December 18, 2014

His Excellency Ban Ki-moon
Secretary-General of the United Nations
760 United Nations Plaza
New York, NY 10017

Dear Mr. Secretary-General,

In the four years since cholera broke out in Haiti, we have grown increasingly concerned with the United Nations' (UN) response to the crisis. Despite overwhelming evidence that cholera was introduced to Haiti when soldiers serving in the UN Stabilization Mission in Haiti (MINUSTAH) contaminated the country’s largest river system with raw sewage, the UN has failed to accept responsibility for the outbreak. The cholera epidemic has already claimed more than 8,500 lives and sickened over 700,000 Haitians. It is imperative that all those who have been affected by the disease, whether personally or through the loss of a loved one, have access to a settlement mechanism for resolution of their legal claims.

We are writing today urging you to create a fair process to adjudicate the claims made by cholera victims that allows for the remediation of the affected communities.

The Convention on the Privileges and Immunities of the United Nations (CPIUN) mandates that the UN “provide for appropriate modes of settlement” of private law claims.1 The Status of Forces Agreement (SOFA) the UN signed with the Government of Haiti expands on this obligation by specifying that claims are to be heard and settled by a standing commission.2 The UN has formally recognized the importance of access to justice in its own Basic Principles and Guidelines on the Right to a Remedy for Victims of Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.3

In a February 2014 report to the Human Rights Council, Gustavo Gallón, UN Independent Expert on the Situation of Human Rights in Haiti, cited the Principles in his discussion of the cholera crisis, writing, “The United Nations should be the first to honor these Principles.” Mr. __________

Gallón stressed that “diplomatic difficulties” are no excuse for inaction. Separately, UN High Commissioner for Human Rights Navi Pillay and former UN Special Envoy for HIV/AIDS in Africa Stephen Lewis have publicly expressed disappointment over the Organization’s refusal to review legal claims from the victims and provide access to remedies. UN Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation, Catarina de Albuquerque, recently called on the UN to “ensure the alleged victims’ right to a remedy, including compensation, if warranted” and to “establish appropriate accountability mechanisms.”

The crisis has also drawn the attention of human rights groups and international law scholars. Researchers from Yale Law School and the Yale School of Public Health have released a comprehensive report detailing the UN’s obligations to cholera victims in Haiti. In *Peacekeeping without Accountability*, the authors write,

> To fully accept its responsibility, the UN must vindicate the legal rights of the victims... The UN must first provide victims with the legal recourse to which they are entitled under international law... This recourse should take the form of the claims commission outlined in and required by the SOFA... *The...remedies are not simply charitable responses to a humanitarian crisis; they are what the UN must do to fulfill its basic contractual, legal, and moral duties* (emphasis added).

As members of the United States Congress, our work involves providing oversight of our United Nations portfolio. We believe it is therefore our duty to ensure the institution operates with transparency, accountability, and respect for human rights. While we applaud the UN’s efforts to secure more funding for cholera treatment and prevention in Haiti, we wish to respectfully remind you that these efforts do not absolve the UN of its obligation to receive legal claims from victims of the epidemic and provide remediation for the affected communities.

Each day that passes without an appropriate UN response is a tragedy not only for the cholera victims but for the UN itself. As *The Washington Post* Editorial Board noted last year, “[B]y refusing to acknowledge responsibility, the United Nations jeopardizes its standing and moral authority in Haiti and in other countries where its personnel are deployed.”

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In the interests of securing justice for the victims and impacted communities as well as strengthening the UN's leadership as a champion for human rights, we urge you to act immediately to establish a settlement mechanism through which victims and their families may seek relief and the country can move forward with the water and sanitation infrastructure it so desperately needs. Unless and until the UN honors the fundamental right to access justice, the issue of UN accountability in Haiti will remain.

We appreciate your support in this noble and urgent endeavor.

Sincerely,

John Conyers, Jr.
Member of Congress

Barbara Lee
Member of Congress

Earl Blumenauer
Member of Congress

Henry C. "Hank" Johnson, Jr.
Member of Congress

Debbie Wasserman Schultz
Member of Congress

Frederica Wilson
Member of Congress

James P. McGovern
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Albio Sires
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Eliot Engel
Member of Congress

Karen Bass
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Raúl Grijalva
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Jim McDermott
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Bennie Thompson  
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Member of Congress

Michael Michaud  
Member of Congress

cc:

The Honorable John Kerry, Secretary of State

The Honorable Samantha Power, United States Ambassador to the United Nations