



General Assembly

Distr.: General
26 August 2014

English only

Human Rights Council

Twenty-seventh session

Agenda item 5

Human rights bodies and mechanisms

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 August 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-14780 (E)



* 1 4 1 4 7 8 0 *

Please recycle A small graphic of a recycling symbol, consisting of three chasing arrows forming a triangle.



Comprehensive Economic Sanctions against the Islamic Republic of Iran: Violation of International Human Rights Law

- 1- From the outset of the Iranian revolution, Iranians have been at the receiving end of economic sanctions by the USA and its western allies. The greater resilience of Iran prompted the wider and more extensive imposition of sanctions, the purpose of which were to deliberately cause the greatest harm possible to the people in order to break their resolve and bring them back under the political and economical control of the USA.
- 2- The adverse effects of these sanctions particularly on the vulnerable sections of society, have been well documented by numerous reports and a variety of credible sources including the UN agencies. . The very stringent comprehensive measures taken in the last few years have exacerbated that effect on the poor, the sick, women and children. The human rights to life, food, development, health and ... were all violated by such measures. The use of economic coercion without United Nations' authorisation, by the USA and its allies with the intention of changing the policies of the country are illegal intervention and violate the UN sacred principle of sovereignty of the state.
- 3- The sharp increase in the use of economic sanctions and the blatant violation of human rights and the suffering of large parts of the world population thereof, was a grave concern of the international community which required immediate action against such violations.
- 4- The numerous reports on the adverse impact of the unilateral coercive measures did not translate itself into any concrete mechanism for assessing such impact in order to hold the violators to account. Resolution 24/14 frustratingly allude to this fact and hence required the Advisory Committee to facilitate the "first step" of such mechanism.
- 5- Although, ODVV welcomes the renewed impetus for taking such first step, it believes that the devastating economic sanctions on Iran can not wait the slow UN process of achieving a future capacity to hold the violators to account through the suggested and very likely adopted mechanism of the UPR. Despite the latest negotiations between Iran and the group of 5+1 and partial agreements, there has been no relief from any of the imposed economic sanctions. Considering that the HRC and OHCHR have ample evidence on violation of human rights by unilateral coercive measures, it is right and proper for this Council to demand the cessation of these measures on Iran. Not doing so is contrary to the promotion of HR to development and good governance, welfare of women and the right of the child and the pursued principles of eradication of poverty and the ensued social disorder.
- 6- ODVV dispute and repudiate a number of arguments that may have prevented the Council from outright condemnation of these measures and hence the call for lifting of economic sanctions on Iran.
- 7- The western block that have imposed the sanctions (and boycotted all proceedings on this issue), dispute the illegality of the unilateral coercive measures. At the heart of such claim is the notion of sovereign right to free trade. Mr. Marc Bossuyat in his report of 2000, gives credence to the fact that every nation has the right to trade or refuse to trade with whomever they wish to do so. This is an acceptable proposition but only in the context of trade. Economic sanctions are not about trade. Trade are the instrument of the intentions to cause harm to another nation, (or as Mr. Haliday in the working group 2014 said "sanctions are there to kill just like in a war").
- 8- Even in the context of trade, if we accept the principle that in market economy a party to the trade can take any trade related action to the detriment of the other party, then must also accept that there exist a general principle of trade that such action will constitute conspiracy and considered illegal if it was working with others as a group (which is still defined as unilateral coercive measure) in order to ruin the trade of another. This trade principle has manifested itself in various domestic legislations in the field of economic and business torts (including the anti-trust laws) of the very same STATES- proponents of market economy- which interestingly enough are the perpetrators of the economic sanctions.
- 9- Furthermore the experience of the Cuban sanctions and the subsequent concluding reports, rendered the comprehensive economic sanctions by a dominant trading state as violating the human rights laws. This can also be the case when the domestic legislations are intended to harm the human rights of the people of the targeted nation, transcending the argument of jurisdictional responsibility.

- 10- Although a number of conventions require states to observe human rights of the people under their jurisdiction, this does not exonerate them from their responsibilities under other international instruments that require them to do so. Indeed transcendental state responsibility have been well established for a long time, suffice to mention the case of Trail Smelter of 1933.
- 11- The preliminary report by the Advisory Committee (A/HRC/13/CRP.2) excludes the question of illegality of the unilateral coercive measures. We concur with that decision BUT BECAUSE we think that the illegality of the unilateral coercive measures in the field of human rights has been settled and put beyond any doubt by the Nicaragua Cases. The resolution 24/14 which was carried by the HRC was adamant that the UCM are contrary to Human Rights. Objections by defeated opposition that are also the sanction-imposing states, does not make the measures less illegal.
- 12- ODDV is encouraged by the vigour of the HRC and the Advisory Committee to respond to the demands made by the majority of states to establish the long awaited mechanism to assess and hold violator to account, but we do not think that UPR is the right mechanism to carry such an important task. Comprehensive sanctions that by all accounts have contributed to the death of millions of people, requires much more robust mechanism than the “cooperation rather than confrontation” approach of the UPR. The devastating adverse effects of sanctions can take roots and manifest themselves after the first few months and can last for decades. Whereas a UCM mechanism that intends to “promote accountability” which is in fact different from “hold violator accountable” within the mechanism of UPR, would take years of pursuance in order to achieve such a promotion.
- 13- The most ludicrous justification for imposing sanctions is the claim of violation of Human Rights by the targeted state. This is in exact contrast to their argument of jurisdiction and definitely negate any recourse to the notion of counter-measure, and at whatever level the sanctions are, they will bound to be disproportionate to the claim and inevitably illegal. If a state considers itself responsible towards the human rights of the targeted state to the extent that it takes the UCM measures, it cannot deny responsibility after the imposition of sanctions based on the jurisdictional argument. Legal principle of estoppel would not allow it. Therefore that state remains responsible for the human rights violation of the targeted state, (including its own induced violations). Any justification based on the belief that promotion of greater freedom of speech or assembly can be done or should be down by depriving the same people from work, health or life, is beyond any rational comprehension. The interrelation of Human Rights principles will definitely bar such action.
14. The sanction imposing States have been wreaking decades of death and misery on other nations, so they should be hold accountable for the sufferings of millions of people. It would be much more logical to create a stronger mechanism within the UPR that can hold sanction imposing countries accountable and achieve the desired result in a shorter period of time than the decades of death and destruction.
15. It has been the official policy of the states imposing sanctions on Iran (as often reiterated by their politicians) to disable the country and by analogy attack every human rights of the nation from food, sanitation, health, work and development. Whatever the arguments on legality, jurisdiction, countermeasure or proportionality, the prolonged comprehensive economic sanctions on Iran – on all accounts- have been deemed illegal.
16. The duty of the HRC and the OHCHR is to hold accountable and condemn violators of human rights. They have vociferously and rightly – as this organization did – condemn the cowardly abduction of school girls in Nigeria. Does the death of thousands (regardless of how high or low the figures maybe) merit less condemnation? Is it not violation of so many human rights principles inflicted on so many victims, an affront to the goals set by these offices as it is to the core of the international human rights norms?
17. ODDV believes and call upon the HRC to initiate a process for the establishment of a court that can settle all the above-raised issues concerning sanctions. Imposing sanctions, framework and their duration, must be the remit of such decision-binding international court.