

# Victims of Haiti cholera epidemic sue the United Nations

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On October 9, a lawsuit was filed against the United Nations in the US federal court for the southern district of New York by lawyers from the Bureau des Avocats Internationaux, the Institute for Justice and Democracy in Haiti, and a Miami law firm. The suit, brought on behalf of the families of five victims of the Haitian cholera epidemic, seeks class action status for all victims of the epidemic, which to date has caused at least 8,300 deaths and left more than 679,000 sick.

It concludes with nine “claims for relief” and demands that a jury trial be held in New York. It follows the denial by the UN, in February 2013, of reparations claims filed by the IJDH on behalf of 5,000 Haitians. The UN continues to deny its responsibility for the epidemic—hiding behind an eradication plan that it won’t fund—despite overwhelming evidence that the disease was brought to Haiti by Nepalese soldiers participating in the United Nations Stabilization Mission in Haiti (MINUSTAH) in October 2010.

The October 9 filing date marks the third anniversary of the arrival of Nepalese soldiers to the Meille base outside the town of Mirebelais.

In May 2011—only seven months after the epidemic began—a panel of experts appointed by the UN reported that the Nepalese soldiers were likely responsible. Later that summer an analysis in the American Society for Microbiology journal *mBio* found that only one of the four million genetic base-pairs of the Haitian and Nepalese cholera strains were different. In April 2012 one of the UN’s experts told the *New York Times* that the *mBio* study constituted “irrefutable molecular evidence” of the cholera’s origin.

Yet even after the release of its own experts’ report, the UN claimed in a statement that “anyone carrying the relevant strain of the disease in the area could have introduced the bacteria into the river.” The fact that

cholera had not been present in Haiti for more than 150 years gives the lie to this denial. In addition, Secretary General Ban Ki-moon delayed release of the UN experts’ study until after the Nepalese soldiers had finished their deployment.

The October 9 lawsuit details not only the UN’s responsibility for the epidemic, but also its dishonesty, procrastination, and wanton negligence.

It documents that, prior to their deployment, the Nepalese soldiers trained at a base in Panchkhal, near the Kathmandu Valley. The suit alleges that the UN was aware of a “surge” in cholera cases in the Kathmandu Valley in the summer of 2010. According to a Yale Law School study, a 1,400-case cholera outbreak occurred in Nepal at the beginning of August.

The UN, however, lied to the press about having tested its Nepalese soldiers for cholera. On October 28, 2010—about two weeks after the first cholera death—it claimed in writing and at a press conference that all its Nepalese soldiers had been tested and found free of cholera. The UN’s spokesperson later admitted his lie to AP reporter Jonathan Katz. It was then repeated by UN Under-Secretary General for Peacekeeping Operations Alain Le Roy at a December 15 press conference, despite its having been refuted in a December 8 interview between the BBC and the Nepalese Army’s Chief Medical Officer.

On October 21, Haitian government epidemiologists asked for access to the soldiers at the Meille Base, but MINUSTAH refused.

According to the suit, Mirebalais Mayor Lochard Laguerre “told the BBC and Associated Press that he raised the issue of unsanitary conditions ... with the MINUSTAH Base Commander several times prior to the outbreak,” but MINUSTAH did nothing. The stench from the open-air pits containing human feces

was so bad that one resident complained that when the pits overflowed, “the smell would get so bad that the family could not sleep.” These pits were located only about 100 feet above the Meille Tributary to the Artibonite River, and rain caused regular sewage overflow into it.

Yet on October 26 the UN released a statement claiming that the Meille base septic tanks conformed to US EPA standards and were built “consistent with established international standards.” The lawsuit details the UN’s makeshift repairs to sewage facilities after the outbreak and its claim that it was releasing kitchen and shower water, rather than human waste.

The lack of honest information at the beginning of the epidemic caused Haitians to flee the Artibonite valley in fear, thereby spreading the disease across the country. The suit also documents the damage suffered by rice farmers whose crops didn’t sell because of fear that eating rice would cause cholera.

For negligence, the lawyers state that the UN’s World Health Organization “assessed the public health risks in Haiti shortly after the earthquake and found that the earthquake had exacerbated already poor conditions by severely damaging water, sanitation, and health infrastructure, thereby increasing the country’s vulnerability to waterborne diseases.” The suit also notes that the UN has been responsible for preventing cholera internationally since 1948.

Yet Edmond Mulet, a Guatemalan diplomat and the head of MINUSTAH between March 2010 and May 2011, told the AP on October 26, 2010 that the outbreak in Haiti “was such a minor thing.” Mulet, who is close to UN General Secretary Ban Ki-moon, has also made the rounds of American think-tanks and universities, along with the Foreign Service Institute in Washington, DC.

Regarding negligence, the lawsuit states simply that “Haitian laws and regulations prohibit (1) disposal of human waste in waterways; (2) negligence, including the negligent transmission of a contagious disease; (3) manslaughter caused by negligence.” The Status of Forces Agreement between Haiti and the UN made the latter’s Special Representative “personally responsible for ensuring that members of MINUSTAH comply with Haitian law.”

While refusing to acknowledge UN responsibility for the outbreak, Ban has promised a 10-year eradication

plan which would cost \$2.2 billion. Yet the UN has committed to funding only \$209 million of this cost, and most of that money will be taken from funds already set aside for earthquake relief. In its 2011 fiscal year, MINUSTAH had a budget of nearly \$854 million for its policing operations.

The UN’s lack of funding for this plan led to a strange exchange between its spokesman, Martin Nesirky, and the Washington Post editorial board in August 2013. Noting the UN’s responsibility for the epidemic, the Post nonetheless effused that the “United Nations and its peacekeepers have done immeasurable good in Haiti” and concluded with a suggestion about building some sewage treatment plants.

Nesirky responded with a letter to the editor insisting that “donors need to step up” because the UN doesn’t have enough money, and included no mention of the UN’s responsibility for the cholera. The Post retorted with a second editorial, agreeing that “it is useful to remind donors” but worrying that by refusing to acknowledge responsibility, “the United Nations jeopardizes its standing and moral authority in Haiti.”

For Haitian workers, MINUSTAH has far more repressive than moral authority. The UN recently renewed its mandate through October 15, 2014, with the intention of another renewal after that. While MINUSTAH’s troop levels have decreased to slightly more than 5,000 (from nearly 9,000 at the time of the cholera outbreak), the new Security Council resolution stresses “the critical role of the Haitian National Police (HNP) to Haiti’s security and stability” and “the importance of the ongoing strengthening, professionalization and reform of the HNP.”



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