

**Congress of the United States**  
**Washington, DC 20515**

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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

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.

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<sup>1</sup> "Convention on the Privileges and Immunities of the United Nations", *General Assembly of United Nations*, (1946), Accessed October 6, 2014, <http://www.un.org/en/ethics/pdf/convention.pdf>.

<sup>2</sup> Agreement between the United Nations and the Government of Haiti Concerning the Status of the United Nations Operations in Haiti, art. 1(f), July 9, 2004, 2271 U.N.T.S.235 ("UN-Haiti SOFA"), Accessed October 06, 2014, <http://ijdh.org/wordpress/wp-content/uploads/2011/11/4-Status-of-Forces-Agreement-1.pdf>.

<sup>3</sup> Rosalyn Chan *et al.*, "Peacekeeping without Accountability: The United Nations' Responsibility for the Haitian Cholera Epidemic," *Yale Law School*, last modified October 15, 2013. [http://www.law.yale.edu/documents/pdf/Clinics/Haiti\\_TDC\\_Final\\_Report.pdf](http://www.law.yale.edu/documents/pdf/Clinics/Haiti_TDC_Final_Report.pdf).

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.”<sup>4</sup>

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).<sup>5</sup>

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.”<sup>6</sup>

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<sup>4</sup> “Current and Former UN Mandate Holders Speak Out In Support of Haitian Cholera Victims’ Right to a Remedy,” *Institute for Justice & Democracy in Haiti*, September 23, 2014, Accessed on October 06, 2014, [http://www.ijdh.org/wp-content/uploads/2013/07/UN-Mandate-Holders-Public-Statements-on-Remedy\\_9.23.pdf](http://www.ijdh.org/wp-content/uploads/2013/07/UN-Mandate-Holders-Public-Statements-on-Remedy_9.23.pdf).

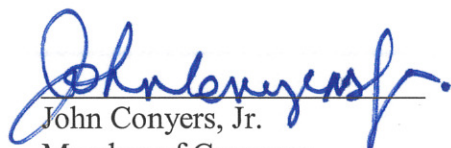
<sup>5</sup> Rosalyn Chan *et al.*, “Peacekeeping without Accountability: The United Nations’ Responsibility for the Haitian Cholera Epidemic,” *Yale Law School*, last modified October 15, 2013. [http://www.law.yale.edu/documents/pdf/Clinics/Haiti\\_TDC\\_Final\\_Report.pdf](http://www.law.yale.edu/documents/pdf/Clinics/Haiti_TDC_Final_Report.pdf).

<sup>6</sup> Editorial Board, “United Nations must admit its role in Haiti’s cholera outbreak,” *Washington Post*, (August 16, 2013), Accessed October 06, 2014, [http://www.washingtonpost.com/opinions/united-nations-must-admit-its-role-in-haitis-cholera-outbreak/2013/08/16/e8411912-05d9-11e3-a07f-49ddc7417125\\_story.html](http://www.washingtonpost.com/opinions/united-nations-must-admit-its-role-in-haitis-cholera-outbreak/2013/08/16/e8411912-05d9-11e3-a07f-49ddc7417125_story.html).

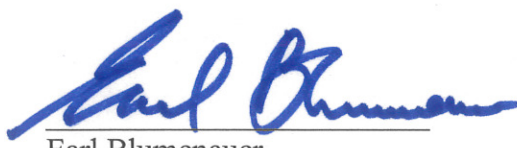
In the interests of securing justice for the victims and impacted communities as well as strengthening the UN's leadership as a champion for human rights, we urge you to act immediately to establish a settlement mechanism through which victims and their families may seek relief and the country can move 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.

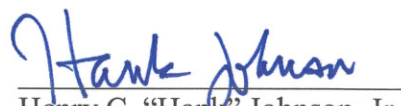
We appreciate your support in this noble and urgent endeavor.

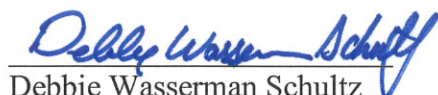
Sincerely,

  
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  
Member of Congress

  
Albio Sires  
Member of Congress

  
Eliot Engel  
Member of Congress

  
Karen Bass  
Member of Congress

  
Raúl Grijalva  
Member of Congress

  
Jim McDermott  
Member of Congress



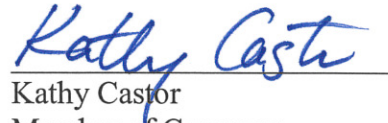
Donald Payne, Jr.  
Member of Congress



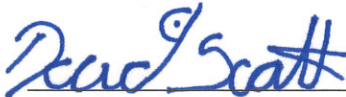
Alan Lowenthal  
Member of Congress



James R. Langevin  
Member of Congress



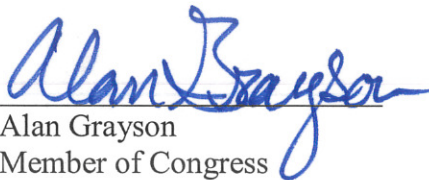
Kathy Castor  
Member of Congress



David Scott  
Member of Congress



Cedric Richmond  
Member of Congress



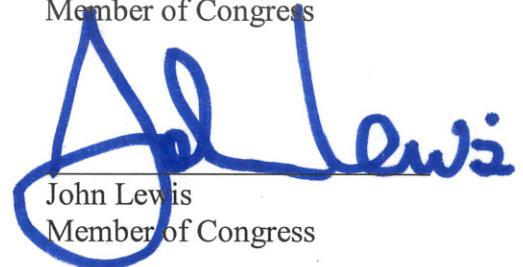
Alan Grayson  
Member of Congress



Mark Pocan  
Member of Congress



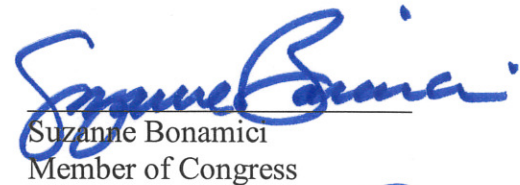
William R. Keating  
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John Lewis  
Member of Congress



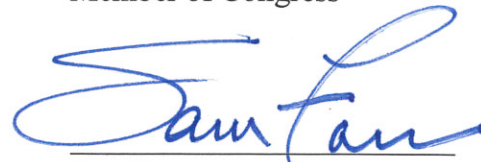
Janice Hahn  
Member of Congress



Suzanne Bonamici  
Member of Congress



Lois Frankel  
Member of Congress



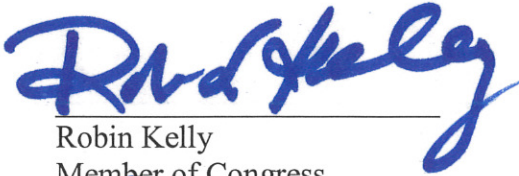
Sam Farr  
Member of Congress



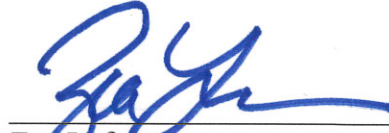
Terri Sewell  
Member of Congress



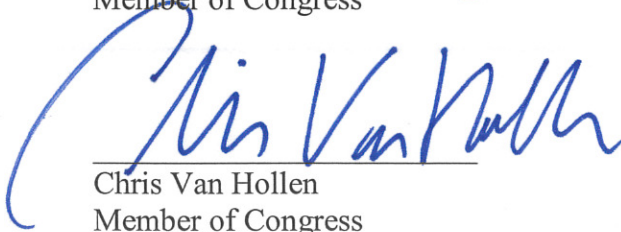
Susan Davis  
Member of Congress



Robin Kelly  
Member of Congress



Zoe Lofgren  
Member of Congress



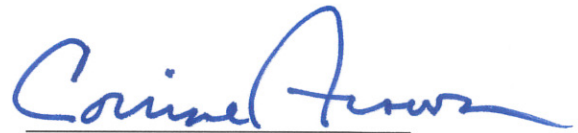
Chris Van Hollen  
Member of Congress



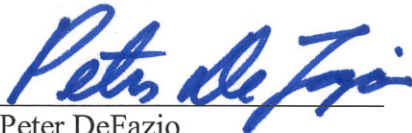
Michael M. Honda  
Member of Congress



David E. Price  
Member of Congress



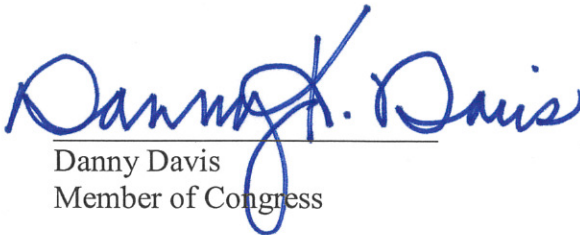
Corrine Brown  
Member of Congress



Peter DeFazio  
Member of Congress



Eleanor Holmes Norton  
Member of Congress



Danny Davis  
Member of Congress




Chellie Pingree  
Member of Congress



Bobby Rush  
Member of Congress



Maxine Waters  
Member of Congress



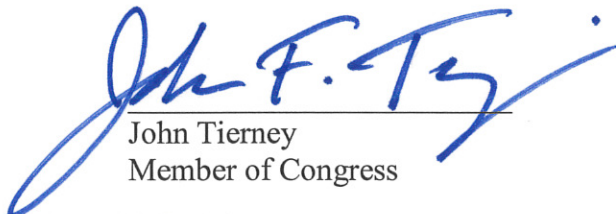
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José E. Serrano  
Member of Congress



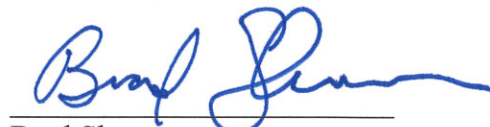
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Gregory W. Meeks  
Member of Congress




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John Tierney  
Member of Congress




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Brad Sherman  
Member of Congress




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David Cicilline  
Member of Congress



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Sheila Jackson Lee  
Member of Congress



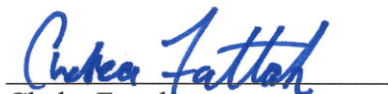
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Betty McCollum  
Member of Congress



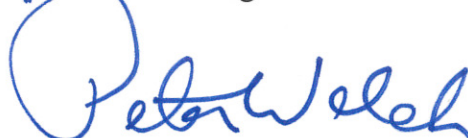
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Keith Ellison  
Member of Congress



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Chaka Fattah  
Member of Congress




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Peter Welch  
Member of Congress



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G.K. Butterfield  
Member of Congress



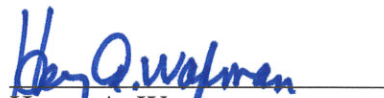
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Lloyd Doggett  
Member of Congress



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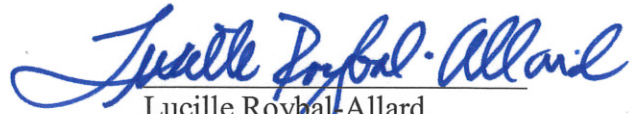
Carolyn B. Maloney  
Member of Congress

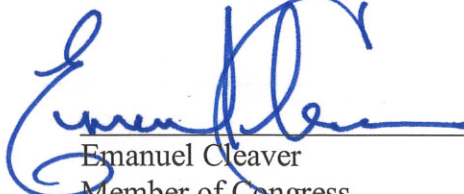


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Henry A. Waxman  
Member of Congress

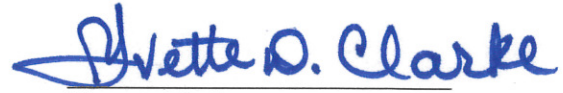
  
Elijah E. Cummings  
Member of Congress

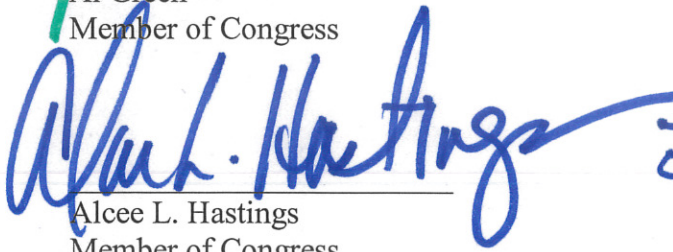
  
Lucille Roybal-Allard  
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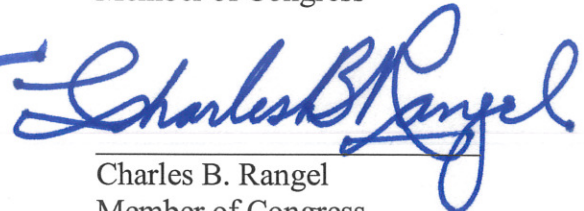
  
Emanuel Cleaver  
Member of Congress

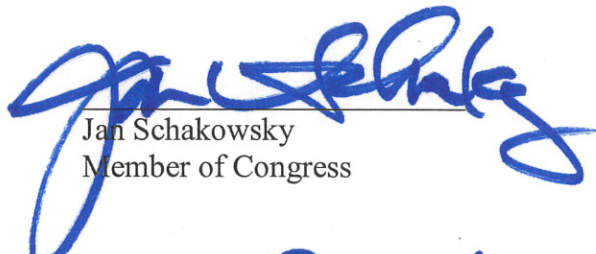
  
Marcia Fudge  
Member of Congress

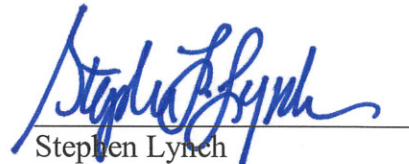
  
Al Green  
Member of Congress

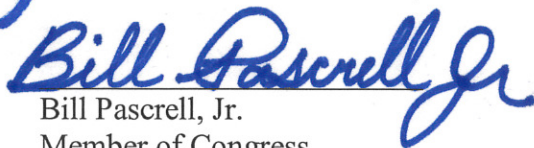
  
Yvette Clarke  
Member of Congress

  
Alcee L. Hastings  
Member of Congress

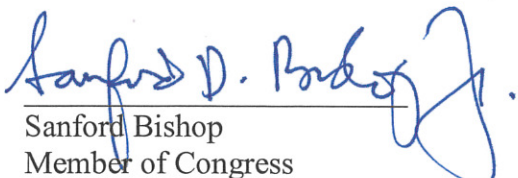
  
Charles B. Rangel  
Member of Congress

  
Jan Schakowsky  
Member of Congress

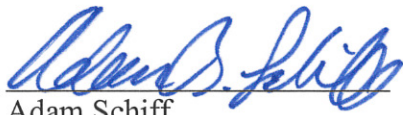
  
Stephen Lynch  
Member of Congress

  
Bill Pascrell, Jr.  
Member of Congress

  
Steve Cohen  
Member of Congress

  
Sanford Bishop  
Member of Congress

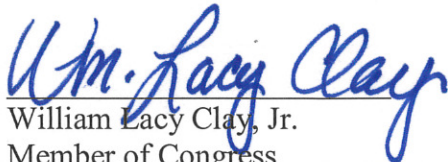
  
Luis V. Gutierrez  
Member of Congress



Adam Schiff  
Member of Congress



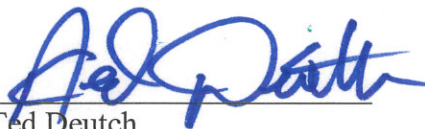
Rosa L. DeLauro  
Member of Congress



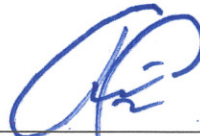
William Lacy Clay, Jr.  
Member of Congress



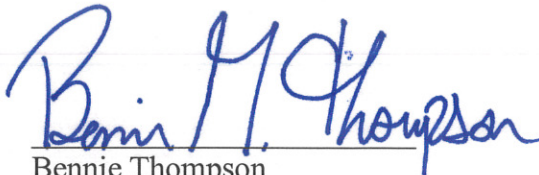
Donna Edwards  
Member of Congress



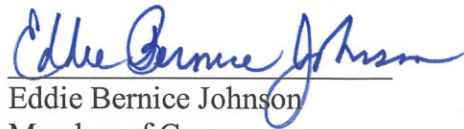
Ted Deutch  
Member of Congress



André Carson  
Member of Congress



Bennie Thompson  
Member of Congress



Eddie Bernice Johnson  
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