

Former UN Secretary-General Ban Ki-moon's 2021 Memoir *Resolved* IJDH & BAI Respond

Former UN Secretary-General Ban Ki-moon's memoir "[Resolved: Uniting Nations in a Divided World](#)", published in June 2021 by Columbia University Press, purports a shocking distortion of the truth and is disparaging of victims' efforts to pursue accountability for the UN-introduced cholera epidemic, while expressly denying any legal responsibility for the harm caused.

Chapter 15 is dedicated to Haiti and Mr. Ban provides an account of the cholera epidemic that was caused by reckless waste mismanagement on a UN peacekeeping base. Disturbingly, Mr. Ban disparages victims' efforts to insist the UN comply with its legal obligations by providing reparations for the loss and devastation suffered in the wake of the epidemic. Shockingly, this section gets many of its facts completely wrong, to the degree that the New York Times had to issue a lengthy [correction](#) for the misstatements that made their way into its [article](#) upon the book's release. Relying on these misstatements, Mr. Ban further denounces lawyers' efforts to represent victims in their demand for the UN to recognize their internationally recognized rights. These statements may hinder further efforts towards cholera justice and undermine accountability worldwide; they also beg the question of the UN's official position on victims' pursuit of justice and beg clarity from the current Secretary-General on the Organization's progress to deliver on its commitment to provide remedies to victims under its "[New Approach to Cholera in Haiti](#)" (New Approach).

Former Secretary General Ban makes a number of false statements in the section he entitles "The Lawyers Come Knocking", including by wrongly accusing cholera victims' legal representatives of the crime of extortion, and misstating their past legal work and motivations in pursuing justice. The misstatements create a false and misleading story about the efforts of the Institute for Justice & Democracy in Haiti (IJDH), the Bureau des Avocats Internationaux (BAI), and law firm Kurzban, Kurzban, Tetzelli & Pratt (KKTP), and further risks IJDH and BAI's ability to advocate for other victims of injustice in Haiti. IJDH, BAI, and KKTP wrote to Columbia University Press (CUP) in July 2021 to request necessary corrections. The letter, including a non-exhaustive list of misstatements, can be viewed [here](#).

In response to IJDH, BAI, and KKTP's letter, CUP will be correcting several of Mr. Ban's misstatements in its next printing of its edition of the hardcover Book and its ebook edition. The limited corrections that will be made to the book, however, do not affect what was revealed as Mr. Ban's position on UN accountability for mass harm and victims' efforts to claim effective remedy.

Former Secretary General Ban demonstrates deep disregard for cholera victims' rights and dignity: he is "incredulous" and "shocked" that Haitians sought to enforce their internationally recognized human rights against the organization; rights which have been denied to them for over 10 years in violation of well-established commitments under international law and in the face of widespread criticism from legal and human rights experts. His refusal to accept that Haitians can assert their rights is a further insult to Haitians' dignity following the UN's denial of responsibility and refusal to remedy victims, and a continuation of the [structural racism](#) that has allowed the suffering, humanity, and agency of Haiti's cholera victims to be largely dismissed. This is particularly

concerning coming from a former UN Secretary-General: the leader of the body responsible to promote and protect human rights worldwide.

Dozens of former UN officials, Constitutional and International Law scholars and practitioners, human rights organizations, and Haitian-American organizations supported the victims' lawsuit, while countless others have otherwise urged the UN to compensate victims. Last year, fourteen of the [UN's own experts](#) denounced the UN's continued violation of cholera victims' rights and called their response "[deeply disappointing](#)." UN human rights expert Philip Alston [called](#) the UN's response "morally unconscionable, legally indefensible ... politically self-defeating [and] entirely unnecessary." More than [100 members of the US congress](#) and 60 [human rights organizations](#) worldwide, including Amnesty International and the International Service for Human Rights, have urged the UN to fulfil its legal obligations and have opposed its charity-based response to the epidemic, respectively. In addition, Mr. Ban acknowledges, on page 226, that various Member States of the UN claim the organization acted negligently, stating "[s]everal ambassadors told me that their governments do not want to pay UN debts stemming from our own negligence." The courts themselves have never said that the UN does not have an obligation to compensate the victims, nor did the US District Court and Appeal Court dismiss victims' lawsuit as frivolous-- it was dismissed only on the basis of jurisdiction.

UN expert Philip Alston told the UN General Assembly that the legal efforts to insist the UN comply with its obligations were "[valiant and dogged](#)" but Mr. Ban calls them an attempt to "extort money from the UN" in search of "a big fee and media coverage." On page 224, he then questions victims' decision to seek reparations in light of the difficult circumstances in which they found themselves, and states that Haitians were "diverting their resources from helping their own people." This belittles Haitian activist and victims' work and is incorrect given that this work, which was pursued at no monetary cost to victims, was in fact a way to help "their own people." The UN's public admission of its role in the cholera outbreak and the promised \$400 million [New Approach](#), was the result of six years of sustained litigation and advocacy efforts by cholera victims, IJDH, BAI, KKWT, and allies globally.

Mr. Ban's words are yet another blemish on the UN's legacy in Haiti of introducing cholera, denying its responsibility, and failing to remedy victims more than a decade since the initial outbreak. For 6 years, the UN denied responsibility for the outbreak in the face of overwhelming evidence. In 2016, while Mr. Ban finally bowed to public pressure and apologized to the Haitian people on behalf of the Organization, he failed to accept legal responsibility for the outbreak, which would have ensured reparations to victims. The UN's promised \$400 million towards cholera elimination and material assistance remains unfulfilled, with only [5%](#) of the amount funded. Moreover, in the UN's promised New Approach, Mr. Ban committed to consult victims in developing the UN's assistance plan, prompting them to meet in victim committees all over rural Haiti in preparation. However, the UN then [declined to include the victims](#) who were prepared for consultations, labelling them a "[risk](#)" to the success of the project, and instead ran focus groups that they selected and that included local leaders who were mostly not cholera victims, along with some cholera victims different from those who had prepared for the consultations including 'know your rights' sessions. This repeated refusal to treat Haitians as deserving of accountability and fundamental right to justice is a core contributor to the [perception](#) of the UN in Haiti.

Mr. Ban's viewpoint on accountability as former Secretary-General of the UN, and as the Secretary-General in office at the time of the UN's apology to cholera victims and promised New Approach, carries so much weight that it is incumbent upon the UN to respond and make their position clear. The UN must explain whether it shares Mr. Ban's viewpoint that legal efforts to seek redress by victims of UN negligence arising in the context of peacekeeping is equivalent to extortion.

We call on the UN to reaffirm its respect for the rights and dignity of Haiti's people in taking legal responsibility and providing effective remedy to those most harmed by cholera.

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