



Lawyers' Rights Watch Canada



Asociación americana de Juristas
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Dear President Trump, Secretary Mnuchin and Secretary Pompeo,

As members of the legal community, we write to protest the use of increasingly punitive unilateral coercive economic and financial measures, which are illegal under international and domestic law and are exacerbating the critical health impacts of the deadly COVID-19 pandemic.

Your administration's disapproval of the government of a foreign state provides no legal justification for policies and actions intended to deprive residents of the targeted state of necessities as a means of forcing a change to a regime more to the liking of the United States. The US unilateral coercive measures (UCMs) against Iran and Venezuela, with their new secondary pressures against third countries, violate the UN¹ and OAS² Charters – both of which are “treaties” incorporated into US domestic law through Article 6 of the US Constitution.

Justifying the UCMs against Venezuela and Iran under the provisions of the International Executive Economic Powers Act (IEEPA) is particularly hypocritical. The President's authority to impose sanctions under the IEEPA requires a good faith declaration that the targeted country presents an “unusual and extraordinary” threat to the US. Neither Venezuela nor Iran presents such a threat to the US.

It is clear that the sectoral and financial UCMs initiated by your administration against Iran and Venezuela are openly intended to prevent both countries from marketing their natural resources. It is also clear that the so-called waivers for humanitarian goods are not operable because of “over-compliance” by the financial industry.³ Consequently, because it is the revenues from the resources of Iran and Venezuela that fund the social services, food and medicine and medical devices needed by their people, the US UCMs also violate States' obligation under the Universal Declaration of Human Rights to respect and protect the rights of every person to: “life” (Art. 3) and a standard of living adequate for the health and well-being of individuals and their families, “including food, clothing, housing and medical care and necessary social services...” (Art. 25). Moreover, the International Covenant on Civil and Political Rights, ratified by the US and therefore part of the “supreme law of the land,” provides: “Every human being has the inherent right to life.” (Art. 6).

¹ Art. 2(3) and 2(4).

² Art. 18 states that: “No State or group of States has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic and cultural elements.”

And Art. 19: “No State may use or encourage coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.”

³ Recent licensing of humanitarian trade with the Central Bank of Iran in response to international pressure in light of the COVID-19 pandemic “encouraging foreign banks and governments to establish humanitarian channels with Iran” has not solved the problem for Iran, and the recent uptick on UCMs against Venezuela is likely to exacerbate the critical medical situation there and provoke a COVID-19 crisis in the next few months.



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In fact, long before the onset of the deadly COVID-19 pandemic, US UCMs were recognized by UN Special Rapporteur on Unilateral Coercive Measures, the late Idriss Jazairy, to constitute a violation of internationally recognized human rights.⁴

In light of the COVID-19 pandemic and the consequent death of almost 2,400 Iranians and the collapse of the medical infrastructure in Venezuela, your administration's decision to intensify the US UCMs against Iran and Venezuela reaches the level of a crime against humanity against the people of Iran and Venezuela. We also note the recent statements of UN High Commissioner for Human Rights, Michelle Bachelet, urging that, amid COVID-19, "sectoral sanctions should be eased or suspended. In a context of global pandemic, impeding medical efforts in one country heightens the risk for all of us."⁵

Because Venezuela is party to the International Criminal Court's Rome Statute, the International Criminal Court could take jurisdiction over US officials responsible for the sanctions. Other State Parties to the Rome Statute could also seek to hold US officials accountable for death and injury to civilian populations as a result of US sanctions.

We call on the US to, at the very least, immediately cancel the UCMs against Venezuela and Iran under the provisions of the IEEPA.

Sincerely,

National Lawyers Guild
Lawyers' Rights Watch Canada
International Association of Democratic Lawyers
American Association of Jurists

⁴ <https://ohchr.org/EN/NewsEvents/Pages/displayNews.aspx?NewsID=24131&LangID=E>.

⁵ <https://news.un.org/en/story/2020/03/1060092>.