



10 Year Haiti Cholera Anniversary, October 2020

This month marks the 10 year anniversary of the UN’s introduction of cholera to Haiti through its peacekeepers, sparking an epidemic which has [killed nearly 10,000 and infected more than 800,000](#), according to official numbers. The first [documented victim](#) was diagnosed with cholera on October 12, 2010, and died shortly thereafter.

In the 10 years since the introduction of cholera, the UN’s response has amounted to a violation [of victims' right to effective remedy](#). The UN denied its role in the epidemic for six years before apologizing to Haitians and promising a [\\$400 million](#) response in line with what it termed a “moral responsibility”. Only [\\$20 million](#) has been raised, and only \$14 million has been spent to date. As noted by an unprecedented number of the UN’s own human rights experts in April 2020 via an [allegation letter](#) to Secretary-General Antonio Guterres, the UN’s response “was a critical failure...in providing adequate remedies to victims of the cholera epidemic.” This [letter](#) was prompted by a [formal complaint](#) filed by the *Bureau des Avocats Internationaux* (BAI), the Institute for Justice & Democracy in Haiti (IJDH), and the International Human Rights Clinic at Harvard Law School. Despite the clear and specific concerns raised by the UN’s own independent experts, the [Secretary-General’s response](#) ignored the core issue of the victims’ rights and the UN’s legal responsibility.

The Organization’s continued denial of legal responsibility for the cholera epidemic, failure to have established an independent mechanism through which victims’ claims could be assessed, and denial of individual compensation to those most affected has meant that families [continue to suffer](#) devastating [social and economic consequences](#) as a result of the disease. The UN had eight years following the epidemic to establish a standing claims commission in line with its obligations under the [Status of Forces Agreement](#) (SOFA) it signed with Haiti in 2004, when it established its peacekeeping presence in the country.¹ Shockingly, the UN has [never](#) established such a commission in any country where it has had a peacekeeping mission, despite signing agreements that provide for commissions in the event of a dispute.

For the past decade, [IJDH and BAI have worked alongside cholera victims](#) to seek justice and accountability. We have [called on](#) the UN to accept legal responsibility for, and offer restitution to, the victims of cholera, who have already suffered and lost too much. In April 2020, the UN’s independent experts additionally addressed a letter to the Government of Haiti, encouraging its

¹ The SOFA requires that claims settled through a commission be submitted no later than one year after the termination of the UN’s peacekeeping mission (MINUSTAH) mandate. MINUSTAH’s mandate terminated on 15 October 2017. As such, the process for its establishment needed to be initiated before 14 October 2018 to ensure that victims could submit claims before the deadline.

role to defend and support victims' call for justice, and to bring the issue of effective remedy to the International Court of Justice. As BAI wrote to the Haitian government in a recent [letter](#), "the Haitian State could contest the immunity that the United Nations confuses with impunity." Haiti is not alone, however. The UN's [handling of mass human rights claims](#) around the world, arising largely in the context of peacekeeping, has failed. Host countries are often unwilling or [unable](#) to demand recourse from the UN for their citizens, reflecting the [structurally unequal power dynamics](#) between these countries and the international organization.

We urge Secretary-General Guterres, as we have in our [open letter](#), to heed the call of victims over the past 10 years, and that of the UN's own experts to both recognize and correct course from the "past failures and ongoing violations" and accept legal responsibility. As Mario Joseph, the managing attorney at BAI, noted at a [cholera commemoration event](#) this month, the cholera epidemic was two catastrophes. The first was the death and suffering caused directly by the epidemic; the second was the undermining of Haitians' dignity and human rights caused by the UN's denial of justice and refusal to remedy the victims.

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