

# Miami Herald

Posted on Tue, Mar. 11, 2014

## Some Haiti cholera victims file new lawsuit against U.N.

By Jacqueline Charles

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Hundreds of victims of a cholera outbreak in post-earthquake Haiti filed a class-action lawsuit in a New York federal court Tuesday, asking the court to declare that the United Nations is not immune from liability for the deadly epidemic that killed more than 9,000 Haitians and sickened 700,000.

The suit also is seeking compensation for the deaths and illnesses and funding for sanitation and clean water in Haiti. Filed in U.S. District Court in Brooklyn, the lawsuit comes several days after the U.S. State Department asked a New York court to grant the U.N. immunity from legal action brought by another group of cholera victims.

The U.S. was responding to a class-action lawsuit on behalf of five named plaintiffs filed by the Boston-based Institute for Justice and Democracy in Haiti. The suit was filed in November 2013 in New York. Prior to that, it has filed 5,000 claims with the U.N.'s internal proceedings in Haiti and New York in early November 2011.

U.N. spokesman Stephane Dujarric did not respond to a Miami Herald request for comment. But on Monday, in response to a question about the U.S.'s request to the court that the organization's immunity be recognized, he said that "it is standard practice for the Organization to assert its immunity in cases filed against it in national courts."

Last week, Emmanuel Coffy, a Haitian-American attorney, also filed a separate lawsuit on behalf of three named-victims in federal court in the Southern District of New York.

Unlike those lawsuits, the New York class-action suit is much larger in that it involves 1,500 Haitian plaintiffs, including U.S. relatives of people who died from the waterborne disease, said Evelyn Swiderski, a spokesperson for the lawyers involved in the class-action suit.

Swiderski said court documents include the United Nation's 2004 agreement with Haiti, which "explicitly waived sovereign immunity," when its forces were established in Haiti in 2004, and another document showing that the U.N. General Assembly "assumed its liability for damage caused by members of its forces in the performance of their duties."

"This express waiver of immunity by the United Nations was missed by the United States government in a letter it filed with the court on Friday in a separate lawsuit by the non-profit Institute for Justice and Democracy in Haiti (IJDH) over the cholera outbreak," Swiderski said.

Brian Concannon, director of IJDH, said all of the lawsuits as well as comments by U.N. Independent Expert on Human Rights Gustavo Gallon calling on the U.N. to take responsibility and compensate victims, letters from Haitian-American leaders and organizations and a recent amicus brief by South Florida Haitian activists “demonstrate the breadth of the movement demanding justice for Haiti’s cholera victims.”

Miami Herald Special Correspondent Aaron Morrison contributed to this report.

An earlier version of this story attributed the UN's response to spokesman Martin Nesriky. It should have said Stephane Dujarric, who as of Monday replaced Nesriky as spokesman of the United Nations.

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