide permanent accommodation to some 75 RAE families living in the camps. Other potential sources of funding have expressed serious interest in funding programmes to resolve the accommodation and livelihoods challenges, but only on the condition that the RAE will not return to the polluted camps.

As you know, since December 2005, the camps were administered by an international NGO (NCA) and, in May 2008, their administration was taken over by the Kosovo Ministry of Communities and Returns. Nevertheless, UNMIK is working to gather together the various stakeholders, both local and international, to resolve the situation. The Council of Europe's continued engagement from a human rights perspective, as well as any advice, information or assistance from your experience with the RAE community that might expedite their relocation from the contaminated zones, would be most welcome.

Yours sincerely,



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