

Statement by Ali Nasimfar

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Before

The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization”

Identification of new subjects

New York, 21 February 2020

In the Name of God, the Compassionate, the Merciful

Madam Chair,

Our proposal is neither a politicized one nor a bilateral issue, instead it is a legal reaction to politicized coercive measures. That is why we name the only country which heavily relies on these measures and has chosen them as an instrument of its foreign policy in order to better explain the implications of unilateral coercive measures and show the importance of the proposed guidelines. It is an effort to strengthen the legal framework to assist Member States in preventing, removing, minimizing and redressing the adverse impact of unilateral coercive measures.

It is not duplicative; we are not aware of any intergovernmental body that is entrusted to prepare such a guideline, and the Charter Committee is the competent body to elaborate on this topic based on its mandate. We think that the International Law Commission should take this matter seriously and study the legal implications of the UCM on member states in its future work programme.

Madam Chair,

To better understand the unilateral coercive measures and their adverse impact on individuals and member states, I will share with you some tangible examples:

1.) Two-year-old Souda and seven-year-old Younes are just two children among many in Iran who currently suffer from a rare genetic condition known as Epidermolysis bullosa (EB). Children with this condition are referred to as “butterfly children” due to the extreme fragility of their skin, which is as fragile as butterflies. Because such fragile skin is more susceptible to infection, children afflicted with EB should be covered in special medical-grade bandages in order to avoid infection and further complications. However, following the US’ unlawful sanctions, advanced medicine and medical equipment that Iran used to import for the treatment of children like Souda and Younes, such as the importation of bandages, has become almost impossible. At this time, parents of butterfly children are now forced to use regular bandages in order to treat their condition which exponentially increases their chance of injury or infection as such bandages are not designed to alleviate their specific condition. When Souda and Younes’s parents try to change their regular bandages, they are the ones who suffer the repercussions of universal coercive measures in their flesh and blood every day. Their screams and insurmountable pain as their bandages are changed attest to the horrendous mindset behind the coercive measures that is unleashed against civilians in Iran and elsewhere. Killing children takes no bravery!

The story of Souda and Younes reflects only the tip of the iceberg as children with cancer, children with rare diseases, people with chronic respiratory illnesses and people living with HIV/AIDS are forced to suffer in silence awaiting death while their medicine runs out without the ability to obtain more due to the cruel unlawful measures. Killing the sick and the young takes no bravery! We have heard the lies that humanitarian goods, including food and medicine, are exempted from sanctions. If it is difficult to verify the validity of such fallacious claims, please go and ask a few European countries who tried, with goodwill, to secure from the US Treasury exemptions for exporting medicine to Iran, all in vain.

2.) Another story is that of 40-year-old Negar Ghodskani, who was pregnant when the Australian Federal Police arrested her on behalf of US authorities in 2017 over what Washington claimed was flouting US sanctions on Iran by purchasing US electronics components and products. She gave birth to a boy in custody in Adelaide, South Australia, while fighting extradition to the US. The charges against Negar and others arrested on similar grounds are spurious. Several innocent persons have been arrested under such outrageous charges of violating US trade law and are facing extradition to the US. Does the US Congress have the competence of enacting the law for entire international community?

3.) National legislation shall not serve as a tool for unilateralism and violate the basic principles of international law or the sovereign rights of other states. A manifestation of such prohibited wrongful acts is waiving of the immunity of states under an unsubstantiated legal doctrine that the international community does not recognize. In this connection, the US has illegally and in flagrant violation of international law confiscated billions of dollars of assets of the Government and Central Bank of the Islamic Republic of Iran under the US courts' rulings.

4.) I also wish to bring attention to Iran's representatives on a temporary assignment in New York who are now restricted to only three buildings in the vicinity. Likewise, they cannot even go to a hospital when needed as there are no hospitals in the areas they are restricted to.

Largely, the freedom of movement has been denied from the Iranian representatives. The previous 25-mile radius travel restriction of our Mission's personnel and their families is now narrowed down to a less than three-mile radius in parts of Manhattan and Queens -- a large portion of which is not residential and also lacks any facilities required for a decent life.

5.) Last year, US sanctions hampered humanitarian efforts amid flooding that killed at least 47 Iranians and displaced residents of dozens of towns and villages. The local Red Crescent was unable to receive international help for the victims who experienced two weeks of flooding. Due to U.S.

banking sanctions, the United States has warned SWIFT that it could face sanctions if it provides services to Iranian banks.

6.) Another example of Unilateral Coercive Measures with a dangerous precedent is punishing third-party countries for implementing Security Council resolutions.

The United States brazenly continues to threaten other States to either violate resolution 2231 (2015) or face punishment. Such irresponsible conduct by a permanent member of the Council, unprecedented in the history of this organ, is a frontal attack on resolution 2231 (2015), violates the Charter of the United Nations and international law and further erodes the trust and confidence in the Council. As a result, the United States itself is not fulfilling its obligations under resolution 2231(2015), is not allowing Iran to implement certain parts of the JCPOA and is preventing other States from implementing their obligations under the resolution.

In order to defend its legitimate rights, Iran has opted to recourse to the International Court of Justice to safeguard the human rights of its citizens, which were infringed as the result of the imposition of the US unilateral sanctions following Washington's untenable withdrawal from the Iran Deal that is integral to the Security Council resolution 2231. On 3 October 2018, the ICJ issued its injunction against the US Government's illegal move. The Court's unanimous order was a clear testament to the illegality of the United States' sanctions against my people.

What was the response of the US? More pressure, more coercive measures, maximum pressure policy, including its attempts to cut Iran's oil exports to zero and to disrupt free trade with Iran. The United States, by weaponizing food as well as medicine and with total disregard to the ruling of the International Court of Justice of 3 October 2018, has even extended its sanctions to other humanitarian goods.

Madam Chair,

The stories of Souda, of Younes, of Negar, of the visiting Iranian delegation, of the Mission of Iran in NYC, of all other affected countries making trade with Iran, of the suffering and pain of Iranian nation all have a common source. It is the unilateral coercive measures; it is naked oppression. It is not a sign of strength. We see it as a failed policy.

But the promising point is that we firmly believe that justice will prevail in the end because this is the rule of God, and we fully put trust on Him. We shall certainly bear with patience for all of the hurt they may cause us.

Madam Chair,

Our paper puts forward a practical framework to alleviate the suffering and pain caused by such oppressive acts. It is about developing guidelines in relation to the unilateral coercive measures. We have brought it to the attention of the Committee and would like our proposal be annexed to the report of the Charter Committee.

I encourage member states to enter into substantive discussions pertaining to operative paragraphs of our proposal. It provides practical solutions to stand against such lawlessness. Given the unlawful character of such vicious and dangerous measures which could have resulted in serious implications to international legal order and affect third-party countries, all UN member states are under an obligation not to recognize such illegal actions as lawful ones. They are also under an obligation not to render aid or assistance in maintaining the illegitimate situation created by the wrongful party. It is also a duty for all member states to cooperate to bring, through lawful means, such a situation to an end.

Let me read out some of paragraphs of the proposal, which provided solutions to some of the challenges:

1. National courts and tribunals of States shall not recognize, give effect to or enforce any foreign judgment arising from the application of national laws;

2. State and private properties and assets, including bank accounts, bonds, real estate, consular and diplomatic facilities, shall be immune from freezing;
3. No one shall be deprived of liberty or freedom of movement or be subjected to any other form of judicial restrictions grounded in the coercive unilateral acts, laws or policy of a State. Courts and tribunals shall conduct a rigorous review of all documents and evidence presented to them in order to avoid giving unwarranted judicial effect to unilateral coercive measures;
4. Under no circumstances shall trade in humanitarian goods and commodities, such as foodstuff, medicine, agricultural and animal products, be subjected to any form of direct or indirect coercive economic measure or sanction;
5. Any unilateral coercive economic measure that adversely affects the entire population of a nation, hindering the humanitarian needs of that population, or impeding the full enjoyment of that population's fundamental human rights, , shall be considered a grave violation of international law and an act of international crime; and
6. Humanitarian aid in kind or in cash in cases of natural and other disasters shall not be subjected to any direct or indirect restriction.

Finally, this proposal is food for thought. We extend our hands to member states to assist this process and improve the documents by providing their valuable comments and observations. We invite all Member States to carefully review this proposal and engage in a substantive discussion with a view of improving the legal framework to stand against unilateral coercive measures.

I thank you, Madam Chair.