

PUBLIC

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UA 287/05 Fear of forcible return/fear for safety

SLOVENIA **Ali Berisha (m), aged about 36**
Mahi Berisha (f), aged 36
Their four children: Dem (m), aged 8, Egzon (m), aged 6, Egzona (f), aged 4, Haxhi (m), aged 3

Ali Berisha, his wife Mahi and their four children, members of the Romani/Ashkali/Egyptiani (RAE) minority community, are at imminent risk of being forcibly removed from Slovenia to Germany, and from there to Kosovo, where they would be at risk of ethnically-motivated attack.

Ali Berisha was born in the former Yugoslavia, in what is now Kosovo in Serbia and Montenegro. He was registered as a permanent resident in the city of Maribor, in what is now Slovenia, between 1987 and 1992. In 1992, he was one of some 18,305 people who were "erased" (unlawfully removed from the Slovenian registry of permanent residents) and was thus deprived of his rights as a permanent resident, including his rights to healthcare and employment. Following the "erasure", in 1993 he was deported from Slovenia to Albania, for no apparent reason. The Albanian authorities returned him to Slovenia. Ali Berisha subsequently moved to Germany, and applied for asylum there. In Germany he met his wife Mahi Berisha (who was also born in today's Kosovo) and had four children, who were born in Germany after 1997. His asylum application was rejected by the German authorities and in 2005 the German authorities informed Ali Berisha that he would be forcibly removed to Kosovo, where he was born. After his asylum application was rejected, Ali Berisha and his family returned voluntarily to Slovenia in September 2005, in order to escape deportation to Kosovo. The Slovenian authorities are now planning to forcibly return them to Germany in the next few days. From Germany, they are expected to be forcibly removed to Kosovo.

Inter-ethnic tension has been high and discrimination against members of RAE communities has been widespread in Kosovo. In this respect the situation has significantly worsened in March 2004, when over 4,000 members of minority communities, including RAE communities, were forcibly displaced and 19 people died during three days of ethnically-motivated rioting. Even now there remain concerns for the safety of all members of minority communities in Kosovo. Following the start of talks on 7 November between the international community and authorities in Serbia and Montenegro and Kosovo, to resolve the final political status of Kosovo, inter-ethnic tension is expected to rise further.

The forcible transfer of any person, directly or indirectly, to a country where they are at risk of serious human rights violations is a violation of international human rights standards, including the European Convention on Human Rights and the International Covenant on Civil and Political Rights.

BACKGROUND INFORMATION

In 1992 some 18,305 individuals were unlawfully removed from the Slovenian registry of permanent residents. They were mainly people from other former Yugoslav republics, who had been living in Slovenia and had not acquired Slovenian citizenship, after Slovenia became independent. The Slovenian authorities have failed to resolve the status of the so-called "erased" and to ensure that they have full access to economic and social rights, including their right to employment, pension, and health care. Of those affected by the "erasure", approximately 6,000 remain without Slovenian citizenship or a permanent residence permit. Many of them live "illegally" as foreigners or stateless persons in Slovenia; others were forced to leave the country as a result of the "erasure". The remaining 12,000, who after their removal from the registry of permanent residents managed to obtain Slovenian citizenship or permanent residency (in many cases after years of bureaucratic and legal struggle), are often still suffering from the ongoing consequences of their

past unregulated status and have had no access to full reparation, including compensation, from the Slovenian authorities.

In 1999 and again in April 2003 the Slovenian Constitutional Court recognized the unlawfulness of the removal from the registry of permanent residents of the individuals concerned and ordered the Slovenian authorities to retroactively restore their permanent resident status. Following the 2003 Constitutional Court decision, the Slovenian Ministry of Interior issued approximately 4,100 decrees retroactively restoring the status of permanent residents of the individuals concerned. However, the Slovenian authorities stopped issuing such decrees in July 2004 and no new steps have been taken to implement the Constitutional Court decision and to restore the rights of the "erased".

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Slovenian, English or your own language:

- urging the Slovenian authorities to ensure that Ali Berisha, his wife Mahi Berisha and their four young children are not forcibly transferred to Germany and, indirectly, to Kosovo, where they would be at grave risk of serious human rights abuses;
- reminding the Slovenian authorities that international law prohibits the forcible transfer of any person, directly or indirectly, to a country where they are at risk of serious human rights abuses, and that such removal would be in breach of Slovenia's international obligations, in particular the European Convention on Human Rights and the International Covenant on Civil and Political Rights;
- urging the Slovenian authorities to grant Ali Berisha permanent residence in Slovenia and to retroactively restore his status of permanent resident, as well as that of all individuals "erased" in 1992, in accordance with the decisions of the Slovenian Constitutional Court.

APPEALS TO:

Prime Minister

Janez Janša

Office of the Prime Minister

Gregorčičeva 20, 1000 Ljubljana, Slovenia

Fax: + 386 1 478 1721

Email: gp.kpv@gov.si

Salutation: Dear Prime Minister

Minister of the Interior

Dragutin Mate

Ministry of the Interior

Štefanova 2, 1501 Ljubljana, Slovenia

Fax: + 386 1 230 23 08

Email: dragutin.mate@gov.si

Salutation: Dear Minister

President of the Republic of Slovenia

Janez Drnovšek

Office of the President of the Republic of Slovenia

Erjavčeva 17, 1000 Ljubljana, Slovenia

Fax: + 386 1 478 13 57

Email: gp.uprs@up-rs.si

Salutation: Dear President

COPIES TO: Diplomatic representatives of Slovenia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 23 December 2005.