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**Haitian Civil Society Organizations Call for MINUSTAH's Withdrawal, Accountability for Abuses, and Reparations for Cholera**

Dear Security Council Representative,

Mennonite Central Committee Haiti (MCC Haiti) is a disaster relief, development and peace organization. MCC Haiti has been serving in Haiti, alongside Haitians, in the area of agriculture, human rights, health and education for over 50 years. We have consistently engaged with local communities in peace programming in Haiti and have seen first-hand the impact of the United Nations Stabilization Mission in Haiti (MINUSTAH) forces in the country. We are writing this letter in light of the upcoming decision-making process regarding the MINUSTAH mission, and the extension of its mandate.

This position statement, along with all of our advocacy work, is informed by Haitian civil society; we have engaged in extensive conversations with our advocacy partners and the positions herein reflect those dialogues. As co-signers on this letter, Plateforme des Organisations Haitiennes des Droits Humains (POHDH), Réseau National de Défense des Droits Humains (RNDDH), and the Plateforme Haïtienne de Plaidoyer pour un Développement Alternatif (PAPDA) all attest that the following information represents their position on MINUSTAH and the importance of the recommendations presented here.

According to paragraph seven of Security Council resolution 1542, the directives of MINUSTAH are to: ensure a secure and stable environment, protect the rule of law, support the constitutional and political process, encourage free and fair elections, promote and protect human rights, particularly those of women & children, and ensure accountability and redress.<sup>1</sup> In the eight years of MINUSTAH's presence, there has been little evidence to prove that this mandate has been effectively carried out. Rather, the presence of MINUSTAH forces has undermined peace efforts throughout the country, with the troops themselves engaging in grave human rights abuses.

**Accountability for Human Rights Violations:**

According to the United Nations Conduct and Discipline Unit, 758 allegations of misconduct have been reported in the past five years; 217 of which were categorized as sexual exploitation and abuse.<sup>2</sup> Out of the 217 reported cases since 2007, 58 remain classified as "pending".<sup>3</sup> This 27% rate of uninvestigated sexual exploitation and abuse cases does not amount to the zero-tolerance policy indicated in the MINUSTAH mandate.

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<sup>1</sup>UN Security Council Resolution 1542; Adopted by the Security Council at its 4961st meeting, on 30 April 2004 (paragraph 17).

<sup>2</sup><http://cdu.unlb.org/Statistics/StatusofInvestigationsSexualExploitationandAbuse.aspx>

<sup>3</sup>*Id.*

Just in the year since the last renewal of the MINUSTAH mandate, there have been several examples of abuses of authority within MINUSTAH including the torture of three Haitians in Cite Soliel by Brazilian troops on December 13, the kidnapping and rape of the minor Roody Jean by two Pakistani soldiers on January 20<sup>th</sup>, and the beating of students in Lycée Capois de Limonade on January 31.<sup>4</sup>

### **Negligence:**

There is sufficient proof indicating that the cholera epidemic, introduced to Haiti in October 2010, was the result of inadequate sanitation procedures on the part of MINUSTAH forces. This has resulted in the death of more than 7,000<sup>5</sup> and the infection of over 525,000.<sup>6</sup> The Haitian Rural Code, (Art. 297), states that human waste should not be disposed of in or near rivers, springs, ponds, or reservoirs. The Haitian Penal Code addresses cases of carelessness and neglect in this respect and according to the Civil Code (Art.1168, 1169.1170) compensation must be provided to victims and their dependents affected by the negligent acts.

The Pan American Health Organization estimates the cost of water and sanitation systems, sufficient to eradicate cholera, to fall between \$800 million to \$1.1 billion.<sup>7</sup> It is the responsibility of the United Nations to make reparations for these losses and further, do all it can to bring an end to the epidemic, including the financing of necessary infrastructure.

### **Insufficient Security Threat:**

Article 39 of the UN Charter applies directly to countries that pose an imminent threat to peace. While the Security Council determined the existence of such a threat to peace in Haiti in 2004, the factors that led to that decision are no longer valid. Haiti has not experienced any systematic violence or wide-spread conflict in over five years while other countries such as Somalia, Syria, and Colombia, where conflict undermines both national and international security, do not have a peacekeeping force. Out of the 22 countries in the Caribbean, Haiti was ranked fifth from last in homicide rates in 2011.<sup>8</sup> Brazil, Paraguay, and Ecuador, as well as several other countries that contribute military personnel to the MINUSTAH mission, had much higher homicide rates in their own countries. Haiti is now under the leadership of a stable government with its executive, legislative, and judicial branches secured. This government must be given the opportunity to lead its own people, without the influence of a foreign military body.

### **Sovereignty:**

The original mandate for MINUSTAH was a directive to provide security and the facilitation of a peaceful transition to a stable Haiti. However, the objectives and goals of the 2008 benchmarks, created assumedly as a method for measuring steps toward withdrawal, deviate from the original intent of the mandate just four years earlier, adding economic and social components to the MINUSTAH mandate.

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<sup>4</sup>RNDDH. *Situation Générale des Droits Humains dans le pays au cours de la première année de présidence de Michel Joseph Martelly*. June 14, 2012.

<sup>5</sup>H5N1 <http://crofsblogs.typepad.com/h5n1/2012/05/haiti-7182-cholera-deaths-as-of-may-20.html>

<sup>6</sup>Partners in Health <http://www.pih.org/pages/cholera/>

<sup>7</sup><http://new.paho.org/blogs/haiti/?p=2182>

<sup>8</sup>UNODC Global Study on Homicide, 2011 (page 93).

These benchmarks could easily be used to justify the prolonged presence of this unpopular force by claiming that sufficient economic and social indicators have not yet been achieved.

Post-earthquake reconstruction in Haiti remains largely incomplete, including 390,000 people still living in tent camps, more than 500,000 people infected by cholera, and 49% adult literacy rate.<sup>9</sup> These problems facing Haiti are not of a military nature, rather are economic factors that require holistic solutions and the strong leadership of the Haitian government.

**Conclusion:**

In two years since the earthquake, the MINUSTAH mission has cost the international community a total of \$1,556,461,550.<sup>10</sup> This comes in addition to their contribution of approximately 10,000 troops and police forces each year. This money was spent during long periods of global economic downturns, the application of budget cuts by many member states of the United Nations, and falling rates of employment for their affected citizens.

For eight years, MINUSTAH has reaffirmed their commitment to Haiti's sovereignty, independence and territorial integrity. The recognition of these fundamental aspects of statehood are essential components in ensuring peace and security in Haiti. On September 20, 2011, the Haitian Senate adopted a resolution, stating that MINUSTAH troops must withdraw from Haiti; this is a clear indicator of the lack of local support. The dignity and rights of Haitians must be acknowledged.

We contend that the prolonged presence of MINUSTAH armed forces in Haiti is misguided, ill-timed, and out-dated for the nature of needs currently facing Haiti in the context of reconstruction. We recommend that the Security Council respect the sovereignty of Haiti and pass a resolution calling for the accelerated withdrawal of all MINUSTAH personnel from Haiti, working in close collaboration with the Haitian government to realize this objective. Further, we recommend that:

1. due to MINUSTAH's stated desire to improve the living conditions of concerned populations,<sup>11</sup> previously slated funding for military activity be reallocated to the development of water and sanitation infrastructure, and managed by other UN agencies.
2. the Security Council ensure that each member country investigate all allegations of human rights violations brought against their respective troops where impunity within MINUSTAH has not been addressed.
3. the SOFA agreement be respected, by establishing a Standing Claims Commission to hear cases against MINUSTAH, operating even after MINUSTAH has exited from Haiti.
4. MINUSTAH accepts responsibility for the loss of life that occurred as a result of the cholera epidemic and pay reparations to the families of the victims that were infected or died as a result of the disease.

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<sup>9</sup>UNICEF, At a Glance: Haiti: [http://www.unicef.org/infobycountry/haiti\\_statistics.html](http://www.unicef.org/infobycountry/haiti_statistics.html)

<sup>10</sup><http://www.cepr.net/index.php/blogs/relief-and-reconstruction-watch/minustah-by-the-numbers>

<sup>11</sup>UN Security Council Resolution 2012; Adopted by the Security Council at its 6631st meeting, on 14 October 2011 (paragraph 13).

Sincerely,

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The following additional organizations endorse this letter:

*Other Worlds*

*CHAN (Canada Haiti Action Network)*