



Current and Former UN Mandate Holders Speak Out In Support of Haitian Cholera Victims' Right to a Remedy

In response to the UN's refusal to take responsibility for introducing cholera to Haiti and its unwillingness to establish a dispute resolution mechanism for victims, several current and former UN human rights experts and other mandate holders have spoken out publicly in support of the victims' right to a remedy, including:

- **Navanethem Pillay, while serving as UN High Commissioner for Human Rights**, stated in a public speech in October 2013 that she “stand[s] by the call that victims of ... cholera be provided with compensation.”
- **Gustavo Gallón, Independent Expert on the Situation of Human Rights in Haiti**, in his February 2014 Report to the Human Rights Council, stated:

“In the opinion of the independent expert, the diplomatic difficulties surrounding this issue must be overcome in order to assure the Haitian people that the epidemic will be halted as soon as possible and that full reparation for damages will be provided. Some clarifications as to what really happened need to be given and, if necessary, those responsible for the tragedy should be punished, in accordance with the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law ... The United Nations should be the first to honour these principles. In this connection, the independent expert endorses the words of his predecessor, who, in his most recent report, noted that ‘while the independent expert deplores the way that certain organizations have exploited the issue for political ends, he is aware of the need that victims or their families have expressed to know the truth and perhaps even to be given compensation. He recalls that silence is the worst response.’” (A/HRC/25/71 ¶ 77).

- **Michel Forst, Former Independent Expert on the Situation of Human Rights in Haiti**, in his February 2013 Report to the Human Rights Council, noted that “victims or their families have expressed to know the truth and perhaps even to be given compensation” and that “silence is the worst response.” (A/HRC/22/65 ¶ 89). In his April 2012 Report, Forst emphasized that “silence or denial will do nothing to promote a good understanding of the activities of MINUSTAH in a context marked by several distressing episodes of sexual assault in which MINUSTAH military personnel have allegedly been implicated.” (A/HRC/20/35 ¶ 93).
- **Catarina de Albuquerque, Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation**, in her June 2014 Report to the Human Rights Council, stated:

“International organizations may also contribute to the perpetration of violations, which calls for enhanced accountability. Article 55 (c) of the Charter of the United Nations stipulates that the United Nations shall promote ‘universal respect for, and observance of, human rights and fundamental freedoms for all.’ It would go against the very object and purpose of the Charter if the United Nations itself were not required to respect the human rights law it promotes.

The United Nations Stabilization Mission in Haiti has come under scrutiny for its role in the cholera epidemic in Haiti in the aftermath of the 2010 earthquake ... The Special Rapporteur wishes to emphasize the obligation to investigate the allegations in order to establish responsibility for any

violations and to ensure the alleged victims' right to a remedy, including compensation, if warranted. She welcomes the commitment by the United Nations to eradicate the disease in Haiti and urges it to meet that commitment by providing adequate resources. She further calls on the United Nations to establish appropriate accountability mechanisms for ongoing and future missions as well as to review and reinforce measures for adequate sanitation and preventive measures." (A/HRC/27/55 ¶¶ 33, 34).

- **Stephen Lewis, Former Deputy Director of UNICEF and Special Envoy for HIV/AIDS in Africa**, in an October 2013 interview, stressed that "[the UN] should not be above the law. Accountability is a terribly important principle and it's not a principle they're taking seriously," going on to state that the UN merely combatting cholera is "not enough because they were responsible for the outbreak, they have to take responsibility. There has to be some compensatory dimension." In a November 2013 interview, he further noted that "it would do the UN a lot of good to be seen as principled in the face of having caused so much devastation [in Haiti]." In November 2014, Mr. Lewis delivered the Raoul Wallenberg Lecture in Human Rights at McGill University, and stated that "There are few things, in the last decade of the United Nations, more illegitimate, more reprehensible, more despicable than the United Nations scurrying for cover behind the tattered, discredited banner of immunity when applied to the cholera tragedy in Haiti....The one thing we can collectively not permit is to allow the issue to go away."
- **Jean-Marie Guéhenno, Former UN Under-Secretary General for Peacekeeping Operations**, noted that "[p]eacekeepers have done a lot for Haiti, but UN needs to come clean on cholera crisis."
- **Kul Gautam, Former UN Assistant Secretary General and Deputy Executive Director of UNICEF**, stated in an interview in October 2013, "As a Nepali who lived in and loved Haiti, I feel special empathy for the victims of the cholera epidemic ... I wish a creative solution could be found whereby the Haitian victims would get some modest amount of financial support on humanitarian grounds, without the U.N. having to give up its diplomatic immunity."
- **Bill Clinton, Former U.S. President and UN Special Envoy to Haiti**, during a visit to Haiti in 2012, publicly stated that "[a Nepalese peacekeeper] was the proximate cause of cholera. That is, he was carrying the cholera strain. It came from his waste stream into the waterways of Haiti, into the bodies of Haitians."
- **Several current and former UN human rights mandate holders have also signed *amicus curiae* briefs filed in support of cholera victims in a lawsuit against the UN in U.S. federal court, taking the positions that the UN has violated its legal obligations to victims, and denied victims their right to an effective remedy:** Nico Schrijver, Member of the UN Committee on Economic, Social, and Cultural Rights; Manfred Nowak, Former UN Special Rapporteur on Torture; and Krister Thelin, Former Judge *Ad Litem* at the International Criminal Tribunal for the Former Yugoslavia.