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Concerning the declaration of the 19th June 2014

Highly honored UN Secretary General Ban Ki-moon, my name is Robby Basler. I am a German citizen who was born in East Germany in 1967 in times of the dictatorship of the SED regime. I am a victim of underage violation of human rights. However, my major problem is that I have become a victim of the violation of human rights once again, since modern-day Germany, which is according to the contract of nationhood (nationale Einheit) assign to the German Democratic Republic (GDR), withholds rights from article 39 of the Convention of the Rights on the Child (CRC).

As an infant I was withheld from the human right to education due to regulatory action of the GDR. Consequently, my dignity as a human being has been wounded. Including myself about 300.000 minors have fallen victims to those crimes of the SED-dictatorship. Despite the fact that the Federal Republic of Germany (FRG) is assign to the GDR, after the German reunification no legislation has been passed that would have guaranteed substitution for the victims of the violation of the human right to education. I regard this as a violation of the norms given in article 39 of the CRC, since any possible regulatory actions which are adequate to recover the victim`s dignity should be provided for the victims of underage violation of the human rights. The FRG defaults this.

In the course of years I have been doing research on possible reasons for the Federal Government not reimbursing the victims. I have come across the year 1968. It was the year of student uprisings as well as the year of Ulrike Meinhoff`s so-called "Bambulebewegung". Ulrike Meinhoff at that time was still working as a journalist, before getting involved in the terrorism of the Red Army Fraction (RAF). Having been convicted for taking part in the terroristic actions of the RAF, Meinhoff, according to 'official reports', committed suicide in a prison called "Stammheim" near Frankfurt.

However, one should acknowledge that Meinhoff's "Bambulebewegung" led to minors not only freeing themselves from the fetters of those violating human rights in government-run children's homes, but also making the public aware of the social wrongs having taken place in those institutions. Due to this new public awareness a meeting between representatives of the competent ministry and the 'rebels' was initiated. Consequently, the government was informed about what had happened. From then on the structures in West German education have been reformed. However, neither the ringleaders of the "Bambulebewegung" were reported because of trespass, nor have the perpetrators of human rights in children's homes been convicted by the German government.

One can assume that because of the upcoming election this topic was supposed to vanish from public notice quickly in order to take the ground from under the non-parliamentary opposition which in the year 1968 was also supported by the "Bambulebewegung". That way the political power of all democratic parties would still be maintained. Apparently, the governing parties as well as the opposing parties were in agreement about this. Thus, the ministries decided not to convict any of the perpetrators of both sides, although a demand for prosecution would have been urgently needed. Nowadays, one cannot expect these parties to openly acknowledge their guilt in parliament.

Consequently, it is obvious that the question of compensation is not only an East German one. The necessity of passing a compensation law is a result of the breach of international law on the rights of minors by the former German Federal Republic. Thus, the question of East or West is superfluous, especially since today laws should apply for every citizen equally. Hence, it is irrelevant during which time the wrongdoings were committed.

Moreover, the crime and the failure of the German State happened at a time shortly after the Nazi "Eichmannprozess" in Israel and the inglorious trial concerning the Nazi responsible persons in Frankfurt/Main. It is characteristic that the chief prosecutor regarding the "Eichmann"-process preferred not to chime in, but to leave the case to the Israel secret agency, since the chief prosecutor did not give Germany the credit for seriously pursuing Nazi criminals. Consequently, one has to consider that West German educational establishments still exercised those disciplinary measures, which they had taken over from the Nazi regime without any alterations. Even after 1949 homeless or parentless children, also those from concentration camps, suffered wrong in the state's custody, just as in the concentration camps of the Nazi regime. This is unbelievable! However, it is the absolute truth.

Those children were beaten, mentally tormented, arrested, forced to practice meditation as well as to labor and they, moreover, suffered food deprivation. In some cases the authority over children even led to sexual abuse and rape. In almost all institutions for minors, who had been under state supervision in order to adapt their behavior, they were withheld from the human right to education and the right of free personal development. In some cases it was reported that male wardens had SS-tattooing. It was known that churches harbored SS-members, gave them work or supported them in exiting the country.

In Switzerland enforced sterilizations; in Austria, Switzerland and Germany forced adoptions took place. All in all, every minor in those institutions became a victim of the violation of human rights.

Due to the fact that up to the present day there is neither a fair redemption nor a fair claim for compensation, which would correspond to article 39 of the Convention on the Rights of the Child (CRC), I realized the demand for action to claim my rights.

Since I failed to regain my dignity here in Germany due to the deficient "Strafhabilitierungsrecht", I have chosen to go public. Thus, I am now turning to the highest council concerning human rights, to you, the highly honored United Nations General Assembly in New York.

Today's plea to take on my letter preceded a march of three hundred miles from Germany to Geneva, Switzerland. In the course of this march I had to overcome all kinds of difficulties and risks, although I should not necessarily have undertaken this at my age. However, the march on Geneva contained a very important message to the United Nations. This message was not only carried by Austrian, Swiss and German victims, but was also supported by other nations such as Italy, France, Poland, Ireland and the USA. This message was handed over to the Swiss UN representative Jan Ziegler at the manifestation in Geneva on the 19th June 2014. Accordingly, I asked Mr. Ziegler to forward this declaration to the German UN ambassador and to the United Nations General Assembly in New York. I will enclose this declaration to the letter.

I am asking the United Nations to summon and consult at least five legitimate representatives each of the German, the Swiss and the Austrian victims. I am asking the United Nations not to blindly rely on the 'shadow reports' derived from the state reports of the nations. Apparently, in Germany the "National Coalition" never lodged an independent 'shadow report' in front of the UN committee in Geneva. The German "National Coalition" via the consortium of the child and youth services (AGJ) is financially dependent on the Ministry for Families, Seniors, Women and Youth (BMFSFJ) and, therefore, their interests collide concerning the question of victimization, since the welfare organizations are part of the AGJ. In the past the violation of human rights took place in those welfare organizations. Hence, despite my request not a single word about our precarious legal situation has been mentioned in front of the committee in Geneva. Actually they lead you, in New York, to believe that our problem does not exist at all – neither nationally nor internationally. This is changing with this letter which I am writing to you today.

Although the Federal Government had been well informed about the severe violation of human rights in state-run institutions since 1968, the state again did not react to it in the year 1974, when in an institution in Masberg, Schleswig, human rights violations had been reported. Although the public prosecution department should have known that there had already taken place human rights violations on minors, they omitted to pursue the perpetrators. In this case the state acted deliberately in obscuring the human rights violation.

Despite my complaints against the ministers in authority during each legislation period of the former GRF as well as the responsible East German minister in authority, Margot Honecker, this has not lead to a process of prosecution. I still believe that Margot Honecker should have to face up to the International Criminal Court, just as the persons responsible for the crimes of the Red Khmer in Cambodia.

In 2009 the German Bundestag ignited a debate on whether the victims should get any redress. They finally concluded not to give them any redress. In the course of those debates, however, the German Bundestag decided to take the initiative, which has already been promoted by the non-governmental organization "Kindernothilfe" so far as a third supplementary agreement concerning an individual right of complaint to the Convention on the Rights of the Child was almost realized. Nevertheless, the Federal Government put pressure onto this by including an article 20 which excludes an individual right of complaint for those who have become victims of the underage violation of human rights before its ratification. That way the Federal Government ensured that the 400.000 German victims would not have the possibility to lodge a complaint via a Commission on Human Rights in regard to the lack of compliance with internal norms. Thus, the victims are in a "vacuum".

Those in the German Bundestag who told the German victims that there was no legal way of redressing the victims are the same people who at the same time cut this individual right of complaint, so that the victims would not be able to complain about the lack of internal laws in front of the Convention on the Rights of the Child. Both decisions were made by the same persons at the same time. Consequently, whoever decided to appoint the individual right of complaint to a cutoff date, must have been aware from whom he withholds this right. Accordingly, it has been proven that the German Government in this case betrayed the victims. At any given time the right from article 39 of the Convention on the Rights of the Child has been valid and would just have been needed to be put into action internally. The Federal Government, however, 'copped out' of this.

My numerous constitutional complaints and my complaints in front of the European Court of Human Rights (ECHR) did not provoke the German Bundestag to act. Even my petition stating that Germany would need an explicit compensation agreement for underage victims, which should fulfill the norms given in article 39 of the CRC and should, moreover, cover any violation of human rights and be valid for everyone who has ever become an underage victim of the violation of human rights, did not bring about a change.

Considering these conditions I do not see the dignity of the victims of underage violation of human rights guaranteed. Due to the withholding from education the victims incur a financial disadvantage, since they are professionally, socially and politically lifelong underprivileged compared to the average employed persons in Germany who earn about 450.000 euros in their lifetime. Because of those disadvantages the victims do not have the possibility to freely develop their personality. Hence, the German Government is still harming the human dignity as long as there is no fair compensation agreement.

Considering the dimension as well as the description of the crime it becomes obvious that all criteria of a breach of international law are met. Thus, the German Government has to acknowledge a collective guilt and, moreover, has to offer atonement to the victims, which in case of contentment would have to be signed by all legitimate representatives of the victims before being passed by the German Bundestag. Only a legal claim for compensation can obtain validity, since an offer of atonement without a legal claim would be refused by the victims. The legal claim would have to be negotiated in such a way as war reparations after capitulation, since we are talking about a breach of international law.

reconciliation between victims and perpetrators. In an amicable arrangement the victims would have renounced 50% of the financial adjustment of their damages suffered, if they in return received a monthly annuity of 450 euros. The victims would have relinquished 75% of their claims, if the Government had wished a one-off payment, based on the actual amount of loss of 450.000 euros per victim.

Germany, against international law, received turnover taxes from compulsory labor of minors. This money was even increased in commercial activities with the German Central Bank. Accordingly, Germany unjustly possesses state assets of about eight million dollars. The annual interest yield of 5% (350.000.000 euros) would suffice to cover any payments to the victims without having to touch the legal state assets. After the death of the last victim the illegal assets could become part of the legal assets. That way the state would not even incur any losses. However, the German Government denies this. A prosecutorial process against the German finance authority was not initialized by the public prosecution department. For two years a complaint against the German Central Bank has not even been processed by the public prosecution department.

I am asking the high committee of the United Nations in New York to watch the documentary "Mea Maxima Culpa" to find out how such crimes have been taking place in these high numbers even in the USA. Those now grown-up victims need compensation to feel their dignity being equally precious as anyone else's. Even though the respective government delivered education and educational establishments to third parties, this did not free them from their legal responsibility to care for those children. The verdict in the Irish Louise O'Keeffe case confirms my concern. In January 2014 the European Court of Human Rights convicted Ireland due to deficient protection of a student from sexual abuse in a Catholic school financed by the government. Prosecutor was the 49-year old Louise O'Keeffe who was in the year 1973 repeatedly sexually abused by the headmaster of the public school. The Strasbourg judges attributed 30.000 euros compensation to her. Thus, a monthly annuity of 450 euros would not be exaggerated and, hence, would be justified.

The respective governments are liable for human rights violations to minors in state-run institutions or institutions run by third parties to which they were given.

legal human basis for complaint, so that also victims of legal age have the possibility to invoke on article 39 of the CRC concerning crimes which happened in times of minority. Thus, we could complain to the United Nations in Geneva or New York. Article 39 is formulated in the past tense, which means that also adults have to be entitled to this article. Hence, article 20 of the third optional protocol does not consort with article 39 of the CRC. Human Right must be suable and must be valid for all human beings; also for persons of full age.

I am thanking the UN representative Jean Ziegler for taking delivery of the declaration as well as the Genevese police authority for allowing the manifestation on the 19th June 2014.

Yours respectfully,

Frankfurt am Main 2014.06.28

Robby Basler

Annexed to this letter:

The declaration of the 19th June 2014 to the United Nations as well as evidence for:

- Complaints against the ministers (GFR) and Margot Honnecker
- Complaint against the German tax office for unjust tax revenue
- Complaint against the German Central Bank receiving stolen from wrong assets
- Petition to the German Bundestag
- Constitutional complaint against the decision to the third optional protocol
- Photo CD – Manifestation “Place of the nation” at the United Nation in Geneva
- (All the evidence currently only in German)

This letter is sent in copy to the Swiss ambassador of the United Nations, to the German Ambassador of the United Nations, as well as to:

Office of the United Nations High Commissioner for Human Rights (OHCHR)

Palais des Nations

CH-1211 Geneva 10, Switzerland

and to the international press.