



UN expert: crippling US sanctions on Syria are illegal and hurting civilians

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Crippling US sanctions imposed under the Caesar Act are decimating war-ravaged Syrian civilians, are illegal, and should be lifted, the UN Special Rapporteur on sanctions says.

An independent United Nations expert is calling on the US to lift its crippling sanctions on Syria.

Under the Caesar Act, US sanctions explicitly target Syria's reconstruction in the aftermath of a catastrophic 10-year war. Alena Douhan, the UN Special Rapporteur on the impact of sanctions, says that the US sanctions are illegal and depriving Syrian civilians of their basic needs.

“People shouldn’t die, people shouldn’t suffer, and people shouldn’t fear whether they can survive after tomorrow, because they have neither medicine or food, because of the sanctions applied,” Douhan says.

Guest: Alena F. Douhan, UN Special Rapporteur on sanctions, and a professor at Belarusian State University.

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TRANSCRIPT

AARON MATÉ: Welcome to Pushback, I’m Aaron Maté. In 2020, the US imposed its harshest sanctions on Syria to date. The Caesar sanctions explicitly target Syria’s reconstruction, making rebuilding from 10 years of war close to impossible. Well, now a top UN expert is calling for these sanctions to be lifted. In a statement, the UN Special Rapporteur on sanctions said: “The sanctions violate the human rights of the Syrian people, whose country has been destroyed by almost 10 years of ongoing conflict.”

Alena F. Douhan joins me now. She is the UN Special Rapporteur on sanctions, and a professor at Belarusian State University. Professor Douhan, welcome to Pushback.

ALENA DOUHAN: It’s a pleasure.

AARON MATÉ: So what prompted you to put out this statement?

ALENA DOUHAN: Well, my intention was to bring attention to the point that imposition of unilateral sanctions in the contemporary world is affecting human rights of those whose rights they're generally announced to seek to protect. And as a result, the scope of human rights violated by [the] application — not only of Caesar Act sanctions, but many other types of sanctions. And, for example, in the situation of Syria, we can't identify the impact of the Caesar Act sanctions only, because there is a scope of them [sanctions] applied today. So the impact of these sanctions is enormous both to Syria, and as well as on many other states.

It's necessary to take into account today that the very notion of unilateral sanctions we hear about every day, is expanding a lot. We used to hear about the idea of targeted sanctions, which target only bad guys. But if we look at the concept of sanctions, we will see that that's absolutely different from what is said. A number of sanctions have a sort of sectoral character, and as a result, are very equivalent to the economic sanctions in general.

When we speak, for example, about the situation in Syria, it's not possible in accordance. So the Caesar Act itself seeks to prevent the reconstruction works in Syria. And as we know, after 10 years of the conflict, a lot of buildings, including social infrastructure, like hospitals, or schools, or housing, are destroyed at all, and people have no place to live in. Moreover, when we speak about the economic situation, there are lots of people in Syria who live in poverty. And if the economic system in the sanctioned state can't restart functioning normally, the population itself becomes very much dependent on the delivery of humanitarian aid, and the society doesn't develop.

As a result, the prices on the black market are increasing, there are no sufficient goods, and people have no work, and they have no money to pay for [goods]. Moreover, in the contemporary situation, due to the scope of sanctions imposed to Syria, it's not possible to transfer money to Syria directly, especially after the Syrian central bank has been listed.

Even if there are attempts to transfer money via some other agents, agents start to be scared because of the fear of secondary sanctions, as actors cooperating with [the] Syrian government — already sanctioned institutions — more and more. Moreover, less and less humanitarian organizations are able to do the humanitarian work as they used to do before, again, because of the fear of secondary sanctions. Donors are scared to provide money or any other goods to be delivered to Syria, because they again, are scared to fall under secondary sanctions for doing this humanitarian part.

Again, when we speak about the scope of sanctions, we need to take into account that the new forms appear. And here I speak, for example, about the application of so-called cyber sanctions. When we speak about the situation in Syria, it basically means that due to the limitation on delivery of goods Syrian government was unable to buy software for CT scanners, which is very

important in the course of the pandemic. Again, due to the limitations in the course of the pandemic lots of people were not able to go to school, and lots of people couldn't get necessary medical aid.

However, again, due to the sanctions imposed toward Syria, Syrian citizens as well as Syrian doctors, can't use Zoom for communication. It directly says in the Zoom license agreement that citizens of Syria are not allowed to use these means. Again, Syrian doctors can't use other open-access software for distant diagnosis or distant treatment, and there are not sufficient doctors in the country. And moreover, Syrian doctors have complained about the impossibility to use the medical open access results — PubMed — for consultations as concerned the treatment of COVID as well as other diseases in the course of sanctions.

AARON MATÉ: There was an article in the American Prospect in September it was headlined, "[From the U.S. to Syria, a Doctor Smuggles Lifesaving Equipment.](https://prospect.org/syria-patients-fix-broken-ct-scanner/)" A doctor having to smuggle into his own country, into Syria, parts to fix a broken CT scanner. As part of your investigation into the impact of these sanctions, can you talk more about that, and just the impact on a narrow issue such as medical equipment?

ALENA DOUHAN: Indeed, that's one of the very serious problems today. Due to the limitations on delivery of different sorts of goods to Syria, quite a huge number of goods are identified as so-called "dual-use" goods. Sometimes it comes to the point which seems to be ridiculous for an ordinary person. For example, toothpaste can't be delivered to Syria, because it's considered to be a dual-use good.

When it comes to the medicine, there are serious limitations on the possibility of the Syrian government to be able to buy medicine, protective kits, and medical equipment. During the first weeks of the pandemic — that was around April, May 2020 — [the] Syrian government and Syrian doctors were able to do only 100 tests per day because there was no possibility to buy these tests.

Secondly, to be able to get any medicine or medical equipment as a sort of humanitarian aid. The deliverers of humanitarian aid, including humanitarian organizations, are obliged to get a necessary license from the sanctioning countries. I had expert consultations with a huge number of humanitarian NGOs, mostly faith-based NGOs. They were trying to deliver humanitarian aid to Syria. And they were unanimous about the fact that getting these licenses, and getting these permission is a very [inaudible], costly, and complicated process.

Even when they try to deliver medical equipment, they have to prove a genuine humanitarian aim for delivery. Even if we speak about, for example, the COVID test, or about the CT scanners, or any other types of medicines. As a result, small humanitarian NGOs prefer not to be involved in the delivery of these humanitarian aid at all, because they do not have lawyers who will deal with the process, and who will be able. And the organizations themselves are not able to pay for going through the process.

Again, when for example, the permission is received to deliver humanitarian aid to Syria, it doesn't mean that if the organization brings it across the border, the organization is allowed, for example, to buy fuel for its car to deliver necessary medicine or medical equipment. It will mean that the organization will need another permission to get fuel for a single car in the process of delivery of humanitarian aid.

Some other humanitarian organizations have complained, for example, that because of their humanitarian work aim to deliver medicine, medical equipment, and food to Syria, in the course of the pandemic, their bank accounts have been frozen — as well as the bank accounts of their personnel have been frozen. So they basically fall under the secondary sanctions as a result.

Some of them say that due to this fact they try to transfer money — through around for example, Lebanon — in order to buy some sort of goods in Syria. But if you buy goods in Syria, does it mean that no more medicine or medical equipment is coming here into Syria? Moreover, naturally, the prices in Syria are quite often regulated by the black market prices. I could verify information received not only from the Syrian government, which provided a very detailed one when I prepared to report to the General Assembly — as concerned the humanitarian impact of sanctions and because of the pandemic — but also the unanimous voices of humanitarian organizations. There is a severe shortage of medical equipment, and they name sanctions as the main impediment in the process of delivery of food, medicine, and medical equipment in Syria.

AARON MATÉ: You mentioned earlier the term “dual-use,” which is — just to clarify, a term under, in sanctions discourse — it means a good that could have both a civilian and potential military purpose. So did I hear you correctly that toothpaste has designated in Syria as “dual-use”?

ALENA DOUHAN: That's what has been reported by humanitarian organizations.

AARON MATÉ: Unbelievable. The Caesar Act itself, I want to quote from it, the US Caesar Act, where it lays out its explicit strategy, it says that its “strategy” is “to deter foreign persons from entering into contracts related to reconstruction,” in the areas that it outlines — the government controlled-areas where most Syrians live. Can you talk more about how it works on the local level. Where how this act itself — by one country, by the US — then pretty much deters the rest of the world from helping Syria rebuild?

ALENA DOUHAN: Yes, indeed, unfortunately, one of the processes which we repeat today in the field of sanctions, is the expanded application of secondary sanctions by the United States. And these sanctions, quite often, as it takes place, for example, in the case of Syria, are applied extraterritorially. That's quite evident, for example, on the point that the European Union is very much against this policy. If you look at the guidance on the delivery of humanitarian aid,

issued by the European Union, at the beginning of December, they say explicitly that the European Union is strictly against extraterritorial application of sanctions, as well as against the application of secondary sanctions.

I align myself with that point. From the point of international law, there is nothing which can allow states to apply extraterritorially its jurisdiction over someone else — and sanctioning someone for getting into trade; some third-country national from getting into trade with someone else, who is already sanctioned.

That's why we have to mention here two aspects. First of all, a person is punished upon the decision of the executive power of another state without any due process guarantee, without any accusation in accordance with the rule of law for doing something, which quite often doesn't even constitute a crime. In the majority of the cases, that's exactly the case.

And as a result, it's very easy to include someone in the list. And as a result, people start to [get] scared. One of the main messages which have been sent by the humanitarian organizations, during the expert consultations I had in October, was the following: the fear of sanctions — they say today — harm even more than the sanctions themselves.

Everyone is scared to be included tomorrow, or in two days, into the list because they have dealt with their own person or their own country. Like that's exactly the case of Syria. Donors, humanitarian organizations, banks themselves, any trade partners — anyone who is or will be able to be involved into any engineering or reconstruction process — as it's said in the Syria [Caesar] Act — are scared. Because they may have other businesses, they do some humanitarian work. or do anything else.

And unfortunately, in the contemporary situation, there is not a single mechanism for them to apply for de-listing in accordance with due process standards. No access to justice in the situation. So that's one part of the problem.

The second part of the problem is that because of that general fear of everyone — donor states, states, humanitarian organizations, countries, companies and anyone else — the population of the targeted country is suffering a lot. That's namely Syrian people, who don't get necessary humanitarian aid. That's Syrian people who live under the destroyed houses, or somewhere else, because the reconstruction process is not ongoing. That's Syrian people who can't get medical treatment, food, who can't go to school, or even use Zoom for any sort of educational processes, or any sort of at least gathering information, about what's happening in the world.

AARON MATÉ: I want to quote you from an article in *The New Yorker* from April 2020. It's called "America's Abandonment of Syria." And it says, "Even though the State Department and USAID no longer have personnel in Syria, they still determine how the majority of foreign

funding is spent there.” And the article goes on to quote a senior humanitarian officer who says, “It’s become a collective consensus among donors that we will not do reconstruction in Syria... ‘Reconstruction’ is a dirty word.”

Professor Douhan is this your sense as well, that reconstruction in Syria has basically become a dirty word?

ALENA DOUHAN: I would come again, to the point of fear. Because of the fear, everyone is very scared to be involved into any reconstruction processes. As well as any other processes, which as a result affects the human rights. And I would say, even human lives in Syria a lot. Because if any of us gets sick — everyone is vulnerable today in the face of the pandemic, or in the face of other diseases. If you have no hospitals, if you have no medical equipment, no doctors, and no medicine, your chances to die are much higher than for those who have. And I would say that that basically results in a sort of discrimination to all of the people of targeted countries. How it takes place in Syria: they do not get medical treatment, they do not get housing, they do not get sufficient food. And that endangers their lives a lot.

AARON MATÉ: You mentioned this earlier, but I want to ask you to talk more about it. So the US Treasury has designated the Syrian central bank as being possibly involved in money laundering. What is the impact of that on Syrian civilians?

ALENA DOUHAN: I will answer here probably in two aspects. The very first one, that the very possibility of the organ of one state to designate an organ or a bank in another state as being possibly involved into money laundering, or any other processes, is very dubious from the point of international law. Moreover, it’s possible to make many statements. But the law doesn’t function in this way. The law is based on the rule of law. That’s why upon my opinion, the very designation in this case is absolutely illegal.

When we speak about the impact on the lives of people in this situation: I would say that in this situation it’s generally close to make the possibilities of the Syrian population, to reconstruct the society, as well as to get any humanitarian aid, even smaller than it was before. As I said, one of the very scary developments in this field of sanctions is the development of so-called secondary sanctions by designating the Syrian central bank, as well as a number of other banks.

Because of the fact that the US dollars is used for payments a lot first, the system is controlled by the US a lot. And because of all the general fear, no donor, no company will be ready to communicate to the Syrian bank, or any other bank of Syria, and therefore no payment may be made. No money transfer, or whatever humanitarian purposes may be made. And that will mean that people — even the [inaudible] — which has some sort of international aspect, won’t be paid.

If the money is supposed to come from abroad, humanitarian aid can hardly be delivered. So at least money can't go inside, to guarantee for example, certain rights for those who are in need, or those who are in poverty. It also will mean that in this situation, the online banking is also impossible. So Syrian people are left alone inside of Syria. And they are cut off of the financial system that limits the right to work, it [inaudible] lots of them. So it doesn't help them to find good work to provide the necessary living. It keeps them where they were, and it rises the inflation as well, as a result. Therefore the economic situation is deteriorating.

I would like to draw attention here to the fact: naturally, sanctions is not the only reason for the bad economic situation in Syria. But that's one of the very serious reasons. And it's necessary to take it into account in order to guarantee rights of the people of Syria.

AARON MATÉ: Right, certainly, it'd be awful enough for me to imagine living under this in normal circumstances — where you know, where I live in New York, if my banking situation was impeded, hospitals lacking medical equipment. But then you think about the fact that this comes after 10 years of war, where a bunch of foreign countries were involved, including the US, which is now imposing these sanctions. And it's just hard to fathom the impact of trying to not only live under these conditions to begin with, but live under them, while you're trying to rebuild from a catastrophic decade-long war.

ALENA DOUHAN: Yes, indeed, that's one of the very serious problems. And that's why I'm calling for lifting sanctions. There are different means of peaceful settlement of international disputes. There are some sort of legal mechanism which can be used in this field. And moreover, I would like to recall the very fact that the UN Charter doesn't allow application of any unilateral sanctions. It entitles the UN Security Council to take decisions of any enforcement measures, including a military one, in the situations of the breach of peace, threat to peace, and acts of aggression.

From the point of international law, countries are only allowed to take measures which do not violate their international obligations. And here I speak about the economic ones — about any sort of international treaties, and naturally, international agreements, like for example, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights.

I'm absolutely aware that the United States is not a member of the latter one. But lots of their rights, including the right to housing, right to food, right to work — as well as some other of them — have already become customary norms of international law. And they all are set out in the Universal Declaration of Human Rights.

Another point, which is very important to take into account, is that even after the decade of sanctions imposed by the UN Security Council in the 1990s, there was enormous work done within the United Nations, which identified that the humanitarian impact of those absolutely