

LETTER FROM VICTIMS OF THE HAITI CHOLERA EPIDEMIC TO MEMBERS OF THE UN SECURITY COUNCIL

December 10, 2015

To: The President and Members of the United Nations Security Council

Subject: Request by cholera victims for the support of the United Nations Security Council

Dear Ambassadors,

We are victims of the cholera epidemic introduced to Haiti by UN troops in 2010, and are writing to you on the occasion of the 67th anniversary of the signing of the Universal Declaration of Human Rights to explain the pain and hardship cholera has caused, and continues to cause, in our communities. We ask you to recognize our fundamental human right to a remedy and to secure UN accountability for the perpetration of this terrible crime.

It has been over five years since peacekeepers from the United Nations Stabilization Mission in Haiti (MINUSTAH) introduced cholera to Haiti by discharging contaminated human waste into the Artibonite river system, Haiti's largest river. We had never known cholera before this. Now, cholera has killed more than 8,990 people and infected more than 745,000. Behind these numbers are hundreds of thousands of stories of suffering and injustice: mothers forced to bury their children, families crippled by debts taken on during the weeks when members were too sick to work, communities living in fear of catching cholera again, but with no choice but to bathe in and drink from the river that has killed so many of our fellow citizens.

Cholera continues to kill Haitians. More than 22,500 people have already been infected this year. In the commune of Marigot in the southeast of Haiti for example, 15 people died in September 2015 alone. After heavy rains in October, 15 communes have been put on cholera 'red alert'.

It is beyond question that MINUSTAH brought cholera to Haiti. Many international scientific studies, including by the UN's own group of experts, have shown that the disease was introduced by Nepalese peacekeepers at a MINUSTAH base in Mirebalais, after they wrongfully discharged untreated waste into the Meye tributary of the Artibonite River. Despite irrefutable evidence, the UN has never formally acknowledged its responsibility for bringing cholera to Haiti. For five years, the UN has ignored victims' calls for a just response. This is an affront to our dignity as a people.

In 2011, 5000 cholera victims filed claims with the UN. We asked the UN to respect the Status of Force Agreement (SOFA) signed by the Haitian Government and the United Nations on 9 July 2004, by establishing a permanent claims commission (as required by article 55 of the SOFA). This commission would be responsible for hearing victims' claims and according reparations to

those who have suffered, and/or the next of kin of those who have died as a result of MINUSTAH's inexcusable negligence. The UN took 15 months to answer us. When it finally responded, it was to tell us that our claims were "not receivable." We asked for further explanation, or at least a meeting to discuss our claims, but the UN refused all our requests.

The UN has treated victims with contempt, ignoring our fundamental human right to justice. It has behaved as though MINUSTAH is above the law, by publicly taking the position that the UN has absolute immunity from all claims, no matter how gravely it has breached human rights. The UN's refusal to comply with its own legal obligations constitutes a denial of justice. This denial, and the impunity of MINUSTAH peacekeepers for the sexual abuse perpetrated against Haitian women and children and for fathering and then abandoning children, leaving their mothers as the child's sole source of support, has deprived MINUSTAH of credibility in Haiti. If the UN continues to insist on illegal impunity for itself, it cannot expect its officials to do better.

How does the UN have the moral standing to promote respect for human rights and dignity in Haiti when it is violating cholera victims' rights? How can MINUSTAH claim to be protecting the rule of law when it disregards its own legal obligations? The people of Haiti will never trust the UN while it refuses to hold itself to its own standards on human rights and the rule of law.

Over the past five years, many friends of the Haitian people - including political leaders in the U.S. and Haiti, experts in human rights and public health, and community leaders throughout the world - have called on the UN to give us justice. Even those working within the UN system, such as the UN independent expert on Haiti, the UN Special Rapporteurs for adequate housing, health, and water and sanitation, and the UN's own former lawyers have publicly criticized the UN's refusal to provide remedies to cholera victims. However, we are disheartened to see that very few UN member states have stepped up to urge the UN to respect its legal obligations to cholera victims. We know that the fate of cholera victims ultimately depends on the willingness of member states of the UN Security Council, who have the power to ensure that the UN lives up to its own principles.

We are writing to ask you to give us that support. As a member of the UN Security Council you have a unique and powerful position. The UN Security Council authorizes MINUSTAH's presence in Haiti and sets the mission's mandates. MINUSTAH is ultimately responsible to the Security Council, and it is to the Council that the UN Secretary-General and other members of the Secretariat report on MINUSTAH's obligations.

As such, the Security Council has the power and the responsibility to ensure that MINUSTAH's operations in Haiti comply with fundamental human rights standards and the UN's international obligations. There is a Haitian proverb that says: "Nen pran kou, je kouri dlo" ("when the nose takes the blow, the eyes also water"). When misfortune strikes one member of a community, the others also suffer. The founding principle of the United Nations is that we are all linked as a community of nations. We ask you to feel the injustice we have suffered. The stronger must support the weak.

As member states of the Security Council, we are asking you to take account of the submissions in our lawyers' complaint, and to do the following:

1. Publicly call on the UN Secretary-General to acknowledge UN responsibility for introducing cholera to Haiti and apologize to the Haitian people;
2. Commit to creating a fair framework for providing reparations to victims, and to providing the funds needed to compensate victims. This would fulfill the UN's international legal obligations and ensure that victims' right to a remedy is finally recognized;
3. Provide the resources needed to install the water and sanitation infrastructure necessary to eliminate cholera in Haiti. The UN announced its support for plan to eliminate cholera in Haiti in 2012, but the plan has received only 13% of the funding needed. Fundraising has been stalled for over one year. During this time cholera infection rates have increased. Despite this, the office of the Special Coordinator for Cholera Response in Haiti was closed at the end of June 2015. Member states of the Security Council have the economic and political power to restart this stalled process and mobilize the funding needed to eradicate the threat of cholera in Haiti.

We ask you to use the occasion of the 67th anniversary of the Universal Declaration of Human Rights, 10 December 2015, to affirm that the UN will act in accordance with the principles of human rights and the rule of law it claims to stand for. If human rights are really universal, then they must also extend to Haiti's cholera victims. Cholera has crippled our country. Five years without justice is five years too many. Please stand with us.

We thank you for considering this letter and are eagerly waiting your response. Please contact us through our legal representative, Mario Joseph, Managing Attorney of the Bureaux des Avocats Internationaux (BAI), at kolera@ijdh.org.

Yours sincerely,

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