

Subverting Sanctions:

How Human Rights and International Law have been Violated

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The Islamic Human Rights Commission is an NGO
with Special Consultative Status at the Economic and
Social Council of the United Nations.

In Washington, I interviewed James Rubin, an under secretary of state who speaks for Madeleine Albright. When asked on US television if she thought that the death of half a million Iraqi children was a price worth paying, Albright replied: "This is a very hard choice, but we think the price is worth it."

John Pilger, The Guardian, 4th March 2000¹

¹ <https://www.theguardian.com/theguardian/2000/mar/04/weekend7.weekend9>

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Foreword

The US has been using sanctions, unilateral and multilateral, to bring about regime changes in states which refuse to serve its imperialist interests, and for promoting its geo-political and commercial interests. The impact of these sanctions has been devastating on the sanctioned countries – increased deaths, disease, hunger and malnutrition among the civilian population, collapse of the infrastructure providing basic necessities, and the destruction of their economies. Such sanctions are clearly in violation of international law and the United Nations Charter in which is entrenched the protection of human rights and national sovereignty.

When Iraq invaded Kuwait in 1990, the United Nations Security Council passed a resolution within days imposing sanctions on Iraq for the purpose of pressuring it to withdraw from Kuwait. Although Iraq complied with the resolution, the sanctions continued for another twelve years, leading to a humanitarian disaster there. It was lifted only after the US launched a devastating attack on Iraq based on the fraudulent claim that it had weapons of mass destruction, occupied it, and toppled the Iraqi government. US officials had openly stated that the sanctions would be lifted only after the elimination of the then Iraqi regime. Clearly, the sanctions were illegal in that their purpose was to serve the geopolitical interest of the US in installing a government in Iraq that would comply with its orders and dictates, and not for the peaceful resolution of conflict.

The cruel, barbaric sanctions continued because the British and the US adamantly refused to lift them, citing fabricated and patently false evidence of Iraq's non-compliance with the UNSC resolution. Disgusted by the hypocrisy and deviousness of the UK and US governments, UN Humanitarian Coordinator for Iraq, Hans von Sponeck, resigned in 2000 and wrote a letter to Britain's minister with responsibility for Iraq, Peter Hain: "Please forgive me if I say that it is an outrage that against your better knowledge you repeat again and again truly fabricated and self-serving disinformation... the Iraq file cannot be handled objectively and in the interest of the people of Iraq

unless the hidden agenda disappears.” The “hidden agenda” was regime change.

After his 34-year career with the UN, Denis Halliday, Assistant Secretary General and head of the UN Humanitarian Programme in Iraq, resigned in 1998 because of his refusal to accept Security Council orders “that continued to impose genocidal sanctions on the innocent of Iraq”. He stated that his continuation would have implied his complicity in human catastrophe. He accused the Security Council of being “responsible for killing people, destroying their families, their children, allowing their older parents to die for lack of basic medicines.” He told that Washington and London “are the most active in sustaining sanctions: they are the ones who will not compromise.” For racists and crusaders like the former British Prime Minister Tony Blair and US President George W. Bush, Arab lives had no worth.

Having succeeded in Iraq, the US is now targeting Iran for regime change. The current US President, Donald Trump threatened on June 1, 2018: “You are going to see how powerful sanctions are when it comes to Iran.” The US – the worst terrorist state in modern history, having killed millions of innocent people in Iraq, Japan and Vietnam – now accuses Iran of supporting terrorism. Iran’s crime, in the eyes of the US, is its assertion of its independence and refusal to submit to US dictates, and its support for Hezbollah and Hamas which are resisting Apartheid Israel’s occupation of Palestine.

The US unilaterally pulled out from the multilateral nuclear deal with Iran and imposed new extraterritorial sanctions which are in breach of international law including the UN Charter and World Trade Organisation (WTO) rules. The US sanctions laws cannot be enforced on economic entities from other countries conducting trade with the sanctioned state. To do so would be a serious infringement of the sovereignty of that country. Imposing unilateral extraterritorial sanctions on a member state of the UN with intent to destabilize it to bring about regime change would constitute aggression, contrary to the UN’s mandated duty to take measures to suppress aggression and promote peace.

The role of the US dollar as the world’s reserve currency enables it to enforce its extraterritorial sanctions on other states.

There are moves to counter the US dollar imperialism. China, Russia, Iran, Venezuela and some other states have indicated that they would use non-US dollar currencies to conduct trade among themselves. This initiative, if implemented in trade between the major economies, would seriously weaken the extraterritorial impact of the US sanctions.

The European Union has updated its Blocking Statute in response to the US withdrawing from the Iran nuclear deal and imposing extraterritorial sanctions. It forbids EU persons from complying with those sanctions, unless exceptionally authorised to do so by the European Commission in case non-compliance seriously damages their interests or the interests of the Union. It allows EU operators to recover damages arising from the extra-territorial sanctions within its scope from the persons causing them and nullifies the effect in the EU of any foreign court rulings based on them.

The publication of the book *International Sanctions: Violations of International Law* is timely and essential at a time when the Trump administration and the Netanyahu Apartheid regime are contemptuously violating the UN Charter and international law, behaving like rogue states, and the UN Security Council has betrayed its mandated role to uphold international law and protect human rights.

Supporters of sanctions may argue that opposing sanctions is to limit state sovereignty and to fetter executive powers of governments to take action against nations whose policies they object to. This objection is premised on the belief that states have unrestrained powers when it comes to punishing other nations for perceived or actual violations of international norms. Such a principle is flawed on many counts: no government should have unrestrained powers against its citizens or other nations, no government should be unaccountable for the harm and damage it inflicts on its civilians or other nations, no nation is above the law, the list can go on. States are free to take diplomatic action against one another in order to show disapproval, for example withdrawing ambassadors. They are free to stop trading with one another, they can seek to influence one another through bilateral and multilateral discussions. They can even target individuals or items used for warfare as the object of sanctions. All of these are markedly different

from isolating a nation, and then systematically destroying its economy whilst simultaneously withholding material needed for the everyday survival of the civilian population and thereby creating and accelerating a humanitarian crisis. This is what we saw in Iraq, North Korea, Yemen and other nations targeted by US sanctions. When sanctions seek to create this level of suffering, they are a declaration of war in all but name, since the suffering of the civilian population is no different than under wartime. It is these all-encompassing sanctions that destroy the lives of the civilian populations of targeted countries that the international community must oppose.

The recommendations made by the authors should be taken up by governments and civil society organisations committed to upholding international law and implemented. The proposal for collective action to resist extraterritorial sanctions and dollar imperialism is something practical and achievable, and should be vigorously pursued. On the suggestion to refer this issue to the International Court of Justice, a committee of legal experts should be commissioned to study and formulate a legal strategy.

In 1955, Indonesia and several other Asian nations organized the Afro-Asian Conference, known as the Bandung Conference, attended by states that had recently been freed from colonialism and become independent. Many prominent Afro-Asian leaders, including, Ahmed Sukarno, Jawaharlal Nehru, Chou En Lai and Kwame Nkrumah attended the conference. The aims of the conference were to promote Afro-Asian economic and cultural cooperation and to oppose colonialism and neocolonialism. The Bandung Conference accelerated the decolonization process and led to the establishment of the Non-Aligned Movement. Extraterritorial sanctions are a tool in the hands of the US government for promoting and perpetuating neocolonialism. Therefore, we need a conference, attended by nations committed to upholding the UN Charter and international law, and opposed to unilateral extraterritorial sanctions, to highlight the issue, formulate a programme of action, and bring it onto the global agenda.

Mohideen Abdul Kader
26 October 2018

Introduction

Despite the crisis of the legal legitimacy of sanctions, the United States of America, regardless of what administration or government is in place, has instrumentalised sanctions as part of its ongoing aggression and hostility to other countries. The US imposed more than 61 unilateral sanctions from 1993 to 1996 against 35 countries that make up 42 percent of the world's population, making the US the undisputed sanctions 'champion' of the world. Unilateral sanctions imposed by the US are contentious due to their extra-territoriality with many countries believing that such sanctions interfere in their sovereign rights as independent states (Gharib Abadi, 2013¹).

With the Trump administration there has been a revision of the sanctions regime reflected in a change in the nature of the process and the purpose of sanctions. While in the past, US sanctions have largely been based on consensus with friendly and allied countries in embargoes, as well as efforts to gain support and legitimacy at the United Nations, the new US administration has fundamentally shifted its sanctions regime. In the new administration, sanctions are largely unilateral, with their focus solely on "economic collapse." Thus, while in the past, sanctions imposed were mainly localized and focused on specific military, armed or political activities, the new administration has no intention of trying to appear to impose so called "intelligent" sanctions on targeted countries.

The failure of previous US sanctions to achieve their desired outcomes has led the Trump administration to impose harsher and more punitive sanctions than before. These harsher and more hostile sanctions are focused on short-term, but intensive economic effects. For the United States, it is clear that the devaluation of national currencies is intended to have psychological and social consequences for populations in sanctioned countries, as well as leading to rapid economic crisis and the collapse of the economic system of countries.

Mass human rights violations resulting from past sanctions regimes includes denial of access to health and medical services for citizens, increases in infant mortality rates. Today riots and even civil war are arguably part of the design of the new sanctions regime. It is clear to economic analysts, including

1 The article was presented to the symposium on unilateral sanctions under international law, The Hague, 11 July 2013.

those in the United States administration that the rapid fall of the national economy leads to public discontent, it increases the risk of economic or social insurgency.

Typology of the sanctions

The study of the dynamics and diversification of US sanctions reflects the existence of three different types of sanctions, each with a different scope, intensity and scope of effect. These three types of sanctions and their effects include:

1. Inclusive violent sanctions

This type of sanctions has generally been enforced by the United Nations Security Council and mainly pursued by the previous administrations in the US. This type of sanctions regime is the most irresponsible and devastating, often targeting the social, health, and food security of the targeted country. The results of this type have, in many cases, been more devastating than war.

The most prominent example of this kind of sanction was in Iraq in the 1990s, when over half a million children were killed due to UN sanctions. The current situation in Syria and Yemen should also be categorized as mass human rights violations resulting from sanctions against the people of these two countries, which have been detrimental and have led to an increase in mortality (especially in children, infants and the elderly).

2. Hard financial sanctions

Hard financial sanctions, especially by the current US administration, are aimed at devaluing the national currency of the targeted countries relative to the US dollar and through the heavy sanctions imposed on the central banks of the targeted countries. Such sanctions have repercussions on all economic and social spheres, including the sharp decline in gross domestic product (GDP), the sharp rise in inflation, rising

unemployment, loss of purchasing power, and general poverty. The main purpose of this type of sanctions is to create general discontent, the collapse of governments through the creation of economic paralysis and the development of a social and political environment of extreme uncertainty about the future. The ongoing situation in Venezuela is an example of this kind of sanctions in extremis. The same pattern of sanctions has been designed by the Trump administration for Iran, but due to the lack of international consensus and the inability to curb the economic course of Iran, this effort has not resulted in a collapse of economic sovereignty in Iran.

3. Soft financial sanctions

These are a new development in the US sanctions arsenal. By reviewing the effects, one can estimate that the purpose of soft financial sanctions is to have a mutually exclusive, effective and powerful impact on the targeted country's economy. This is proven by examining the trends of two Indicators in the US sanctions periods: gross domestic production (GDP) and the value of the national currency. Although this type of sanctions also has a social impact, its purpose, by deregulating the country's sovereign efforts, is economic containment, including targeting the value of the national currency and gross national product (GDP). As a result, the sanctioned country's financial state is targeted. The recent sanctions on Turkey, as well as Russia, fall into this category. Both countries have relatively favorable economic conditions and the ability to deal with sanctions, but the devaluation of the national currency in both countries is significant.

The purpose of this book is not to provide theoretical considerations in the area of sanctions. The book focuses solely on issues that clearly highlight two things. First, economic data analysis shows how recent US sanctions are generally different from the past and aim for economic collapse. To illustrate this fact, several types of raw data have been used. The first type is the data on the sanctions of targeted countries from the US Treasury Department, which show what sanctions are being imposed on which countries, and at which times.

Secondly data from [xe](https://www.xe.com/)¹, a currency exchange reference website, has been used to track the trend of the national currency of targeted countries. It is used to determine the trends on the relative value of the world's currencies. The third source of data is the gross domestic product (GDP) of the targeted countries. For this, data from the Trading Economics² website was used. An analysis of this data clearly indicates that US economic sanctions against the targeted countries are directly related to the collapse of those countries' national currency, as well as to the fall of GDP. All of these measures create a serious international legal responsibility for the US, which has so far escaped critical scrutiny.

Aside from this analysis, the main purpose of this book is to demonstrate the human rights dimensions of sanctions in the sample countries and to argue a legal framework necessary to bring a lawsuit against the US on the basis of flagrant violation of human rights. To this end, specifically, 10 international legal texts have been reviewed and all of their materials and articles related to the prohibition of such sanctions or the prohibition of human rights violations have been extracted and presented here.

The book also draws on a series of official UN reports and its subsidiary organizations such as the World Health Organization (WHO) and UNESCO, scientific research papers and trusted news reports.

Both types of actions, which are the attempt to bring about the economic collapse of the country and the violation of the human rights of citizens of the targeted countries, are subject to the legal claim. Such actions by the US can be considered as an appropriate opportunity for international consensus against the US, to enforce the necessary legal rules, firstly through the coordinated and widespread litigation by States sanctioned by the United States. For each of the 10 legal texts listed in this book there is a different enforcement mechanism. For example, where litigation in the International Court of Justice (ICJ) is possible, this should be pursued, and in addition, the appropriate enforcement mechanism for each legal instrument should be utilized, as well as pressure mounted on the US

1 <https://www.xe.com/>

2 <https://tradingeconomics.com>

through international forums such as the UN Human Rights Council. Secondly, countries under sanctions should work on developing and deepening mutuality, aiming for the abolition of imposed sanctions and offsetting their effects by creating alternative and independent financial procedures and economic innovation.

In the past, some efforts have been made to establish the necessary institutions to monitor the human rights impact of unilateral sanctions. One of the more well-known of these efforts is the proposal for a New Commission on Unilateral Sanctions and International Law which was planned by Alain Pellet and presented to the members of the Institut de Droit International in 2015. Although this proposal focuses on the historical experience of France, and in particular the violation of human rights in its former colonial countries, its remit is relevant to other contexts.

Chapter 1

Legal Dimensions of the Sanctions

The international community has so far been largely silent about the scope of human rights violations as a result of sanctions, multilateral sanctions (based on Security Council resolutions) and even unilateralism (especially from the United States), but an examination of the legality of sanctions shows that in many cases sanctions violate international law. The social aspects of rights such as the right to life, the right to food, the right to health, mental and spiritual rights, the right to a healthy environment and clean air, the right to health and the right to medical treatment are clearly violated in many cases in extremis by various sanctions regimes.

Legal bases relevant to the action is an important issue. In fact, the rich political literature used by the UN strongly puts emphasis on respect for human rights, resorting to arbitration, investigation, fact finding, the necessity of increasing international cooperation, and avoidance of resort to unilateral economic or military action. The Committee on Economic, Social and Cultural Rights of the UN noted in 1997 that imposers of sanctions should guarantee to respect economic, social and cultural rights of target populations, as it is established in the International Covenant on Economic, Social and Cultural Rights. Hence, since the sanctions damage these basic rights, it is justified to consider them inhuman and in violation of internationally accepted principles.

More obviously, the International Court of Justice (ICJ) established the basic principles of jurisdiction in public international law in the Lotus case: "Now the first and foremost restriction imposed by international law upon a State is that-failing the existence of a permissive rule of the country-it may not exercise its power in any form in the territory of another State. In this sense jurisdiction is certainly territorial; it cannot be exercised by a State outside its territory except by virtue of a permissive rule derived from international custom or from a convention." (p 15)¹

Economic indicators and the provision of official statistics and information for international accountability are the first steps in this direction. The logic of this principle is that some of

1 Quoted from Gharib Abadi, Kazem. (2013). Unilateral Sanctions against Iran and International Law. In *Symposium on Unilateral Sanctions and International Law*: 10-20.

the human rights rules, such as the right to life, are today part of a dominant international norm (*Jus Cogens*) and should not be violated in any way.

Consequently, in the event of a conflict between UN Security Council sanctions regulations and fundamental human rights and international humanitarian law, article 103 of the UN Charter cannot be invoked to force member states to comply with the decisions of the Security Council to sanction other countries. Relying on this principle, all countries involved in the sanctions can put forward their complaints against the sanctions resolutions of the Security Council, the US, as well as the countries that are co-sponsoring the sanctions. Providing documentation on the extent of human rights abuses such as economic indicators and the provision of official statistics and information for international accountability are the first steps in this direction.

In the light of the legal dimensions of sanctions and the possibility of litigation under international law, the following sets of rules are cited:

1. Universal Declaration of Human Rights, G A, Res. 217 A (III), UN Doc, 1948
2. United Nations Charter (UNC), 59 stat. 1031, T.S.993, 3 Bevans 1153, 1945
3. Constitution of the World Health Organization (WHO), 14 U. N.T.S. 186, 1946
4. International Covenant on Economic, Social and Cultural Rights, (ICESCR) GA, Res. 2200 A (XXI), UN Doc, 1966
5. Convention on the Elimination of all forms of Racial Discrimination (CEFRD), 1965
6. The Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949
7. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.
8. International Covenant on Civil and Political Rights, Adopted by the General Assembly of the United Nations on 19 December 1966
9. Vienna Convention on the law of treaties, Concluded at Vienna on 23 May 1969

10. Treaty of Amity Economic Relations and Consular Rights between the United States and Iran, 15 August 1955, 284 U.N.T.S. 93 (entered into force 16 June 1957) (specifically in the case of Iran)

The most important legal texts in international law on human rights, which unilateral or multilateral sanctions directly violate, which can be cited to file a lawsuit on the basis of the sanctions violating human rights treaties are:

1. Article 25 of the Universal Declaration of Human Rights, paragraph 1, on the right to a high standard of living and health of the person and family¹, and paragraph 2 on the right to take care of the mother and child²
2. Article 55 of the Charter of the United Nations, specifically, on the right to life, employment and economic development, and paragraph (b) on the right to health³
3. Introduction to the Constitution of the World Health Organization (WHO) concerning the right to enjoy the highest standards of health⁴, the right to health for

1 Article 25(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2 Article 25(2): Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

3 Article 55: With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

4 The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.

children¹ and the right to access to medicines, therapies and medical facilities² as the fundamental rights of every human being.

4. Article 12 of the International Covenant on Economic, Social and Cultural Rights, paragraph 1, concerning the right to enjoy the highest standards of physical and mental health³ and section (a), paragraph 2, concerning the reduction of the fetal and infant mortality rate⁴, section (c), paragraph 2, on the right to prevent the outbreak of infectious diseases⁵ and Section (d), paragraph 2, on the right to access to drugs, medical and therapeutic equipment⁶
5. Article 5 of the Convention on the Elimination of All Forms of Racial Discrimination, regarding the right of persons in public health, medical care, social security and social services, in particular Section IV, paragraph (e), on the right to health and treatment⁷
6. The provisions of the Fourth Geneva Convention (1949) on the protection of civilians during war, complemented by the 1977 Additional Protocols, oblige the Security Council to respect international humanitarian law at the time of the adoption of economic sanctions. The purpose of this provision is to protect civilians from the adverse consequences of economic interruption.
7. In accordance with Article 23 of the Fourth Geneva Convention, State Parties are required to ensure the

1 Healthy development of the child is of basic importance; the ability to live harmoniously in a changing total environment is essential to such development.

2 The extension to all peoples of the benefits of medical, psychological and related knowledge is essential to the fullest attainment of health.

3 Article 1: the States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

4 Article 2(a): the provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child.

5 Article 2(c): the prevention, treatment and control of epidemic, endemic, occupational and other diseases.

6 Article 2(d): the creation of conditions which would assure to all medical service and medical attention in the event of sickness.

7 Article 5:(e)(iv) The right to public health, medical care, social security and social services.

free passage of all shipments of medicines and hygiene products carried for the enemy civilian population.¹ The same commitment exists for essential food, clothing and nutritional support, especially for children under the age of 15, pregnant women or women who have recently given birth.

8. The Geneva Conventions, in particular, focus on protecting vulnerable groups from famine and hunger caused by the severing of economic ties. Article 54 of the Additional Protocol to the Geneva Conventions on the Protection of Victims of International Armed Conflict,² stating that the use of famine as a method of warfare against civilians is prohibited, extends this kind of protection to the entire civilian population of the countries involved in war. Paragraph 1 of Article 69 of this Protocol reflects the necessity of provision of food, medicine, clothing, bedding and shelter necessary for the survival of the human being.³

1 Article 23: Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.

The obligation of a High Contracting Party to allow the free passage of the consignments indicated in the preceding paragraph is subject to the condition that this Party is satisfied that there are no serious reasons for fearing:

- a) that the consignments may be diverted from their destination,
- b) that the control may not be effective, or
- c) that a definite advantage may accrue to the military efforts or economy of the enemy through the substitution of the abovementioned consignments for goods which would otherwise be provided or produced by the enemy or through the release of such material, services or facilities as would otherwise be required for the production of such goods.

2 Article 54: Protection of objects indispensable to the survival of the civilian population.

3 Article 69(1): In addition to the duties specified in Article 55 of the Fourth Convention concerning food and medical supplies, the Occupying Power shall, to the fullest extent of the means available to it and without any adverse distinction, also ensure the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.

9. Commitment to ensuring food and drug provision for civilians affected by Article 3 of the Universal Declaration of Human Rights¹ and Article 6, paragraph 1, of the International Covenant on Civil and Political Rights², which sees the right to life as an inherent right of humankind. Clause 2 of Article 4 of the same Convention does not permit the violation of this law in any circumstances.³ Article 1, paragraph 2, of the Convention, in conjunction with the provisions of the International Covenant on Economic, Social and Cultural Rights, states in the same terms that under no circumstances can a nation be deprived of its living. This protection is described in Article 11, paragraph 2, of the ECHR as a fundamental human right.⁴

As noted before, in the ICJ's view, the obligation to suspend contractual relations that may have resulted from a Security Council resolution cannot affect the provisions on protecting human beings enshrined in international treaties. This is, in fact, an exception to the general rule of termination or suspension of treaties, as foreseen in Article 60 of the Vienna Convention on the Law of Treaties.⁵

1 Article 3: Everyone has the right to life, liberty and security of person.

2 Article 6(1): Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

3 Article 4(2): No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

4 Article 11(2): The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

5 Article 60: Termination or suspension of the operation of a treaty as a consequence of its breach.

The main point of all these controversies is that, in the event of a conflict between the provisions of the Security Council's sanctions and international humanitarian law on the protection of civilians, Article 103 of the United Nations Charter cannot be invoked to force State parties to comply with United Nations' decisions to sanction a country. As a result, it is observed that UN rights are superior to contractual rights and in no way relate to the obligations of States in the field of universal international law.

In addition, regarding Iran, considering the devastating effects of unilateral US sanctions imposed on it, based on paragraph 2 of the Article 21 of the Treaty of Amity Economic Relations and Consular Rights between the United States and Iran, the International Court of Justice (ICJ) has the power to interpret and resolve the dispute between the two countries.¹ Therefore, Iran may, referring to this article, file a complaint to the ICJ against unilateral sanctions of the United States that violate the provisions of this Treaty. In fact, the treaty has already been the basis for the Islamic Republic of Iran's lawsuit against the United States regarding cruel, unilateral and irresponsible sanctions.

The human rights violations of the sanctions can be proven through legal indicators of the right to access to medicines, medical and medical supplies, the right to food security, the right to work, and the right to a healthy and clean environment

This book is full of examples of violations of the above legal provisions by multilateral or unilateral sanctions (from the United States) imposed on targeted countries. The most violations of the human rights-based sanctions have been experienced in Iraq, Syria and North Korea. However,

1 Article XXI (2): Any dispute between the High Contracting Parties as to the interpretation or application of the present Treaty, not satisfactorily adjusted by diplomacy, shall be submitted to the International Court of Justice, unless the High Contracting Parties agree to settlement by some other pacific means.

other countries, including Iran, Venezuela and Cuba have experienced some form of mass violation of citizens rights because of the lack of access to medical, pharmaceutical and therapeutic facilities. For each of these countries, there are many documents available, but in this book, only a few of these facts are mentioned.

By analyzing the sanctions imposed on Cuba, Michael Reisman (2009), in an article entitled 'Sanctions and International Law' mentions four separate types of instruments to influence governments:

"The first is the military instrument, which involves the application through different modalities, of high levels of coercion by specialists in violence against the target. The second is the economic instrument, involving the granting or withholding of indulgences or deprivations from the target. The third is the diplomatic instrument, involving communications ranging from persuasion to coercion, directed at the elite of the target. The fourth is propaganda, which involves the modulation of signs and symbols directed to the politically relevant strata of a community rather than to its elite. States use all of these four instruments in varying combinations" (Reisman, 2009: 10-11).

In his view:

"When these instruments are used by or with the authority of the international community, let's say the United Nations, it is appropriate to call them "sanctions" - military sanctions, economic sanctions, diplomatic sanctions or ideological sanctions" (Reisman, 2009: 11).

Therefore, international law issues in the face of anti-human rights sanctions should be pursued with a focus on all of these four areas.

Impact of the sanctions on legal indicators

The implementation of statutory provisions and studies on the experiences of embargoed countries indicate that sanctions have had a devastating effect on the provision of medicines and medical supplies, food security, employment, and healthy living environments.

Right to access to medicine, medical treatment and equipment

Numerous materials in international legal texts severely condemn attempts to exert a negative impact on medical treatment and access to medicines through war or sanctions, and the statistics on the increase in fetal and child mortality in countries such as Iraq, Syria and North Korea during the sanctions exemplify this.

Sanctioning countries/regime may and do argue that there is sufficient guarantee against the negative impact of the sanctions on vulnerable social groups, but statistical and empirical evidence proves otherwise.

Firstly, many of the materials used in medicine have multiple applications, and therefore fall under the sanctions regime. For example, Phosphorus Polysulphide (with the formula P_2S_7) is used both in medicine and in the military industry, and for this reason it is one of the items limited and monitored by sanctions regimes.

Importing medicines or medical equipment is often not possible in many cases due to financial and banking sanctions, and as a result, although medicines or medical equipment are not sanctioned, access to them is virtually impossible. The result is a shortage of drugs, the use of undesirable alternatives or prohibitive costs for patients. For example, according to statistics and studies carried out by the Iranian Institute of Chemistry (IIC), sanctions have had a negative impact on the Iranian treatment system, including the provision of medicines and medical equipment. In many cases, it has prevented the

entry of certain drugs, as well as the entry of medical equipment, the entry of counterfeit medicines and lack of quality and the increase in the price of other drugs. With increased financial sanctions on the country, foreign companies have refused to sell raw materials to Iran. To note, 91 percent of medicines in Iran are produced in the country, and up to 90 percent of the raw materials used are produced abroad.

The exhaustion of medical equipment and the loss of health infrastructure are further examples of the secondary effects of sanctions. Affected countries are generally unable to upgrade the health infrastructure due to the economic crisis, resulting in the lack of medical capabilities to meet the needs of citizens. This situation, especially in the event of a natural disaster, dramatically increases the risk of mass deaths. All of these cases have been frequently observed during the sanctions imposed on Iraq, Syria, Yemen, North Korea and Iran, and the negative effects of sanctions on general health are proved, entirely through the statistics of the international organizations, including the World Health Organization (WHO) (general, infant, child mortality rates and mortality rates for patients with certain diseases).

Right to food security

The right to food security is the second human rights abuse stemming from sanctions. Violating this right, which is generally indirect and secondary as the effects of economic poverty, most of all target vulnerable groups, including children, the disabled, pregnant women and the elderly.

The interruption of banking relationships, which creates problems for the transfer of money due to sanctions, makes it impossible to import raw materials for food and food production. In this situation, it is necessary to increase production costs and reduce public access to basic food needs. The first blow of the sanctions will affect livestock and protein production, resulting in vulnerable groups more exposed than ever to increasing disease and death.

Against this background, countries generally pursue cheaper and accessible alternatives. Substandard food sources

coming from outside controlled and supervised trade routes greatly increase the risk of illness in sanctioned countries.

Right to work

While having a job is one of the human rights components in the aforementioned declarations, economic sanctions are causing widespread loss of job opportunities in the communities. Under duress of sanctions, governments are unable to curb unemployment and create jobs. On the other hand, rising costs, which reduce public purchasing power and, as a result, reduce demand in the community, force producers to moderate and reduce their work force.

The worst forms of rising unemployment are in the face of tightening sanctions and absolute shut down of manufacturing companies and widespread unemployment. Lack of employment increases poverty, lack of access to food, increases mental health problems, such as depression and other widespread problems in the areas of security, health and social care.

Right to a healthy and clean environment

In some cases, sanctions have adversely impacted the right to live in a healthy and clean environment. The refusal of countries to sell gasoline to Iran during the sanctions is one of the examples that led to air pollution in major cities. The use of domestic gasoline with an emissions level 438 times higher than the standard level of benzene has caused a widespread environmental calamity in the country. Benzene contamination has a detrimental effect on the development of the fetus and also increases the incidence of respiratory disorders, especially in children.

Chapter 2

Analysis of the Trends

Introduction

In extensive research¹, Portland (2017) has shown the devastating effects of sanctions on human rights in targeted countries. Although the results of this study have not been broken down according to country, it is well illustrated that sanctions have had a particularly strong negative effect on gross domestic product (GDP), in particular. This economic indicator demonstrates the devastating social effects of sanctions, including declining employment and population growth below the poverty line. The survey also proves that sanctions have had a powerful impact on the rise of civil wars and therefore increased the number of deaths. The interesting point in this study is that the pretext for sanctioning does not affect its outcomes.

This book highlights the impact of recent US sanctions on Iran, Syria, Yemen, Iraq, North Korea, Russia, Turkey and Venezuela. In the case of Iraq, the existing sanctions are the extension of past ones, and therefore, in terms of type of effect, they differ from the sanctions imposed on other countries. The sanctions imposed on Yemen are also typically on the military and weapons, but here we also see the effects of human rights abuses. In other cases, the type of sanction and the method of impact follow a similar pattern.

Iran

The US sanctions against Iran have been designed explicitly under two pretexts: human rights and development of nuclear weapons. While Iran has endured US sanctions from after the Islamic Revolution (1979), the scope of the sanctions entered a new phase in 2011, during the Obama presidency. While the Bush administration, as a radical conservative government, imposed only three sanctions on Iran, 266 bans were imposed by the Obama administration, followed by an added 123 sanctions in Donald Trump's current presidential period.

¹ The Effect of Sanctions on Human Rights

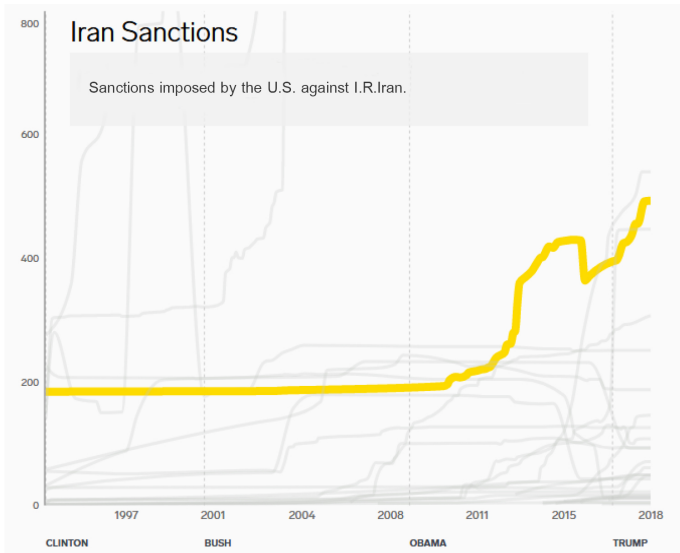


Figure 1. The trend of the sanctions imposed on Iran by the United States

The impact of US sanctions on Iran's economy is understandable by examining the country's gross domestic product (GDP). As the chart below shows, the start of the US sanctions in 2011 has led to a decline in the country's GDP. In 2015, with the coming into force of the nuclear deal, GDP recovered, and then in 2018 (which has not yet been calculated) following the undermining of the agreement by the US, it is predicted to fall again.

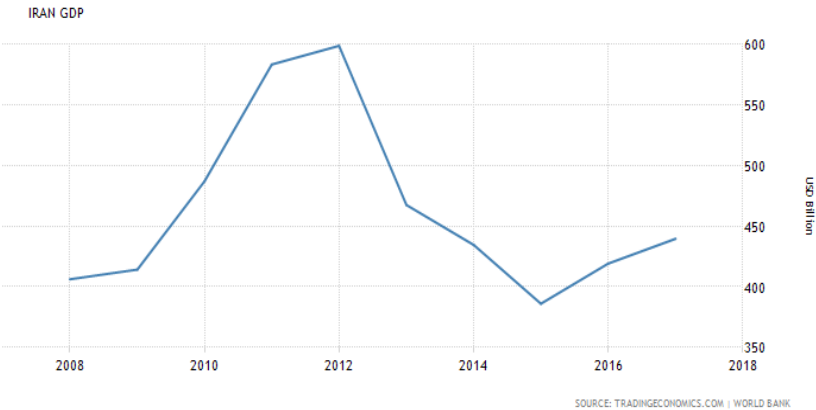
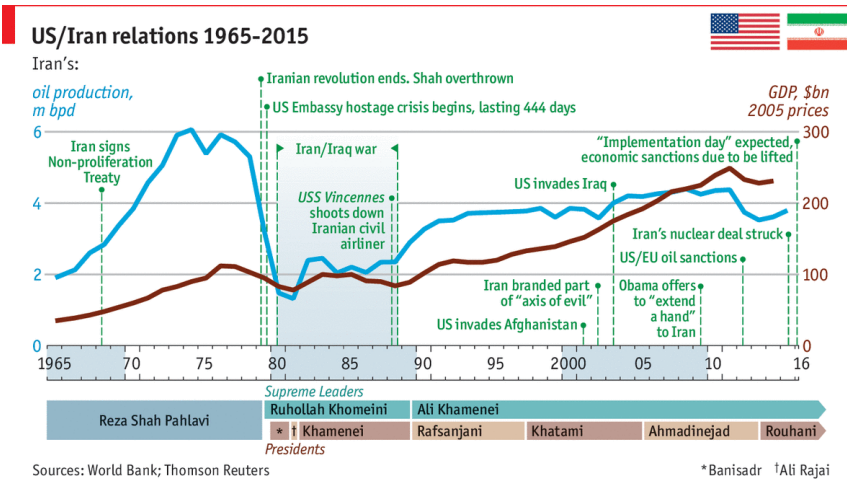


Figure 2. The GDP growth of I.R.Iran (The World Bank, 2018)



There have been many campaigns against the U.S. human rights abusive sanctions against Iran, especially in the field of medicine, medical treatment and medical equipment

Source: pprotest.com



After the Islamic Revolution in Iran, the U.S. actions against Iran have been continuously criminal, many of which have been indirectly pursued through financial pressures on the civilians

Source: Economist.com

Although attempts have been made to curtail the structural and massive impact of sanctions on people's lives in Iran by the government, this has not been able to offset the mass impact of sanctions on the country, especially the direct impact on its citizens.

As numerous studies have shown, US sanctions, especially in recent years, have hit a number of specific groups of the Iranian population. The greatest effect of the sanctions can be seen on patients with special illnesses who need access to pharmaceutical and medical equipment from abroad for the treatment or control of disease. Meanwhile, the United States, as well as international bodies within the United Nations, have always used the rhetoric that "Sanctions are designed to put pressure on the government rather than the people." Against this kind of false justification, problems such as lack of access to pharmaceutical and therapeutic facilities are created which clearly have no effect on the political situation in Iran.

All such actions, in particular, violate the Charter of the United Nations, the Charter of the World Health Organization (WHO), the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Racial Discrimination. Many patients, children, mothers, pregnant women, and older people are at risk of losing their health and even their lives. All of these crimes create for Iran the opportunity for judicial follow-up in jurisdictions or international judicial bodies.

The other effect of US economic sanctions on Iran can be seen in the sharp decline in the value of the Iranian Rial. While the value of the Rial was \$0.0001 with a relative stability by 2010, the imposition of massive sanctions in that year resulted in the value of the country's currency falling to \$ 0.00004 in two years. In other words, the Iranian Rial lost three quarter of its value at the end of 2012.

With the advent of a new phase of the sanctions in 2018, the value of the Rial fell to \$ 0.00002, which again represents a fall in its value by half the value of 2013. In total, over a seven-year period, the value of the national currency of Iran fell by seven-eighths.

In analyzing the value of the Rial, we should also consider the multi-currency situation in Iran. While the government

has announced an artificial dollar rate of about 42,000 Rials, the real value of the dollar in the free market is 150,000 Rials. Accordingly, the fall in the value of the national currency of Iran has shown more than a 14/15 fall, based on the actual price in the free market.



Figure 3. The trend of Iranian Rial rate versus U.S. Dollar (xe.com, 2018)

But the effect of economic sanctions is not solely on economic growth and its indicators, including gross domestic product (GDP). The immediate impact of these sanctions, especially on social and human rights is more important. The most significant human rights aspect of the sanctions against Iran can be seen in the field of medical treatments.

While it is clearly stated that health and medical issues are not included in the sanctions in Iran, the economic difficulties for purchasing and transporting medical equipment and supplies to the country, as well as the problems caused by the inability to transfer funds via international banks, create many problems in the medical treatment system of Iran. The sharp increase in drug prices and many factors affecting the medical services has been presented in the research by Ali Gorji (2013), published in the science journal, *Nature*¹. Gorji points out that the sanctions directly affect over 6 million people who suffer

¹ Gorji A (2013). Health care: Medical supplies in Iran hit by sanctions. *Nature*, 495(7441): 314

from hemophilia, multiple sclerosis, thalassemia, epilepsy and people who require dialysis, as well as those suffering from cancer. These effects are commonly seen in surgery. Reducing anesthetic drugs and other single-use and surgical supplies has put the lives of many patients at risk. Many reports have confirmed the rise in deaths due to the lack of medicine or medical equipment in Iran.¹

The three axes of the effects of sanctions on the devaluation of the national currency, the reduction of GDP and its harmful effects on the country's health and treatment system (especially on patients engaged with special diseases) are directly in contravention of the provisions of Treaty of Amity Economic Relations and Consular Rights between the United States and Iran, and according to it, Iran has the right to file a lawsuit in the Intl. Court of Justice (ICJ)

The impact of sanctions on mortality due to health problems has also occurred in other countries. With regard to hospital capabilities, drug deficits and the lack of laboratory facilities in Cuba, mortality rates for people aged 65 and over increased by 15% in the 1990s. Also, a further 10% increase in overall mortality and a 30% increase in hospital mortality due to the fall of the health system followed the sanctions regime imposed on the former² Yugoslavia. The effect of sanctions on health services is not limited to pharmaceutical shortages. These sanctions also have a direct impact on the degradation of healthcare

1 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4419179/>.

2 Garfield R (1999). The impact of economic sanctions on health and well-being by Richard Garfield, Overseas Development Institute, London, UK, pp. 9–18.

infrastructure, especially for emergencies e.g. cases relating to heart disease or failures that require a quick medical response.

Erica S. Moret (2015) lists the human rights violations stemming from US sanctions on Iran and Syria in a scientific paper entitled Humanitarian impacts of economic sanctions on Iran and Syria¹. His list covers, in particular, health services, emergency medical emergencies, special patient groups, and the maintenance of medical infrastructure.

Kanter and others also point to the deleterious effects of sanctions in reducing investment in Iran.² Reducing oil sales and bringing them to the lowest level since 1988 and reducing crude oil sales by 40% in 2012 created another problem for Iran, which was manifested in rising unemployment and poverty growth since many economic sectors of Iran depend directly or indirectly on the oil industry.³

On the other hand, the ambiguities surrounding the sanctions and the risks associated with Iran's payment for goods due to problems encountered in the banking system have also been referred to as a side-effect of the sanctions on Iran's economy.⁴ The restrictions imposed on the central bank, which have a negative impact on the ability to import drugs, raw materials, medical devices and other devices, sterilizers and other essential equipment for treating serious illnesses, is another issue in the field of human rights abuses.⁵

The negative effects of sanctions on toxicology, chemotherapy, micro-technology and biotechnology have been more than other medical and therapeutic areas.⁶ Other reports have highlighted

1 Erica S. Moret (2015) Humanitarian impacts of economic sanctions on Iran and Syria, *European Security*, Vol. 24, Issue 1, pp.120-140, DOI: 10.1080/09662839.2014.893427

2 Kanter, J., Erdbrink, T., and Gladstone, R., 2012. With new sanctions, European Union tightens screws on Iran over nuclear work. *New York Times*, 16 October, p. 4.

3 Chaffin, J., 2012. EU to impose tough new sanctions on Iran. *Financial Times* [online]. Available from: <http://www.ft.com/cms/s/0/0bd4a052-16dd-11e2-8989-00144feabdc0.html#axzz2W70w4i5q>

4 *Financial Times*, 2012. Iran's seriously ill suffer as US sanctions hit medical supplies. *Financial Times*, 5 Sept., p. 7.

5 *Le Monde*, 2012. Iran: les sanctions affectent six millions de malades grave. *Le Monde*, 26 October, p.1

6 Salami, A., 2012. Effect of sanctions on the Iranian patients. *Press TV* [online], 13 November. Available from: <http://www.presstv.ir/Program/272161.html>

numerous problems in treating diseases such as diabetes, hemophilia, cancers, thalassemia, AIDS and multiple sclerosis.¹

Syria

The sanctions imposed by the United States on Syria are similar to those of Iran and also have a long history. After 2011, Syria's sanctions entered a new phase. The Obama administration imposed 165 sanctions and the Trump administration has to date imposed 278 sanctions on the country. The basis for Syria's sanctions are government support for terrorism, the use of chemical weapons, and attempts to create instability in Iraq.

The value of the Syrian national currency (Syrian Pound) went into freefall due to US sanctions and coincided with the civil war in the country. While in 2011, when the new sanctions from the US began against the country, the value of the Syrian national currency was \$0.02, a momentary crash and then the destruction of the value of the Syrian Pound reduced the value of the national currency to \$0.002. In other words, the value of the country's currency has declined by 9/10 over six years.

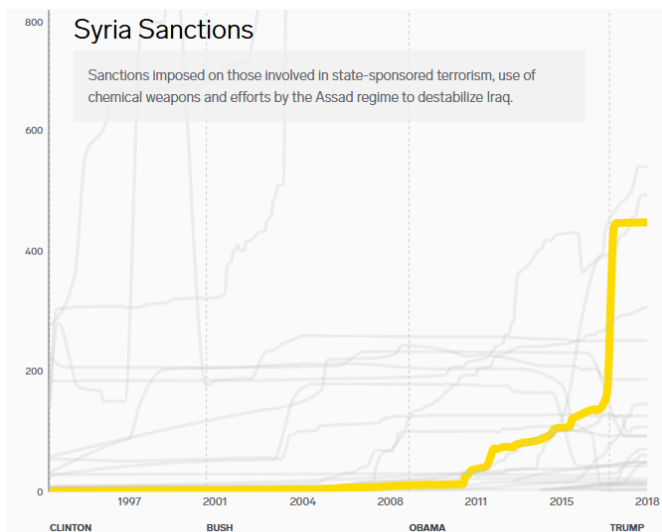


Figure 4. The trend of sanctions imposed on Syria by the U.S.

1 Erdbrink, T., 2012. Iran sanctions take unexpected toll on medical imports. New York Times, 2 November, p. A4.

Syria's new sanctions, which began in 2011¹, have had a destructive effect on the import of oil and exports of goods in the country, and as a result on its GDP², which has had a negative impact on public health.³

Widespread inflation of up to two and three times the price of basic commodities in the country made life harder for citizens, especially families with small children, pregnant women and the elderly, as well as access to medical and health services, and food and essential drugs.

The fall in the value of the national currency has dramatically increased the cost of healthcare and medical services, particularly in maternity services. The loss of access to financial markets is another reason for the development of general poverty and the impossibility of providing essential supplies in the country.⁴



Figure 5. The trend of Syrian Pound rate versus U.S. Dollar (xe.com, 2018)

1 <https://academic.oup.com/jpubhealth/article/35/2/195/1545255>

2 Xinhua News Economic sanctions, Syria, 2011 Beijing, People's Republic of China Xinhua News http://news.xinhuanet.com/english/indepth/2011-12/07/c_131291951.htm

3 Zaid-Mastou M. Syrians feel sanctions as food prices double and power outages increase, 2012 United Arab Emirates Al Arabiya News <http://www.alarabiya.net/articles/2012/01/23/190079.html>

4 WHO Syria Observatory National health accounts: Syria, 2010 Cairo, Egypt WHO Eastern Mediterranean Regional Office (EMRO)



In the war situation, the effects of sanctions on medicines, medical treatments and medical equipment will be doubled, what the Syrian people are constantly experiencing

Source: Mil.ru



Many studies have reported on the effects of U.S. sanctions against the Syria civilians in the fields of medical and food. The failure to vaccinate children is one of the main effects of the U.S. sanctions on Syria

Source: tiny.cc

Sanctions have also damaged the energy infrastructure in the country. This situation is causing civilians to suffer from extreme cold winter conditions and severe summer heat that has led to an outbreak of diseases due to the inability to store food. The development of polio and the rise in the death rate and the increase in child mortality are yet more results of sanctions on the country.¹

Sanctions have also prevented the country from maintaining medical facilities, including treatment facilities and medication for the inhibition of cancer, diabetes and heart disease, which has increased mortality rates in these patients and endangered the lives of thousands of people.²

After Iraq, Syria is in the second place in terms of human rights disaster caused by the US sanctions; many studies have reported on the effects of US sanctions against the Syrian people, especially in the medical and food fields

There are many reports that Syrian refugees in other countries are pursuing essential treatments for heart disease. In other words, one of the reasons for the flight of Syrian citizens is to access medical facilities. However, many indicators of medical injury do not appear in the short term, and as a result, the estimated harmful effects of sanctions on public health in the country remain largely uncertain.³

The cost of accessing energy sources in Syria has doubled in one year. The cold weather and the lack of energy sources

1 International Red Cross Syria sanction effects, 2012 Delta World <http://www.deltaworld.org/international/The-Red-Cross-in-Syria-people-on-the-street-is-paying-the-effects-of-the-sanctions>

2 Khraiche D. Lebanon's HRC halts Syrian refugee aid for lack of funds, The Daily Star, 2012 <http://www.dailystar.com.lb/News/Local-News/2012/Jul-10/180051-lebanons-hrc-halts-syrian-refugee-aid-for-lack-of-funds.ashx#axzz25mWuNxLb>

3 WHO Syria Observatory National health accounts: Syria, 2010 Cairo, Egypt WHO Eastern Mediterranean Regional Office (EMRO)

have contributed to the spread of respiratory diseases. Health indicators, especially the effects of winter 2011-2012 on vulnerable groups indicate its mass impact.¹

For a long period, the vaccination and disease screening program in Syria has been at a standstill owing to the economic pressure of the sanctions. Clearly, this creates long-term problems. Due to its long-term effects, it is not possible to calculate its catastrophic dimensions at the time of sanctions implementation. So, the destructive effects of these situations are not yet clear and measurable.² Other scholars have pointed to psychological problems with discrete and general population groups due to economic failure and facilities, especially among children, the spread of contagious diseases among refugees and poor access to medical and food facilities.³ The WFP has also warned of poverty and hunger in Syria.⁴

The Tropical Medical Bureau reported a detailed report of cholera in urban areas and refugee camps and increased leishmaniasis among children.⁵ A report from the German institution of International Studies said that Syria's sanctions have played a major role in destroying the health of its citizens. The report provides the following list of impacts:

- Severe economic deterioration
- Doubling of unemployment
- Reduction of income in both public and private sectors, especially among non-Syrian refugee groups
- Rising commodity prices
- Removal of economic support schemes for highly vulnerable groups

1 Khraiche D. Lebanon's HRC halts Syrian refugee aid for lack of funds, *The Daily Star*, 2012 <http://www.dailystar.com.lb/News/Local-News/2012/Jul-10/180051-lebanons-hrc-halts-syrian-refugee-aid-for-lack-of-funds.ashx#axzz25mWuNXLb>

2 Coutts, A., McKee, M., and Stuckler D., 2013. The emerging Syrian health crisis. *The Lancet*, 30 January. Available from: [http://dx.doi.org/10.1016/S0140-6736\(13\)60053-7](http://dx.doi.org/10.1016/S0140-6736(13)60053-7)

3 Al Faisal, W., Al Saleh, Y., and Sen, K., 2012. Syria: public health achievements and sanctions. *The Lancet*, 379 (9833), 2241.

4 United Nations, 2012. Syria regional response plan January to June 2013. New York: United Nations. Available from: <http://www.unhcr.org/50d192fd9.html>

5 Tropical Medical Bureau, 2012. Leishmaniasis and tuberculosis both increasing in Syria. Available from: <http://www.tmb.le/destinations/news.asp?id=188925>



According to the UN report, 5,000 children have been killed in Yemen so far, and the lives of 400,000 children are in great danger. In such a situation, sanction acts as a deadly factor

Source: Almigdad Mojalli/VOA



According to WHO statistics, more than 2,200 people were killed because of the outbreak of cholera in the country, which is the result of the loss of health infrastructure in war situations

Source: Times of Ahmad

- The occurrence of health problems (due to the sanctions imposed on the manufacturing companies, the refusal of foreign financial institutions to provide financial transaction services with these companies and the problems experienced by Syrian companies in obtaining credit for the payment of materials needed)
- Increased production costs, shortages of medical consumables, which, although produced in Syria, require the entry of raw materials into the country
- Proven increase in the rate of mental harm, including depression, suicide, and domestic violence associated with the collapse of the economic and social situation¹

Yemen

The sanctions imposed on Yemen have been in place since 2015 when they were imposed under the administration of Barack Obama. The US administration has imposed a total of five sanctions on Yemen, all of which have been enforced on the pretext of opposing the 2011 peace declaration. Similar to Syria, Yemeni sanctions have been imposed in a war situation thus multiplying the impact.

Yet, as a result of the widespread decline in gross domestic product (GDP) in Yemen, the sanctions on the country serve only to intensify conflict and prolong the crisis in the country.

The previous chart shows that under the sanctions imposed on Yemen by the United States in 2015, its gross domestic product (GDP) has fallen sharply. This situation still persists.

With the outbreak of the war in Yemen, the value of the national currency (Yemeni Rial) fell. Currently, every Yemeni Rial is worth about \$0.004, down about 20% since before the war.

¹ Friberg Lyme, R., 2012. Sanctioning Assad's Syria: mapping the economic, socioeconomic and political repercussions of the international sanctions imposed on Syria since March 2011. Copenhagen: Danish Institute for International Studies.

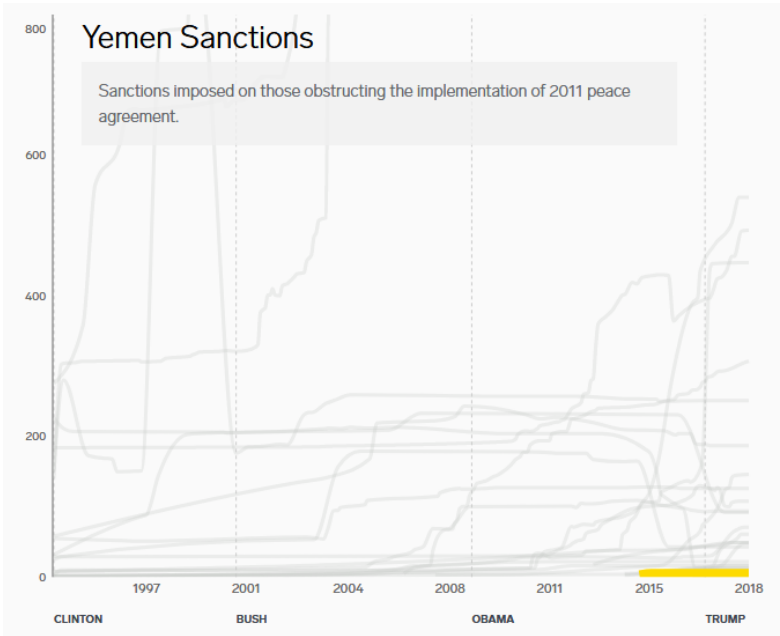


Figure 6. The trend of sanctions imposed on Yemen by the U.S.

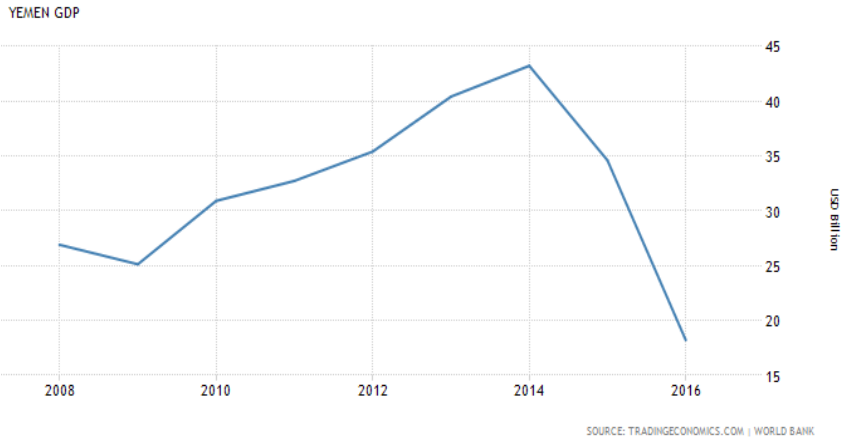


Figure 7. The GDP growth of Yemen (The World Bank, 2018)

The sanctions imposed on Yemen are ostensibly on the sale of weapons, but this has only contributed to the ability of Saudi armed forces and their allies to commit widespread massacres, directly supported by the United States, which

is supporting the Saudi alliance in the Yemeni war with weapons and intelligence. Yemeni military sources say that a number of US forces are even stationed in Yemen, but US officials refrain from stating their numbers for security reasons.



Figure 8. The trend of Yemeni Rial rate versus U.S. Dollar (xe.com, 2018)

The Saudi-backed coalition against Yemen, with the support of the United States, has lasted for four years, during which more than 36,000 Yemeni civilians have been killed and millions displaced and affected by food crisis and famine. Meanwhile, the US Senate has rejected a proposal to terminate US co-operation with the Saudi coalition in the war against Yemen.

According to the UN report, 5,000 children have been killed in Yemen so far, and the lives of 400,000 children are in great danger.¹ Also, 80% of Yemeni children need urgent food and drug support.²

According to WHO statistics, 9,245 people were killed by military equipment in the Yemeni war, and more than 2,200 people were killed because of the outbreak of cholera in the

1 <https://www.theguardian.com/world/2018/jan/16/yemen-war-children-dead-injured-malnourished>

2 <https://www.theguardian.com/global-development/2017/jul/27/childrens-crisis-yemen-conflict-80-percent-kids-urgent-aid-acute-malnutrition>

country, which is the result of the loss of health infrastructure in war situations.¹

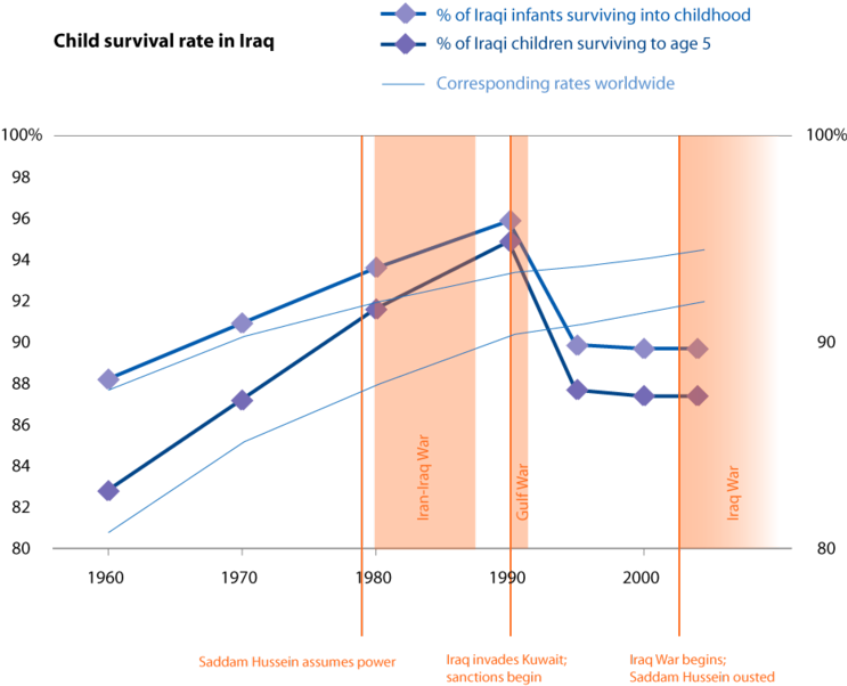
Although the sanctions imposed on Yemen are regarded as military sanctions, but the social and human rights impacts of these sanctions reflect the economic and social dimensions and therefore can be considered as a subject in the field of human rights, which civilians are suffering from food poverty, widespread illness and reduced access to treatments

Iraq

Iraq is also one of the countries that has been under continuous sanctions by the US. The important thing about Iraq is that even with the change of government in Iraq and the end of the dictatorship of Saddam Hussein, the country is still subject to past sanctions. The Bush administration imposed 81 bans and the Obama administration added a further three sanctions on the country. Only 15 of these have been removed.

There is no concrete relationship between US sanctions and the value of the national currency of Iraq. The reasons are that, firstly, Iraq has paid a high cost for the stability of the national currency of the country in recent years. Secondly, and most importantly it proves the initial hypothesis of the book which is that since Iraq's sanctions are largely related to the use of sanctions under George W. Bush's tenure when the sanctions mechanism was not linked to the devaluation of the national currency.

¹ <https://www.theguardian.com/world/2018/jan/16/yemen-war-children-dead-injured-malnourished>



Even the figure of over 300,000 of children under the age of five due to sanctions in Iraq is three times higher than those killed in the Hiroshima nuclear strike

Data from Unicef



Since the Gulf War, 576,000 Iraqi children had been killed from the end of the Gulf War (1991) to 2000 because of economic sanctions that crippled the country's agricultural and food system

Source: Janeb13

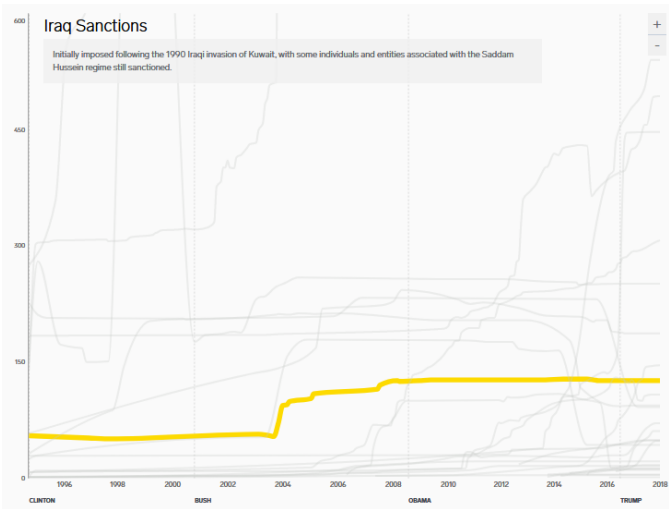


Figure 9. The trend of sanctions imposed on Iraq by the U.S.

Therefore, the continuation of past sanctions has not significantly affected the devaluation of the country's national currency. The decline in the value of the national currency, rather than dependent on foreign sanctions, is related to domestic issues and unrest.



Figure 10. The trend of Iraqi Dinar rate versus U.S. Dollar (xe.com, 2018)

The human rights violations of the US sanctions against Iraq are another major controversy. According to a report by the United Nations during the Gulf War, published in the journal of the British Medical Association, Barbara Crossette noted that since the Gulf War, 576,000 Iraqi children had been killed from the end of the Gulf War (1991) to 2000 because of economic sanctions that crippled the country's agricultural and food system. The study also revealed malnutrition among adolescents in the country.¹

The US sanctions against Iraq, in addition to having the highest human casualties (nearly half a million children), reflect the cruel logic of the country towards the people of the Islamic countries, because many years after lifting the ban on excuse (the rule of Saddam Hussein), the people continues to be affected by the economic and social effects of the remaining sanctions since 1999

The death toll resulting from the sanctions in Iraq has been greater than the toll of the eight years of war between Iran and Iraq (1980-1988). Whereas Infant mortality was 47 cases per one thousand live births between 1984 and 1989, in the period 1994-1999 it reached 108 cases per one thousand live births.

Also, the number of deaths among children under the age of five during the time between these two periods increased from 56 to 131 per one thousand live births.² Even the figure of

1 <https://www.nytimes.com/1995/12/01/world/iraq-sanctions-kill-children-un-reports.html>

2 Ali MM, Shah IH (2000). Sanctions and childhood mortality in Iraq. *Lancet*, 355(9218): 1851-7.

over 300,000 of children under the age of five due to sanctions in Iraq is three times higher than those killed in the Hiroshima nuclear strike.¹



Figure 11. Iraq's GDP growth (annual %) (The World Bank, 2018)

North Korea

The US sanctions against North Korea have focused entirely on its nuclear weapons development program. The new round of sanctions began in 2016. The country, under Barack Obama's presidential term, was issued with 74 sanctions and under Donald Trump, a further 72 were added. Historically, the North Korean sanctions began as a result of the conflict between the two Koreas in order to halt communist development in North Korea.

Although North Korea has never had a stable and sustained economy because of the continued US economic sanctions, recent US sanctions on the country have put GDP growth in a downswing. Since the beginning of 2016, when new rounds of sanctions against the country began, the annual GDP growth index declined rapidly, and at the time of writing is still in freefall.

1 Ascherio A, Chase R, Coté T, Dehaes G, Hoskins E, Laaouej J, Passey M, Qaderi S, Shuqaidef S, Smith MC, et al. (1992). Effect of the Gulf War on infant and child mortality in Iraq. *N Engl J Med*, 327(13): 931_6

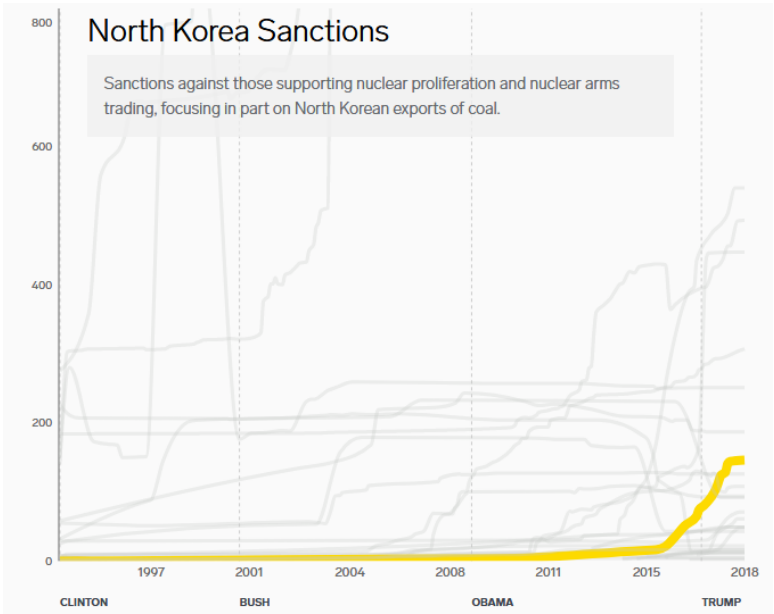


Figure 12. The trend of sanctions imposed on North Korea by the U.S.

In terms of the value of the national currency, North Korea has experienced severe conditions over the past few months. Despite the continued US sanctions, North Korea's national currency was largely stable.

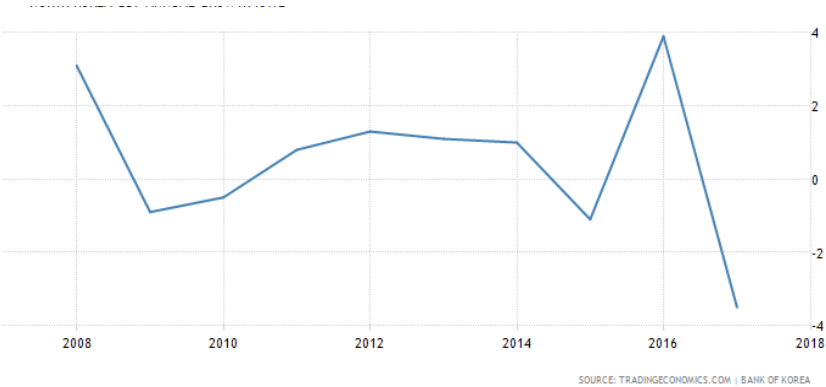


Figure 13. North Korea's GDP growth (annual %) (The World Bank, 2018)

Even since 2011, the value of the national currency of the country (WON) has risen substantially. But recent US sanctions

have dealt a serious blow to the country's national currency. In fact, the value of the North Korean currency in December 2017 fell from \$0.0072 to \$0.001, which is one seventh of its value compared with the end of last year.



Figure 14. The trend of North Korean Won rate versus U.S. Dollar (xe.com, 2018)

In terms of long-term impacts of sanctions on human rights issues, North Korea has been seriously impacted. While North Korea was able to reduce infant mortality rates in 2008 to 21 per one thousand births, at the time of sanctions, the rate of infant mortality rose in 2009, to 51 deaths per 1000 births.¹

Similar to Iraq and Syria, the human rights violations of North Korea's sanctions are often indicative of children and pregnant women

According to UNICEF², 200,000 children in North Korea suffer from acute malnutrition, of which 60,000 are at risk of severe and fatal illnesses.

1 <https://www.indexmundi.com/g/g.aspx?c=kn&v=29>

2 <https://www.reuters.com/article/us-northkorea-missiles-un-children/60000-north-korean-children-may-starve-sanctions-slow-aid-unicef-idUSKBN1FJ1FL>

Russia

The US sanctions on Russia also have a very long history emanating from the Cold War era. However, sanctions have intensified since 2014, following disagreements over the Crimea region. During the presidency of Barack Obama, Russia was the subject of a total of 432 sanctions which grew by 105 in the presidency of Donald Trump.

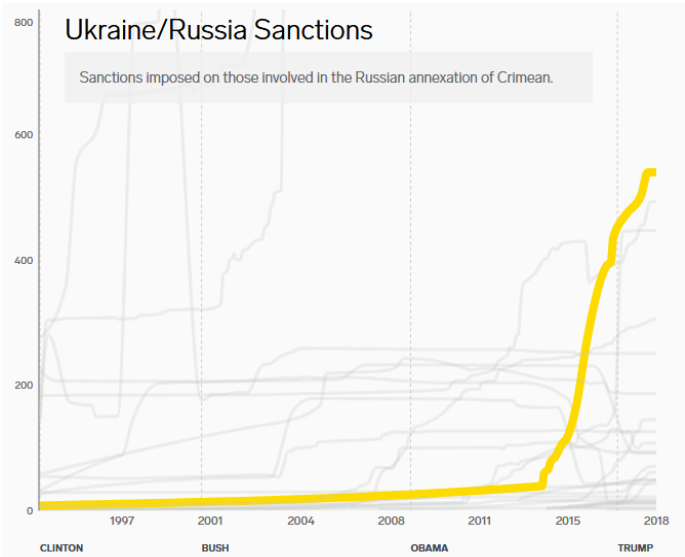


Figure 15. The trend of sanctions imposed on Russia by the U.S.

The impact of sanctions on the economy of Russia can be understood by tracking the country's gross domestic product (GDP). The chart below shows the GDP of the country over a period of ten years.

The value of the Russian national currency (Ruble) shows a dramatic decline in the year when the new sanctions began. By 2014, the Ruble had been in a relatively stable position relative to the dollar at \$0.03 per Ruble, but after the crisis and sanctions, the value of the national currency fell to \$0.017. The value of the national currency has now fallen to \$0.015. In other words, the value of the country's currency during the sanctions period is half the value it was before the sanctions.

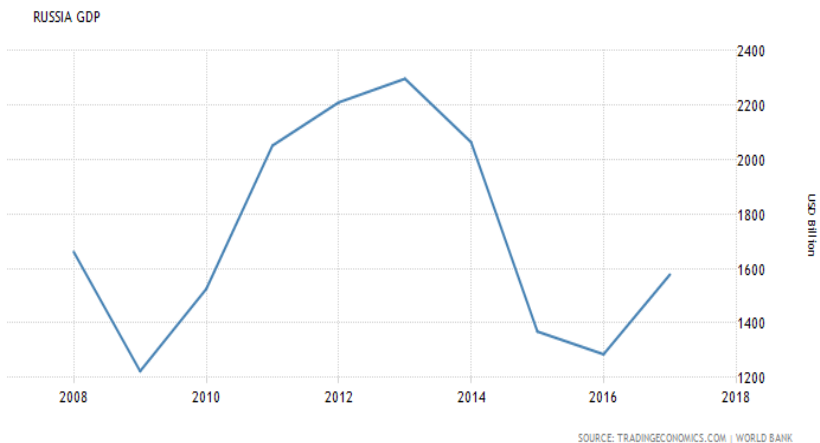


Figure 16. The GDP growth of Russia (The World Bank, 2018)



Figure 17. The trend of Russian Ruble rate versus U.S. Dollar (xe.com, 2018)

Turkey

Among the countries surveyed in this book, the pattern of analysis of the situation in Turkey is different, due to the

difference in its status with other sanctioned countries. The collapse of the national currency is unprecedented in the history of the country.¹ Turkey purchases much of its oil from Iran and Russia. The country purchases 44 percent of its oil from Iran. In 2017, Turkey paid \$10.7 billion in oil sales to Iran. The secondary effect of Turkey's sanctions also caused a sharp rise in the cost of buying oil.²

The country has a relatively favorable GDP. The country's currency value fell sharply due to the targeted US economic sanctions. The value of the Turkish Lira in May 2018 was \$0.240. By the end of August 2018, it had fallen to about \$0.140. The US has recently launched a new plan to undermine Turkey's national currency.



Figure 18. The trend of Turkish Lira rate versus U.S. Dollar (xe.com, 2018)

Venezuela

The sanctions imposed on Venezuela have been implemented under two pretexts: drug trafficking and human rights issues.

1 <https://www.bloomberg.com/news/articles/2018-07-26/pence-warns-turkey-u-s-to-impose-sanctions-if-pastor-not-freed>

2 <http://www.hurriyetdailynews.com/opinion/murat-yetkin/us-sanctions-on-iran-and-turkey-and-the-state-of-the-economy-135567>

These began with just 7 sanctions in the Barack Obama administration in 2014, but their economic impact was so severe that it propelled the country into first place in terms of the devaluation of the national currency. The sanctions intensified during the Donald Trump presidency. In the new period, there have been 54 sanctions against the country.



Figure 19. Venezuela’s GDP growth (annual %) (The World Bank, 2018)



Figure 20. The trend of Venezuelan Bolívar rate versus U.S. Dollar (xe.com, 2018)

Venezuela’s economy collapsed in 2012, but efforts to curb the economic collapse eventually ended in 2014, with the imposition

of absolute sanctions. Since then, the country has still been experiencing negative GDP growth.

Although the fall in the value of Venezuela's national currency began much earlier than the United States sanctions in 2009, when a domestic political conflict broke out, US sanctions reversed in 2015, exacerbating the value of the national currency. The value of Venezuelan Bolivar is now \$ 0.0001.

The lack of food, the mass exodus of citizens, a spike in health problems and the loss of purchasing power of citizens due to the unrestrained inflation in Venezuela are all examples of human rights violations arising from US sanctions against the citizens of Venezuela.

Conclusion

**Recommendations
on the pursuit of
the legal claims**

The first contention of this book is to support the assumption that the new US sanctions designed and implemented under the administration of Donald Trump are planned to target the economic collapse of countries through the devaluation of the national currency and the decline of economic growth. As shown in the analyses, this hypothesis is proved by comparing the situation with the trend of the national currency value of the targeted countries. All the targeted countries sanctioned by the US have suffered a sharp and uncontrollable decline in the national currency. This issue is most serious in Iran, Venezuela and, recently, Turkey. Regarding Iraq, although we have seen a devaluation of the national currency, this reduction, by way of exception, is not related to foreign sanctions. In fact, the failure to see the cross-sectional and serious impact on the value of the national currency also helps to prove the present hypothesis because the sanctions on Iraq were imposed by previous US governments and have since been periodically renewed. In the case of Iraq, the Trump administration has not imposed economic sanctions with the aim of damaging its national currency.

The second focus of this book is to illustrate the mass human rights violations that result from US sanctions. The severity of these violations is closely linked to the economic strain imposed on the targeted country. Thus, human rights violations resulting from sanctions have been seen in countries like Turkey, which has recently joined the sanctioned countries, or Russia, which is relatively more economically capable than other sanctioned countries, as well as countries more severely affected such as Syria, Iraq and Yemen.

Recent responses to sanctions and potential divergences in the Western world indicate the emergence of a crisis in the legitimacy of sanctions. There need to be further and accelerated efforts to seek international advocacy against these sanctions regimes, as well as finding new paths for economic independence and exposing the true impact of sanctions.

Given the numerous laws and conventions reviewed in this book, which emphasize the importance of preventing sanctions adversely affecting human rights, the following suggestions are made:

1. The convergence of the victim states of US sanctions and the formation of a union of the sanctioned

countries for legal, political and economic collective actions against the sanctions and management of conditions through the establishment of business treaties and new financial lines aimed at undermining US economic pressure and reducing the dollar's domination on the domestic market of sanctioned countries.

2. Where possible, the submission of legal proceedings to the International Court of Justice (ICJ) on the basis of the human rights violations resulting from the sanctions imposed by the United States and its allies, jointly by the countries sanctioned or individually based on the specific effects of each country.
3. Where appropriate enforcement mechanisms exist under international treaties, sanctioned states should collectively or individually utilise such mechanisms.
4. Sanctioned states should collectively and individually raise the human rights violations in international forums, such as the UN Human Rights Council, so as to create international pressure against sanctions that harm civilian populations.
5. Developing social measures at the international level through the creation of anti-sanctions campaigns
6. Create multinational intellectual charters against sanctions with a focus and emphasis on human rights abuses. At the moment, much of international human rights law is merely focused on what each state does to its own population and there seems to be a lack of recognition or enforcement when it comes to states violating the human rights of other states' populations through deliberate foreign policy.
7. Developing access to information regarding the impact of sanctions as a common basis for information on sanctioned countries in order to maximize the use of the world's critical and resilient capacity to enforce the rights of citizens in sanctioned countries.

References

- Al Faisal, W.; Al Saleh, Y. & Sen, K. (2012). Syria: public health achievements and sanctions. *The lancet*, 379 (9833), 2241.
- Ali M. M. & Shah, I. H. (2000). Sanctions and childhood mortality in Iraq. *Lancet*, 355(9218): 1851–7.
- Ascherio, A; Chase, R.; Coté, T.; Dehaes, G.; Hoskins, E.; Laaouej, J.; Passey, M.; Qaderi, S.; Shuqaidef, S.; Smith, M. C.; et al. (1992). Effect of the Gulf War on infant and child mortality in Iraq. *N Engl J Med*, 327(13): 931–6
- Chaffin, J. (2012). EU to impose tough new sanctions on Iran. *Financial Times* [online]. Available from: <http://www.ft.com/cms/s/0/0bd4a052-16dd-11e2-8989-00144feabdc0.html#axzz2W70w4i5q>
- Coutts, A.; McKee, M. & Stuckler D. (2013). The emerging Syrian health crisis. *The Lancet*, 30 Sep 2018. Available from: [http://dx.doi.org/10.1016/50140-6736\(13\)60053-7](http://dx.doi.org/10.1016/50140-6736(13)60053-7)
- Crossette, B. (1995). Iraq Sanctions Kill Children, U.N. Reports. Retrieved at 17 Sep 2018 from <https://www.nytimes.com/1995/12/01/world/iraq-sanctions-kill-children-un-reports.html>
- Epstein, J. & Faries, B. (2018). Turkey's Fragile Economy Faces New Risk in U.S. Sanctions Threat. Retrieved at 28 Sep 2018 from <https://www.bloomberg.com/news/articles/2018-07-26/pence-warns-turkey-u-s-to-impose-sanctions-if-pastor-not-freed>
- Erdbrink, T. (2012). Iran sanctions take unexpected toll on medical imports. *New York Times*, 2 November, p. A4.
- Financial Times (2012). Iran's seriously ill suffer as US sanctions hit medical supplies. *Financial Times*, 5 Sept., p. 7.
- Friberg Lyme, R. (2012). Sanctioning Assad's Syria: mapping the economic, socioeconomic and political repercussions of the international sanctions imposed on Syria since March 2011. Copenhagen: Danish Institute for International Studies.
- Garfield, R. (1999). The impact of economic sanctions on health and well-being / by Richard Garfield Overseas

- Development Institute, London, UK, pp. 9–18.
- Gharib Abadi, Kazem. (2013). Unilateral Sanctions against Iran and International Law. In *Symposium on Unilateral Sanctions and International Law*: 10-20.
- Gorji, Ali. (2013). Health care: Medical supplies in Iran hit by sanctions. *Nature*, 495(7441): 314
- Index Mundi (2018). Infant Mortality Rate. Retrieved at 28 Sep 2018 from <https://www.indexmundi.com/g/g.aspx?c=kn&v=29>
- International Red Cross Syria sanction effects (2018). Delta World. Retrieved at 8 Sep 2018 from <http://www.deltaworld.org/international/The-Red-Cross-in-Syria-people-on-the-street-is-paying-the-effects-of-the-sanctions>
- Kanter, J., Erdbrink, T., & Gladstone, R. (2012). With new sanctions, European Union tightens screws on Iran over nuclear work. *New York Times*, 16 October, p. 4.
- Khraiche, D. (2012). Lebanon's HRC halts Syrian refugee aid for lack of funds, *The Daily Star*. Retrieved at 7 Sep 2018 from <http://www.dailystar.com.lb/News/Local-News/2012/Jul-10/180051-lebanons-hrc-halts-syrian-refugee-aid-for-lack-of-funds.ashx#axzz25mWuNxLb>
- Le Monde (2012). Iran: les sanctions affectent six millions de malades grave. *Le Monde*, 26 October, p.1.
- Lyons, K. (2017). 'A children's crisis': now 80% of all kids in Yemen are in need. Retrieved at 28 Sep 2018 from <https://www.theguardian.com/global-development/2017/jul/27/childrens-crisis-yemen-conflict-80-percent-kids-urgent-aid-acute-malnutrition>
- Nebehay, S. (2018). 60,000 North Korean children may starve, sanctions slow aid: UNICEF. Retrieved at 21 Sep 2018 from <https://www.reuters.com/article/us-northkorea-missiles-un-children/60000-north-korean-children-may-starve-sanctions-slow-aid-unicef-idUSKBN1FJ1FL>
- Salami, A. (2012). Effect of sanctions on the Iranian patients. *Press TV* [online], 13 November. Available from: <http://www.presstv.ir/Program/272161.html>
- Sen, K.; Al-Faisal, W. & AlSaleh, Y. (2013). Syria: effects of conflict and sanctions on public health. *Journal of Public Health*. 35 (2): 195–199.

- The guardian (2018). Yemen war: 5,000 children dead or hurt and 400,000 malnourished, UN says. Retrieved at 20 Sep 2018 from <https://www.theguardian.com/world/2018/jan/16/yemen-war-children-dead-injured-malnourished>
- Tradingeconomics (2018). Retrieved at 12 Sep 2018 from <https://tradingeconomics.com>
- Tropical Medical Bureau (2012). Leishmaniasis and tuberculosis both increasing in Syria. Available from: <http://www.tmb.le/destinations/news.asp?id=188925>
- United Nations (2012). Syria regional response plan January to June 2013. New York: United Nations. Available from: <http://www.unhcr.org/50d192fd9.html>
- WHO Syria Observatory National health accounts: Syria, 2010 Cairo, Egypt WHO Eastern Mediterranean Regional Office (EMRO)
- Xe (2018). Retrieved at 20 Sep 2018 from <https://www.xe.com/>
- Xinhua News Economic sanctions, Syria (2011). Beijing, People's Republic of China Xinhua News Retrieved at 15 Sep 2018 from http://news.xinhuanet.com/english/indepth/2011-12/07/c_131291951.htm
- Yetkin, M. (2018). US sanctions on Iran and Turkey, and the state of the economy. Retrieved at 30 Aug 2018 from <http://www.hurriyetdailynews.com/opinion/murat-yetkin/us-sanctions-on-iran-and-turkey-and-the-state-of-the-economy-135567>
- Zaid-Mastou, M. (2012). Syrians feel sanctions as food prices double and power outages increase, 2012 United Arab Emirates Al Arabiya News. Retrieved at 10 Sep 2018 from <http://www.alarabiya.net/articles/2012/01/23/190079.html>

The purpose of '**Subverting Sanctions: How Human Rights and International Law have been Violated**' is to demonstrate the human rights dimensions of sanctions in the sample countries and to argue a legal framework necessary to bring a lawsuit against the US on the basis of flagrant violation of human rights. Mass human rights violations resulting from the past sanctions includes denial of access to health and medical services for citizens. Today riots and even civil war are arguably part of the goals of such sanctions.

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