**Expert Workshop: Literature Review**

Participants are asked to read the key documents (provided separately) prior to the workshop. The following list is provided only as a guide for those wishing to read further about any given issue.

The Origin of Cholera in Haiti

* UN Independent Expert report

<http://www.un.org/News/dh/infocus/haiti/UN-cholera-report-final.pdf>

Report of the Independent Panel of four international experts, commissioned by the Secretary-General to investigate the source of the cholera outbreak in Haiti. The report covers epidemiological, water and sanitation, and molecular analysis investigations and makes recommendations intended to help prevent the future introduction and spread of cholera. The report concludes that the outbreak was not the result of a natural environmental source, finding instead that it was caused by a confluence of circumstances, due to contamination of the Artibonite River with a pathogenic strain of South Asian cholera as a result of human activity.

* Updated UN Independent Expert report

<http://www.ijdh.org/wp-content/uploads/2013/07/The-Cholera-Outbreak-in-Haiti_Where-and-How-it-Begin.pdf>

The Independent Panel of experts reviews the results of their earlier investigation and responses to their findings, and provides an overview of evidence collected since the publication of the earlier report. The new report states that the exact source of introduction of cholera into Haiti will never be known with scientific certainty, but notes that “the preponderance of the evidence does lead to the conclusion that personnel at a MINUSTAH facility were the most likely source of the outbreak.”

* R.R. Frerichs et al., *Nepalese Origins of Cholera Epidemic in Haiti* <http://ijdh.org/wordpress/wp-content/uploads/2012/08/nepalese-origin-main-paper.pdf>

This short paper follows an earlier investigation commissioned by the French and Haitian governments prior to the investigation of the Independent Panel, and is an investigation and review of epidemiological and molecular-genetic evidence regarding the source of cholera in Haiti. The paper concludes that “the onset of cholera in Haiti was not due to climatic factors and was not the direct consequence of the January 2010 earthquake. All of the scientific evidence shows that cholera was brought by a contingent of soldiers travelling from a country experiencing a cholera epidemic.”

Current Situation & Humanitarian Response

* Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin Sept. 2015 <https://www.humanitarianresponse.info/en/operations/haiti/document/ocha-haiti-humanitarian-bulletin-54-september-2015-engfr>

Overview of the current humanitarian situation in Haiti, and documents that from the beginning of the year through September 19, 2015, more than 22,000 cases and 185 deaths from cholera were reported. The report notes that despite a reduced number of cases in August as compared to July, vigilance against further infections should be maintained through the rainy season, particularly in vulnerable departments lacking adequate water and sanitation. The report also notes that 42% of the Haitian population lacks access to water and sanitation, while response capacity and medical care for cholera are very low.

* UN News Center, Interview with Pedro Medrano Rojas, Former Senior Coordinator for the UN’s Cholera Response

<http://www.un.org/apps/news/newsmakers.asp?NewsID=117>

Interview with the former Senior Coordinator for the UN Cholera Response in Haiti, discussing the efforts made by the UN to address cholera and the challenges faced in providing a comprehensive response to the epidemic.

* Ted & Katharine Oswald, UN Cholera Plan for Haiti Must Choose Justice over Charity, Huffington Post, Feb. 26, 2015

<http://www.huffingtonpost.com/ted-oswald/un-cholera-plan-in-haiti-_b_6726898.html>

Critique of the UN response to cholera in Haiti, urging that the UN reframe the matter as one of justice rather than charity.

Human Right to a Remedy In Relation to Victims of Cholera

* The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN General Assembly Resolution 60/147

(Available by searching A/Res/60/147 at <http://documents.un.org/simple.asp>)

UN document laying out the human right to restitution and compensation for violations of human rights and humanitarian law. The document does not propose any new obligations, but rather seeks to identify the existing rights of victims and the international legal obligations to provide such victims with remedies.

* IJDH, *Current and Former UN Mandate Holders Speak Out on the Right to A Remedy* <http://www.ijdh.org/wp-content/uploads/2011/11/UN-Mandate-Holders-Public-Statements-on-Remedy-12.5.14.pdf>

Collation of statements by UN Special Rapporteurs and other experts on the need for remedies for cholera.

* Allegation letter from UN Human Rights Experts to the UN

<http://www.scribd.com/doc/261396799/SR-Allegation-Letter-2014>

Letter from UN human rights mandate holders to the UN, requesting, *inter alia*, information on measures being taken by the UN to ensure cholera victims’ access to justice, information on measures being taken by the UN to respond to violations of the rights to water, sanitation and health in Haiti, and information on measures being taken to ensure accountability and prevent future violations of human rights by UN peacekeepers.

* + UN Response to the Allegation Letter

<http://www.scribd.com/doc/261396640/Secretary-General-s-response>

UN response to the allegation letter, discussing the UN response to the cholera epidemic in Haiti, measures to ensure peacekeeping accountability, and the UN response to the cholera victims’ claims.

UN Framework for Settling Third-Party Claims

* UN Doc. A/51/389

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N96/249/39/PDF/N9624939.pdf?OpenElement>

Report of the Secretary-General to the General Assembly on the scope of UN liability for peacekeeping forces, procedures for handling third-party claims, and limitations of liability.

* UN Doc A/51/903

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N97/133/89/PDF/N9713389.pdf?OpenElement>

Report of the Secretary-General to the General Assembly analyzing the model SOFA’s requirement to establish a standing claims commission and deciding to keep this clause in future SOFAs.

* Bruce Rashkow, *Remedies for Harms Caused by UN Peacekeepers*, AJIL Unbound (Apr. 2, 2014)

<http://www.asil.org/blogs/remedies-harm-caused-un-peacekeepers>

Article discussing the UN immunity framework and UN practice with regard to third-party claims.

Cholera Claims & UN Responses

* Cholera victims’ petition to the UN (Nov. 3, 2011)

<http://ijdh.org/wordpress/wp-content/uploads/2011/11/englishpetitionREDACTED.pdf>

Petition from 5,000 cholera victims represented by the Bureau des Avocats Internationaux and Institute for Justice & Democracy in Haiti to the UN requesting remedies and the establishment of a standing claims commission.

* UN response to cholera victims’ petition (Feb. 21 2013)

<http://www.ijdh.org/wp-content/uploads/2011/11/UN-Dismissal-2013-02-21.pdf>

Letter from Patricia O’Brien, UN Undersecretary-General for Legal Affairs, dismissing the cholera claims because “consideration of these claims would necessarily include a review of political and policy matters. Accordingly, these claims are not receivable pursuant to Section 29 of the Convention on the Privileges and Immunities of the United Nations.”

* Cholera victims’ reply to UN response (May 7, 2013)

<http://www.ijdh.org/wp-content/uploads/2013/05/Cholera-Victims-Response-to-UN-Final.pdf>

Letter from the cholera victims to the UN challenging the dismissal of their claims and requesting referral to mediation or arbitration.

* UN final response (July 5, 2013)

<http://www.ijdh.org/wp-content/uploads/2013/07/20130705164515.pdf>

Letter from Patricia O’Brien confirming dismissal of the cholera claims and rejecting requests for alternative dispute resolution.

* Frédéric Mégret, *La responsabilité des Nations Unies aux temps du choléra*

<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2242902>

Article analyzing the UN’s dismissal of the cholera claims in light of its obligations.

Key U.S. Litigation Documents in *Georges v. United Nations*

* Plaintiffs’ Complaint

<http://www.ijdh.org/wp-content/uploads/2013/10/Georges-v.-United-Nations-Complaint.pdf>

Lawsuit filed in the Southern District of New York, October 9, 2014. Two nearly identical lawsuits were subsequently filed in the Southern and Eastern Districts respectively (the second SDNY case was jointly dismissed and has not been appealed; the EDNY case is stayed pending a decision on the appeal in *Georges*).

* U.S. Government Statement of Interest

<http://personal.crocodoc.com/J4lRXpi>

Submission from the U.S. Government arguing that all defendants in the cholera lawsuit are immune from legal process and suit, pursuant to the UN Charter and the CPIUN.

* SDNY dismissal

<http://www.ijdh.org/wp-content/uploads/2011/11/Dkt62_Opinion_and_Order_01_09_15.pdf>

Decision by Judge Oetken finding defendants absolutely immune from suit and dismissing the case.

* Plaintiffs’ Principal Appellate Brief

<http://www.ijdh.org/wp-content/uploads/2015/05/Georges-v-UN-Principal-Appellate-Brief-5.28-Final.pdf>

Brief filed at the Court of Appeals for the Second Circuit, arguing that the UN is not entitled to immunity when it has breached its obligation to provide an alternative mode of settlement of claims against it.

* Amicus Briefs in Support of Plaintiffs-Appellants

<http://www.ijdh.org/cholera/cholera-litigation/>

Six amicus briefs filed in support of reinstituting the case, on behalf of international law, European law, and U.S. constitutional law scholars, as well as human rights groups, Haitian-American groups, and former UN officers.

* U.S. Government amicus brief in support of affirmance of dismissal

<http://opiniojuris.org/wp-content/uploads/Haiti-US-amicus-2nd-Circ..pdf>

Brief of the U.S. Government, arguing that the UN has absolute immunity regardless of whether the UN has provided an alternative mode of settlement of claims against it.

* Plaintiffs’ reply to U.S. Government amicus brief

<http://www.ijdh.org/wp-content/uploads/2011/11/Appellants-Reply-Brief.pdf>

Brief filed by Plaintiffs, arguing and reiterating that the UN failure to provide an alternative mode of settlement of the cholera claims precludes the organization from invoking immunity in court for those claims.

Selected Policy Recommendations

* Heritage Foundation, *Haiti Cholera Lawsuit Against the U.N.: Recommendations for U.S. Policy*

<http://www.heritage.org/research/reports/2013/11/haiti-cholera-lawsuit-against-the-un-recommendations-for-us-policy>

Article arguing that although dismissal is the appropriate course of action regarding litigation against the UN in the U.S., the U.S. should support efforts to eradicate cholera in Haiti, improve accountability of UN officials, and strengthen health screening and sanitation standards for UN peacekeeping.

* Letter from 154 Haitian-American Groups and Leaders to the Secretary-General and U.S. Secretary of State John Kerry

<http://www.ijdh.org/wp-content/uploads/2015/07/Letter-from-Haitian-Diaspora-Cholera-8-July-2015-final.pdf>

Letter from members of the Haitian-American community expressing “deep outrage” at the UN failure to take responsibility for cholera in Haiti, and urging the U.S. to take steps to ensure that cholera victims receive a just response from the UN.

* Letter from 77 Members of U.S. Congress to the Secretary-General (December 18, 2014) <http://www.scribd.com/doc/250642806/Congressional-Letter-to-United-Nations-on-Haiti-Cholera-Victims-12-19-14>

Letter from members of the U.S. Congress imploring the UN to provide cholera victims with access to a settlement mechanism for the resolution of their legal claims.

* New York Times Editorial Board, Haiti’s Imported Disaster <http://www.nytimes.com/2013/10/13/opinion/sunday/haitis-imported-disaster.html?_r=0>

Editorial on the cholera epidemic in Haiti and the lawsuit against the UN, urging the UN to take responsibility, provide victims with a mechanism for resolution of their claims, and strengthen its response to the epidemic.

* Washington Post Editorial Board, UN Must Admit Its Role in Haiti’s Cholera Outbreak <https://www.washingtonpost.com/opinions/united-nations-must-admit-its-role-in-haitis-cholera-outbreak/2013/08/16/e8411912-05d9-11e3-a07f-49ddc7417125_story.html>

Editorial stating that the UN “jeopardizes its standing and moral authority” by refusing to take responsibility for cholera in Haiti.