

United Nations  Nations Unies

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REFERENCE:

21 February 2013

Dear Mr. Concannon:

I refer to your letter of 3 November 2011 to the Secretary-General, transmitting claims against the United Nations related to the cholera outbreak in Haiti. With respect to these claims, you seek compensation for individuals affected by the cholera outbreak and an agreement with the Government of Haiti in order to establish and fund a nationwide programme for clean water, adequate sanitation and appropriate medical treatment to prevent the further spread of cholera.

The United Nations is extremely saddened by the catastrophic outbreak of cholera, and the Secretary-General has expressed his profound sympathy for the terrible suffering caused by the cholera outbreak. The cholera outbreak was not only an enormous national disaster, but was also a painful reminder of Haiti's vulnerability in the event of a national emergency.

From the very early stages of the epidemic, the United Nations, along with its partners, has expended considerable effort and resources in combating cholera and improving Haiti's water and sanitation facilities, as well as on training, logistics and early warning systems.

To date, the United Nations has expended \$118 million in support of such efforts, including, for example, by (i) providing over 9 million critical items (aquatabs, soap, medical equipment, etc.) to the Ministère de la Santé Publique et de la Population (MSPP); (ii) assisting in the expansion of the community-based health network by establishing and upgrading cholera treatment facilities and oral rehydration points across the country, as well as mapping health partners and medical stocks in each commune; (iii) providing latrine sewage management in nearly 1,500 sites, improving handwashing and toilet facilities in 240 schools and constructing the first two human waste treatment plants at Croix-des-Bouquets and Morne-à-Cabrit; (iv) assisting in establishing nearly 700 water points and temporary chlorination points, improving water supplies to the most vulnerable areas in Port-au-Prince and Petit Goave, including by installing 4,000 small and four large filtration systems in public institutions, and improving water, sanitation and hygiene conditions in remote rural areas; (v) providing technical support to the Direction Nationale de l'Eau Potable et de l'Assainissement (DINEPA) to develop a water quality monitoring system for health institutions in the Port-au-Prince metropolitan area, as well as in 140 municipalities in Haiti; (vi) implementing over 70 projects to improve flood mitigation and watershed

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institutions in the Port-au-Prince metropolitan area, as well as in 140 municipalities in Haiti; (vi) implementing over 70 projects to improve flood mitigation and watershed management in vulnerable areas; (vii) supporting the completion of the 2012 cholera contingency plan in collaboration with the Pan-American Health Organization (PAHO); (viii) supporting community-based hygiene campaigns which have trained over 1,400 trainers and 5,200 community workers and that has reached approximately 700,000 families; and (ix) providing logistics support to move personnel and supplies, including 400 metric tons of health, water adduction and sanitation materials.

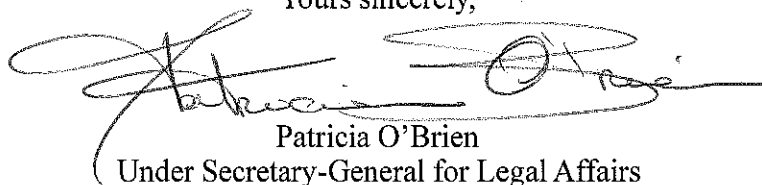
Additionally, in January 2011, the Secretary-General formed an independent panel of four independent experts (the "Panel") with a mandate to investigate and seek to determine the source of the 2010 cholera outbreak in Haiti. In its report dated 4 May 2011, the Panel concluded that the outbreak was caused by a confluence of circumstances and was not the fault of, or deliberate action of, a group or individual.

Most recently, on 11 December 2012, the Secretary-General launched his Initiative for the Elimination of Cholera in Haiti. The Initiative, developed through a partnership between PAHO, UNICEF and the MSPP, which aims to strengthen Haiti's own National Cholera Elimination Plan and to mobilize significant new resources and support for the Haiti component of the Hispaniola Cholera Elimination Plan. The Initiative will support prevention and treatment measures, water and sanitation projects, as well as the vaccination campaign being led by the Government of Haiti. Linked to the Initiative, bilateral and multilateral donors are contributing significant funding to support the implementation of ongoing immediate and long-term elimination efforts. Moreover, the United Nations has committed a further \$23.5 million in support of the Secretary-General's Initiative.

With respect to the claims submitted, consideration of these claims would necessarily include a review of political and policy matters. Accordingly, these claims are not receivable pursuant to Section 29 of the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946.

The United Nations is dedicated to continuing its efforts to take concerted action to eliminate cholera from Haiti and to assist the Government of Haiti in building an adequate public health system which will reduce the risks posed by any future catastrophic events and will ensure the well-being of the Haitian population.

Yours sincerely,



Patricia O'Brien

Under Secretary-General for Legal Affairs
The Legal Counsel

cc: Mario Joseph, Av., Bureau des Avocats Internationaux
Ira Kurzban, Esq., Kurzban Kurzban Weinger Tetzeli & Pratt P.A.