

United States Senate

WASHINGTON, DC 20510

October 11, 2016

The Honorable Ambassador Samantha Power
Permanent U.S. Representative to the United Nations
United States Mission to the United Nations
799 United Nations Plaza
New York, N.Y. 10017

Dear Ambassador Power:

We write to seek clarification about the official position of the United States in relation to the cholera epidemic in Haiti.

Scientific analyses that are now widely accepted attribute the introduction of cholera in the country to the 2010 presence of a United Nations Stabilization Mission in Haiti (MINUSTAH).¹ Since that time, the disease has pervaded an entire nation, almost crippling fragile sanitation and health care infrastructures. The recent devastation of Hurricane Matthew has only amplified Haiti's humanitarian crisis and provided a situation that is likely to intensify the impacts of cholera in the country. As of October 8, 2016, health officials have reported 13 cholera-related deaths and an additional 62 people have been sickened from the spread of disease as a result of Hurricane Matthew.² It is imperative, now more than ever, to develop a focused effort on eradicating disease transmission, and provide an expeditious path to material and financial assistance for cholera victims and their families.

Since its introduction into Haiti, the cholera epidemic has infected more than 779,000 people, and caused at least 9,000 deaths since 2010.³ Several Senators and Members of the House of Representatives have sent letters to Secretary Kerry stressing the importance of UN accountability and action to remedy this public health emergency. Shortly after, UN Secretary-General Ban Ki-moon made a public statement formally acknowledging UN responsibility – of a moral nature – to the people of Haiti.⁴ The sentiment was reiterated during his September remarks to the General Assembly, with the promise of a fresh approach to support the Haitians most directly impacted.⁵ While a step in the right direction, there are still no details about the UN's new plan to address the immense damage caused by the spread of cholera in Haiti.

Secretary-General Ban Ki-moon is expected to step down on December 31, 2016 after the end of his second term. In order to ensure continuity of the international effort and response beyond the

¹ <http://www.un.org/News/dh/infocus/haiti/UN-cholera-report-final.pdf>

² <http://www.reuters.com/article/us-storm-matthew-haiti-cholera-idUSKCN1280SG>

³ <http://www.un.org/News/dh/infocus/haiti/CholeraFactsheetAug2016.pdf>

⁴ <https://www.un.org/sg/en/content/sg/statement/2016-08-19/statement-attributable-spokesman-secretary-general-haiti>

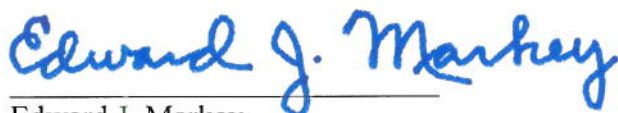
⁵ <https://www.un.org/sg/en/content/sg/speeches/2016-09-20/address-general-assembly-bilingual-delivered-version>

end of this calendar year, it is necessary that the UN accept full responsibility for the cholera outbreak and begin the process of resolving claims for the victims. The UN has previously asserted^{6,7,8} that claims made against the organization by cholera victims and their families are not receivable under Article VIII, Section 29 of the 1946 Convention on the Privileges and Immunities of the United Nations (the General Convention) because it requires a review of a political and policy matter.⁹ However, the UN's rationale for that conclusion has not been made public.

As the largest contributor to the UN regular budget and as the home country of hundreds of thousands of Haitian Americans, the position of the United States on resolving the claims of the victims of cholera in Haiti is of utmost importance. We respectfully request an explanation in writing of the U.S. stance on the funding of new measures to eradicate cholera and on the UN's legal position on Haitian claims stemming from the epidemic.

We thank you in advance for your assistance in this important matter.

Sincerely,



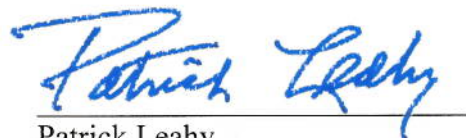
Edward J. Markey
United States Senator



Marco Rubio
United States Senator



Robert Menendez
United States Senator



Patrick Leahy
United States Senator

⁶ <http://opiniojuris.org/wp-content/uploads/LettertoMr.BrianConcannon.pdf>

⁷ <http://www.ijdh.org/wp-content/uploads/2013/07/20130705164515.pdf>

⁸ [https://spdb.ohchr.org/hrdb/28th/Haiti_ASG_25.11.14_\(3.2014\).pdf](https://spdb.ohchr.org/hrdb/28th/Haiti_ASG_25.11.14_(3.2014).pdf)

⁹ <http://www.un.org/en/ethics/pdf/convention.pdf>