



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

### Frequently Asked Questions about the United Nations & Cholera in Haiti

#### 1. What is cholera?

Cholera is a waterborne illness that causes acute, profuse diarrhea and vomiting. Cholera disproportionately impacts the poor and vulnerable; it is generally easily treatable with oral rehydration solutions, but for those who lack access to clean water and medical care, it can kill in a matter of hours.

#### 2. How did the cholera epidemic spread through Haiti?

On October 21, 2010 cholera exploded in the Artibonite region along Haiti's largest river system, and then quickly spread to other areas. While cholera is endemic in some developing countries, Haiti had never before had a cholera epidemic in recorded history. As of April 2012, the Haitian government reports that 7,050 people have died and over 531,000 have been infected with the disease. Geneticists and epidemiologists have verified that the bacteria originated from a riverside UN peacekeeping base.

#### 3. Did the UN really bring cholera to Haiti?

Numerous DNA tests and epidemiological studies, including those of the UN itself, have documented that MINUSTAH personnel deployed from Nepal brought the *vibrio cholerae* bacteria to Haiti. Although Nepal has endemic cholera, the UN did not test or treat the Nepalese peacekeepers for cholera prior to their deployment. The peacekeepers' base had a "haphazard" and "inadequate" sewage system that leaked some wastes directly into the river, and dumped remaining waste into an unfenced pit. It was easily foreseeable that the failure to test combined with poor waste disposal could have led to a cholera outbreak. In fact, the record speed of the outbreak caused epidemiologists to hypothesize that a full cubic meter of infected feces was dumped into the Artibonite and traveled downstream like a plume, infecting the Haitian families that drink, bathe, play and wash in the river. In March 2012, UN Special Envoy to Haiti Bill Clinton acknowledged that MINUSTAH was the "proximate cause" of the outbreak.

#### 4. What are victims of cholera asking from the UN?

On November 3, 2011, over 5,000 victims of cholera filed claims with the UN and MINUSTAH, seeking a) the clean water and sanitation infrastructure necessary to control the epidemic; b) compensation for victims who have lost family members or were ill from cholera; and c) a public apology from the UN. The petitioners include people like Nadine, whose father suddenly fell ill from cholera and died at a nearby treatment center. Nadine took out loans to retrieve her father's body from a mass grave and to provide a proper burial. She is still struggling to repay the debt.

#### 5. What makes the UN legally responsible?

The UN is legally responsible because its recklessness directly caused foreseeable harm to victims. The UN denies responsibility, claiming that a "confluence of factors," including Haiti's weak sanitation and health infrastructure, allowed the cholera it introduced to spread throughout Haiti. This is a legally invalid defense, akin to starting a fire in a dry field and blaming the wind when the fire spreads. Before the outbreak, the weakness of Haiti's health, water and sanitation systems were well known. After the devastating earthquake of January 2010, UN agencies warned that outbreaks of water-borne diseases, especially cholera, would have disastrous effects. These factors, therefore, were a reason for the UN to be more careful about introducing dangerous infectious diseases, not an excuse for failing to exercise care. Yet the UN failed to take simple measures that would have prevented the outbreak, including properly handling its wastes and testing or treating personnel deployed from known cholera areas.

## 6. Is the UN being held responsible in a court of law?

BAI and IJDH filed the complaints directly with the UN's internal claims mechanism. MINUSTAH's operations in Haiti are governed by a Status of Forces Agreement (SOFA), which affords MINUSTAH broad protections from actions in Haitian courts. To balance this immunity, the SOFA requires the establishment of an independent Standing Claims Commission to hear claims and compensate victims who have been injured by UN activities. Despite this requirement, no commission has been established during MINUSTAH's eight years in Haiti. In fact, no Standing Claims Commission has been established in over 60 years of UN peacekeeping, even though most SOFAs require one.

## 7. Has the UN responded to the claims?

The UN has confirmed receipt of the victims' claims, and official spokespersons have said the organization is "studying" the claims. Some voices have emerged within the organization to call for accountability. In a March 8, 2012 Security Council meeting, France acknowledged the damage cholera has done to Haitians and the UN's reputation there, declaring, "*We can regret this, but we cannot ignore it.*" Pakistan further voiced that cholera has severely tested Haiti, and called for a UN apology, adding that the UN must do "*whatever is necessary to make this situation right.*"

Unofficially, several UN agencies—the World Health Organization, Pan-American Health Organization (PAHO), and UNICEF—responded by announcing a "One Team Against Cholera" initiative to eradicate cholera through investments in comprehensive water and sanitation. The announcement did not specifically mention the victims' legal claim, but it was made two months after we filed our claims.

## 8. How many lives can the cholera lawsuit save?

Our best estimate is that providing the clean water and sanitation infrastructure that our lawsuit demands would save between **50,000 – 70,000 lives** in the first ten years. This includes likely cholera deaths, but also the thousands of deaths from non-cholera water-borne diseases that afflict Haitians, mostly children, every year.

## 9. How much will the lawsuit cost?

IJDH and BAI are asking supporters to help raise \$200,000 to keep us fighting for this year. This money would help pay for our staff time, travel time for our lawyers to visit clients in rural Haiti and cover the administrative costs of handling well over 5,000 claims. The total cost of the lawsuit will depend on how quickly the UN takes responsibility for the cholera. We will fight as long as we have to. IJDH and BAI staff will receive no remuneration from this case other than normal salaries.

These donations are an investment in a much larger return. Our clients' lawsuit aims to compel the UN to spend \$750 million – 1.1 billion on comprehensive water and sanitation that would improve Haiti for decades. By comparison, MINUSTAH's operating budget in Haiti for *one year* is around \$800 million.

## 10. What can I do?

- ❖ Learn more:
  - Visit IJDH's Cholera Accountability page [www.ijdh.org/cholera-litigation](http://www.ijdh.org/cholera-litigation);
  - Visit our page on Facebook: [www.facebook.com/FightTheOutbreak](http://www.facebook.com/FightTheOutbreak);
- ❖ Speak out:
  - Tell the UN to act by sending tweets to @UN #cholera #FightTheOutbreak;
- ❖ Support the case:
  - **Donate to support our efforts for accountability and investments in clean water and sanitation systems in Haiti:** donate online at [www.ijdh.org/donate](http://www.ijdh.org/donate) or mail your tax-deductible gift to: IJDH, 666 Dorchester Avenue, Boston, MA 02127.