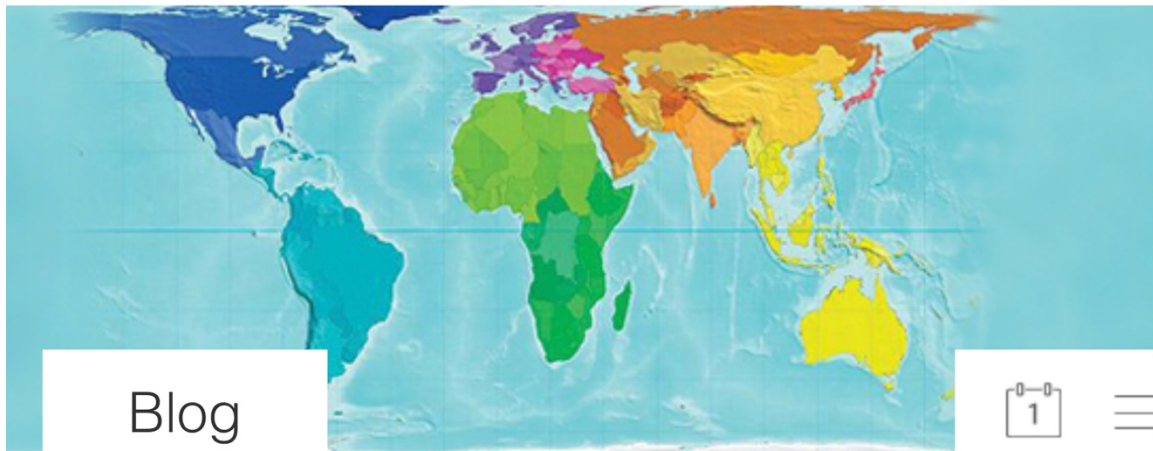


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“Deep Shame Within the Ranks of UN Staff” Assessing the UN’s Haiti Cholera Response 10 Years On

By Joey Bui JD’21

In 2010, a United Nations (UN) peacekeeping mission caused an outbreak of cholera in Haiti, resulting in the deaths of over 10,000 Haitians. On Oct 8, 2020, ten years after the outbreak began and amid the COVID-19 global pandemic, key experts joined the Human Rights Program at Harvard Law School for a webinar to discuss the ongoing failure of the UN to adequately answer to Haitian victims and what lessons the rights organization should learn moving forward.

It was a rare occasion in which a UN official spoke publicly with Haitian and foreign advocates who have been extremely critical of the UN’s response. During the event, former UN officials provided an inside look at the UN’s failures in Haiti, and expressed shame about the UN’s response. The panel also identified key takeaways for the UN to adopt in order to prevent a repeat in the future.

The virtual panel, which was a part of Harvard Worldwide Week and was co-sponsored by seven different Harvard centers and groups, included Mario Joseph, a prominent Haitian human rights lawyer at Bureau des Avocats Internationaux who has led efforts to seek justice for victims, as well as Haitian doctors who have worked on the frontlines of the outbreak, Dr. Inobert Pierre of St. Boniface Hospital and Dr. Marie Marcelle Deschamps of GHESKIO. Presenting perspectives from the UN were Josette Sheeran, the UN Special Envoy for Haiti;

Andrew Gilmour, the former Assistant Secretary-General for Human Rights; and Philip Alston, the former UN Special Rapporteur for extreme poverty and human rights.

The UN's initial response: a "denial of justice" and a "cover-up"

Mario Joseph called attention to the UN's refusal to accept responsibility until 2016, six years after the outbreak. He called the UN's initial position a "denial of justice" that continues to inflict great harm on Haiti

"The UN was claiming that it had immunity from any judicial proceedings," said Joseph, who has worked on multiple legal actions against the organization. "The UN was confusing its immunity, which we admitted it had, with total impunity, which it did not have."

Philip Alston, who is also John Norton Pomeroy Professor of Law at New York University School of Law, described the UN's initial position on the cholera outbreak as a cover-up.

"The UN very quickly adopted the slogan, 'Let's not worry about where this came from, but instead about what we can do,' which is a perfect way to proceed with a cover up," said Alston.

Alston also challenged the UN's refusal to hear victims' claims for compensation. "In legal terms, the UN's response was initially and continues to be deplorable and indefensible," he said.

According to Alston, "the [UN] Office of Legal Affairs did not undertake a systematic and credible professional analysis of the issues raised. The office has systematically refused to engage in any debate, and it has taken a very active role in suppressing discussion, prohibiting staff officials from talking about this in public and not responding to any of the requests put forward by other senior UN officials for more information and for debate."

The legacy of Haiti's cholera outbreak on the UN: "the single greatest example of hypocrisy"

The event marked the first time that Andrew Gilmour has spoken publicly about the issue and the internal conflicts that plagued the organization's response. Gilmour served at the UN for 30 years, including in the Office of the Secretary-General and as the UN Assistant Secretary-General for Human Rights, while key decisions about the UN's response were deliberated.

Reading from a memo that he wrote for colleagues upon leaving his office in 2019, Gilmour said, "During the last few decades, we have all lived through events that caused deep shame within the ranks of the UN staff: Rwanda, Srebrenica, Sri Lanka, Myanmar and others. But for many, nothing comes close to the ethical morass of our response on Haiti cholera." The memo was partially leaked earlier this year.

In his remarks, Gilmour pinpointed the Office of Legal Affairs as a particular barrier to justice.

“Our organization makes great play of demanding accountability on the part of others,” he read. “Thus, the sight of the extraordinary internal campaign – that was waged to thwart DSG Eliasson’s efforts – presenting legal arguments against even the most limited accountability for that avoidable tragedy, while derisively rejecting arguments in support of the UN Charter and Haitian’s rights, may rank as the single greatest example of hypocrisy in our 75-year history.

The UN’s New Approach to Haiti: eradicating cholera and lack of funding

Upon admitting its role in the cholera outbreak in 2016, the UN announced it would launch a New Approach to Cholera in Haiti. The New Approach is a \$400 million plan that aims to eradicate cholera in Haiti, improve infrastructure, and provide material assistance to victims.

As UN Special Envoy on Haiti, Sheeran oversees the response to cholera.

“We’re now in the 21st month of zero cases,” Sheeran said on Thursday, Oct. 8. “That is something I’ve really devoted my time to — to end the spread of this terrible disease and the suffering and deaths from it.”

However, fundraising has been a challenge for the next two parts of the New Approach: improving infrastructure and directly assisting victims. The UN’s response relies on voluntary donations from member states.

“Each area [of the New Approach] has not been funded at the level it needs to be,” said Sheeran. “I didn’t expect [this role] primarily to be a fundraising job.”

Dr. Marie Marcelle Deschamps, whose clinic in Haiti treated cholera patients and now sees thousands of COVID-19 patients, emphasized the need to improve infrastructure.

“I think Haiti has a lot to share with the world, but bottom line, there is a need to reinforce the infrastructure,” said Dr. Deschamps. “Whatever plan we can develop... without financial resources we will not be able to put the plan into practice.”

Dr. Deschamps warned that Haiti is not safe from future outbreaks.

“We know that cholera will return. We will have another epidemic, because all the risk factors are there,” said Dr. Deschamps.

Speaking in her personal capacity, Sheeran said that the UN needs a different funding mechanism.

“We know that even when people are trying to do the right things, sometimes bad things happen,” said Sheeran. “There have to be mechanisms to be able to respond quickly... leaving it to voluntary [funding] systems can lead to prolonging the suffering.”

The New Approach's failure to include victims: "for 10 years they demanded justice without getting it"

Mario Joseph also pointed out the UN's failure to include victims in their response to the cholera outbreak.

"An effective response cannot be done without hearing from the victims," said Joseph. "I'm not sure why the victims have been excluded from the process. I'm not sure if it is because they are poor or because they are Black, but I do know that for 10 years they demanded justice without getting it."

The UN has yet to provide compensation to victims. Joseph rejected the UN's claim that it cannot do more due to inadequate funding.

"I repeat that this justice cannot be based on charity, but must be based on human rights," said Joseph.

Dr Inobert Pierre ended the panel calling for a renewed commitment to justice.

"I think 10 years later, it may have been all forgotten," said Dr. Pierre. "But the fact that we are still talking about it, makes it a possibility to see justice for the victims. And the victims are in the thousands. They are the poorest people in the country and the cholera epidemic caused them to lose everything."

Thanks to Office of the Vice Provost for International Affairs for sponsoring Harvard Worldwide Week. This event was co-sponsored by the Human Rights Program at Harvard Law School, the Harvard Humanitarian Initiative, the Center for Global Health at Massachusetts General Hospital, the Carr Center for Human Rights Policy, the FXB Center for Health & Human Rights, the Edmond J. Safra Center for Ethics at Harvard, and HLS Advocates for Human Rights.

Initial Announcement of Event and Participants

October 8, 2020

Oct. 8: Reflecting on the Cholera Epidemic in Haiti

October 2020 marks the 10-year anniversary of UN peacekeepers' introduction of cholera to Haiti. The resulting epidemic has killed over 10,000 people and caused immeasurable losses in Haiti. The UN's reluctance to accept responsibility and to remedy affected communities has also tested the organization's commitment to human rights and spurred strong criticisms from inside and outside of the organization. Today, the Human Rights Program will bring together UN officials and Haiti advocates to examine what lessons the UN should draw from the cholera epidemic. Panelists will discuss how the cholera experience has changed the UN, and how the

organization still needs to change, in order to prevent future harms and ensure that it is accountable to the people it serves.

This event is part of Harvard Worldwide Week. It is organized by the Human Rights Program at Harvard Law School and co-sponsored by the Harvard Humanitarian Initiative, the Center for Global Health at Massachusetts General Hospital, the Carr Center for Human Rights Policy, the FXB Center for Health & Human Rights, the Edmond J. Safra Center for Ethics at Harvard, and HLS Advocates for Human Rights.

Read more about the panelists for today's event below and register [here](#).

Speakers

Philip Alston



Philip Alston is the John Norton Pomeroy Professor of Law at NYU School of Law, and the co-chair of the NYU Center for Human Rights and Global Justice. He teaches international law, international criminal law, and a range of human rights subjects. From 2014-2020, he was the UN Special Rapporteur on extreme poverty and human rights, and from 2004-2010, the Special Rapporteur on extrajudicial, summary, or arbitrary executions. He has also served on the Independent International Commission on Kyrgyzstan (2011) and the UN Group of Experts on Darfur (2007) and as Special Adviser to the UN High Commissioner for Human Rights on the Millennium Development Goals (2002-07); chairperson (1991-98) and rapporteur (1987-91) of the UN Committee on Economic, Social, and Cultural Rights; and UNICEF's Senior Legal Adviser on children's rights (1986-92). Alston has degrees in law and economics from the University of Melbourne and a JSD from Berkeley. He previously taught at the European University Institute, the Australian National University, Harvard Law School, and the Fletcher School of Law and Diplomacy. He was one of the founders of both the European and the Australian and New Zealand societies of international law and was editor-in-chief of the *European Journal of International Law* from 1996 through 2007.

Marie Marcelle Deschamps



Dr. Deschamps is the Deputy Director and co-founder of GHESKIO centers. She is the head of the women's health program and the operational manager of the CTU research components (laboratory, data management, pharmacy, regulatory, quality management, administration, and finance). Dr. Deschamps is a graduate of the University of Haiti (MD, 1979). She received post-graduate training in infectious diseases at NIAID and at the Center for Disease Control (CDC). She is the author of many peer-reviewed publications on clinical and interventional studies of HIV and its co-infections. Her research has focused on women's health issues and on HIV/AIDS in Haitian women including risk factors for heterosexual transmission, HIV prevention programs for women, and ART strategies for pregnant women to prevent HIV transmission from mothers to infant. She introduced at the GHESKIO global health model:

services for rape victims in 2000, access to micro credit to women, as well as a primary and vocational school in 2010. She has received numerous honors for her contributions to AIDS care and research, including the Legion of Merit from President Chirac in 2004, Le Haiti “Tresor” National Vivant in 2008 and the Gates Award for Global Health in 2010.

Andrew Gilmour



Andrew Gilmour is Executive Director of the Berghof Foundation. Prior to that, Gilmour served 30 years at the United Nations, most recently as Assistant Secretary-General for Human Rights from 2016 to 2019 and as Political Director in the Office of the Secretary-General in New York from 2012 to 2016. He previously held senior UN positions in numerous conflict zones including Iraq, South Sudan, the Middle East, the Balkans, Afghanistan and West Africa. With masters degrees from Oxford University and the London School of Economics, Gilmour was later an Adjunct Fellow of the Center for Strategic and International Studies (CSIS) in Washington, D.C. In 2019, Gilmour was awarded a Visiting Fellowship at All Souls College Oxford to research links between climate change, human rights, and conflict. In 2020, he became a Senior Fellow at the School of Oriental and African Studies, London. His writing has appeared in numerous publications such as *The New York Times*, *Financial Times*, and many others.

Mario Joseph



Mario Joseph is the Managing Attorney of the Bureau des Avocats Internationaux. He has co-managed and managed the BAI since 1996, and has practiced human rights and criminal law since 1993. *The New York Times* called him “Haiti’s most prominent human rights lawyer.” Since 2010, Joseph has been the lead attorney for victims of cholera in Haiti, representing thousands of victims through claims at the UN and supporting a lawsuit in the United States. Joseph previously spearheaded the prosecution of the Raboteau Massacre trial in 2000, one of the most significant human rights cases anywhere in the Western Hemisphere. He has represented dozens of jailed political prisoners, in Haitian courts and in complaints before the Inter-American Commission on Human Rights. In 2013, Joseph was a finalist for the Martin Ennals Award for Human Rights Defenders. In 2014, Joseph was awarded the Salem Award for Human Rights and Social Justice. In 2009, Joseph received the Judith Lee Stronach Human Rights Award from the Center for Justice & Accountability and the Katherine and George Alexander Human Rights Prize from the University of Santa Clara Law School. Joseph has testified as an expert on Haitian criminal procedure before the Inter-American Court of Human Rights and in U.S. courts, and served on the Haitian government’s Law Reform Commission. Joseph is also an educator, and a graduate of Haiti’s Teachers’ College. He has extensive experience teaching human rights and legal issues to grassroots advocacy organizations, human rights groups, and victims’ organizations.

Dr. Inobert Pierre



Dr. Inobert Pierre is the Director General of Haiti Operations at Health Equity International. Dr. Pierre grew up in Cap-Haitien on Haiti's northern coast. He earned his medical degree from the Public Medical School in Port-au-Prince in 1998. Dr. Pierre is a pediatrician who first came to St. Boniface Hospital in October 2002. He was promoted to HIV coordinator at the hospital in July 2009, then Medical Director in January 2010, and finally to Director General in September 2010. He oversees Health Equity International's operations in Haiti. Dr. Pierre began his career teaching high school chemistry and physics in Port-au-Prince. After ten years of teaching, Pierre decided to move into medical care. He is a member of the Haitian Academy of Pediatrics. Pierre's passion is working with children and helping the poor.

Josette Sheeran



Josette Sheeran is the seventh President and CEO of Asia Society, and the UN Special Envoy to Haiti, representing the UN Secretary-General in advancing Haiti's 2030 vision and in helping secure an end to the transmission of cholera in Haiti. Sheeran is former vice chair of the World Economic Forum, known for its annual Davos convening and Davos in China. She helped advance global initiatives encompassing global, regional, and industry agendas such as Grow Africa, which has attracted \$10 billion to end hunger and malnutrition in Africa. Prior to the World Economic Forum, Sheeran was executive director of the UN World Food Programme (WFP), appointed by UN Secretary-General Kofi Annan in 2006. Sheeran's TED Talk on ending world hunger has been viewed more than one million times and has been used in schools to teach children about hunger. She led the world's largest humanitarian organization, serving up to 100 million of the world's most hungry each year. Under Sheeran's leadership, the WFP increased its donor base to more than 100 nations and became the first UN program to include the so-called BRIC countries and the Gulf States among its top 10 donors. Prior to this, Ms. Sheeran served as a diplomat and negotiator for the United States, including as U.S. Under Secretary of State for Economic, Business, and Agricultural Affairs, and deputy U.S. Trade Representative, handling Asia, Africa, labor, environment, intellectual property, and trade capacity building portfolios. In 2011, *Forbes* named her the world's 30th most powerful woman; *Foreign Policy* listed her among its top 100 global 'Twitterati'. She was a Fisher Fellow at the Harvard Kennedy School Belfer Center in 2013. Sheeran is a member of the Council of Foreign Relations. She was awarded Japan's Nigata International Food Award, Commandeur de l'Ordre du Mérite Agricole by the government of France, and Brazil's highest civilian award, the Grand Official Order of the Rio Branco, and the 'Game Changer' award by the Huffington Post.

Moderators

Dr. Louise Ivers



Dr. Louise Ivers is executive director of the Massachusetts General Hospital Center for Global Health, an associate professor of global health and social medicine and associate professor of medicine at Harvard Medical School, an associate physician in the Division of Infectious Diseases at MGH, and an associate physician in the Division of Global Health Equity at Brigham and Women's Hospital (BWH). She is special advisor for Partners In Health (PIH), an international non-profit organization that provides direct health care and social services to poor communities around the world, supported by research and advocacy. She completed medical school at University College Dublin, Ireland, residency in internal medicine at Massachusetts General Hospital, and a fellowship in infectious diseases at the combined MGH/BWH program. Dr. Ivers also earned a diploma in tropical medicine and hygiene from the London School of Hygiene & Tropical Medicine, a master of public health from the Harvard T.H. Chan School of Public Health, and a research doctorate in medicine from the National University of Ireland.

Beatrice Lindstrom



Beatrice Lindstrom is a Lecturer on Law and Clinical Instructor in the International Human Rights Clinic at Harvard Law School. She is also the supervising attorney for HLS Advocates for Human Rights. Her work focuses on access to remedies for human rights violations, aid accountability, and Haiti. Prior to joining Harvard, Lindstrom was Legal Director of the Institute for Justice & Democracy in Haiti, an organization that works in partnership with Haitian lawyers and activists to bring grassroots struggles for human rights to the international stage. For nearly a decade, she has led advocacy and litigation to hold the UN accountable for causing a devastating cholera epidemic in Haiti. She was lead counsel in *Georges v. United Nations*, a class actions lawsuit on behalf of those injured by cholera. For her work on the cholera case, she received the Recent Graduate Award from the NYU Law Alumni Association and the Zanmi Ayiti Award from the Haiti Solidarity Network of the Northeast. Lindstrom was previously an Adjunct Professor at Columbia University's Institute for the Study of Human Rights, and a Haiti country expert for Freedom House. She has extensive experience advocating in the UN human rights system, lobbying governments, and speaking in the media, including appearing in The New York Times, the BBC, and Al Jazeera English. She holds a J.D. from NYU School of Law, where she was a Root-Tilden-Kern public interest scholar, and a B.A. from Emory University.