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Lawyers Call UN Secretary-General Ban's Responses to Haiti Cholera Victims and U.S. Congress an "Outrage"

Victims, Members of Congress and public deserve an honest explanation

July 8, 2013, Port-au-Prince, Boston — Lawyers for victims of the cholera epidemic introduced to Haiti by poor United Nations (UN) sanitation practices in 2010 call two July 5 letters from the UN — one to members of the U.S. Congress from Secretary-General Ban Ki-Moon, the other from his legal department to the victims' lawyers — “outrageous.” [The letter to Congresswoman](#) Maxine Waters and eighteen colleagues in the House of Representatives delivers an off-hand dismissal of serious legal questions raised by a [letter from the Members](#), and provides a deeply disingenuous response to the Congressional concerns regarding a lack of progress by the UN in responding to its cholera epidemic. The [letter to the lawyers](#) states that the UN will not even consider the cholera victims' claims — which are based on the UN allowing its waste disposal system to deteriorate to the extent that raw sewage was discharged directly into the top of Haiti's largest river system — because doing so would include a “review of political and policy matters.” The UN provided no legal justification for such an extraordinary claim.

“The hypocrisy of the UN's position is clear to the victims of UN cholera and everyone else in Haiti,” according to Attorney Mario Joseph of the Bureau des Avocats Internationaux, who is lead counsel for the 5000 victims and families who filed claims against the UN in November 2011. “The UN claims a mission of promoting the rule of law, and regularly lectures Haitian citizens and officials about the need to submit to the law. Yet the UN will not even explain why it is not subject to its own laws.”

Secretary-General Ban's letter to Congress contains three claims of progress in fighting cholera that do not withstand scrutiny. First, the letter touts that a May 31 conference brought pledges in support of its Cholera Initiative to US\$207.4 million, which is \$31.1 million dollars less than the total pledge amount the Secretary-General [announced](#) for the initiative on December 11, 2012, and [there are few details](#) on how the plan will be fully-funded. Second, the letter points to the UN's construction of wastewater treatment plants in Croix-des-Bouquets and Morne-à-Cabrit, but both plants have been repeatedly closed — Morne-à-Cabrit is currently closed — due to [lack of international funding](#). Third, the

letter claims that “the majority of [the] recommendations” made by a UN panel of experts to avoid future epidemics “have been adopted and are being implemented by the United Nations system” when a May 3 [Report Card](#) from Physicians for Haiti found that five of the seven recommendations were partially or completely unimplemented two years after the report’s release.

The UN declined to explore resolving the cholera victims’ claims outside of court, explicitly refusing requests to engage a mediator, set up a claims commission as required by its own treaty, or even meet with the victims or their lawyers. Under the Convention on Privileges & Immunities of the UN and the Status of Forces Agreement signed between the UN and the government of Haiti, the UN has legal obligations to compensate victims for harms caused by its peacekeepers.

In a [May 7th letter to the UN](#), the victims’ lawyers clarified that the UN’s invocation of a policy exception was not only unjustified, but also implied that discharging cholera-contaminated waste was UN policy. “A measure of the UN’s fear of justice is that Secretary-General Ban would rather publicly concede that dumping untreated human waste into Haiti’s largest river is UN policy, than face a fair hearing on the claims,” said Brian Concannon of the Institute for Justice & Democracy in Haiti, who is co-counsel on the case.

The UN cholera epidemic has killed over 8,200 Haitians, and sickened over 650,000. One thousand people died in 2012. With the start of the rainy season, cholera cases have shot up 40% between May and June of this year, yet the number of treatment centers have fallen from 186 in December 2010 to 28 as of June 2013.

The cholera victims’ claims with the UN ask for: 1) the installation of the clean water and sanitation systems and healthcare necessary to stop the epidemic; 2) compensation for the victims, almost all of whom live in extreme poverty, and 3) an apology to the people of Haiti. The victims’ lawyers are now preparing cases before national courts.

“We now have no choice but to take the UN to court to stop cholera’s killing and seek justice for victims and their families,” said Concannon. “The cholera victims, the U.S. Congress and the taxpayers around the world who fund the UN all deserve better.”

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