



## Lawyers' Rights Watch Canada



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 UN<sup>1</sup> and OAS<sup>2</sup> 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.<sup>3</sup> 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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<sup>1</sup> Art. 2(3) and 2(4).

<sup>2</sup> 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.”

<sup>3</sup> 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.<sup>4</sup>

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.”<sup>5</sup>

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  
 ABRAT - Associação Brasileira de Advogados Trabalhistas  
 AGETRA - Associação Gaúcha de Advogados Trabalhistas  
 ABJD (Brazilian Association of Jurists for Democracy)  
 ACAT - Associação Carioca dos Advogados Trabalhistas  
 ActivaT Red de Abogad@s - Madrid, Spain

Adam Antar, Hartford, CT

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

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

Adam George, New York  
Ajit Singh, Winnipeg, Canada  
Alan W. Clarke, Utah Valley University, Spanish Fork, Utah  
Alessandra Camarano, President of ABRAT, Brasília-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  
Anais Sensiba, DC NLG, Washington, DC  
Anastasia Sarantos Taskin, Sequoia Potential, New York  
Andrea Lindner-Varasteh, Yes, Munich, Germany  
Andreina Lamas, New York City  
Aneelah 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 Mirhosseni, 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 Bowering 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  
Elana Baurer, Jewish Voice for Peace, Philadelphia, PA  
Elena Anderson, Brooklyn  
Eli Hadley, New York, NY  
Elise 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 RisingTogethet, 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 Tramèr, Switzerland  
Lucy Trieshmann, 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  
 Micòl 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 Tonckens, 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  
 Patrícia 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-Sussman, 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  
 Richael 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 Badie, NYU Law, New York  
Zainab Akbar, Brooklyn, NY  
Zoe Zakin, Brooklyn, USA