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Technical assistance and capacity-building

Written statement* submitted by the International Association of Democratic Lawyers – IADL, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 June 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The cholera epidemic in Haiti

The IADL has been supporting the rights of the people of Haiti for justice and democracy for many years.

We have issued numerous statements in support of the rights of the Haitian people to self-determination and justice. Many lawyers associated with IADL affiliates have worked closely with lawyers in Haiti to address the needs of the people especially after the devastating earthquake. In October of 2010 a severe cholera outbreak occurred in Haiti which has killed at least 7,000 Haitians and sickened at least a half million others, so far.

IADL supports the case filed by the Bureau de Avocats Internationaux and the Institute for Justice & Democracy in Haiti on behalf of 5000 victims of cholera in Haiti.

According to the Report of the Independent Experts commissioned by the Secretary General of the United Nations to investigate the outbreak, the panel of researchers found, inter alia, that:

- the October 2010 cases of cholera were the first in Haiti in nearly a century;
- that the source was in the Meye Tributary system of the Artibonite River;
- that human wastes from the MINUSTAH camp above the Meye river likely leaked into the river in at least two places; and
- the outbreak strains in Haiti are genetically identical, indicating a single source for the Haiti outbreak and the bacteria is very similar, but not identical, to the South Asian strains of cholera currently circulating in Asia, confirming that the Haitian cholera bacteria did not originate from the native environs of Haiti.

Although these findings point to the source of the outbreak being from a member of the Nepalese (South Asian) troops who had recently arrived at the Mirebelais MINUSTAH camp in Haiti, and the admitted failure of the UN contractor to ensure sanitary conditions at the camp, the report concluded “that the Haiti cholera outbreak was caused by the confluence of circumstances as described above, and was not the fault of, or deliberate action of, a group or individual.”

Several subsequent genetic studies have confirmed that the cholera in Haiti came from the cholera strain present in Nepal in October 2010. In April 2010, UN Special Envoy to Haiti Bill Clinton conceded that UN troops were the “proximate cause” of Haiti’s cholera epidemic.

IADL cannot agree that with the report’s conclusions that neither a group nor individual was at fault for this outbreak, based on the findings. Whether there was a “confluence of circumstances” which led to the outbreak or not, the finding that the UN did not ensure that fecal matter did not get into the Meye Tributary there is at least evidence of gross negligence on the part of the United Nations for its practice of allowing troops to have ten days off after testing their stool for disease prior to leaving for Haiti¹, and the failure to ensure adequate waste disposal. The law suit filed on behalf of 5000 victims claims gross negligence on the part of the United Nations leading to massive loss of life and illness. The actions of the United Nations lead to a massive violation of many Haitians’ human rights to life and health.

¹ While the panel report states that no one at the Mirebelais Camp became ill with cholera, it is well known that a person may have been exposed to the bacteria and not get sick.

For this the victims of the outbreak are entitled to an effective remedy. The right to an effective remedy for violations of human rights law is enshrined in many international instruments. These include Article 2(3) of the International Covenant on Civil and Political Rights (ICCPR), Article 8 of the Universal Declaration of Human Rights to name a few.

The IADL requests the Human Rights Council to consider recommending:

- expand the mandate of the Special Rapporteur on Human Rights in Haiti to be able to include the issue of the origin of the cholera epidemic;
 - but nonetheless, the United Nations ensure that any victim of cholera in Haiti is provided an effective mechanism for enforcing his or her rights to compensation, including access to a Standing Claims Commission or national court system, and
 - the United Nations respect the Haitian people's recognized human right to water by providing the comprehensive clean water and sanitation infrastructure necessary to control the cholera epidemic.
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