

September 19, 2016

His Excellency Mr. Ban Ki-moon
United Nations Secretary-General
United Nations Headquarters
New York, NY 10017

Dear Mr. Secretary-General:

We, the undersigned experts on international law, human rights, public health, and development, are writing regarding the United Nations' recent acknowledgment that it played a role in causing the cholera epidemic in Haiti. The United Nations now has a critical opportunity to develop a response consistent with its international legal obligations and with international human rights norms. To do so, the response must include a public apology, compensation for victims, and full funding for cholera elimination. Moreover, the process must be inclusive and transparent, and involve participation of Haitians throughout.

In order to discharge its duties to victims, the Secretariat must build on its acceptance of responsibility through concrete actions. Established human rights principles, coupled with the rule of law, require an effective remedy, which entails acknowledgment of responsibility, specific institutional steps to guarantee non-repetition, and meaningful reparations. Human rights and rule-of-law commitments further require inclusivity and transparency of process in the development of a remedy. Any solution the United Nations adopts must observe these substantive and procedural norms.

An effective remedy requires: (1) issuing a formal, public apology to the victims of cholera in Haiti, (2) ensuring full funding of the previously announced but largely unfunded cholera elimination plan, (3) committing to providing victims of the epidemic with material compensation in a timely fashion, and (4) implementing a transparent and participatory process. The Secretariat must also exercise the leadership necessary to ensure robust funding for its new approach.

We emphasize that the substantive content of the United Nations' remedial program must be matched by a fair process for development of the program. Transparency and substantive participation of the persons most affected by the epidemic will both enhance the credibility and effectiveness of the United Nations' response and affirm the dignity of the Haitian people. An effective process will further incorporate expert perspectives from the fields of public health and development and should respect the role of the government of Haiti.

We are writing to urge the United Nations to demonstrate that it is willing to move from evasion to accountability and from secrecy to transparency in responding to the cholera epidemic. The United Nations must seize the opportunity to chart a new course, restore its credibility and integrity, and finally bring this tragic chapter to a close.

Sincerely,

Upendra Dev Acharya*
Associate Professor
Gonzaga University School of Law,
Spokane, WA

Muneer Ahmad*
Clinical Professor of Law
Yale Law School

Lea Brilmayer*
Howard M. Holtzmann Professor of
International Law
Yale Law School

Christian Broecker*
Associate Director, Jacob Blaustein
Institute for the Advancement of Human
Rights

Christine Chanet*
Former Chair of the UN Human Rights
Committee

Dr Richard Collins*
Lecturer in International Law
University College Dublin

Gen Romeo Dallaire (ret'd)*
Founder of the Romeo Dallaire Child
Soldiers Initiative

Tom Dannenbaum*
Lecturer in Human Rights, Director MA in
Human Rights
University College London

Gráinne de Búrca*
Florence Ellinwood Allen Professor of Law
Director, Hauser Global Law School
New York University School of Law

Olivier De Schutter*
Professor, Catholic University of Louvain
Former Special Rapporteur on the Right to
Food (2008-2014)

Dr Carla Ferstman*
Director of REDRESS

Martin S. Flaherty*
Leitner Family Professor of International
Human Rights Law
Founding Co-Director, Leitner Center of
International Law and Justice
Fordham Law School
Visiting Professor, Woodrow Wilson
School of Public and International Affairs

Laurel E. Fletcher*
Clinical Professor of Law
University of California Berkeley

Rosa Freedman*
Professor of Law and Global Development
Director of the Global Development
Division
University of Reading

Felice Gaer*
Director Jacob Blaustein Institute for the
Advancement of Human Rights
UN Committee Against Torture

Paolo Galizzi*
Clinical Professor of Law
Director, Sustainable Development Legal
Initiative (SDLI)
Leitner Center for International Law and
Justice
Fordham Law School

*All titles are for identification purposes only

Kul Gautam*
Former Assistant Secretary-General of the
United Nations, and Deputy Executive
Director of UNICEF

Gregg Gonsalves*
Co-Director, Global Health Justice
Partnership of the Yale Law School and the
School of Public Health

Ian Hurd*
Associate Professor of Political Science
and Director of International Studies
Northwestern University

Jens Iverson*
Assistant Professor of Public International
Law
University of Leiden

Professor Sarah Joseph*
Director, Castan Centre for Human Rights
Law
Monash University, Melbourne

Albert Icksang Ko, M.D.*
Professor and Chair, Department of
Epidemiology of Microbial Diseases
Yale School of Public Health

Nico Krisch*
Professor of International Law
Graduate Institute of International and
Development Studies, Geneva

Nicolas Lemay-Hebert*
Senior Lecturer
University of Birmingham

Stephen Lewis*
Co-director, AIDS-Free World

Frédéric Mégret*
Associate Professor
William Dawson Scholar
McGill University

Alice M. Miller*
Co-Director, Global Health Justice
Partnership of the Yale Law School and the
School of Public Health

Carole D. Mitnick, Sc.D.*
Associate Professor, Department of Global
Health & Social Medicine
Harvard Medical School

Aoife Nolan*
Professor of International Human Rights
Law
School of Law, University of Nottingham

Manfred Nowak*
Professor of International Human Rights
University of Vienna Secretary General

Deborah Alejandra Popowski*
Executive Director
Center for Human Rights and Global
Justice
NYU School of Law

Fran Quigley*
Clinical Professor and Director, Health and
Human Rights Clinic
Indiana University McKinney School of
Law

Nikki Reisch*
Adjunct Professor of Clinical Law/Legal
Director
Center for Human Rights and Global
Justice
NYU School of Law

Allan Rock*
Professor
Faculty of Law
University of Ottawa

*All titles are for identification purposes only

Simon Rushton*
Centre on Global Health Security, Chatham
House

Margaret L. Satterthwaite*
Professor of Clinical Law
NYU School of Law

James J. Silk*
Clinical Professor of Law
Lowenstein International Human Rights
Clinic
Yale Law School

Marie St. Fleur, Esq.*
Former, State Representative,
Massachusetts

Krister Thelin*
Chief Justice of Appeal (ret.), Sweden

Theo van Boven*
Professor of International Law
Maastricht University, Netherlands
Former Special Rapporteur on the right to
Restitution, Compensation and
Rehabilitation for Victims of Gross
Violations of Human Rights and
Fundamental Freedoms

Sten H. Vermund, MD, PhD*
Professor of Pediatrics and Director
Vanderbilt Institute for Global Health

Philippa Webb*
Reader (Associate Professor) in Public
International Law
King's College London

Inga Winkler*
Lecturer in the Discipline of Human Rights
Institute for the Study of Human Rights /
Political Science Department
Columbia University

*All titles are for identification purposes only