Court Erred in Cholera Case and UN Should Make Redress to Victims: The John Marshall Law School in Chicago International Human Rights Clinic

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A New York court failed to consider international human rights law when it ruled that the United Nations is immune from providing redress to victims of Haiti's devastating cholera epidemic.

That's according to new briefs filed by The John Marshall Law School International Human Rights Clinic (IHRC) and other human rights groups and individuals in an ongoing lawsuit against the U.N.

On Oct. 9, 2013, the Institute for Justice & Democracy in Haiti and law firm Kurzban, Kurzban, Weinger, Tetzeli & Pratt filed a lawsuit against the U.N. in the U.S. District Court for the Southern District of New York on behalf of Haitian cholera victims and their families. The case demanded the installation of water and sanitation infrastructure to control the epidemic and save more than 5,000 lives a year. On January of 2015, the court held that the U.N. enjoys nearly absolute legal immunity. The victims have filed an appeal asking the Court of Appeals to reverse the District Court's dismissal.

The John Marshall IHRC is part of a coalition of human rights organizations in support of the victims' appeal. The briefs were authored by John Marshall's IHRC and attorneys from the California Western School of Law and Center for Constitutional Rights. It was signed by two dozen human rights and human interest groups from around the world.

"The groups are deeply concerned that innocent victims of the 2010 cholera outbreak in Haiti have been offered no redress for their suffering and injuries," the groups state in the briefs. "International organizations have an obligation to accept responsibility when they commit internationally wrongful acts. They must also provide redress to individuals who have suffered because of their actions. These principles apply with equal force to the United Nations."

According to a [previous IHRC report](http://www.globenewswire.com/newsroom/ctr?d=10137493&l=6&a=previous%20IHRC%20report&u=http%3A%2F%2Fwww.jmls.edu%2Fclinics%2Finternational-human-rights%2Fpdfs%2Fcholera-water-haiti-report.pdf), extensive evidence shows U.N. peacekeepers introduced the deadly strain to the country from reckless waste management that leaked into Haiti's principal river. The U.N. has been unwilling to accept responsibility for its role in the outbreak, and a growing number of human rights advocates are calling on the agency to compensate victims and invest in sustainable clean water and sanitation infrastructure to fight the problem.

According to the report, the hurdles faced by Haitian cholera victims also illustrate a serious gap in accountability measures available when non-state actors, such as the U.N., are the human rights violators.

The John Marshall Law School [International Human Rights Clinic](http://www.globenewswire.com/newsroom/ctr?d=10137493&l=8&a=International%20Human%20Rights%20Clinic&u=http%3A%2F%2Fwww.jmls.edu%2Fclinics%2Finternational-human-rights%2F) offers law students a background in human rights advocacy through the practical experience of working on international human rights cases and projects.