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 necessaries 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 UN\(^1\) and OAS\(^2\) 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

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\(^1\) 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.
therefore part of the “supreme law of the land,” provides: “Every human being has the inherent
right to life.” (Art. 6).

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 over 3,160 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
The Center for Constitutional Rights
Society of American Law Teachers (SALT)
Palestine Legal
NYU Middle Eastern Law Students Association (MELSA)
Allard K. Lowenstein International Human Rights Clinic, Yale Law School
Core Legal Support
Project Blueprint
Asociación Latinoamericana de Abogados y Abogadas Laboralistas - ALAL
ABJ - Associação Brasileira de Advogados Trabalhistas
AGETRA - Associação Gaúcha de Advogados Trabalhistas
ABJD (Brazilian Association of Jurists for Democracy)
ACAT - Asssociação Carioca dos Advogados Trabalhistas
ActivaT Red de Abogad@es - Madrid, Spain

Adam Antar, Hartford, CT

\(^4\) [https://ohchr.org/EN/NewEvents/Pages/displayNews.aspx?NewsID=24131&LangID=E.]
Adam George, New York
Ajit Singh, Winnipeg, Canada
Alan W. Clarke, Utah Valley University, Spanish Fork, Utah
Alessandra Camarano, President of ABRAT, Brasilia-Brazil
Alex Leenson, Berkeley
Alexa Johnston, Vermont National Lawyers Guild, Windsor, United States
Alexander Brooks, Takoma Park, MD, USA
Alexander Keller, University of Pittsburgh School of Law, Pittsburgh
Alexandra Tarzikhan, Chicago, USA
Alexandre França Bastos, ACAT - Associação Carioca dos Advogados Trabalhistas, Rio De Janeiro
Alice Slater, New York
Alina Tulloch, United States
Álvaro Klein, OAB - RS, Novo Hamburgo
Amandeep Singh, New York, NY
Amy Joseph, Brooklyn
Anaíss Sensiba, DC NLG, Washington, DC
Anastasia Sarantos Taskin, Sequoia Potential, New York
Andrea Lindner-Varasteh, Yes, Munich, Germany
Andreina Lamas, New York City
Anelolah Afzali, Select your Organization, Seattle, USA
Anitra Ash-Shakoor, Bowie, MD
Ann Schneider, Esq., NYC
Ann Wilcox, National Lawyers Guild (DC chapter board), Washington DC
Antonio Raudilio Martín Sanchez, Union Nacional de Juristas de Cuba and AAJ, Cuba
Antonio Segura Hernández, Fai_Rad. Activat Red de abogad@s, Madrid. Spain.
Arman Sharif, UC Berkeley School of Law, Madison, New Jersey, USA
Asma Elhuni, Vermont
Audrey Bomse, National Lawyers Guild, Miami
Avani Kapur, New York, USA
Azadeh N Shahshahani, Legal & Advocacy Director, Project South; past president, National Lawyers Guild, Atlanta
Bahar Mirhosseini, Movement Law Lab, Los Angeles, CA
Bailey E. Strelow, Berkeley, California, USA
Beinusz Szmukler, Asociacion Americana De Juristas, Buenos Aires, Argentina
Ben Apple, Chapel Hill, USA
Bernardo José Toro Vera, Legal research assistant, National Autonomous University of Mexico (UNAM), México City
Beth S. Lyons, IADL, New Jersey
Professor Bill Bowring FACSS, Barrister, Director of the LLM/MA in Human Rights, Director of Mooting, School of Law, Birkbeck College
Bill Montross, National Lawyers Guild, Bethesda, MD
Bradley A. Thomas, The Law Offices of Bradley Ashton Thomas, Washington, DC, USA
Brian Concannon, Project Blueprint, Marshfield, MA
Brigette Rouson, Washington, DC, USA
Bruce Douglas Nestor, National Lawyers Guild (Past President, 2000-2003), Minneapolis, MN
Camila Isern, NYU Law and LALSA, New York
Carlin Meyer, Palenville, New York
Catherine M Grosso, Michigan State University College of Law, East Lansing
Charlotte E Deane, San Diego
Charlotte Kates, National Lawyers Guild International Committee; Samidoun Palestinian Prisoner Solidarity Network, Vancouver
Cheryl Louise Trine, Trine Law Firm LLC, Fort Collins
Chiraayu Gosrani, NYU School of Law, New York, NY
Chris Shenton, NYU Law, New York, NY, USA
Claudia Gamberini, Brasil
Dan Kim, New York City, USA
Daniel Cione, CUNY School of Law • Within Our Lifetime, New York, USA
Daniel Goodwin, New York
Daniel Kovalik, University of Pittsburgh School of Law, Pittsburgh, USA
Daniela Janotti, Bragança Paulista Brasil
Daphne Fong, New York City, USA
Darcy Laparra, North Hollywood, CA
Darlene Elias, Green Party, Holyoke, MA
David Blitzer, Boston, Massachusetts
David Moss, NYU Law, Brooklyn
Dean Hubbard, National Lawyers Guild, Silver Spring, MD
Deborah L Smaller, San Diego
Dima Khalidi, Palestine Legal, Chicago
Dinesh McCoy, New York, United States
Eileen Weitzman, National Lawyers Guild, Brooklyn, NY
Eli Hadley, New York, NY
Elisa Correia, OAB E ABRAT, Brasilia, Brasil
Elizabeth M Molchany, Attorney-at-Law, Front Royal
Ellie, Brooklyn, New York
Emiliano Manresa Porto, LA Habana, Cuba
Erazê Sutti, ABRAT, Jundiaí/SP - Brasil
Glaydson Soares, ANATRA, Natal/ RN
Gregory Sullivan, SE MI Jobs with Justice/Walmart group, Southfield
Guilherme Setti, ABJD (Brazilian Association of Jurists for Democracy), Sao Paulo
Gustavo Hermenegildo de Oliveira Risi, Ordem dos Advogados do Brasil - Seccional São Paulo, Bragança Paulista, Brazil
Hana Yamahiro, NYU Law, Brooklyn
Helen Campbell, NYU School of Law, Brooklyn, USA
Howard Lenow, Sudbury, MA
Inge Brauer, San Diego
Jaden Powell, NYU Law, New York City
Jane Clayton, New Orleans, USA
Jared Strubel, University of Akron, Akron, United States
Jeanne Mirer, International Association of Democratic Lawyers, New York, New York USA
Jeff Petrucelly, NLG, Boston, MA
Jemie Fofanah, NYU School of Law, New York, US
Jessica Coffrin-St. Julien, NYU Law, New York, NY
Joan Andersson, National Lawyers Guild, Berkeley California
Johari Menelik Frasier, New York, NY, United States
John I. Laun, Middleton, WI 53562
John Philpot, American Association of Jurists, Montreal, Quebec
John T Fussell, West Hartford
jon sternberg, National Lawyers Guild; California Nurses Association, berkeley
Jordan Kushner, Civil Rights Attorney, Minneapolis
Jorge Otavio Oliveira Lima, ABRAT, Salvador, Ba, Brasil
Joseph Álvarez Dilán, Vega Baja, Puerto Rico.
Joseph Krakoff, New York University School of Law, New York, NY
Joseph M. Celentano, Colchester, CT
Joubin Khazaie, National Lawyers Guild, University of Miami Law Chapter, Miami, Florida
Judith Risa, Retired, New York USA
Judy Somberg, National Lawyers Guild, Cambridge, MA USA
Juilee Shivalkar, NY, NY
Kadian Crawford, Miami, USA
Karen Jo Koonan, San Francisco
Karen Smith, LEAPS(Limited Equity and Affordability at Penn South; Chelsea RisingTogether, New York
Kate Perino, Washington DC
Kent Autrey, Kalaheo, Hawaii
Kevin Lee, Roslyn, USA
Kevin Muench, NYU School of Law, New York
Kevin Murphy, Consumer Attorneys of San Diego, San Diego, USA
Kira Kelley, Vermont National Lawyers Guild, Windsor, Vermont
Kristina Wolff, Hanover, NH
Lauren Wilfong, NYU School of Law, New York, NY
Leonard D. Polletta, Labor & Employment Committee, NLG, New York, U.S.A.
Leonard L. Cavise, Chicago, IL USA
Leslie Rose, Berkeley
Lora Lucero, Albuquerque, USA
Lucia Tramer, Switzerland
Lucy Triesmann, NYU Law, New York, NY
Luís Carlos Moro, American Association of Jurists, São Paulo, Brazil
Manoel F Vieira, ABRAT, Belo Horizonte
Margo Gregory, New York, NY
Maria Cristina Carrion Vidal de Oliveira, Ordem dos Advogados do Brasil, Porto Alegre, Brasil
Mariah Kauder, Des Moines, USA
Maricelly Malave, CUNY law school, New York
Marjorie Cohn, National Lawyers Guild, International Association of Democratic Lawyers, San Diego
Mark Stern, NLG, Somerville, MA 02144
Martha L. Schmidt, National Lawyers Guild, Bothell, Washington, USA
Maya Goldman, Brooklyn, USA
Maya Hansen, NYU Law, New York, USA
Maya Sikand, New York City
Michael Z Letwin, Former President, Association of Legal Aid Attorneys/UAW 325, BROOKLYN, NY
Micôl Savia, Italy
Mike Fredendall, Champaign, IL
Molly Kafka, Boise, Idaho, United States
Nasrin Akbari, NYU School of Law, New York City
Natasha Lycia Ora Bannan, National Lawyers Guild, New York
Nicholas Toneckens, NYU Law, New York, NY, USA
Nikta Daijavad, NYU School of Law ’20, New York, NY
Nina Loshkajian, NYU Law ’21, New York, USA
Noura Erakat, Rutgers University, Fairfax, VA
Olivia Rich, Brooklyn, NY
Patricia Machado, OAB/SP, Brazil
Paul Harris, San Francisco
Paula Pignatari Rosas Menin, Brazil
Peter Goselin, Hartford, Connecticut, USA
Peter Haberfeld, National Lawyers Guild member, Oakland, California
Phoebe Gittelson, CUNY School of Law, Brooklyn, NY
R. Potasznik, NY, NY
Rachel Lindy, NYU Law, New York, USA
Raphael Pope-Suissman, NYU Law, Brooklyn
Ray Rojas, El Paso, Texas
Rebecca Orleans, NYU Law, New York City
Renee Schenkman, New York University School of Law, New York, New York
Richard Faithful, Washington DC, USA
Richard Falk, Professor of International Law, Emeritus, Princeton University
Richard P. Koch, National Lawyers Guild, San Francisco, USA
Riley Wilson, National Lawyers Guild Member, Omaha, Nebraska, United States of America
Rita Jacobs, State Bar of Michigan, Lansing, Michigan USA
Riva Enteen, National Lawyers Guild, South Lake Tahoe
Romi Márcia Bencke, Consejo Nacional de Iglesias Cristianas de Brasil, Brasil
Roseline Der Gregorian Feral, Law Office of Roseline D. Feral, San Diego
Royce Adams, ILA Local 1291, Boothwyn
Samah Sisay, New York, USA
Samar Amidi, San Rafael, CA, United States
Samuel Jarjour, Indiana Center for Middle East Peace, Fort Wayne, Indiana
Sara Suryan, National Lawyers Guild; 2L at Seattle University School of Law, Seattle, USA
Sarah Wraight, Lebanon, NH
Shahid Buttar, Shahid Buttar for Congress (CA-12), San Francisco, CA
Shireen Lankarani, NYU LAW ’20, New York, USA
Sidra Galvin, New York, NY USA
Silvia Lopes Burmeister, Alal, Brazil
Silvia Mourao, Associação Brasileira de Advogados Trabalhistas ABRAT, Belém - Pará - Brasil
Sophie Minter, NYU Law, New York, USA
Stephanie Kerr, NYU School of Law, New York, NY
Stephen Laudig, Hawaiian Society Of Law And Politics, Honolulu
Steven R. Edelstein, Mr. Steven Edelstein, Raleigh, USA
Susan Kuehn, Toledo, USA
Susan Scott, Inverness, California, USA
Suzanne Samera Adely, National Lawyers Guild, IADL, New York, USA
Sylvia Kaplan, Brooklyn, NY
Teodoro Manuel da Silva, OAB, Canoas/RS - Brasil
Terry Buck, Unemployment Action Center, Brooklyn, United States
Theresa M Squillacote, Core Legal Support, Bronx
Tim Wood, Eugene, OR
Vanessa Ramos, Asociación Americana de Juristas, New York
Vishal Reddy, New York, NY
Will Merrifield, District of Columbia
William A. Edmundson, Atlanta, USA
William Rose, Brooklyn, NY
Yolanda Huerta, Hanover, USA
Yosmin Badic, NYU Law, New York
Zainab Akbar, Brooklyn, NY
Zoe Zakin, Brooklyn, USA