

## ***Court Dismisses Remaining Lawsuit Against U.N. on Haiti Cholera***

By RICK GLADSTONE AUG. 24, 2017

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The last remaining class-action lawsuit against the United Nations over the cholera epidemic in Haiti was thrown out Thursday by a federal judge, who upheld the organization's assertion of diplomatic immunity.

In an order filed in Federal District Court in Brooklyn, Judge Sandra L. Townes said the lawsuit, which accused the United Nations of responsibility because the cholera was introduced into Haiti by infected United Nations peacekeepers from Nepal seven years ago, had been dismissed for "lack of subject-matter jurisdiction."

A little more than a year ago, a federal appeals court in New York dismissed the only other class-action lawsuit seeking redress for Haitians from the United Nations over the cholera epidemic. That ruling also held that the United Nations could not be sued in United States courts.

The dismissal of the Brooklyn case appeared to dash any hope by Haitian victims of the epidemic for financial compensation from the United Nations in an American court judgment.

Nearly a million Haitians have been sickened and roughly 10,000 have died from cholera since 2010. An award of damages against the United Nations could have run into many billions of dollars.

The lead lawyer for the Haitians, James F. Haggerty, expressed disappointment over the dismissal but said it was "certainly likely" he would appeal.

"We firmly believe the U.S. legal system eventually bends toward justice," Mr. Haggerty said.

Officials from the United Nations did not comment on the dismissal. But they had previously expressed confidence that the immunity argument would prevail.

Under the 1946 Convention on the Privileges and Immunities of the United Nations, the organization is entitled to "immunity from every form of legal process" except when it has "expressly waived its immunity."

Mr. Haggerty argued unsuccessfully that the United Nations previously had acknowledged liability for negligence by its peacekeeping operations, which he said amounted to a waiver of immunity in the cholera disaster.

Lawyers at the Institute for Justice and Democracy in Haiti, an advocacy group that represented Haitians in the case dismissed a year ago, had used a different argument — that the United Nations had failed in its responsibility to give cholera sufferers a way to settle their grievances.

The cholera epidemic and the response by the United Nations became a public relations problem for the organization and weighed on Ban Ki-moon, who was secretary general at the time.

In December, as his tenure neared an end, Mr. Ban apologized to Haitians, carefully avoiding admitting liability for the epidemic.

He also moved to create a voluntary trust fund to compensate victims. But the fund has barely any money, and critics have pressed Mr. Ban's successor, António Guterres, to devise a better solution.

The dismissal of the Brooklyn lawsuit “puts the onus back on the U.N. to decide whether it stands for impunity or accountability,” said Beatrice Lindstrom, a lawyer at the Institute for Justice and Democracy in Haiti.

“The U.N. pledged to provide justice out of court, but in a year has done nothing but put in place a near-empty trust fund,” Ms. Lindstrom said.

“Until Guterres delivers on the promises made to Haiti,” she said, “victims will have to keep fighting and the U.N.’s moral standing will continue to plummet.”

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