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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and unilateral coercive measures

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 62/162, in which the Assembly requested the Secretary-General to bring that resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixty-third session, highlighting the practical and preventive measures in that respect. The report summarizes the replies received from the Governments of Belarus and the Syrian Arab Republic in response to a request for information sent pursuant to the resolution. The replies from Ecuador and the Bolivarian Republic of Venezuela submitted in response to both Assembly resolution 62/162 and Human Rights Council resolution 6/7, are included in the report of the Secretary-General on the same issue submitted to the Human Rights Council at its ninth session (A/HRC/9/2).

* A/63/150.



I. Introduction

1. In paragraph 14 of its resolution 62/162, the General Assembly requested the Secretary-General to bring that resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixty-third session, highlighting the practical and preventive measures in that respect.

2. On 24 April 2008, in accordance with the resolution, the Office of the United Nations High Commissioner for Human Rights sent a request for information to all permanent missions to the United Nations bringing the resolution to the attention of Member States and seeking their views. As at 21 July 2008, the Office had received responses from the Governments of Belarus and the Syrian Arab Republic. Replies from Ecuador and the Bolivarian Republic of Venezuela, submitted in response to both General Assembly resolution 62/162 and Human Rights Council resolution 6/7, are included in the report of the Secretary-General submitted to the Human Rights Council at its ninth session (A/HRC/9/2).

II. Information received from Member States

Belarus

[Original: Russian]
[7 July 2008]

1. The Government of Belarus stated that the use of unilateral political and economic coercive measures was not diminishing but increasing and that the cases involving the use of such measures against Belarus by the United States of America and the European Union ran counter to international law and the Charter of the United Nations.

2. With regard to the United States of America, the Government was concerned by visa restrictions and the freezing of assets and property. According to the Government of Belarus, a ban on entry into the United States was introduced in 2006 against a number of high-ranking Belarusian officials. Their assets and property, as well as those of individuals and corporate bodies associated with them, were frozen. In 2007, the visa restriction was extended to directors of Belarusian State enterprises and their deputies, as well as representatives of Belarusian defence and law enforcement agencies. In November 2007, the United States-controlled bank accounts of the Belarusian corporation Belneftekhim and of its representative offices in China, Germany, Latvia, the Russian Federation and Ukraine, were frozen. The accounts of the American subsidiary Belneftekhim USA were also frozen. In 2008, existing financial and economic sanctions were extended to all enterprises falling within the structure of Belneftekhim as well as to three Belarusian enterprises: the Belarusian Petroleum Trading House, Lakokraska and Polotsk-Steklovolokno. With regard to this matter, the Belarusian delegation circulated a letter (A/62/743) to the General Assembly at its sixty-second session.

3. In its response, the Government stated that, in adopting the aforementioned unilateral coercive measures, the United States of America had violated a number of

international norms, multilateral treaties and bilateral agreements. It further highlighted that such measures ran counter to General Assembly resolutions 62/162 and 62/183. It also mentioned that the ban on the entry into the United States of representatives of Belarusian defence and law enforcement agencies had had a negative impact on effective cooperation to combat terrorism and international organized crime.

4. With regard to the European Union, the Government highlighted two measures: visa restrictions and the freezing of assets, and the temporary suspension of the Generalized System of Preferences. In 2006, a ban on entry was imposed against a number of Belarusian officials. Their assets and economic resources in the European Union were frozen, as well as those of individuals and corporate bodies and organizations associated with them. Those restrictions were extended until April 2009. The temporary suspension of the Generalized System of Preferences was adopted in 2006 by the Council of the European Union at the recommendation of the European Commission, in connection with alleged violations of the right to freedom of association in Belarus. According to the Government, that measure was adopted despite an effective high-level dialogue on the matter between Belarus and the International Labour Organization and open cooperation by Belarus with the European Commission and its experts.

5. The Government indicated that the aforementioned unilateral coercive measures adopted by the European Union were incompatible with the norms of international law and the Charter of the United Nations and were intended to create new demarcation lines in Europe. It stated that the economic reasoning behind the suspension did not justify the damage suffered by Belarusian enterprises and their European partners.

6. The Government condemned, as a matter of principle, unilateral coercive measures of any kind and reconfirmed that Belarus had never initiated a political confrontation with any other State, including the United States and the countries of the European Union, and that it based its relations on mutual respect and consideration of one another's interests.

7. The Government called on the Human Rights Council to respond immediately to any unlawful actions on the part of States.

Syrian Arab Republic¹

[Original: Arabic]
[9 July 2008]

1. The Government of the Syrian Arab Republic confirmed that it abided by all international treaties and covenants to which it was a party, including the Universal Declaration of Human Rights and United Nations resolutions which condemned the use of unilateral coercive measures to impede the enjoyment of all human rights, including the right to development.

2. The Government indicated that the United States of America continued to impose unilateral coercive measures on the Syrian Arab Republic through the so-called Syria Accountability Act, which was incompatible with international law and the Charter of the United Nations and was designed to exert political and economic pressure on the Syrian Arab Republic to alter its sovereign decisions. According to the Government, those measures have already had an impact on human rights in the Syrian Arab Republic, including the right to development, as well as on trade and investment in the country.

¹ The Government of the Syrian Arab Republic also sent a response to Human Rights Council resolution 6/7 on 9 July 2008. However, due to its late submission, it was not possible to include this contribution in the report to the Human Rights Council at its ninth session. The Government of the Syrian Arab Republic, in its response to that Human Rights Council resolution, reported that, following the Secretary-General's report to the Council (A/HRC/6/2), it had established a joint Syrian-Lebanese committee to deal with the question of Lebanese and Syrian missing persons in both countries in order to devise appropriate solutions through a process of bilateral coordination and cooperation. The Government also expressed concern that some Lebanese parties had attempted to exploit the issue of Lebanese persons who went missing during the Lebanese civil war in order to distort the facts as part of a propaganda campaign against the Syrian Arab Republic to block reconciliation and the resumption of friendly relations between the two countries.