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The Honorable Ban Ki-moon
Secretary-General
United Nations
405 East 42nd Street
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Dear Mr. Secretary-General:

I write on behalf of the New York City Bar Association regarding your office's recent statements recognizing the role of the United Nations in the outbreak of cholera in Haiti in 2010. We welcome this acknowledgment of responsibility as an important step toward accountability and justice for cholera victims and elimination of the disease from Haiti. In order to ensure a just resolution of this crisis and to safeguard the UN's moral leadership, we urge you to take concrete steps to ensure that the UN's promised course of action is guided by principles of justice and respect for human rights.

The Association is a 145-year-old independent nongovernmental organization of more than 25,000 members in New York City, throughout the United States, and in over fifty other countries. Our membership includes judges, prosecutors, government officials, defense lawyers, and scholars of international and domestic law. The Association has a long history of dedication to promoting human rights and the rule of law, including within the United States, through the work of its International Human Rights Committee.

We have long been troubled by the insufficiency of efforts to eliminate cholera from Haiti and the lack of an appropriate mechanism to hear and resolve claims by cholera victims.¹ As recently detailed by Philip Alston, the UN Special Rapporteur on Extreme Poverty and Human Rights, clear scientific evidence establishes that the outbreak of cholera was caused by negligent waste management practices by UN peacekeepers. According to UN figures, the cholera outbreak has killed at least 9,200 individuals and infected over three-quarters of a million Haitian to date.² There are also troubling indications that the devastation caused earlier this

¹ See, e.g., Debra L. Raskin & Anil Kalhan, *No Immunity from Cholera: How to Hold the United Nations to Account*, FOREIGN AFFAIRS, July 13, 2016, <https://www.foreignaffairs.com/articles/haiti/2016-07-13/no-immunity-cholera>.

² Report of the Special Rapporteur on Extreme Poverty and Human Rights, ¶¶ 13-27, Gen. Assembly, U.N. Doc. A/71/40823 (Aug. 26, 2016) (adv. unedited version), available at <http://www.ohchr.org/Documents/Issues/Poverty/ReportGA71st.docx>; Deborah Jenson, et al., *Cholera in Haiti and Other Caribbean Regions, 19th Century*, 17 EMERGING INFECTIOUS DISEASES 2130, 2133 (2011).

month by Hurricane Matthew has undermined existing efforts to combat the disease and created the risk of a significant, renewed outbreak.

In this context, we greatly welcome the recent statement by your office acknowledging not only the “terrible suffering of the people of Haiti” as a result of the outbreak, but also the UN’s “own involvement in the initial outbreak” and its attendant obligation to “do much more” in response.³ We are also greatly encouraged by your commitment that, in developing a new package of responses to the outbreak, the UN intends to make cholera victims and their family members a “central focus” and to direct material assistance and support to “those Haitians most directly affected by cholera.”⁴

To ensure that these efforts are successful and viewed as legitimate among all relevant stakeholders, we urge you to ensure that human rights principles guide the process of providing assistance to cholera victims and eliminating the disease from Haiti. First, having now accepted a “moral responsibility to the [cholera] victims” that arises from the UN’s role in causing the outbreak, we urge the UN also to acknowledge legal responsibility and formally to apologize to cholera victims. These steps would help the UN regain its moral credibility and standing—particularly after having so aggressively resisted consideration of victims’ claims for many years. In recognition of these moral and legal obligations, we also urge the UN and its member states to ensure that the resources devoted to this response are sufficient to provide just and adequate compensation to cholera victims and their families. Haitians who have suffered as a result of the cholera outbreak deserve a response that is sufficient to remedy their grievous losses, which include death, personal injury, and lost wages.

Second, we urge the UN to ensure that the process of developing and implementing this remedial package is sufficiently inclusive and transparent, so that it will be responsive to the needs and priorities of cholera victims and their families. Especially given Haiti’s current political situation, it is particularly important to consult directly with cholera victims and their representatives to craft an effective solution and to guarantee that the UN’s efforts make good on your commitment to ensure that victims and their families are “a central focus” of the UN’s response.⁵

Finally, the UN and its member states must provide sufficient funding to eliminate cholera in Haiti. Cholera is a disease that never had been recorded in Haiti prior to the 2010 outbreak. Although cholera can be contained and even eliminated, infection rates have been rising, deaths have continued, and no major water or sanitation projects have been completed.⁶ It is absolutely critical, therefore, that the UN swiftly dedicate sufficient resources to make good on

³ Jonathan M. Katz, *UN Admits Role in Cholera Epidemic in Haiti*, N.Y. TIMES, Aug. 18, 2016, at A1, available at http://www.nytimes.com/2016/08/18/world/americas/united-nations-haiti-cholera.html?_r=0; Jacqueline Charles, *UN Chief Feels ‘Regret and Sorrow’ Over Haiti Cholera Outbreak*, MIAMI HERALD, Sep. 20, 2016, available at <http://www.miamiherald.com/news/nation-world/world/americas/haiti/article102892432.html>.

⁴ Statement Attributable to the Spokesman for the Secretary-General on Haiti, Aug. 19, 2016, <https://www.un.org/sg/en/content/sg/statement/2016-08-19/statement-attributable-spokesman-secretary-general-haiti> (hereinafter Secretary-General Statement, Aug. 19, 2016).

⁵ Secretary-General Statement, Aug. 19, 2016, *supra* note 4.

⁶ Pan-American Health Organization, *International Coalition Expresses Support for Medium-Term Plan to Fight Cholera in Haiti*, Sept., 9, 2016, <http://www.paho.org/coleracoalicion/?p=744>; Katz, *supra* note 3.

your commitment to “intensify its support to reduce, and ultimately end, the transmission of cholera, improve access to care and treatment and address the longer-term issues of water, sanitation and health systems in Haiti.”⁷

As your term as Secretary-General draws to a close, we believe that a comprehensive, rights-based response to the cholera outbreak can be an important part of your legacy as Secretary-General. We share the Special Rapporteur’s concerns that the UN’s credibility and standing have been adversely affected by its response to the cholera crisis to date. However, your pledge to undertake a “significant new set of UN actions” offers hope that this troubling and painful episode might finally be brought to a close. To ensure that the UN is able to effectively and successfully make good on your commitments, it is essential that these human rights principles guide its response. Thank you for your consideration.

Very truly yours,



Anil Kalhan

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⁷ Secretary-General Statement, Aug. 19, 2016, *supra* note 4.