



Institute for Justice & Democracy in Haiti *Bureau des Avocats Internationaux*

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The United Nations should hold MINUSTAH personnel accountable for human rights violations to Haitians

(Boston, September 20, 2011)— The Institute for Justice & Democracy in Haiti calls on the United Nations to hold its peacekeeping troops, known by their French acronym MINUSTAH, legally accountable for human rights violations committed in Haiti.

“MINUSTAH operates in Haiti with very little legal accountability for their action as a result of a legal waiver signed between the UN and the Government of Haiti,” according to Nicole Phillips, staff attorney at the Institute for Justice & Democracy in Haiti. Phillips explains, “without this special treatment, the families of victims who died of cholera could be entitled to legal compensation under Haitian law for MINUSTAH’s negligence in disposing of their waste and for their failure to conduct an immediate investigation. Similarly, victims of sexual assault, including the 18-year old boy raped by the Uruguayan troops, could seek criminal action and civil damages against their MINUSTAH assailants in a Haitian court.”

Earlier this month, a cell phone video was [released](#) showing a group of UN soldiers from Uruguay laughing as they pinned down an 18-year old Haitian boy and sexually assaulted him. This is not the only case of sexual abuse committed by MINUSTAH in Haiti. In 2007, more than 100 Sri Lankan soldiers were [repatriated](#) for sexually exploiting young Haitian women and girls. A recent [news article](#) revealed that sex with minors, which is prohibited under Haitian and international law, is not uncommon for MINUSTAH soldiers. In August 2010, the body of a 16 year-old was found hanging inside of MINUSTAH’s base in Cap Haitien. MINUSTAH has never announced results from any investigation into the incident.

Since the mission’s arrival in 2004, there have been regular protests throughout the country against MINUSTAH for interfering with legal demonstrations, making illegal arrests, using excessive force in its operations, especially in poor neighborhoods, and failing to provide adequate security in internal displacement camps, including to women and communities faced with violent forced evictions.

More recently, protests have included MINUSTAH’s failure to investigate the link between its negligent disposal of human waste and the outbreak of cholera. Under international

pressure, the UN finally [admitted](#) the link between the MINUSTAH base and the spread of cholera. But no legal compensation has been offered to the 438,000 Haitians who have contracted the disease, or the families of the 6,200 Haitians who have died.

Under a [Status of Forces Agreement](#) (or SOFA) that the Haitian government signed with the UN, MINUSTAH troops enjoy an almost blanket waiver of criminal liability in Haitian courts for any human rights abuses they commit in Haiti. Both military and civil members enjoy immunity for all acts performed in their official capacity. MINUSTAH military members who commit a crime outside of their official capacity are only subject to their home country's jurisdiction. Civilian members of MINUSTAH can only be prosecuted if the UN agrees. Haitians may not seek damages for civil liability unless the UN certifies that the charges are unrelated to the member's official duties.

The SOFA also provides for a Standing Claims Commission to hear private law cases against MINUSTAH members when the SOFA denies the Haitian Judiciary jurisdiction. The UN and Haitian government have never established the Claims Commission.

Brian Concannon, Director of the IJDH, calls on the UN "to hold its troops accountable to the Haitian people by ensuring that all criminal allegations against MINUSTAH members are investigated and prosecuted under Haitian and international law." Concannon urges the UN to "establish appropriate legal mechanism so that the families of victims who died of cholera can seek legal compensation."

Like the Sri Lankan troops in 2007, the Uruguayan troops accused of the assault were repatriated to their home country and [arrested](#) upon their return. The Uruguayan government is urged to prosecute those accused and to disclose the status of the case to the victim and the Haitian people. Despite the promises to investigate and prosecute the crimes in Sri Lanka, no information has been made public on the status of the investigation or prosecution.

This October, the UN Security Council will likely renew MINUSTAH's mandate for the 7th year in a row.

At the Institute for Justice & Democracy in Haiti (IJDH), we fight for the human rights of Haiti's poor in court, on the streets, and wherever decisions about Haitians' rights are made. We represent victims of injustice, including earthquake victims, victims of gender-based violence, and the unjustly imprisoned. Together with our Haitian affiliate, the *Bureau des Avocats Internationaux (BAI)*, we have sixteen years of demonstrated success enforcing Haitians' human rights in Haiti and abroad. Visit haitijustice.org. Follow @IJDH on Twitter.

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