



**KURZBAN KURZBAN  
TETZELI & PRATT**  
ATTORNEYS AT LAW



**July 12, 2021**

**ATTN:**

**Jane Booth, General Counsel**

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**Jennifer Crewe, Associate Provost and Director**

(via email: [jc373@columbia.edu](mailto:jc373@columbia.edu))

Columbia University Press  
61 West 62 Street  
New York, NY 10023

Dear Ms. Booth and Ms. Crewe,

It has come to our attention that a book entitled *Resolved: Uniting Nations in a Divided World* written by former United Nations (UN) Secretary-General Ban Ki-moon and published by Columbia University Press contains false and defamatory statements that collectively reference the “lawyers” that represented victims of the UN-introduced cholera epidemic.

In *Resolved*, Mr. Ban provides his account of the cholera epidemic that was caused by reckless waste mismanagement on a UN peacekeeping base, and the efforts of lawyers to support victims of the epidemic in their demand for justice from the UN.

The under-signed organizations, Institute for Justice and Democracy in Haiti (IJDH), the *Bureau des Avocats Internationaux* (BAI), and Kurzban, Kurzban, Tetzeli & Pratt (KKTP) have engaged in legal and public advocacy to seek justice for cholera victims since 2011. IJDH is a U.S.-based non-profit organization, BAI is a Haiti-based public interest law firm, and KKTP is a U.S.-based law firm. Although Mr. Ban does not refer to our organizations by name, he makes explicit reference to a series of legal actions brought by our organizations, including a lawsuit that we filed on behalf of the cholera victims that Judge J. Paul Oetken decided on [January 9, 2015](#), and an appeal of Judge Oetken’s dismissal that was decided on [August 18, 2016](#).<sup>1</sup>

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<sup>1</sup> After we filed suit in U.S. federal court on October 9, 2013 (*Georges v. United Nations*), other independent lawyers filed suits in the Eastern District of New York (*Laventure v. United Nations*) and Southern District of New York (*Jean-Robert v. United Nations*) the following year. The legal actions referenced in *Resolved*, however, are ones taken by our organizations as described above. Moreover, BAI and IJDH’s work to advocate for cholera victims has received extensive media coverage and public attention over the years.

Mr. Ban makes a number of false statements in the book that denigrate the victims' efforts to obtain justice. The false statements also injure the reputations of IJDH, BAI, and KKTP and consequently harm our ability to advocate for other victims of injustice in Haiti by wrongly accusing the organizations of extortion—a crime—and making misstatements about past legal work and our motivations in pursuing justice.

**We respectfully demand that Columbia University Press make the necessary corrections and halt all publication until the errors concerning the cholera victims' fight for justice and our work and organizations are corrected. The errors include but are not limited to the following:**

- On page 224, Mr. Ban falsely portrays the lawsuit as a multi-billion-dollar attempt to “extort money from the UN” in search of “a big fee and media coverage.” Mr. Ban asserts “I was incredulous—no, shocked—when, in November 2011, five hundred Haiti victims and their families brought a class-action lawsuit against the United Nations and me as its secretary-general in the U.S. District Court for the Southern District of New York, seeking \$40 billion in damages for negligence and wrongful death.”

**This statement contains several factual inaccuracies, including:**

- The lawsuit was not filed in November 2011, as Mr. Ban claims. In November 2011, IJDH, BAI, and KKTP filed claims through the UN's internal claims process on behalf of 5,000 victims seeking to resolve the matter directly with the UN. The lawsuit was filed in 2013, three years (not one year) after the outbreak started and only after the UN and the Secretary-General had failed to seriously respond to our multi-year efforts to convince the UN to properly invest in measures to stop the epidemic and provide compensation to the victims in accordance with its well-established commitments under international law.
  - The lawsuit we filed in federal court was not filed by 500 victims. Rather, we filed a class action suit on behalf of five named plaintiffs.
  - The litigation did not seek \$40 billion from the UN, as Mr. Ban claims. Our lawsuit did not include any monetary figure for damages, specifying “an amount to be determined at trial.”
- Collectively, these inaccuracies create a false and misleading story that our organizations “shocked” and “incensed” Mr. Ban by taking drastic and unanticipated measures to improperly extract massive funds from the organization. To the contrary, our organizations worked for years prior to filing suit to both directly and publicly engage the UN to provide remedies for the victims. Specifically, in November 2011, with the support of IJDH and BAI, 5,000 victims [filed claims](#) directly with the UN through a claims process set out in international agreements, seeking compensation for individual victims of cholera for their losses based on [UN resolution 52/247](#) and the establishment of a water and sanitation fund to stop cholera's killing. After 15 months of silence, the UN notified us that it refused to comply with its legal obligations, tersely dismissing the claims in February 2013. That response has been widely criticized publicly by actors within and outside the UN system, including then-UN Special Rapporteur on extreme poverty and human rights, Philip Alston, who characterized the UN's abdication of responsibility as “[morally unconscionable, legally indefensible ... politically self-defeating \[and\] entirely unnecessary.](#)” In May 2013, we reiterated our commitment to resolving the matter amicably, requesting a meeting and referral to mediation. We also placed the UN on notice that we would be left with no option but to file suit should the UN continue to refuse to engage. Only after the UN rejected our requests for a meeting or consent to mediation was the lawsuit filed in federal court in [October 2013](#).
  - Mr. Ban's extortion claim can be inferred to be an accusation of a criminal act, as well as a dishonest practice, which may seriously harm the organizations involved. It will especially harm the reputation of IJDH, BAI, and KKTP and interfere with the

organizations' ability to support victims of injustice in Haiti. Notwithstanding that it diminishes the rightful efforts of victims to pursue justice.

- On page 225, Mr. Ban asserts that “The firm representing the survivors is based in the United States but had an independent organization registered in Haiti to represent cholera victims in their suit against the United Nations.” **This statement appears to assert that the U.S.-based IJDH and KKTP established a presence in Haiti in order to pursue the litigation, which is false.**
  - Contrarily, the efforts to seek justice from the UN were initiated and led by BAI, Haiti’s oldest and most prominent public interest law firm founded in 1995 with a mission to advance justice and protection of human rights in Haiti. BAI has over two decades of experience working in constitutional and international human rights law, grassroots solidarity, and building networks and coalitions. It has collaborated extensively with UN human rights missions in Haiti and the UN Office of the High Commissioner for Human Rights on past cases. Additionally, in 2006, BAI, IJDH, and KKTP filed and argued a case in front of the Inter-American Court of Human Rights, which was the first case concerning Haiti heard by the Court. The office’s work has served as a [case study](#) for effective and ethical human rights advocacy.
  - The misrepresentation of BAI’s history damages its reputation in Haiti and abroad and harms its ability to engage allies, obtain funding, and otherwise provide service to underserved communities in Haiti seeking justice. Moreover, the litigation in U.S. court was filed by attorneys at IJDH, BAI’s U.S.-based partner, and Ira Kurzban at KKTP, in partnership with BAI. The BAI-IJDH partnership model is core to IJDH’s identity and has been [documented](#) as a model for South-North collaboration on human rights. UN Special Rapporteur Alston [described](#) the work of BAI and IJDH to the UN General Assembly as “dogged and valiant.”
  - KKTP had represented the democratically-elected government of Haiti for over 12 years and had represented Haitians and Haitian refugees for over 30 years, including several *pro bono* class action lawsuits that won important victories for immigrants’ rights at the U.S. Supreme Court.
- Continuing on page 225, Mr. Ban inaccurately portrays the effort to seek reparations for cholera victims as part of a pattern of seeking legal fees through class actions, baselessly asserting that “several of the senior lawyers have a history of bringing class action lawsuits, such as suing Libya for the Lockerbie bombing.”
  - No lawyer associated with BAI, IJDH, or KKTP has sued anyone for the Lockerbie bombings, and other than KKTP’s Ira Kurzban, none had ever appeared in a class action lawsuit of any kind. Senior lawyers at all three organizations have fought for justice for Haitian communities for decades.
- Mr. Ban further denigrates the Haitian cholera victims and their lawyers by questioning the victims’ agency in deciding to pursue redress for their lost loved ones, stating on page 224: “The effort required a substantial amount of financial backing and a knowledge of the U.S. legal system, and it was difficult to believe that the Haitian people would divert their resources from helping their own people to obtain either.”
  - BAI and IJDH took up the cholera case because victims of cholera in Haiti and Haitian grassroots human rights activists demanded that the organizations take it on.

- Mario Joseph, the managing attorney at BAI who leads the fight for justice from Haiti, is a prominent human rights attorney who has dedicated his career to fighting for justice for Haiti's poor.
- IJDH, BAI, and KKTP, along with *pro bono* counsel they engaged, provided the UN cholera victims with legal assistance at absolutely no cost. Victims were never required to pay a single dollar in legal fees for this case.
- Despite the immense odds against them, victims, supported by a global network of actors, have tirelessly mobilized for justice through both legal actions and public advocacy campaigns, including regular demonstrations, letter writing campaigns, and direct appeals to the UN.
- It is deeply problematic and contrary to the UN's mission for Mr. Ban – the former Secretary-General of the UN – to suggest that the difficult circumstances facing Haitians after the earthquake should preclude them from investing resources in enforcing their human rights to remedies. This statement undermines the UN's own mission and may demotivate advocates and victims from pursuing further efforts to enforce their rights.

Much of the information necessary to demonstrate the falsity of Mr. Ban's claims are of public record and are easily accessible on IJDH and BAI's [public website](#), [publicly available court records](#), and through [reporting](#) by many news sources. The New York Times, which covered the [release](#) of the book, had to issue a lengthy [correction](#) after repeating misstatements from the book in its article.

In addition to damaging the reputations of BAI, IJDH, and KKTP, Mr. Ban's false account demonstrates deep disregard for the cholera victims' rights and dignity. The *vibrio cholerae* bacteria introduced to Haiti by the UN has killed close to 10,000 people, sickened at least 800,000, and caused massive economic and social harm. For over a decade, Haitian victims have tirelessly sought remedies in accordance with their rights under international law from the UN while continuing to suffer from the devastating impacts of the epidemic. The UN has persistently refused to comply with its undisputable legal obligations to the victims, hiding behind its immunity. After all this suffering and mobilizing for accountability, and UN refusal to accept Haitians' claim for their rights, Mr. Ban's characterization of victims' efforts to obtain remedies as the enemy is a betrayal of the victims and the UN's principles on the promotion and protection of human rights.

Accordingly, we respectfully request that Columbia University Press (A) immediately cease and desist its unlawful defamation of IJDH, BAI, and KKTP and (B) provide us with prompt written assurance within 10 days that it will cease and desist from further defamation of IJDH, BAI, and KKTP. We further request that a correction be made publicly and inserted into every book sold that contains the false information.

In the event Columbia University Press fails to meet this demand, please be advised that we may pursue all available legal remedies.

We thank you for the consideration and look forward to your prompt reply to this letter.

Sincerely,

Institute for Justice and Democracy in Haiti, Brian Concannon

Bureau des Avocats Internationaux, Mario Joseph

Kurzban, Kurzban, Tetzeli & Pratt, Ira Kurzban