

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Delama GEORGES, individually and on behalf of the Estate of Desilus GEORGES and all others similarly situated; Alius JOSEPH, individually and on behalf of the Estate of Marie-Claude LEFEUVE and all others similarly situated; Lisette PAUL, individually and on behalf of the Estate of Fritznel PAUL and all others similarly situated; Felicia PAULE, individually and on behalf of all others similarly situated; Jean Rony SILFORT, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

United Nations; United Nations Stabilization Mission in Haiti; Ban Ki-Moon, Secretary-General of the United Nations; and Edmond Mulet, former Under-Secretary-General for the United Nations Stabilization Mission in Haiti,

Defendants.

Civil Action No.

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiffs Delama Georges, Alius Joseph, Lisette Paul, Felicia Paule and Jean Rony Silfort (the "Named Plaintiffs"), by and through undersigned counsel, on behalf of themselves and all others similarly situated ("the Class") hereby respectfully allege as follows:

**INTRODUCTION**

1. This class action arises out of an epidemic of cholera that broke out in Haiti in October 2010. At the time of this filing, the epidemic has killed at least 8,300 people and sickened at least 679,000 others in Haiti, and has resulted in additional cholera cases in at least the United States, the Dominican Republic, and Cuba.

2. The outbreak resulted from the negligent, reckless, and tortious conduct of the Defendants: the United Nations (“UN”); its subsidiary, the United Nations Stabilization Mission in Haiti (“MINUSTAH”); and at least two of their officers.

3. Prior to Defendants’ introduction of the cholera bacterium to Haiti in October 2010, Haiti had no reported cases of cholera.

4. Defendants have long known that Haiti’s weak water and sanitation infrastructure created a heightened vulnerability to waterborne disease but failed to exercise due care to prevent the devastating outbreak of such disease.

5. In or around October 2010, Defendants knowingly disregarded the high risk of transmitting cholera to Haiti when, in the ordinary course of business, they deployed personnel from Nepal to Haiti, knowing that Nepal was a country in which cholera is endemic and where a surge in infections had just been reported. Defendants failed to exercise reasonable care to test or screen the personnel prior to deployment, allowing them to carry into Haiti a strain of cholera that a UN-appointed panel of experts and other independent scientific experts have since determined is the source of Haiti’s present cholera epidemic.

6. Defendants stationed their personnel on a base on the banks of the Meille Tributary, which flows into the Artibonite River, Haiti’s longest river and primary water-source for tens of thousands. There, Defendants discharged raw sewage from poor pipe connections, haphazard piping, and releases of water contaminated with human waste. They also regularly disposed of untreated human waste in unprotected, open-air pits outside the base where it flowed into the Meille Tributary. Defendants’ sanitation

facilities and disposal pits overflowed in heavy rain, emitted noxious odors, and exposed the local community to raw sewage.

7. Defendants knew or should have known that their release of raw sewage into Haiti's primary water source created a high risk of contamination, but they did not take any steps prior to the outbreak to mitigate the dangers or to prevent highly foreseeable harm to the local population, environment and any visitors to the area.

8. In or around October 2010, human waste from the base seeped into and contaminated the Meille Tributary with cholera. From the Meille Tributary, the contaminated waters flowed into the Artibonite River, resulting in explosive and massive outbreaks of cholera along the river and eventually throughout the entire country.

9. Defendants recklessly failed to take remedial steps necessary to contain the outbreak of cholera, willfully delayed investigation into the outbreak, and obscured discovery of the outbreak's source. As a result of Defendants' tortious acts and omissions, cholera continues to present an ongoing grave threat to water quality, public health and safety in Haiti, resulting in additional injuries and deaths.

10. The Named Plaintiffs and the members of the proposed Class they seek to represent have been proximately harmed through Defendants' acts and omissions. These plaintiffs, who are residents in Haiti and the United States, have been or will be sickened, or have family members who have died or will die, as a direct result of the cholera introduced to Haiti by Defendants.f

11. Defendants UN and MINUSTAH have well-established legal obligations to provide redress to victims of harm caused by acts or omissions attributable to the Defendants, which includes the members of the proposed Class. The Convention on the

Privileges and Immunities of the UN of 1946 (“CPIUN”) expressly requires Defendant UN to provide appropriate modes of settlement for third-party private law claims. The Status of Forces Agreement (“SOFA”) signed between Defendant UN and the Government of Haiti expressly requires the UN to establish a standing claims commission to address claims for harm.

12. In November 2011, pursuant to and relying on the obligations mandated by the CPIUN and SOFA, members of the proposed Class filed claims with Defendants UN and Ban, formally requesting that the UN comply with their obligations by establishing a standing claims commission and/or providing settlement for the victims’ injuries. In February 2013, the UN refused to receive those claims and, to date, has failed to establish any such commission or otherwise provide members of the proposed Class with any form of redress.

13. For the foregoing reasons, under the common law of torts, Plaintiffs are entitled to compensation and other remedies as requested herein.

#### **PARTIES**

14. Plaintiff Georges brings this action individually and on behalf of his deceased father, Desilus Georges, their surviving family, and all others similarly situated. Desilus Georges was a citizen of Haiti and resident of the United States. Plaintiff Georges presently resides in New York and is a citizen of the United States.

15. Plaintiff Joseph brings this action individually and on behalf of his deceased wife, Marie-Claude Lefeuve; their minor children; and all others similarly situated. Lefeuve was a citizen and resident of Haiti. Plaintiff Joseph presently resides in Haiti and is a citizen of Haiti.

16. Plaintiff Paul brings this action individually and on behalf of her deceased brother, Fritznel Paul; his spouse and minor children; and all others similarly situated. Fritznel Paul was a citizen and resident of Haiti. Plaintiff Paul presently resides in Haiti and is a citizen of Haiti.

17. Plaintiff Paule brings this action on behalf of herself and all others similarly situated. She presently resides in Haiti and is a citizen of Haiti.

18. Plaintiff Jean Rony Silfort brings this action on behalf of himself and all others similarly situated. He presently resides in Florida and is a citizen of Haiti.

19. Defendant UN is an international organization that was founded in 1945. According to the Charter of the UN, the functions of the organization include “maintain[ing] international peace and security” and endeavoring to “promot[e] and encourag[e] respect for human rights.” At all times relevant to this Complaint, Defendant UN was responsible for ensuring that Defendant MINUSTAH conducted its operations in Haiti with full respect for the principles and rules of international law. Defendant UN is a resident of New York, with its principal place of business located on 1<sup>st</sup> Avenue between 44<sup>th</sup> Street and 45<sup>th</sup> Street in New York City, New York 10017 (the “headquarter district”). Defendant UN has maintained continuous and systematic contacts with New York since its establishment in 1945, including maintaining offices staffed with its employees at numerous locations in New York City, outside of the headquarters district; regularly availing itself of public services in New York; and sending its officers and employees to conferences, speaking engagements and events throughout New York City.

20. Defendant MINUSTAH is a subsidiary organ of the UN. It is a resident of Haiti, with its headquarters in Port-au-Prince. It was established by the UN in New York

in 2004, and operates solely pursuant to the authority granted to it by the UN in New York. Upon information and belief, during the time period relevant to this Complaint, employees and officers of Defendant MINUSTAH reported on their activities to Defendant UN in New York City, both in person and through other forms of communication. Many of MINUSTAH's strategic, administrative, and other business decisions were made in New York.

21. Defendant Ban Ki-moon is and was at all relevant times herein the Secretary-General of the UN. As such, he has and had overall responsibility for the management of the UN and its operations, including all operations in Haiti. Pursuant to Article 97 of the Charter of the UN, the Secretary-General is "the chief administrative officer of the Organization." Upon information and belief, Defendant Ban participated in, directed, condoned, ratified, and/or authorized the tortious conduct alleged herein, or he knew or reasonably should have known that hazardous conditions or activities under his authority and control could injure Plaintiffs, and he negligently and recklessly failed to take or order appropriate action to avoid the harm. Defendant Ban also appointed and oversaw Defendant Mulet in his capacity as Special Representative of the Secretary-General. Upon information and belief, Defendant Ban is a national of the Republic of Korea and resides at 3 Sutton Place, New York City, New York 10022.

22. Defendant Edmond Mulet was the Special Representative of the Secretary-General and Head of MINUSTAH from March 31, 2010, to May 17, 2011. As stipulated in UN Security Council Resolution 1542 creating MINUSTAH, and reaffirmed in two subsequent resolutions in 2010, Defendant Mulet had "overall authority on the ground for the coordination and conduct of all activities of the United Nations agencies,

funds and programmes in Haiti.” At all relevant times herein, Defendant Mulet was personally responsible for ensuring that members of MINUSTAH complied with Haitian law, as mandated by the SOFA. Upon information and belief, Defendant Mulet participated in, directed, condoned, ratified, and/or authorized the tortious conduct alleged herein, or he knew or reasonably should have known that hazardous conditions or activities under his authority or control could injure Plaintiffs, and he negligently failed to take or order appropriate action to avoid the harm. Upon information and belief, Defendant Mulet is a national of the Republic of Guatemala and resides at 429 E 52<sup>nd</sup> Street, Apartment 36A-E, New York City, New York 10022.

#### **JURISDICTION AND VENUE**

23. The Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §1332(d)(2)(B), and supplemental jurisdiction pursuant to 28 U.S.C. §1367, because the case is a class action in which some members of the proposed Class are citizens of the foreign state of Haiti and others are citizens of U.S. states other than New York, whereas some Defendants are citizens of New York, and the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs.

24. The Court has personal jurisdiction over the Defendants because they are domiciled in New York and they have purposely availed themselves of the laws of the United States and the State of New York.

25. Venue is proper in this District pursuant to 28 U.S.C. §1391(b) because all Defendants except for MINUSTAH (a foreign resident) reside, and are subject to the Court’s personal jurisdiction, in this District.

## CLASS ACTION ALLEGATIONS

26. The Named Plaintiffs bring this action on behalf of themselves and a class of all other persons similarly situated, pursuant to Rule 23 of the Federal Rules of Civil Procedure.

27. The Named Plaintiffs seek to certify a class for purposes of determining liability and obtaining appropriate injunctive, declaratory, compensatory, punitive, and other relief.

28. This action satisfies the numerosity, commonality, typicality, adequacy, and superiority requirements of Rule 23(a) and (b) of the Federal Rules of Civil Procedure.

29. Plaintiffs seek certification of the following Class: "All individuals residing in Haiti or the United States who have been or will be injured or who are or will be the personal representative of a person who was or will be killed by cholera contracted in Haiti on or after October 9, 2010." Plaintiffs reserve the right to modify or amend the definition of the proposed Class before the Court determines whether certification is appropriate.

30. Plaintiffs propose that the Class be composed of the following Subclasses:

- a. The Category I Subclass, which consists of all individuals who have been or will be personally injured by cholera contracted in Haiti on or after October 9, 2010. Plaintiffs Paule and Silfort are the named representatives of this Subclass.
- b. The Category II Subclass, which consists of all individuals who are or will be the personal representative of a person who was or will



be killed by cholera contracted in Haiti on or after October 9, 2010. Plaintiffs Georges, Joseph, and Paul are the named representatives of this Subclass.

31. **Numerosity—Fed. R. Civ. P. 23(a)(1):** The exact number or identification of the Class members is presently unknown. Upon information and belief, the Class includes at least 679,000 individuals, including the representatives of the more than 8,300 people who contracted and died from the cholera epidemic that was introduced into Haiti by Defendants. The identity of the Class members is ascertainable and can be determined based on available records. All Class members are so numerous that joinder of individual members is impractical.

32. **Commonality—Fed. R. Civ. P. 23(a)(2) and 23(b)(3):** The Named Plaintiffs' injuries arise from a set of facts and circumstances common to that of the Subclasses they seek to represent. The questions of law and fact common to the Subclasses predominate over questions affecting only individual Subclass members, and include, but are not limited to:

- a. Whether Defendants' acts or omissions directly and proximately caused the introduction of cholera to Haiti;
- b. Whether Defendants were negligent, grossly negligent, and/or reckless in introducing cholera, or causing cholera to be introduced, to Haiti;
- c. Whether Defendants' actions proximately caused the Category I Subclass members to be exposed to cholera;

- d. Whether Defendants' actions proximately caused the Category I and II Subclass members to suffer physical, emotional and/or pecuniary harm as alleged herein;
- e. Whether Defendants' actions constituted a public or private nuisance;
- f. Whether Defendants' actions give rise to liability under state law; and
- g. Whether Defendants illegally sought to cover up their actions, thereby exacerbating harm suffered by Plaintiffs.

33. **Typicality—Fed. R. Civ. P. 23(a)(3):** The Named Plaintiffs' claims are typical of the claims of the Class because the Named Plaintiffs and all Class members were or will be affected by, or are or will be the personal representatives of persons who were or will be affected by, cholera contracted in Haiti on or after October 9, 2010. The damages and relief sought by the Named Plaintiffs are also typical of their respective Subclasses because the injuries suffered, nature of treatment received, all related costs, and additional consequential losses are similar for all members of each Subclass.

34. **Adequacy—Fed. R. Civ. P. 23(a)(4) and 23(g)(1):** The Named Plaintiffs are able to, and will, fairly and adequately protect the interests of each Subclass because they fit within the definition for each respective Subclass, and their interests do not conflict with the interests of the members of the Subclass they seek to represent. The Named Plaintiffs are represented by Class Counsel who have experience in class action and tort litigation and who have extensive experience working in Haiti and with Haitians in the United States. Class Counsel intends to prosecute this action vigorously for the

benefit of the entire Class. The Named Plaintiffs and Class Counsel can fairly and adequately protect the interests of all of the members of the Class.

35. **Superiority—Fed. R. Civ. P. 23(b)(3):** A class action is the best and potentially only available method for the efficient adjudication of this litigation because individual litigation of Class members' claims would be impracticable, economically and otherwise, and individual litigation would be unduly burdensome to the courts. The economic situation of the vast majority of Class members prohibits them from being able to pursue litigation individually. Without the class action vehicle, the Class would have no reasonable remedy and would continue to suffer losses. Further, individual litigation has the potential to result in inconsistent or contradictory judgments. A class action in this case presents fewer management problems and provides the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court.

36. **Issue Certification and/or Subclasses—Fed. R. Civ. P. 23(b)(1),(b)(2), (c)(4), & (c)(5):** On the motion of a party and/or in the discretion of the Court, one or more of the issues or claims set forth in this Complaint may be certified under the provisions of Fed. R. Civ. P. 23 (b)(1),(b)(2), and/or (c)(4), and subclasses designated under Fed. R. Civ. P. 23(c)(5).

37. Class certification is appropriate under Rule 23 of the Federal Rules of Civil Procedure because (1) the prosecution of separate actions by individual members of the Class would create a risk of adjudications that would, as a practical matter, be dispositive of the interests of the other members or would substantially impair or impede their ability to protect their interests, and/or (2) Defendants have acted and continue to act

on grounds generally applicable to the Class, making final injunctive, declaratory, compensatory, and punitive relief appropriate.

## STATEMENT OF FACTS

### General Facts

38. The Republic of Haiti is located on the western third of the Caribbean island of Hispaniola. As documented by Defendant UN, it is the poorest country in the Western Hemisphere and one of the world's most water insecure countries, meaning that the population lacks the capacity to access adequate quantities and acceptable quality of water to protect against water-borne pollution and water-related disasters.

39. In the most recent national census, conducted in 2003, sixty-four percent of the Haitian population reported relying on raw water (that is, naturally occurring water in the environment, such as river water) as their primary water source. Thirty-two percent reported that they depended specifically on river water as their primary water source.

40. Via the World Health Organization ("WHO")-UN Children's Fund Joint Monitoring Program, Defendant UN identified that in 2010, only sixty-nine percent of the Haitian population had regularized access to an improved water source that "by nature of its construction or through active intervention, is protected from outside contamination, in particular from contamination with fecal matter." Only seventeen percent had access to improved sanitation that "hygienically separates human excreta from human contact."

41. On January 12, 2010, Haiti was struck by a 7.0 magnitude earthquake that killed over 200,000 people and displaced an additional 1.5 million. The earthquake

severely damaged or destroyed many public buildings and institutions and key parts of Haiti's infrastructure.

42. The WHO, an agency of the UN, assessed the public health risks in Haiti shortly after the earthquake and found that the earthquake had exacerbated already poor conditions by severely damaging water, sanitation, and health infrastructure, thereby increasing the country's vulnerability to waterborne diseases.

43. Humanitarian workers and medical experts also publicly stressed Haiti's heightened vulnerability to waterborne diseases, including cholera. These warnings were published in over 100 articles across a wide array of international media outlets.

44. Cholera is an acute intestinal infection caused by a waterborne toxigenic bacterium, *Vibrio cholerae*. Cholera has a disease profile that includes profuse diarrhea, vomiting, and muscle cramping. The disease often causes severe discomfort, pain, dehydration, and death if untreated. Cholera induces such rapid dehydration that a person can lose up to 20 liters of fluid daily, and a person who weighs 120 pounds can lose over 10 pounds in a matter of hours. Unless treated immediately, the loss of fluids from the body can rapidly cause shock and death.

45. Cholera is most often transmitted through the ingestion of water or food that has been contaminated by the feces of an infected person. Even persons with no apparent symptoms can transmit the disease. The bacterium appears in the feces of an infected person for up to fourteen days from the point of initial infection. The incubation period for cholera—that is, the time between contraction of the illness and the onset of symptoms—ranges from about two hours to five days.

46. The need to prevent the transmission of cholera has been internationally recognized since at least 1851, and Defendant UN has long known of this need. Since 1948, Defendant UN's health agency has been responsible for promulgating international regulations to prevent the transmission of cholera, and the present International Health Regulations that are binding on all WHO Member States explicitly recognize that cholera possesses the "ability to cause serious public health impact and to spread rapidly internationally," and thus constitutes a particular risk for causing a public health emergency of international concern.

The Presence of Defendants UN and MINUSTAH in Haiti

47. Defendant UN has had a military presence in Haiti since at least 1994 and has had seven different civilian and military missions there for most of the last three decades.

48. On or about April 30, 2004, the UN Security Council passed a resolution establishing Defendant MINUSTAH and providing it with the mandate to enhance stability and a secure environment, promote democracy and rule of law, and support the Haitian government as well as Haitian human rights institutions and groups "in their efforts to promote and protect human rights, particularly of women and children, in order to ensure individual accountability for human rights abuses and redress for victims."

49. On or about June 1, 2004, Defendant MINUSTAH began operations in Haiti.

50. MINUSTAH's operations in Haiti are governed by, *inter alia*, the SOFA executed by the UN and the Government of Haiti on or about July 9, 2004.

51. The SOFA specifically provides that MINUSTAH shall cooperate with the Government of Haiti “with respect to sanitary services and shall extend to each other the fullest cooperation in matters concerning health, particularly with respect to control of communicable diseases, in accordance with international conventions.”

52. The SOFA also requires that MINUSTAH and its members, including Defendant Mulet, “respect all local laws and regulations.” The SOFA appoints the Special Representative to be personally responsible for ensuring that members of MINUSTAH comply with Haitian law.

53. Haitian laws and regulations prohibit (1) disposal of human waste in waterways; (2) negligence, including the negligent transmission of a contagious disease; (3) manslaughter caused by negligence; and (4) commission of acts impacting the environment or ecological balance.

54. Haitian law also incorporates into its national laws all international treaties that are duly ratified by the Parliament of Haiti. Included among those treaties are prohibitions on violating the right to life and the right to health.

55. MINUSTAH is also bound by the rules set forth in the UN standards of conduct, which require MINUSTAH to (1) respect the environment of the host country; (2) treat the inhabitants of the host country with respect, courtesy and consideration; and (3) refrain from engaging in any illegal activities.

56. MINUSTAH is also bound by international law applicable to UN forces. Specifically, as recognized by the former Secretary-General of Defendant UN in a Bulletin published on August 6, 1999, forces such as MINUSTAH are “prohibited from

... destroying ... or rendering useless objects indispensable to the survival of the civilian population, such as ... drinking-water installations and supplies.”

57. At the time of the cholera outbreak in October of 2010, MINUSTAH consisted of approximately 8,940 military personnel and 4,391 policemen. In the 2010 to 2011 fiscal year, MINUSTAH’s budget was \$853,827,400, equivalent to approximately one-third of the Haitian government’s total annual budget for all government services.

#### Deployment of Cholera-Infected UN Personnel to Haiti

58. Defendants UN and MINUSTAH draw military personnel from various countries including Nepal, where cholera is endemic.

59. On or about October 9, 12, and 16, 2010, Defendants UN and MINUSTAH deployed 1,075 troops from Nepal to Haiti as a part of a regular six-month rotation. The Nepalese contingent represented the third largest national contingent of military personnel in the MINUSTAH force.

60. In the months immediately preceding October 2010, Nepalese authorities reported a surge in cholera cases concentrated in the Kathmandu Valley. The outbreak was reported widely in Nepalese and English newspapers, and officials from the UN knew that Nepal was experiencing a surge in cholera cases. The outbreak involved a particularly virulent strain of cholera known as El Tor cholera.

61. Upon information and belief, prior to their deployment to Haiti, the soldiers constituting the Nepalese contingent spent three months training at the Birendra Peace Operations Training Centre in Panchkhal, Nepal, located in the outskirts of the Kathmandu Valley.



62. Upon information and belief, after completing their training in Panchkhal, the Nepalese soldiers spent ten days visiting their families. Many traveled to the Kathmandu Valley and other cholera-infected areas directly prior to their deployment to Haiti.

63. In the days or weeks prior to deployment, one or more of MINUSTAH's soldiers were exposed to and contracted cholera.

64. Defendants UN and MINUSTAH did not test any Nepalese MINUSTAH soldier for cholera, or require any such testing, or otherwise take reasonable steps to rule out or address the presence of the infectious bacteria in the troops that were sent to Haiti prior to deploying them. The Nepalese Army's Chief Medical Officer confirmed this fact to the British Broadcasting Corporation ("BBC") News on or around December 8, 2010.

65. Upon information and belief, Defendants UN and MINUSTAH also failed to take reasonable precautions, such as providing vaccinations, prophylactic antibiotics, or other medical treatments, to prevent the foreseeable transmission of cholera from the Nepalese soldiers who were coming from cholera-endemic regions to Haiti. Many of these treatments are extremely inexpensive, and could have, at minimal cost to Defendants, substantially improved the health of infected persons and limited their ability to transmit the disease.

66. One or more of the soldiers deployed by Defendants UN and MINUSTAH carried cholera from Nepal to Haiti.

67. Defendants UN and MINUSTAH knew or should have known, and recklessly disregarded the obvious risk, that one or more of the soldiers was carrying the infectious cholera bacteria into Haiti.

68. Within one day of arriving in Haiti, the soldiers were transported to their posts in the Centre Department, a region in the center of Haiti.

69. At all times relevant to this Complaint, Defendants UN and MINUSTAH stationed the soldiers from Nepal on three military bases in Haiti: Meille, Hinche, and Terre Rouge. The bases are located in rural parts of Haiti, where the local population is particularly reliant on raw water sources and consequently vulnerable to waterborne diseases.

70. Upon information and belief, at all relevant times herein, Defendants UN and MINUSTAH maintained exclusive possession and control over the bases.

71. The majority of the Nepalese battalion of MINUSTAH was stationed on the basecamp in Meille known as NEPBATT 1 (the "Meille Base"). Meille is a small village located approximately one mile south of the town of Mirebalais. It is situated on the banks of the Meille tributary system ("the Meille Tributary"), which flows into the Artibonite River at Mirebalais. Aside from MINUSTAH, there is no other significant non-Haitian presence in Meille.

72. The Meille Base is located on a perch above the Meille Tributary. At the time of the outbreak of cholera in Haiti, the wall of the Meille Base was separated from the waterway by only a steep, narrow slope of dirt and rock no wider than a few feet in some areas.

#### UN Sanitation Facilities and Waste Disposal in Meille

73. Defendants UN and MINUSTAH recklessly designed, constructed, operated and oversaw a waste management and disposal system that failed to meet minimal sanitary and safety requirements, and caused cholera contamination of the

Meille Tributary through leakage and/or overflow from Defendants' pipes and sanitation facilities on the Meille Base, and/or overflow from Defendants' waste disposal into open-air pits in the Meille community, outside the base.

74. The toilet and showering facilities for Defendant MINUSTAH's Meille Base were situated together in one contiguous main area near the rear of the base on a low point on the land, sloping down towards the Meille Tributary. During heavy rains, flooding created a high risk that contaminated water would run from the facilities towards and into the river.

75. Graywater waste (that is, shower water, kitchen water, and other wash water) flowed from the facilities through different pipes into one or more soak pits located on the base, where it drained into the ground. At least one of the soak pits overflowed in heavy rain before the time of the cholera outbreak.

76. The toilet facilities contained squat toilets that were flushed by manually pouring water over the waste. Blackwater waste, which contains human feces, was designed to flow from the toilets through plastic pipes to six 2,500-liter fiberglass septic storage tanks.

77. Defendant MINUSTAH failed to properly maintain the pipes and pipe connections, allowing them to become cracked and to fall into severe disrepair. The pipes were exposed to the air and suspended over an open drainage ditch that extended through the camp and emptied into the Meille Tributary, creating a high risk of contamination by blackwater and graywater.

78. Defendant MINUSTAH stored the blackwater waste in septic tanks that had to be manually emptied. If the septic tanks were not emptied when full, there was a

high risk that blackwater waste would either flow back through the pipes and up the toilets or otherwise empty into the surrounding environs.

79. Defendant MINUSTAH or its agents periodically emptied the septic tanks on the base by pumping the untreated waste into a truck and transporting it across Route HT-3, which runs adjacent to the Meille Base, to dispose of it in open-air pits located outside the base in the Meille community (the “disposal site”).

80. Upon information and belief, Defendant MINUSTAH also transported its waste from the medical facility on the Meille Base and disposed of it in the same open-air pits at the Meille disposal site.

81. Defendant MINUSTAH also transported all of the waste water from its Hinche and Terre Rouge bases, where the other Nepalese soldiers were stationed, and disposed of it in the Meille pits.

82. The pits were unfenced and easily accessible to the public, and Defendants took no precautions to protect the local community or its visitors from the hazardous waste.

83. The pits were located at the top of a hill approximately 100 feet from the Meille Tributary. The land sloped in the direction of the Meille Tributary, and the pits regularly overflowed in the rain, creating a high and foreseeable risk that waste would flow from the pits into the river.

84. Upon information and belief, Defendant MINUSTAH did not have or enforce minimum standards for waste water disposal sites, standard operating protocols for waste water management, or any environmental policy or guidelines that would

