

# **SPECIAL REPORT**

# **UNILATERAL COERCIVE MEASURES AGAINST**

# VENEZUELA

# **AND ITS IMPACT ON HUMAN RIGHTS**

**CARACAS, 2018** 



Sures is a Venezuelan civil association devoted to the study, promotion, education and defense of human rights, from critical, emancipatory and alternative views. It is a nongovernmental, nonprofit, independent, nonpartisan and non-religious organization.

The mandate of Sures covers all environmental, civil, cultural, economic, social and political human rights recognized in the Constitution of the Bolivarian Republic of Venezuela and in the international treaties ratified by our country. It prioritizes those groups of people in situations of greater exclusion, poverty and discrimination.



**SPECIAL REPORT** 

# UNILATERAL COERCIVE MEASURES AGAINST VENEZUELA AND ITS IMPACT ON HUMAN RIGHTS

**CARACAS, 2018** 

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## PRESENTATION

As of 2014, the Bolivarian Republic of Venezuela has been subjected to a series of sanctions unilaterally imposed by several countries of North America and Europe, which has generated a rather serious impact on the enjoyment and exercise of the human rights of its population. In this Special Report, a study on these coercive measures and their effects is presented. For this purpose, a chronological detail of the imposed sanctions, their legal basis, scope and their relation with Public International Law and Human Rights Law is presented.

It is essential to underline that all the actions of the States that have imposed these sanctions revolve around the approval of a Public Law in the Congress of the United States of America in December 2014, during the administration of Mr. Barack Hussein Obama: the 113-278 Act entitled "Public Law for the Defense of Human Rights and Civil Society." The importance of this legal instrument is that it dictates the course of action for the policy of the government of the United States of America towards Venezuela, which has also marked the road map so other States, under their influence and domination, have adopted in recent years a series of unilateral coercive measures against it.

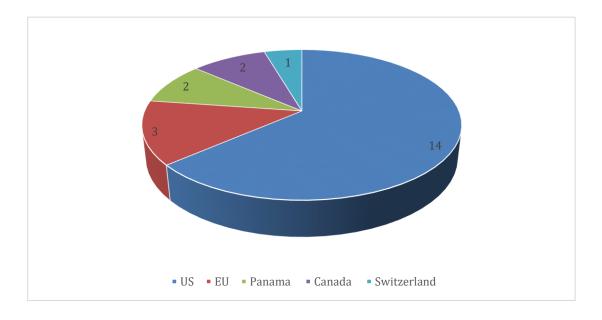
The 113-278 Act includes a set of sanctions aimed at the economic, financial and economic blockade of Venezuela, but it additionally expressly provides for that the Member States shall "work" with of the Organization of American States and the European Union, to ensure interference in the internal affairs of the Bolivarian Republic of Venezuela. That is, it is a law that explicitly and expressly recognizes that it contravenes the fundamental principles of Public International Law, the Charter of the United Nations Organization and the Charter of the Organization of American States.

### **1. UNILATERAL COERCIVE MEASURES AGAINST VENEZUELA**

Up to the date of the preparation of this special report, twenty-two (22) instruments have been issued that impose unilateral coercive measures against the Bolivarian Republic of Venezuela, from December 2014 until May 2018. The countries and communities that have imposed these measures are as follows: USA, Canada, the European Union, Switzerland and



Panama. Is It is important to emphasize that these sanctions are always preceded or in parallel with official public statements of different spokespersons of these States on the situation and the internal affairs of Venezuela, some of which are pointed out in this study.



### FIGURE 1: UNILATERAL COERCIVE MEASURES BY STATE OR COMMUNITY 2014-2018

Source: personal

As can be seen in figure 1, of the total of the unilateral coercive measures imposed against Venezuela, sixty-four percent (64%) of the sanctions have been imposed by the government of the United States; totaling 14 sanctions since 2014.

Secondly, the European Union has imposed 3 sanctions, representing fourteen percent (14%), Panama and Canada with nine percent (9%); that is, 2 sanctions each; and Switzerland with 1 sanction, which represents four percent (4%).

These sanctions against Venezuela come mainly from countries from the North, which historically have maintained relations of domination, colonialism and exploitation over the countries of the South. Thus, their acting must necessarily be analyzed from the perspective and contexts of conflicts North-South, as well as the struggles of the peoples for their



emancipation and liberation facing all forms of imperialism. In this regard, it should be noted that, with the exception of Panama, no other country in the American region or other continents has implemented unilateral coercive measures against Venezuela.

Even other states, whose governments maintain particularly critical positions regarding the Venezuelan Government, have preferred to address their differences in multilateral venues, bet for actions within the framework of Public International Law, before adopting unilateral sanctions.



# **1.1. UNILATERAL COERCIVE MEASURES OF THE UNITED STATES OF AMERICA AGAINST VENEZUELA**

As mentioned, the normative milestone that marks the beginning of the implementation of unilateral coercive measures against Venezuela is the 113-278 Act, published on December 18, 2014 by the USA Congress.<sup>1</sup> This Act aims at justifying the unilateral sanctions that it establishes based on the value judgment that this parliament makes about the Venezuelan economic situation (particularly access to food and commodities) and human rights.

Paradoxically, in order to address these situations and pretend to resolve them, they strictly ban American citizens and other people living in US territory (private companies, civil society organizations, and charitable institutions, among other) from carrying out any transaction or business with any person or any institutions of the Venezuelan State, while they impose comprehensive sanctions to whoever dare to do so. That is how it establishes expressly an economic, financial and trade blockade against Venezuela, similar to the one imposed to the Cuban people during decades. The law 113-278, in particular, is very similar to the provisions of the Helms-Burton Act. Thus, a complex of coercive measures similar the Cuban Republic's was implemented. Such measures have been widely rejected by the General Assembly of the United Nations, among other organizations, because of the serious violations of Human rights resulting from these actions<sup>2</sup>.

In addition, the law 113-278 establishes sanctions specifically to:

• The Central Bank of Venezuela, the highest authority in the monetary policy of the State.

• Petroleos de Venezuela S.A. (PDVSA), the main state company having the monopoly of hydrocarbon exploitation on the nation that generates more than the 90% of the income in foreign currency in the country.

<sup>&</sup>lt;sup>1</sup> Ley Pública 113-278. Fecha de consulta: 3-4-2018. <u>https://www.treasury.gov/resource-center/sanctions/Program-s/Documents/venezuela\_publ\_113\_278.pdf</u>

<sup>&</sup>lt;sup>2</sup> A/RES77274. Resolución sobre la necesidad de poner fin al bloqueo económico, comercial y financiero impuesto por los Estados Unidos de América contra Cuba. Recoverable in: http://www.un.org/es/comun/docs/?symbol=A/RES/72/4



• Other entities of the State, concerning monetary, financial and exchange control policy.

Finally, in order to strengthen the blockade against Venezuela, the law 113-278 envisaged the possibility to apply unilateral sanctions of blockade and freezing assets, funds, Venezuelan goods and properties; suspension of income, revocation of visas or other documentations to the officials holding public offices, military officers and diplomatic representatives. It is about complementary measures addressed to implement and strengthen the economic, financial and commercial embargo on Venezuela, as well as to impede the participation of the representatives of the State in the international relations.

As it will be described now, on the basis of the assumptions of the law 113-278, the other actions and coercive measures were founded during Barack Hussein Obama administration and more recently Donald Trump´s.

Few months after the adoption of the law 113-278, in March 8<sup>th</sup> 2015, the former president of the United States, Barack Hussein Obama, in consultation with the Secretary of the State and the Secretary of the Treasury of the United States, declares Venezuela, through an executive order, as "an unusual and extraordinary threat to the national security and foreign policy of the United States" paving the way for an eventual military aggression against our country and warning the world about his disposition of exercising the military power to defend his interests. Such executive order additionally includes the prohibition to entry and stay in the US territory to a group of people who perform high level public functions for the Venezuelan State, even imposing measures against the most elementary principles and current regulations with regards to public international law<sup>3</sup>.

In 2016 no sanction was impose against the Bolivarian Republic of Venezuela by the US. That year was a period in which these actions were focused on the application of the law 113-278, while, public statements of the US government representatives against our country were increasingly offensive.

<sup>&</sup>lt;sup>3</sup> Decree 13692. Date of reference: 4-3-2018. <u>https://obamawhitehouse.archives.gov/the-press-office/2015/03/09/statement-press-secretary-venezuela</u>



Notwithstanding, in 2017 a new escalation of interference actions in Venezuela's internal affairs is intensified. This year alone, the US Office of Foreign Assets Control has issued six (6) sanctions since February to November 2017. Likewise, in August 2017, President Donald Trump decrees a new executive order, in which Venezuela is militarily threatened once again, by declaring it as "an unusual and extraordinary threat for the National Security and the foreign policy of United States". These sanctions, together with other measures imposed by the Treasure Department were aimed specially at rejecting, ignoring and banning the election, installation and operation of the National Constituent Assembly<sup>4</sup>. Subsequently, more sanctions against Venezuela from November 2017, January and March 2018 were imposed.

One of the most significant sanctions is the one decreed by President Donald Trump on March 19<sup>th</sup>, 2018, in which he bans any transaction through the use of the digital cryptocurrency Petro, created by the Venezuelan State in order to overcome the economic crisis originated from low oil prices as well as the economic, financing and commercial blockage imposed by the United States of America and its allies during 2016, 2017 and 2018<sup>5</sup>. In May, they imposed two new unilateral coercive measures; the first one issued on May 18<sup>th</sup>, in which the US Office of Foreign Assets Control of the Treasure Department of the United States of America punishes some State officials and private entities, and also punished the transactions of United States citizens with persons or the entities mentioned hereof. The second measure is the Executive Order issued on May 21th, 2018<sup>6</sup>, in which the following activities are banned:

• Transactions of financing and other negotiations in relation to the purchasing of any debt with the Venezuelan government.

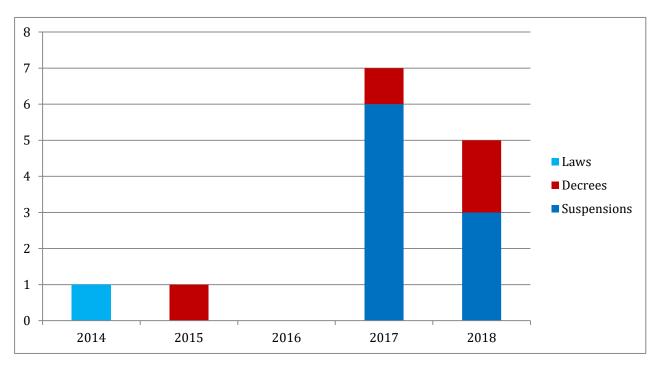
<sup>&</sup>lt;sup>4</sup> Decree 13808. Date of consultation: April 3<sup>rd</sup> 2018. <u>https://www.treasury.gov/resource-center/sanctions-/Programs/Documents/13808.pdf</u>

<sup>&</sup>lt;sup>5</sup> Decree 13827. Date of consultation: April 3<sup>rd</sup> 2018 <u>https://www.treasury.gov/resource-center-/sanctions/Programs/Documents/13827.pdf</u>

<sup>&</sup>lt;sup>6</sup> Decree. Date of consultation: May 22<sup>th</sup>, 2018 https://www.treasury.gov/resource-center/sanctions/Programs/-Documents/venezuela\_eo\_20180521.pdf



 The selling, transference, cession and declaration of guarantees by the Venezuelan Government, including *Petroleos de Venezuela*, *S.A (PDVSA)*, and the Venezuelan Central Bank, in any shareholding in which the Venezuelan Government has any shareholding of 50 percent of more.



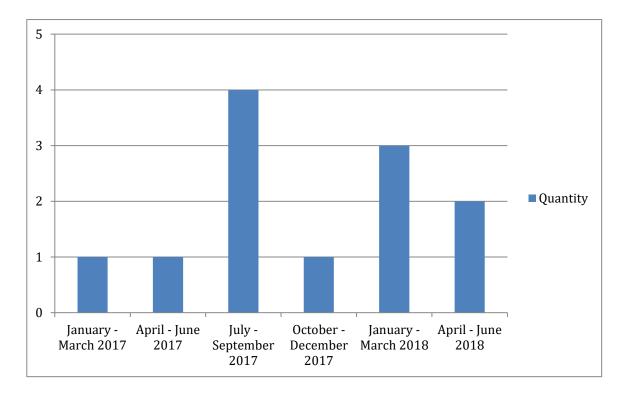
## FIGURE 2. TYPES OF UNILATERAL COERCIVE MEASURES, 2014-2018

In figure 2 it can be seem the quantity of unilateral measures classified by type; namely, laws, decrees, or sanctions of any entity or agency of the American government. It should be noted that the majority of the sanctions issued through the Office of Foreign Assets Control, which belongs to the US Department of Treasury directly affect Petroleos de Venezuela, S.A (PDVSA) transactions, the Venezuelan Central Bank and the cryptocurrency "Petro". This means, their focus is on the expansion of an economic, financial and commercial blockade in the main company of the State which produces more than 90% of the income in foreign currency in the country, as well as the main authority in currency politics of the State, responsible among others, of the gold savings and foreign currencies of the country.

Source: personal



Likewise, it should be emphasized that the recent sanctions imposed, by the US Department of the Treasury as well as by the President of the United States, ban any type of transaction of the debt of the Venezuelan State.



# Figure 3. UNILATERAL COERCIVE MEASURES OF THE US GOVERNMENT AGAINST VENEZUELA: 2017 – 2018

#### Source: personal

We want to underline the fact that the sanctions imposed in the last months by the US government have the purpose of not recognizing and damaging the call, election and functioning of the National Constituent Assembly, as well as the presidential elections of 2018, in an open violation of the Venezuelan's right of free decision. Additionally, we observe that since May the 1<sup>st</sup> 2017, with the call of the National Constituent Assembly, during the campaign for the election of the constituents in July, till its establishment and functioning,



more unilateral and coercive measures are issued against Venezuela, many of them with explicit make references of this process of civic participation. Likewise, since the call for the presidential elections till their execution 5 coercive measures against Venezuela were imposed.



## **1.2 UNILATERAL COERCIVE MEASURES FROM OTHER COUNTRIES OF THE NORTH**

The Canadian government has also supported the US in the application of unilateral coercive measures against Venezuela, as well as the acts of interference in its internal affairs. To date, two general sanctions have been issued and imposed. Firstly, Regulations of Especial Economic Measures, in which a combination of economic measures is established against the Republic and the individuals whom the Canadian government considers absolutely and discretionally as "responsible" of the situation of our country. This Regulations are the total expression of the alliance between Canada and the United States against Venezuela, as of September 5<sup>th</sup>, 2017. These set of sanctions and regulations are, in general aspects, juridical norms that reflects more or less those previously imposed by US, which includes other bans and restrictions in matters of transactions and financial services. Secondly, also on September 2017, a Law of Especial Economic Measures was issued, where especial measures were imposed against forty (40) people that hold high positions in the Venezuelan Government, including some of popular election. These are measures that try to simultaneously generate the economic *blockade and hinder the international relations of our country.* 

Within the frame of the mentioned association between the United States and Canada, there has been a series of statements in support of the sanctions of the American government and against the Venezuelan government, by the Minister of Foreign Affairs of Canada, Chrystia Freeland. These statements have been mostly about the situation in Venezuela and the denunciation of the actions of the Venezuelan State, where there are the call for the National Constituent Assembly and its following establishment in August 2017. In the last months, there have been a series of statements requesting presidential elections, which is the result of the Agreement of Political Coexisting between the political parties of the opposition and the Venezuelan government in Santo Domingo. This situation can be considered as interference in the internal affairs of our country and, which is especially serious, against the rights of the people and it independency, sovereignty and free will.



On the other hand, the European Union also has stablished a set of sanctions as of November 2017, in perfect cooperation and following the guidance from the U.S. government. Thus, on November 13<sup>th</sup>, 2017 the Council of Foreign Affairs from the European Union arranges a decision about the Venezuela's situation and establishes many restrictions on exportation, trade, provision and transference to our county in terms of armaments and related materials, including weapons, ammunition, vehicles, and military equipment, paramilitary equipment and spare parts. At the same time, the alleged responsible for the situation of our country are banned to enter into the European territory. Furthermore, the same agency issues the regulation 2017/2063 to the application of sanctions on the part of the member states from the European Union. It is about an intended decision explicitly to decrease defense capacities of the Bolivarian National Armed Force and citizen security departments, evidently related and subordinated to executive decrees issued by Barack Hussein Obama and Donald Trump in which Venezuela is declared as "an unusual and extraordinary threat to the national security and the foreign policy of the United States of America", this is as a military objective.

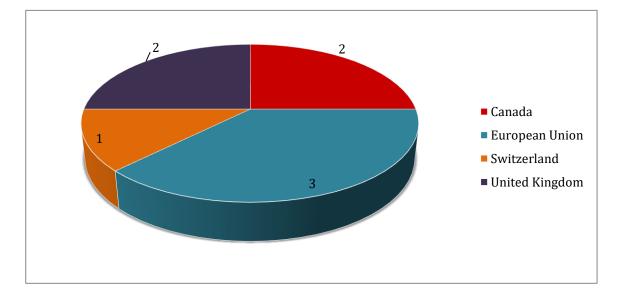
It is noted that the United Kingdom government, on November 15<sup>th</sup>, 2017, establishes the same sanctions imposed by the European Union regarding the armament prohibition to Venezuela and the regulation 2017/2063 to the application of sanctions to entities, companies and Venezuelan official. Subsequently, On January 2018, the European Union penalizes the maximum authorities from a set of agencies and entities from the Venezuelan state, including many elected popular election, among others from; the National Election Council, the Supreme Court of Justice, the Prosecutor General of the Republic, as well as citizen security departments and the People´s Power Ministry for Internal Affairs and Justice.

The coercive unilateral measure imposed by the Swiss confederation on March, 2018 is the most recent action on the part of an European country against Venezuela. This sanction emulates the first from the European Union, in respect of any other transaction that involves the acquisition or trade of military armament and technological equipment aimed at the surveillance of telecommunication and internet by the Bolivarian Republic of Venezuela. Also,



it includes the freezing of assets and economic resources. The login, transit and stay in the Swiss territory are forbidden for seven officials from the Venezuelan government.

# GRAPHIC Nº 4. UNILATERAL COERCIVE MEASURES IMPOSED BY COUNTRIES FROM THE NORTH AND EU AGAINST VENEZUELA, 2017-2018



Source: personal

It is shown that in this figure, this group of countries from North America and the European Union has imposed eight normative instruments in total that dictate unilateral measures of varying kinds against the Republic Bolivarian of Venezuela. The European Union is the organization with most number of sanctions, three since November, 2017. Canada and the United Kingdom have imposed two respectively, and the Swiss confederation with one measure, establishing an armament freezing and sanctions to Venezuelan officers. As it is evident, this is about a northern-southern conflict for the global political and economic hegemony.



## **1.3 UNILATERAL COERCIVE MEASURE FROM LATINAMERICAN COUNTRIES**

Until April 2018, Panama was the only Latin-American country that had imposed unilateral coercive measures against Venezuela. On March 27<sup>th</sup>, 2018 the National Committee Anti-Money Laundering, Financing of Terrorism and Financing of Weapon of Mass Destruction Proliferation from the Ministry of Economy and Finance of the Republic of Panama has issued a resolution in which it is established the asset freezing and the prohibition of transactions with Venezuelan companies. In addition, it includes a list of members of the Venezuelan government, some of them by popular election, being considered as a high risk because of assets laundering and financing of terrorism<sup>7</sup>. It is about sanctions which are analog and follow the guidance of North American policy against Venezuela and they still contribute with the economic, financial and trade blockade against people from our country.

# 2. IMPACT OF UNILATERAL COERCIVE MEASURES ON HUMAN RIGHTS OF THE PEOPLE OF VENEZUELA

The international community recognizes that the unilateral coercive measures are economic and political actions (though it involves other fields) imposed by a State or groups of States to coerce the subordination of the exercise of the sovereign rights from other State and provoke any change in its political field<sup>8</sup>. Moreover, it also recognizes that unilateral coercive measures, besides the fact they hinder the performance of public representatives of the State, they deprive the population of basic products which are important for the country such as staple food and medicines. Therefore, the international community considers *prima facie* that all unilateral coercive measures against a State threat and/or violate the human rights of those who live within its territory.

A publication by Mr. Alfred de Zayas, the current United Nations Independent Rapporteur on the Promotion of a Democratic and Equitable International Order, explains that the Organization of the United Nations condemned the imposition of unilateral coercive

<sup>&</sup>lt;sup>7</sup> Sanctions imposed by Panama on Mach, 2018. Date consulted: 4-5-2018 <u>https://lta.reuters.com/-article/domesticNews/idLTAKBN1H61QI-OUSLD</u>

<sup>&</sup>lt;sup>8</sup> Resolución del Consejo de Derechos Humanos A/HRC/RES/27/21. (2014).



measures in 2000. For this reason, the mandate of the Independent Rapporteur on Unilateral Sanctions was created, who has proved, in numerous reports of the Organization of the United Nations, the their direct effects on the violation of human rights and guarantees of persons and peoples<sup>9</sup>. Moreover, within multilateral organizations of human rights protection, the monitoring of and complaint about the adverse effects of unilateral coercive measures established by some countries, with regard to the enjoyment of human rights by populations on which such measures are imposed, were undertaken.

In the same perspective, the report of the Organization of the United Nations, presented by Mr. Idriss Jazairy, Special Rapporteur on Unilateral Coercive Measures of the Human Rights Council concludes that:

> "...the intrinsic illegality of national measures, including sanctions, which attempt to have extraterritorial application, in the absence of a valid jurisdictional link recognized by international law. National laws or measures seeking to extent their effects to nationals or entities of third countries, in order to dissuade them from maintaining licit trade relations (or other kind of relations) with the country which is subjected to sanctions, are particularly condemned.  $(p.24)^{10}$

In accordance with these criteria, the Resolution approved by General Assembly of the Organization of the United Nations, on December 19<sup>th</sup>, 2019, with regard to this issue, expressly urges all States to cease the adoption or implementation of unilateral measures, particularly, those of coercive nature that hinder trade relations because of their negative effects on the enjoyment and guarantee of human rights.

This resolution is consistent with resolution repeatedly adopted against the economic blockade imposed by the U.S. against Cuba, approved by a large majority of member States

<sup>&</sup>lt;sup>9</sup> Alfred de Zayas para Zeit-Fragen. http://www.zeit-fragen.ch/fr/editions/2017/no-19-7-aout-2017/lapplicationextraterritoriale-de-lois-americaines-est-incontestablement-une-violation-du-droit-international.html <sup>10</sup> A/RES/72/370 Informe del Relator Especial sobre las repercusiones negativas de las medidas coercitivas unilaterales

en el disfrute de los derechos humanos. Retrieved from: https://undocs.org/es/A/72/370



of the General Assembly of this international organization. Last November 2017, it was approved by 191 in favor and two against (the U.S. and Israel) a new resolution which rejects the blockade against Cuba and reaffirms its condemnation of the U.S. enactment and enforcement of laws and regulations, such as that enacted on March 12<sup>th</sup>, 1996, known as "the Helms-Burton Act", whose extraterritorial effects affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction<sup>11</sup>. It is worth mentioning that, as we have already noted, this Law, which is subject to international condemnation, is very similar with regard to its content and effects to the law 113-278 approved by the U.S. Congress against Venezuela. In other words, the U.S have implemented similar measures to the blockade against the Cuban people in our country, which are detrimental to human rights of persons who live in Venezuela and aggravate the economic and social crisis encouraged by national and international sectors.

Now, for the year 2015, according to information published by one of the most famous private University Education and Research Center in the U.S., the main countries from which Venezuela imports goods and services are: The United States of North America (\$8.07 billion), China (\$5.31 billion), Brazil (\$2.99 billion), Argentina (\$1,37 billion), Mexico (\$1.22 billion), Canada (\$496 million), Germany (\$534 million), Italy (\$472 million), Spain (\$381 million), United Kingdom (\$318 million), France (\$305 million) and Switzerland (\$264 million)<sup>12</sup>. The main products and goods imported by Venezuela from the U.S. are: medicines, medical instruments, orthopedic appliances; corn, wheat, soybean flour; refined oil products, chemical products, among others<sup>13</sup>. In this sense, we explain the following data:

For the year 2015, the amount of imports of packed medicines from the U.S. was \$77 million; \$54.5 million for medical and/or chirurgical instruments. Moreover, it is important to highlight that material and consumables for X-ray equipment are imported from the U.S.

<sup>&</sup>lt;sup>11</sup> A/RES/72/4 Resolución aprobada por la Asamblea General el 1 de noviembre de 2017, Necesidad de poner fin al bloqueo económico, comercial y financiero impuesto por los Estados Unidos de América contra Cuba. http://www.un.org/es/comun/docs/?symbol=A/RES/72/4

<sup>&</sup>lt;sup>12</sup> The Observatory of Economic Complexity. Retrieved from: https://atlas.media.mit.edu/es/visualize-/tree\_map/hs92/import/ven/usa/show/2015/

<sup>13</sup>TheObservatoryofEconomicComplexity.Retrievedfrom:https://atlas.media.mit.edu/es/visualize/tree\_map/hs92/import/ven/usa/show/2015/Complexity.Retrievedfrom:



(approximately \$25 million). With regard to food, corn (\$93.5 million), wheat (\$90.7 million), rice (\$56.4 million), soybean flour (\$224 million). In the same year, 72% of products imported from Canada are the wheat, which represented \$356 million. 50% of what is imported from Switzerland are packaged medicines, representing \$ 133 million; 9.6% corresponding to human or animal blood (\$ 25.2 million); as well as non-packaged drugs, antibiotics and laboratory reagents: 1.8%, 1.3% and 1.2% respectively, totaling approximately \$ 11 million<sup>14</sup>.

It is important to highlight that Venezuela imports most of the medicines it requires to guarantee the life and health of its inhabitants. 34% is purchased from the USA, 7% from Spain and 5% from Italy. Only of these countries that have applied unilateral coercive measures to Venezuela were imported a total of 46% of the medicines needed by the Venezuelan people. The same thing happens with food, 33% of imports come from the USA and 12% from Canada. That is, 45% of food imports originated from states that have maintained a policy of greater confrontation and have applied the greatest amount of economic sanctions against Venezuela<sup>15</sup>.

As a result, the economic, financial and commercial blockade imposed by the United States against Venezuela generates a large impact on the economy of our country, on its social development and, above all, on the possibility of the State to import basic goods for the Venezuelan people, including food, medicines and supplies for services of health. Let us remember, in addition, that the USA dominates the commercial routes of the main shipping companies which has allowed it to hinder the arrival of essential goods for our population, not only those coming from the US, but from any other supplier country under its sphere of influence. If we add to this the prohibition to import goods and services directly necessary for the economic activities of the country, including industrial inputs and financial services, the sanctions imposed by the United States have a negative direct impact on the enjoyment and

<sup>&</sup>lt;sup>14</sup> The Observatory of Economic Complexity. Recuperable: https://atlas.media.mit.edu/es/visualize-/tree\_map/hs92/-import/ven/usa/show/2015/

<sup>&</sup>lt;sup>15</sup> Research work published in Últimas Noticias journal, on April 1, 2018. http://www.ultimasnoticias.com.ve/noticias/opinion/sanciones/



full exercise of human rights and, moreover, substantially limit the capacity of the Venezuelan State to comply with the obligation to guarantee and protect them.

The independent rapporteur of the United Nations Organization for the Promotion of an International Democratic and Equitable Order, Mr. Alfred de Zayas, after an on-site visit to Venezuela, said that the causes of the economic and social problems of the country should be analyzed, he particularly expressed that:

The sanctions imposed have exacerbated the crisis in Venezuela. The visible hand of the market and the economic war are impacting the quality of life of the people<sup>16</sup>.

Similarly, this special rapporteur presented a report after his visit to Venezuela that detailed the facts and causes of the situation in our country, after he met with representatives of the Government, non-governmental human rights organizations, civil society organizations, private companies, public and private media, among others, in which he concludes that:

Among the obstacles for the enjoyment of human rights, I asked about the adverse economic measures adopted by many States, aimed at directly and indirectly affecting the proper functioning of the relevant State or limiting its regulatory space. For decades, the United Nations has condemned unilateral coercive measures, especially since the Sub-Commission's important study on the Promotion and Protection of Human Rights in 2000 (...) there is a worrying campaign to force observers to see a preconceived point of view, for example: the fact that there is an "alleged humanitarian crisis" in Venezuela. We must be cautious before hyperbole and exaggeration, taking into account that a "humanitarian crisis" is a *terminus technicus* and it could be misused as a pretext for military intervention and regime change.

<sup>&</sup>lt;sup>16</sup> Alfred de Zayas. Recuperable: http://mppre.gob.ve/2018/03/09/alfred-de-zayas-expertos-y-relatores-de-la-onu-no-pueden-comportarse-como-jueces-y-verdugos-de-los-paises/



Evidently, there should be free circulation of food and medicine in Venezuela in order to alleviate the shortage of such items; however, the aid must be truly humanitarian and have no hidden political purposes<sup>17</sup>.

In addition, the Special Rapporteur highlights in his report that:

...the sanctions are not the answer to the progressive crisis in Venezuela, and the international community should not impose them, because it would worsen the situation of the Venezuelan people who already suffer from crippling inflation rates and the lack of access to adequate food and medicines. Measures that harm Venezuela's economy would also have a disturbing effect on state institutions, and would probably only lead to violations of the rights of ordinary people. (p. 13) <sup>18</sup>

However, from Sures we have also been able to record concrete cases of the impact of the unilateral coercive measures that have been imposed on Venezuela that generate serious violations of human rights to life, health and the adequate standard of living (particularly on food). Thus, there have been cases in which foreign private and state companies, in compliance with or threatened by the application of sanctions by the US government, have denied, impeded or delayed financial transactions and payment to food suppliers, medicines or supplies for health services, as well as they have refused to deliver or send goods that had been timely paid.

One of the first financial sanctions aimed at consolidating the economic blockade against Venezuela was issued in July 2017, when Citibank, a U.S. private financial company unexpectedly decided to arbitrarily close the bank accounts of the Central Bank of Venezuela and the Bank of Venezuela without prior notification. It refused to continue providing its services to the two most important banks of the country; the first is the State's highest

<sup>&</sup>lt;sup>17</sup> Mission Final Declaration. Visit of the Independent Expert to Venezuela and Ecuador from November 26 to December 9, 2017. http://www.ohchr.org/SP/NewsEvents/Pa-ges/DisplayNews.aspx?NewsID=22530&LangID=S

<sup>&</sup>lt;sup>18</sup> Mission Final Declaration. Visit of the Independent Expert to Venezuela and Ecuador from November 26 to December 9, 2017. http://www.ohchr.org/SP/NewsEvents/Pa-ges/DisplayNews.aspx?NewsID-=22530&LangID=S



authority in terms of monetary policies and the second is the State's biggest financial entity. For this reason, the State was temporarily unable to pay for its imports and other patrimonial commitments, but also hampered and has made more strenuous to carry these commercial operations.

Within the framework of the 113-278 Law of the U.S. Congress, during the month of November 2017, Citibank also refused to receive the funds transfer by the Venezuelan State aimed at paying a foreign private company with its bank accounts in the aforementioned financial entity for the import of a shipment with more than 300,000 doses of insulin, a drug that must be imported by Venezuela to ensure the life and health of those who live with diabetes. As a result, such shipment was held in an international port and could not reach our country, as it was recognized by the executive secretary of the Human Rights National Council of Venezuela, Mr. Larry Devoe<sup>19</sup>. This means that the payment for this medicines import could not be executed even though Venezuela have the resources to acquire such medicines, the payment was timely executed and all the procedures and requirements normally demanded by this financial institution were met. It is worth noting that this same situation has been denounced by the Vice-minister for Integral Health, Indhriana Parada, during the 11<sup>th</sup> Ministerial Meeting of the Non-aligned Movement (NAM), on the occasion of the 71<sup>st</sup> World Health Assembly<sup>20</sup>.

Likewise, in November 2017, following the 113-278 Law and probably constrained by the sanctions that it might receive, Euroclear held 1,650,000,000 dollars that the Venezuelan Government had paid for the purchase of food and medicines<sup>21</sup>. However, what seems more serious is that during this same moth the financial blockade was also extended, not only over Venezuelan imports but also to receive the payment for services and products manufactured by the Venezuelan State. This means that the Venezuelan State is prevented from collecting

 <sup>&</sup>lt;sup>19</sup> American Post. ONU pide el cese del bloqueo financiero a Venezuela. [UN urges to stop the financial blockade against Venezuela] http://www.americanpost.online/2018/02/28/onu-pide-el-cese-de-la-persecucion-financiera-a-venezuela/
 <sup>20</sup> Ciudad Caracas. http://ciudadccs.info/venezuela-denuncio-efectos-ataques-financieros-la-salud/

<sup>&</sup>lt;sup>21</sup> ¿Qué es Euroclear y por qué tienen secuestrado dinero venezolano? [What is Euroclear and why is it holding Venezuelan money?] Published: 11/25/2017 http://minci.gob.ve/2017/11/que-es-euroclear-y-por-que-tienen-secuestrado-dinero-venezolano/



its profits from its economic activities provided to other States or foreign companies. In this way, the Wells Fargo Bank, a private financial entity, held and canceled the payment of 7,500,000 dollars to our country made by Brazil for energy sales, which made impossible to execute this economic operation<sup>22</sup>. This is also the case of the Venezuelan oil company CITGO, based in U.S.A., and which carries out its economic activities in this country. Since the economic sanctions have been imposed it has been able to transfer its profits out of the United States of America, preventing Venezuela from disposing of billions of dollars to ensure human rights and need of those who live in our country.

In fact, the financial embargo has escalated to such an extent that Bitfinex, the greatest private platform for the digital exchange of Bitcoins and whose headquarters is in Hong Kong, publicly announced that it would not trade with the cryptocurrency of the Venezuelan State, the "Petro", in order not to be exposed to the U.S. government's sanctions. This company highlighted that due to the sanctions U.S. its contractors and staff, "wherever they are", are prohibited from trading with this currency<sup>23</sup>. In other words, this private company based outside the jurisdiction of the U.S. government, is forced to comply with the sanctions issued by President Donald Trump regarding the "Petro", on March 19<sup>th</sup>, 2018.

The fears of Bitfinex and other private companies, inside and outside the U.S. territory, to the imposition of sanctions are not unfounded. In fact, the application of criminal sanctions derived from the non-compliance with the 113-278 Law of the U.S. Congress has started to materialize. The Justice Department of the U.S. government recently informed in March 2017 that a private businessman was arrested in U.S. territory and criminally prosecuted for "avoiding" the fulfillment of the aforementioned Law, by performing commercial transactions with the Venezuelan State through the U.S. financial system<sup>24</sup>.

<sup>&</sup>lt;sup>22</sup> Analítica. *Motta Domínguez dice que Wells Fargo retuvo un pago a Corpoelec por \$7, 4 millones* [Motta Dominguez says that Wells Fargo hold a payment of 7,4 million \$ to Corpoelec] . Published: 12/04/2017 https://www.analitica.com/economia/motta-dominguez-dice-que-wells-fargo-retuvo-un-pago-a-corpoelec-por-74-millones/
<sup>23</sup> http://elestimulo.com/elinteres/plataforma-china-de-intercambio-de-bitcoin-no-transara-petros/

<sup>&</sup>lt;sup>24</sup> https://www.justice.gov/usao-sdny/pr/iranian-national-arrested-scheme-evade-us-economic-sanctions-illicitly-sendingmore-115

https://www.reuters.com/article/us-usa-iran-crime/u-s-arrests-iranian-over-alleged-115-million-sanctions-evasion-scheme-idUSKBN1GW32E

http://radiomundial.com.ve/article/banquero-iran%C3%AD-es-arrestado-por-transferir-dinero-venezolano-eeuu



The last particular case of serious violations to the Venezuelan people's human rights and health as a direct result of the unilateral sanctions imposed by the U.S.A., registered by Sures, was verified in May 2018, when the People's Power Minister for Health himself publicly informed through the media that a financial transaction of 7,000,000 dollars destined to the purchase of the dialysis treatment for patients requiring such treatment, including children and teenagers, had been "blocked". The impossibility of timely acquiring these medicines and supplies due to the commercial and financial blockade represents an imminent threat to the life and health of these persons, a situation which is attributable to the States that have applied and contributed to apply these coercive and unilateral measures against Venezuela<sup>25</sup>.

#### CONCLUSIONS

**1.** Since 2014, the Bolivarian Republican of Venezuela has been object of unilateral coercive measures imposed by the United States of America, Canada, the European Union, the Helvetic Confederation and Panama. These extraterritorial sanctions from the juridical point of view and by concrete effects generate an economical, financial, and commercial blockade against Venezuela. The sanctions and the economic blockade has been increased, expanded and intensified since 2017, particularly since the calling for elections, establishment of the National Constituent Assembly and the holding of election processes to choose the representatives to the Public Power of the federal entities (state governors) and the municipalities (mayors).

**2.** From 2014, the economic sanctions and economic, financial and commercial blockade against the Bolivarian Republic of Venezuela have hindered and prevented the State doing importation of goods and the payment of the required services since such goods are not produced or provide in our country, but to which it had historically been able to have access without limitations or restrictions, among them, those aimed at obtaining food, medicines

<sup>&</sup>lt;sup>25</sup> Bloqueo internacional impide la compra de tratamientos para pacientes con diálisis. [International blockade hampers the purchase of the treatment for patients with dialysis] http://www.ultimasnoticias.com.ve/noticias/comunidad/bloqueo-internacional-impide-compra-de-tratamientos-para-pacientes-con-dialisis/



and inputs for health, transport and communication services. These measures have also hindered and made it impossible for the Venezuelan State to receive timely payment for its exports and the provision of services to foreign States and companies, as well as the profits generated by its hydrocarbon companies domiciled in the United States.

**3.** Economic sanctions and economic, financial and commercial blockade against the Bolivarian Republic of Venezuela violate the human rights of the people living in its territory, inter alia, because they hinder and prevent the State from guaranteeing and protecting them, while negatively affecting the economic and social development of our country. Particularly this situation has a serious impact against the rights to life, personal integrity and food to the Venezuelan people. Therefore, this currently situation, represents one of the determining factors preventing people enjoys, in a full and

**4.** Effective way, their human rights. Consequently, it is necessary to conclude that the sanctions and economic blockade infringe, among other: the Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Politics rights, the United Nations Convention on the Rights of the Child and the American convention of human rights of American States Organization.

**5.** Economic sanctions and the economic, financial and commercial blockade against the Bolivarian Republic of Venezuela imposed by the United States of America, Canada and the European Union, the Helvetic Confederation and Panama violate openly the fundamental principles of International Public Right, since it seeks to coerce the State and the Venezuelan people to impose their interests and positions in the exercise of their sovereign rights and promoting a concrete change in the Venezuela's policy. It is evidenced through the personal sanctions against the high authorities of Venezuelan State, including specially those has been elected democratically to represent the Venezuelan people. Regardless of the pretexts, arguments and justifications that pretend apologizing it is related to actions that undermines the peoples' rights to their own free determination and no interference on internal affairs, equality between States and a democratic and equitable international order, set for in, among other, the Charter of the United Nations and the Charter of the Organization of American States



6. The States that have imposed unilateral coercive measures and an economical, financial and commercial blockade against the Bolivarian Republic of Venezuela, as well as the State officials of those States who adopt such decisions must be subject to the international responsibility by the threat and violation of the human rights of people living in our country, likewise, for the contraventions of fundamental values, principles and rules of the Public International Right. In this sense, the competent bodies of the United Nations and the American States Organization should initiate procedures aiming at protecting the human rights of those who live in Venezuela, establishing the responsibilities involved and ensuring full reparation for human rights violations.



## ANNEXES

1. DATA SHEETS OF UNILATERAL COERCIVE MEASURES IMPOSED BY THE GOVERNMENT OF THE UNITED STATES OF NORTH AMERICA

Law 113-278, Venezuela De	efense of Human Rights and Civil Society Act of 2014
Date: 12/18/2014	Institution: United States of North America Congress
State: EE.UU.	Type: Public Law
Scone	

- This law establishes a framework for action to the government of the United States of North America to execute State policies towards the Government of the Bolivarian Republic of Venezuela. It establishes the sanctions (freezing of assets, prohibition of entry and revocation of public officials visa); and the prohibition of import of goods.
- A whole section of a report, advice and recommendations on measures regarding communication, information and distributors of information and electronic media. including advice on financing, programming and content is established.

Executive order 13692	
Date: 3/8/2015	Institution: Presidency of the United States of North America
State: USA	Type: Decree
Scope:	

- The executive order qualifies Venezuela as an unusual and extraordinary threat to national security and US foreign policy.
- It establishes sanctions (blockade of assets, prohibition of entry and revocation of public officials' visas) to seven Venezuelan citizens in public functions: Public Prosecutor's Office, Bolivarian National Armed Forces and State Security forces.

Sanctions of the Treasury Department	
Date: 2/13/2017	Institution: Department of the Treasury of United States of North America
State: USA	<b>Type:</b> Sanctions to the executive vice president of the Bolivarian Republic of Venezuela

Scope:

The Office of Foreign Assets Control of the US Department Treasury sanctions the **Executive Vice President of the Republic.** 

It establishes sanctions (blockade of assets, prohibition of entry and revocation of visas for public officials); to the Executive Vice President of the Bolivarian Republic



of Venezuela.

Sanctions of the Treasury Department	
Date: 5/18/2017	Institution: Department of the Treasury of United States of North America
State: USA	<b>Type:</b> Sanctions against members of the Supreme Court of Justice

Scope:

• The Office of Foreign Assets Control of the US Department of the Treasury sanctions eight (8) members of the Supreme Court of Justice, among which is the President of the Supreme Court of Justice and seven (7) Magistrates of the Constitutional Chamber.

Sanctions of the Treasury Department	
Date: 7/26/2017	Institution: Department of the Treasury of United States of North America
State: USA	Type: Sanctions against officials

Scope:

- The Department of the Treasury of the United States of North America sanctions thirteen (13) high officials of the Venezuelan Government.
- It establishes the sanctions (blockade of assets, prohibition of entry and revocation of public officials' visas) to officials of organs and entities of the State in relation to the National Constituent Assembly and institutions with competence in matters of Security, Interior and Justice, and the Bolivarian National Armed Force.
- Sanctions against officials of Petroleos de Venezuela S.A, (PDVSA) and the institution in charge of exchange control, National Center for Foreign Trade, (CENCOEX).

Sanctions of the Treasury Department	
Date: 7/31/2017	Institution: Department of the Treasury of United States of North America
State: USA	<b>Type:</b> Sanctions against the President of the Republic Bolivarian of Venezuela
Caama	

Scope:

Office of Control of Foreign Assets of the Department of the Treasury of the United States sanctions the President of the Bolivarian Republic of Venezuela.



Sanctions of the Treasury Department	
Date: 8/9/2017	Institution: Department of the Treasury of United States of North America
State: USA	Type: Sanctions against officials
Cooper	

Scope:

- The Department of the Treasury of the United States of America sanctions eight (8) senior officials of the Venezuelan Government.
- It establishes sanctions (blockade of assets, prohibition of entry and revocation of public officials' visas) to officials of organs and entities of the State in relation to the National Constituent Assembly.

Orden Ejecutiva 13808	
Date: 8/24/2017	Institution: United States of North America Presidency
State: USA	Type: Decree
Aleenees	

Alcance:

• The executive order imposed by the President of the United States, Donald Trump, imposes new sanctions prohibiting financial transactions and other businesses of US citizens or in the territory of the United States in relation to new debts with PDVSA or the government of Venezuela, holding bonds, payment or distribution of profits of any entity owned or controlled, directly or indirectly, by the Venezuelan government (including the BCV, PDVSA and any person acting on behalf of the Venezuelan State.)

Sanciones del Departamento del Tesoro		
Date: 11/9/2017	Institution: Department of the Treasury of United States of North America	
State: USA	Type: Sanctions against officials	
Scope:		

• The Office of Foreign Assets Control of the Department of the Treasury of the United States of America sanctions ten (10) members of organs and entities of the Venezuelan State, among which are the highest authorities of the National Electoral Council, constituents to the National Constituent Assembly and Ministers.



Date: 5/1/2018	Institution: United States Department of the
	Treasury of North America
State: USA	<b>Type:</b> Sanctions against officials and military officers
	sets Control of the United States Department of the Treasur pers of the high command of the Bolivarian National Armed

Force.

Sanctions of the Treasury Department	
Date: 19/3/2018	Institution: Department of the Treasury of the United States of North America.
State: USA	Type: Sanctions against officials.
Scope:	

The Office of Foreign Assets Control of the US Department of the Treasury sanctions • four (4) Members of the State who hold high positions in institutions with competence in socioeconomic rights, housing financing, social security and the General Comptroller's Office of the Republic.

Executive Order 13827	
Date: 19/3/2018	Institution: Presidency of the United States of
	North America.
State: USA	Type: Decree
Scone	

The executive order imposed by the President of the United States, Donald Trump, imposes new sanctions where financing transactions and other businesses of North American citizens or in the territory of the United States are prohibited, in relation to the new digital currency, "Petro", issued by the government of Venezuela on January 9, 2018, including the Central Bank of Venezuela, PDVSA and any person acting on behalf of the Venezuelan State.



Sanctions of the Treasury Department	
Date: 18/5/2018	Institution: Department of the Treasury of the United States of North America.
State: USA	Type: Sanctions against to officials
Scope:	÷

The Office of Foreign Assets Control of the United States Department of the Treasury sanctions three (3) State officials, one (1) natural person and three (3) private entities.

• The regulations of the Office of Control of Foreign Nationals generally prohibits any type of transaction of US citizens or those who are in US territory with the persons designated in the sanctions lists imposed by the US Department of the Treasury.

Executive Order	
Date: 21/5/2018	Institution: Presidency of the United States of
	North America.
State: USA	Type: Decree
Scope:	

- The executive order imposed by U.S. President Donald Trump imposes new sanctions prohibiting financing and other business transactions by U.S. citizens or U.S. citizens in connection with the purchase of any debt owed to the Venezuelan government, including accounts receivable; those declared as security after the effective date of the decree.
- Likewise, the sale, transfer, assignment or declaration as security by the Government of Venezuela, including PDVSA and the Venezuelan Central Bank, of any shareholding in any entity in which the Government of Venezuela has a shareholding of 50 percent or more is prohibited.



# 3. DATA SHEETS OF UNILATERAL COERCIVE MEASURES IMPOSED BY NORTH COUNTRIES AND THE EUROPEAN UNION

Regulation of Special Economic Measures of the Government of Canada.Date: 9/5-22/2017Institution: Government of Canada	
State: CANADA	Type: Regulation on economic matters
<ul> <li>Scope:</li> <li>The freezing of assets and the prohibition of businesses to the persons referred</li> </ul>	

• The freezing of assets and the prohibition of businesses to the persons referred to in the respective regulations, as well as the prohibition that any person in Canada and any Canadian outside of Canada, may facilitate transactions and provide financial services.

Sanctions of the Government of Canada	
Date: 9/22//2017	Institution: Government of Canada
State: Canada	Type: Sanctions against officials.
Scope:	

• Through the Ministry of Foreign Affairs, the Government of Canada imposed sanctions on 40 people, including the President of the Bolivian Republic of Venezuela, judges of the Supreme Court of Justice, senior State officials, diplomatic representatives and some High Command officers of the Bolivarian National Armed Forces.

<b>CFSP Decision 2017/2074 of the European Union</b>	
Date: 13/11/2017	Institution: Foreign Affairs Council of the
	European Union
State: EUROPEAN UNION	Type: Sanctions / Arms embargo
Scope:	·

• Restrictions on the export, sale, transfer or export to Venezuela of all types of weapons and related material are established, including arms, ammunition, vehicles and military equipment and spare parts.

- The prohibition of entry to responsible for the crisis of the country is established.
- The government of the United Kingdom adopts on November 15, 2017, the sanctions imposed by the European Union on the arms embargo on Venezuela.



Regulation 2017/2063 of the European Union	
Date: 11/13/2017	Institution: Foreign Affairs Council of the
	European Union
State: EUROPEAN UNION	Type: Regulation

• The Council of the European Union adopts Regulation (EU) 2017/2063 on restrictive measures taking into account the situation in Venezuela.

European Union Sanctions	
Date: 1/22/2018	Institution: Council of the European Union
State: EUROPEAN UNION	Type: Sanctions against officials
<ul> <li>Scope:</li> <li>Sanctions are imposed on high officials of organs and entities of the Venezuelar State, among them, the National Electoral Council, the Supreme Court of Justice</li> </ul>	

- State, among them, the National Electoral Council, the Supreme Court of Justice, the Attorney General of the Republic, as well as the security and ministry bodies with competence in matters of Interior and Justice.
- The Government of the United Kingdom adopts on this date the sanctions imposed by the European Union on the Venezuelan officials object of this resolution.

Sanctions of the Swiss Federal Council	
Date: 28/3/2018	Institution: Swiss Federal Council
State: SWISS CONFEDERATION	Type: Sanctions against officials
Scope:	
• Export restrictions are established for the sale, supply, transfer or export to	

- Export restrictions are established for the sale, supply, transfer or export to Venezuela of all types of weapons and related material, including arms, ammunition, vehicles and military equipment. The prohibition of entrance to seven (07) high officials of the government is established.
- The sanctions emulate those imposed by the European Union at the end of 2017, which deals with an arms embargo.



## 4. DATA SHEETS OF UNILATERAL COERCIVE MEASURES IMPOSED BY PANAMA

Executive decree N° 473	
Date: 8/22/2017	Institution: Presidency of Panama
State: PANAMÁ	Type: Decree
Cooper	

Scope:

- The President of the Panama's Republic, Juan Carlos Varela announces that the Ministry for Foreign Affairs and the National Migration Service will implement a new system of demanding visas from Venezuelan citizens wanting to travel to Panamá and it will take effect since October 1<sup>st</sup>.
- The measurement was implemented for considering Venezuela puts at risk the Panama's security, economy and the sources of jobs for Panamanians.

Sanctions against the Ministry for Economy and Finance	
Date: 8/22/2017	Institution: Presidency of Panama
State: PANAMÁ	Type: Sanctions against Natural and Legal person.

Scope:

- The President of the Panama's Republic, Juan Carlos Varela announces that the Ministry for Foreign Affairs and the National Migration Service will implement a new system of demanding visas from Venezuelan citizens wanting to travel to Panamá and it will take effect since October 1<sup>st</sup>.
- The measurement was implemented for considering Venezuela puts at risk the Panama's security, economy and the sources of jobs for Panamanians.