

FORENSIC FISCAL AND LEGAL AUDIT: THE UNITED NATIONS (UN)

STRUCTURAL VIOLATIONS, FINANCIAL MALFEASANCE, AND THE ILLEGALITY OF IMMUNITY

EXECUTIVE SUMMARY: THE CRISIS OF INSTITUTIONAL LEGITIMACY

This document presents a comprehensive forensic fiscal and legal audit of the United Nations (UN), covering the period from its inception in 1945 through the emerging architectural realities of 2026. This investigation was commissioned to analyze the organization's adherence to its founding Charter, the legality of its claims to absolute immunity in the face of gross violations of international law, and the integrity of its financial and operational management.

The audit proceeds from the premise that the United Nations has undergone a fundamental structural transformation, shifting from an intergovernmental arbiter of peace and security to a mechanism for the formalization of corporate and transnational power. In the contemporary "Global Hierarchy of Power and Management" (Architecture 2026), the UN is identified as occupying **Level 10: The Global Interface**, functioning in strategic partnership with the World Economic Forum (WEF) to privatize global governance agendas.

The findings of this audit are categorized into three primary domains of failure:

1. **The Jurisprudential Crisis:** The UN's assertion of absolute immunity under the 1946 Convention is legally void (*void ab initio*) when applied to *jus cogens* violations such as complicity in genocide, gross negligence leading to mass death (Haiti), and systemic corruption. The retention of this immunity is identified as a "feudal misappropriation" incompatible with modern concepts of popular sovereignty and the *Ultra Vires* doctrine.
2. **Financial Malfeasance:** The Oil-for-Food Programme (OFFP) represents a systemic collapse of fiduciary duty, facilitating over \$10 billion in illicit revenue for the Saddam Hussein regime and involving thousands of global companies in bribery schemes. This scandal exposed the organization's inability to manage large-scale financial operations without succumbing to corruption.
3. **Structural Violations:** The UN has materially breached its Charter by entering into strategic partnerships that dilute its intergovernmental nature (Article 100-105) and by failing to provide the dispute settlement mechanisms mandated by Section 29 of its own Immunities Convention. The "New Approach" to cholera in Haiti and the handling of sexual exploitation cases reveal a profound accountability gap that renders the organization compliant in the obstruction of justice.

This report utilizes the "Nullity Formula" derived from international legal norms to demonstrate that where the UN acts outside its lawful mandate—by committing or enabling crimes—its immunity is automatically nullified, triggering universal jurisdiction over its assets and officials.

PART I: THE JURISPRUDENTIAL CRISIS AND THE

ILLEGALITY OF IMMUNITY

The legal architecture of the United Nations is predicated on the **Convention on the Privileges and Immunities of the United Nations**, adopted by the General Assembly on 13 February 1946. This instrument was designed to ensure the organization's independence from member states. However, forensic analysis reveals that this functional immunity has metastasized into an absolute shield against all forms of legal accountability, even in cases of tortious negligence and criminal complicity. This expansion has created a legal singularity where the UN, the purported guardian of the rule of law, operates entirely outside of it.

1.1 The Conflict of Norms: *Jus Cogens* vs. Treaty Immunity

A central finding of this legal audit is the hierarchical inferiority of the 1946 Convention when it conflicts with *jus cogens* (peremptory norms) of international law. The Vienna Convention on the Law of Treaties (1969), specifically **Article 53**, establishes that a treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. *Jus cogens* norms are those accepted and recognized by the international community of states as a whole as norms from which no derogation is permitted.

The Hierarchy of International Law

The legal structure governing the UN's operations is subject to a strict hierarchy:

1. ***Jus Cogens* (Peremptory Norms):** Prohibitions against genocide, torture, crimes against humanity, and aggression. These are the supreme laws of the international system.
2. **The UN Charter:** While Article 103 asserts the Charter's primacy over other treaties, it does not supersede *jus cogens*.
3. **Treaty Law (The 1946 Convention):** This provides procedural immunities but cannot validate acts that violate higher norms.

The audit finds that the UN's invocation of immunity to block legal recourse for victims of cholera in Haiti (a violation of the right to life) or victims of sexual violence (a violation of bodily integrity) constitutes an attempt to use a subordinate treaty rule to derogate from a superior peremptory norm. According to the House of Lords in *R v. Bow Street Metropolitan Stipendiary Magistrate, ex parte Pinochet Ugarte* (No. 3), international law cannot be supposed to have established a crime having the character of a *jus cogens* and at the same time to have provided an immunity which is co-extensive with the obligation it seeks to impose.

Therefore, any application of the 1946 Convention that shields *jus cogens* violations is **void ab initio** (null from inception). The immunity does not exist because the act itself—violating a peremptory norm—cannot be a legitimate function of an international organization.

1.2 The *Ultra Vires* Doctrine and the Nullity Formula

The doctrine of *Ultra Vires* ("beyond powers") provides the forensic framework for stripping immunity from the UN and its officials. The State, and by extension the Intergovernmental Organization (IGO), is a legal fiction created solely for lawful purposes. No charter, constitution, or mandate delegates authority to an official or an organization to commit international crimes, engage in corruption, or act with gross negligence resulting in mass fatalities.

When UN officials or peacekeepers engage in such acts, they step outside the scope of their

mandate. Immunity *ratione materiae* (functional immunity) protects only "official acts." Acts that are *ultra vires* are, by definition, not official acts but **private acts** performed under the "color of law" (or "color of mandate").

The Nullity Formula

This audit applies the following forensic logic, derived from the "Genesis of Voidance" analysis, to UN operations:

- **Axiom:** Authority is delegated only for lawful purposes.
- **Premise:** Immunity exists to protect the function, not the crime.
- **Condition:** IF (Act == *Jus Cogens* Violation) OR (Act == Corruption)
- **Consequence:**
 - Official_Capacity \rightarrow **NULL**
 - Immunity \rightarrow **VOID**
 - Jurisdiction \rightarrow **UNIVERSAL**

Applying this formula to the UN's operational history:

- **Haiti (2010):** The introduction of cholera was an act of gross negligence. The refusal to provide a settlement mechanism was a breach of the 1946 Convention itself (Section 29). Therefore, the immunity invoked in *Georges v. United Nations* was void.
- **Oil-for-Food:** The acceptance of bribes by UN officials (e.g., Benon Sevan) constitutes corruption. Corruption is *ultra vires* to the UN Charter. Therefore, no immunity should have shielded the individuals or the financial records involved.

1.3 *Rex Non Potest Peccare*: A Feudal Relic in a Modern Institution

The audit identifies the UN's current immunity doctrine as a "Critical System Failure" caused by the retention of the feudal maxim *Rex non potest peccare* ("The King can do no wrong"). This concept originated in English Common Law as a derivative of the Divine Right of Kings, where the monarch was the source of law and thus immune to it.

In a modern legal context, sovereignty resides with the people ("popular sovereignty"). The retention of absolute immunity by the UN represents a "misappropriation of feudal privilege without legal title".

- **The Contradiction:** The UN promotes democratic accountability and the rule of law for its Member States while operating internally as an absolute monarchy where the Sovereign (the Organization) cannot be sued by its subjects (the victims of its negligence).
- **Legal Precedent:** The U.S. Supreme Court case *Chisholm v. Georgia* (1793) established that in a republican system, the state cannot hold immunity against the will of the sovereign people. By analogy, an international organization funded by taxpayers ("the peoples of the United Nations") cannot hold absolute immunity against those same peoples when it causes them harm.

1.4 Section 29: The Forgotten Mandate

The UN's reliance on Section 2 of the 1946 Convention (absolute immunity from legal process) is legally unsustainable without adherence to **Section 29**. Section 29 mandates:

"The United Nations shall make provisions for appropriate modes of settlement of: (a) disputes arising out of contracts or other disputes of a private law character to which the United Nations is a party...".

This provision creates a *quid pro quo*: immunity is granted *on the condition* that an alternative dispute settlement mechanism exists.

- **Material Breach:** The UN has consistently failed to establish these mechanisms for tort claims (e.g., the Standing Claims Commission required by Status of Forces Agreements).
- **Consequence:** The failure to comply with Section 29 constitutes a material breach of the Convention. Under treaty law, a material breach by one party allows others to suspend the operation of the treaty. Therefore, Member States courts are legally justified in lifting UN immunity due to the organization's own non-compliance.

PART II: FORENSIC FISCAL AUDIT – THE OIL-FOR-FOOD SCANDAL

The **Oil-for-Food Programme (OFFP)**, operating from 1996 to 2003 under UN Security Council Resolution 986, stands as the most egregious example of financial malfeasance in UN history. While ostensibly designed to alleviate the humanitarian suffering of the Iraqi people under sanctions, the program was engineered into a mechanism for illicit enrichment, political bribery, and the stabilization of the Saddam Hussein regime.

2.1 Financial Architecture of Corruption

The program involved the sale of approximately **\$64.2 billion** worth of Iraqi oil and the procurement of **\$31 billion** in humanitarian supplies. The forensic examination of the financial flows reveals a systemic breakdown in internal controls, auditing mechanisms, and ethical oversight.

Table 1: Financial Scope and Illicit Revenue Estimates (Oil-for-Food Programme)

Category	Financial Value (Est.)	Description
Total Oil Sales	~\$64.2 Billion	Authorized sales under UN supervision.
Humanitarian Goods	~\$31 - \$46 Billion	Funds allocated/spent on food and medicine.
Saddam's Illicit Income	\$1.8 Billion	Direct kickbacks/surcharges from the OFFP.
Illicit Smuggling	\$8 - \$11 Billion	Revenue from trade outside OFFP (Turkey, Jordan, Syria).
UN Admin Costs	\$1.2 Billion	Funds used for UN operational costs and inspections.
Companies Implicated	> 2,200	Firms paying kickbacks to the Iraqi regime.

2.2 The Mechanism of Kickbacks and Surcharges

The Independent Inquiry Committee (Volcker Commission) exposed a sophisticated system of graft embedded within the UN-approved contracts. The Saddam Hussein regime manipulated the program to reward political allies and punish detractors, effectively turning the UN's humanitarian mission into a tool of Iraqi foreign policy.

A. Oil Surcharges

The regime imposed a surcharge of **10 to 30 cents per barrel** on oil sales. While the UN Sanctions Committee (the "661 Committee") was responsible for approving oil prices, the regime selected the buyers.

- **The Method:** Buyers were often shell companies or political favorites who would resell the oil at a premium to legitimate refiners. The surcharge was paid directly into Iraqi-controlled bank accounts in Jordan and Lebanon, bypassing the UN escrow account at **BNP Paribas**.
- **The "Al-Mada" List:** In January 2004, the Iraqi newspaper *Al-Mada* published a list of 270 individuals and entities that received oil vouchers. These included prominent politicians from France, Russia, and the UK (e.g., George Galloway, though he denied the charges).

B. Humanitarian Kickbacks

The corruption on the humanitarian side was even more pervasive. Suppliers of food, medicine, and infrastructure were required to pay "after-sales service fees" or "inland transportation fees" ranging from **10% to 19%** of the contract value.

- **The Method:** Suppliers inflated their contract prices by the amount of the kickback. The UN, funded by the oil sales, paid the inflated price from the escrow account. The supplier then remitted the kickback to the Iraqi regime.
- **Scale:** Over **2,200 companies** from 66 countries were implicated, including major global corporations like **Daimler-Chrysler**, **Siemens**, and **Volvo**. The UN effectively facilitated the payment of bribes using its own administrative infrastructure.

2.3 Institutional Complicity and Failure of Oversight

The audit identifies specific nodes of failure within the UN structure that permitted this corruption to flourish:

1. **The Secretariat and Benon Sevan:** Benon Sevan, the Executive Director of the Office of the Iraq Programme (OIP), was accused of soliciting and receiving oil allocations for a friend's company, African Middle East Petroleum Co. The Volcker Report concluded he received nearly **\$150,000** in cash bribes. His actions created an "irreconcilable conflict of interest".
2. **The Security Council (661 Committee):** The sanctions committee, composed of diplomats from the Security Council nations, had the ultimate authority to approve contracts. The audit indicates that member states, particularly the **US** and **UK**, were aware of the widespread smuggling (generating ~\$8 billion outside the OFFP) but tolerated it to maintain regional alliances (e.g., with Turkey and Jordan).
3. **Auditing Failure:** The **Office of Internal Oversight Services (OIOS)** failed to detect or report the systemic corruption. Internal audits were infrequent, under-resourced, and critically, their results were not shared with the Security Council or the public. This opacity protected the maladministration from scrutiny.
4. **Banking Irregularities:** The selection of **BNP Paribas** to manage the multi-billion dollar escrow account violated UN financial rules requiring the "lowest acceptable bidder." The audit suggests political influence from the French government played a role in the selection, despite other banks (like Credit Suisse) having higher credit ratings.

2.4 The Verdict of the Volcker Commission

The Volcker Commission concluded that the UN's administration of the program was "ineffective, wasteful, and unsatisfactory." While the program prevented widespread famine, it allowed the Iraqi regime to generate **\$10.9 billion** in illicit income (\$1.8B from OFFP, \$8.4B from smuggling). The scandal damaged the UN's credibility irreparably, demonstrating that its immunity shield also served to protect incompetence and corruption.

PART III: OPERATIONAL MALFEASANCE – THE HAITI CHOLERA CRISIS

While the Oil-for-Food scandal was a crime of finance, the introduction of cholera into Haiti by UN peacekeepers in 2010 constitutes a tortious act resulting in mass death, governed by the principles of negligence and liability for biological hazards. This case study exemplifies the lethal consequences of the UN's immunity doctrine.

3.1 Forensic Analysis of Causation

In October 2010, the **United Nations Stabilization Mission in Haiti (MINUSTAH)** deployed a battalion of peacekeepers from Nepal to the Meille base near Mirebalais.

- **The Vector:** The troops arrived from Kathmandu, where a cholera outbreak was active. Despite UN guidelines, they were not screened for the disease.
- **The Negligence:** The sanitation infrastructure at the base was criminally inadequate. The base's sewage pipes leaked, and waste was dumped into an open pit that overflowed into a tributary of the **Artibonite River**—the primary water source for tens of thousands of Haitians.
- **The Evidence:** Genome sequencing confirmed that the strain of cholera found in Haiti (*Vibrio cholerae*) was a perfect genetic match for the strain circulating in Nepal at the time. This scientific evidence conclusively established the UN as the sole source of the epidemic.

3.2 The Toll of the Epidemic

The human cost of this operational negligence was catastrophic. Before 2010, Haiti had not recorded a case of cholera in nearly a century.

Table 2: Impact of the UN-Introduced Cholera Epidemic in Haiti

Metric	Statistics	Notes
Total Deaths	> 10,000	Estimates range from 9,700 to over 30,000 in some studies.
Total Infections	> 820,000	Approx. 1 in 16 Haitians infected.
Resurgence (2022-2024)	88,456 cases	1,351 deaths reported after years of zero cases.
Financial Damages Sought	\$2.2 Billion	Remediation and compensation for victims.

Metric	Statistics	Notes
Total Raised by UN Fund	~\$22.35 Million	Less than 6% of the promised \$400 million.

3.3 The Legal Evasion: "Not Receivable"

The UN's response to the legal claims filed by victims (e.g., *Georges v. United Nations*) serves as the primary case study for the abuse of immunity to deny justice.

- **The Claims:** In 2011, the Institute for Justice & Democracy in Haiti (IJDH) filed claims demanding compensation, water sanitation infrastructure, and an apology.
- **The Rejection:** In 2013, the UN Office of Legal Affairs declared the claims "not receivable" under Section 29 of the 1946 Convention. The UN argued that considering these claims would involve a review of "political and policy matters," thereby removing them from the realm of private law liability.
- **The Judicial Shield:** When victims sued in US federal court, the US government intervened on behalf of the UN, asserting absolute immunity. The Second Circuit Court of Appeals and eventually the Supreme Court (2019) upheld this immunity, leaving victims with no judicial forum.

Audit Finding: The UN's classification of the cholera claims as "political" rather than "private law" disputes was a bad-faith interpretation designed solely to evade liability. A tort claim for negligence (dumping sewage into a river) is the definition of a private law dispute. By refusing to establish a standing claims commission (as required by the Status of Forces Agreement), the UN violated its own contractual obligations.

3.4 The "New Approach" Funding Failure

In 2016, under intense pressure, Secretary-General Ban Ki-moon issued a carefully worded apology that accepted "moral" but not "legal" responsibility. The UN launched the "**New Approach to Cholera in Haiti**," establishing a Multi-Partner Trust Fund (MPTF) with a goal of **\$400 million**.

The fiscal audit of this fund reveals a catastrophic failure:

- **Funding Shortfall:** As of 2024, the fund had raised only **\$22.35 million**, approximately **5.6%** of the target.
- **Exhaustion:** By December 2024, less than \$1.36 million remained available for new allocations.
- **No Compensation:** The UN has paid **zero dollars** in direct compensation to the families of the dead or the survivors. The "community projects" funded were symbolic and insufficient.

The UN's refusal to fund the remedy through "assessed contributions" (mandatory dues) and reliance on voluntary charity ensured the failure of the New Approach. This constitutes a secondary victimization of the Haitian people.

PART IV: STRUCTURAL IMPUNITY – SEXUAL VIOLENCE AND GENOCIDE

The culture of impunity within the UN extends beyond financial and environmental crimes to the most egregious violations of physical integrity: sexual exploitation and abuse (SEA) and the failure to prevent genocide. The audit finds that the immunity structures protecting the UN in

financial matters also serve to shield it from accountability for these atrocities.

4.1 Sexual Exploitation and Abuse (SEA)

Sexual violence by UN peacekeepers is not an anomaly; it is a systemic feature of UN missions, particularly in the Central African Republic (CAR) and the Democratic Republic of the Congo (DRC).

- **The Statistics:** In 2024, the UN received **675 allegations** of sexual exploitation and abuse. This includes 292 allegations against UN staff and 383 against implementing partners.
- **"Food for Sex":** Investigations have documented patterns of "transactional sex," where peacekeepers withhold food and medicine to coerce women and children into sexual acts. This predatory behavior exploits the very populations the UN is mandated to protect.
- **The Jurisdictional Void:** The UN has **no criminal jurisdiction** over its military personnel. When allegations are substantiated, the perpetrator is merely repatriated to their home country. The decision to prosecute lies entirely with the Troop Contributing Country (TCC), which often has little incentive to punish its soldiers. This creates a "black hole" of accountability where rape effectively becomes a perk of deployment.

4.2 Complicity in Genocide: Srebrenica and Rwanda

The audit identifies the failures in Srebrenica and Rwanda as structural abdications of the "Duty to Protect," facilitated by the lack of legal liability.

- **Srebrenica (1995):** The UN declared Srebrenica a "safe area," disarming the Bosniak population under the promise of protection. When Ratko Mladić's forces advanced, the Dutchbat peacekeeping unit surrendered the town without firing a shot and expelled thousands of refugees from the UN compound, handing them directly to their executioners. Over 8,000 men and boys were slaughtered. The "Mothers of Srebrenica" lawsuit was blocked by the UN's assertion of immunity.
- **Rwanda (1994):** Despite clear intelligence from Force Commander Roméo Dallaire regarding planned massacres, the UN Secretariat (under Kofi Annan) refused to authorize preventive action (the seizure of weapons caches) and reduced the peacekeeping force. This decision facilitated the genocide of 800,000 Tutsis and moderate Hutus. The UN later apologized, but as with Haiti, admitted no legal liability.

PART V: STRUCTURAL VIOLATIONS – THE LEVEL 10 GLOBAL INTERFACE

The forensic audit identifies a fundamental shift in the UN's operational logic, situating it within the **2026 Global Hierarchy of Power at Level 10: The Global Interface (UN + WEF)**. This level represents the "**Formalization of Corporate Power**," a departure from the democratic ideals of the 1945 Charter.

5.1 The Strategic Partnership with the WEF

In June 2019, UN Secretary-General António Guterres and World Economic Forum (WEF) Founder Klaus Schwab signed a **Strategic Partnership Framework**. This document serves as

the legal instrument for the corporate capture of the UN.

- **Multistakeholderism:** The agreement institutionalizes the "multistakeholder" governance model. This model grants transnational corporations (WEF partners like BlackRock, Vanguard, and major tech firms) preferential access to the UN system, effectively diluting the voice of sovereign states and civil society.
- **Privatization of the Agenda:** The partnership explicitly focuses on "financing the 2030 Agenda," which involves the privatization of the **Sustainable Development Goals (SDGs)**. This aligns UN policy with the profit motives of private capital rather than the public interest.
- **Charter Violation:** The audit identifies this partnership as a violation of the **UN Charter**, specifically **Articles 100-105**. The Charter establishes the UN as an *intergovernmental* organization. By elevating private corporations to the status of strategic partners without General Assembly approval, the Secretariat acted *ultra vires*.

5.2 The Pact for the Future and Digital Control

The trajectory of this corporate capture is evidenced by recent high-level initiatives managed at Level 10:

- **Pact for the Future (2024):** This pact includes **Actions 47-52**, aimed at reforming the International Financial Architecture (MFA) and the UN Security Council. However, the audit notes that these reforms are paralyzed by the "blocking of the veto" and the inertia of developed nations, rendering the pact a tool for managing the status quo rather than effecting change.
- **Global Digital Compact:** This initiative seeks to establish global governance over the digital domain, including the creation of an **independent scientific panel on AI** and the regulation of "**sovereign AI clouds**." It also focuses on the criminalization of cybercrimes. This represents the UN's expansion into regulating the technological infrastructure of the "Breakaway Civilization" (Level 9).

5.3 The Hierarchy Context

Within the global power structure identified in the audit documents:

- **Level 10 (Global Interface):** The UN and WEF formalize policies.
- **Level 11 (National Governments):** Describes national governments as a "Facade of Democratic Control" that implements Level 10 directives.
- **Level 9 (Breakaway Civilization):** The autonomous technological and financial system (WUSAP, Black Budgets) that operates above the UN's jurisdiction. The UN's international courts (ICJ, ICC) have no jurisdiction over Level 9 entities or Level 1 institutions like the Bank for International Settlements (BIS).

PART VI: CONCLUSIONS AND VERDICT

This forensic audit concludes that the United Nations has failed in its primary mandates of accountability, transparency, and the protection of human rights.

1. **Immunity is Void:** The UN's assertion of absolute immunity under the 1946 Convention is legally unsustainable and **void ab initio** when applied to *jus cogens* violations. The "Nullity Formula" confirms that in cases of gross negligence (Haiti), complicity in genocide

(Srebrenica), or corruption (Oil-for-Food), immunity acts as an obstruction of justice.

2. **Institutionalized Corruption:** The Oil-for-Food scandal (\$10B+ illicit revenue) demonstrated that the UN is capable of facilitating massive financial crimes due to a lack of independent oversight. The structural flaws that permitted this—political interference in auditing and lack of transparency—remain largely unaddressed.
3. **Structural Betrayal (Level 10):** The Strategic Partnership with the WEF constitutes a fundamental alteration of the UN's constitutional character. By shifting from an intergovernmental body to a multistakeholder interface, the UN has privatized its mandate, serving corporate interests over the "We the Peoples" referenced in its Charter.
4. **Operational Negligence:** The failure to compensate cholera victims (\$0 paid vs. \$2.2B sought) and the inability to prosecute sexual predators reveal a profound accountability gap.

Recommendations

Based on the principles of the *Ultra Vires* doctrine, this audit recommends:

- **Universal Jurisdiction:** National courts should disregard UN immunity in cases of grave crimes and corruption, applying the "Nullity Formula."
- **Asset Seizure:** UN assets should be subject to scrutiny and potential attachment to satisfy the unpaid claims of victims in Haiti and elsewhere.
- **Dismantling Level 10:** The Strategic Partnership with the WEF must be dissolved to restore the UN's intergovernmental legitimacy and alignment with its Charter.

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