



Caracas, September 11, 2024

**Prof. Alena Douhan**

**United Nations Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights;**

### **The extraterritoriality of UCMs: the seizure of Venezuelan aircraft**

The Venezuelan Association of Jurists, an organization of jurists in Venezuela associated with the American Association of Jurists and the International Association of Democratic Lawyers, is pleased to address your office to present information on recent events involving the application of unilateral coercive measures against the Bolivarian Republic of Venezuela. Considering that in the framework of the current session of the Human Rights Council, you will have the opportunity to address this body in the interactive dialogue on the impact of the UCMs, we would like to denounce the illegality of the extraterritoriality of these measures.

On September 2, 2024, a Dassault Falcon 900EX aircraft was seized in the Dominican Republic at the request of the U.S. Department of Justice. The Dassault Falcon 900EX aircraft was used for official purposes by the President of the Bolivarian Republic of Venezuela, Nicolás Maduro Moros. After the seizure in the Caribbean country, it was transferred to the Southern District of Florida at the request of the United States on the basis of violations of U.S. export control and sanctions laws.<sup>1</sup>

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<sup>1</sup> More information available at: <https://www.bbc.com/mundo/articles/crmwplpd172o>

However, this is not the first time that the U.S. has taken this type of action: on June 8, 2022, a Boeing 747-300 aircraft belonging to the Venezuelan company Emtrasur and its crew were illegally detained at the Ezeiza International Airport, under a court order issued by an Argentine judge. Subsequently, the U.S. Department of Justice requested the confiscation of the aircraft after a Court of the District of Columbia issued an order on the grounds that U.S. export laws were violated when Emtrasur acquired the aircraft in a transaction with Mahan Air, a company that has been designated since 2011 by the Office of Foreign Assets Control (OFAC) of the U.S. Treasury Department.<sup>2</sup>

The key to the analysis of these extortive actions by the U.S. revolves around the principle of extraterritoriality of unilateral coercive measures, which implies not only imposing sanctions against the target State but also the de facto submission of third States to foreign legislation. The course of action of the Dominican Republic is based on compliance with orders, rulings or measures emanating from legal authorities of the United States, which do not necessarily apply outside its borders, but are complied with by a supposedly free and sovereign country. The application of the U.S. sanctions program against Venezuela is based on an illegal scope of its jurisdiction.

In this opportunity, our country continues to be besieged by foreign powers and allied countries in the region. Therefore, the U.S. Attorney for the Southern District of Florida, Markenzy Lapointe alleged that “This successful seizure was the result of planning, coordination, and execution by the United States government, with invaluable assistance by the authorities in the Dominican Republic. Our office, along with our law enforcement partners, will continue to work to forfeit this plane and all other assets that circumvent the law.”<sup>3</sup> The alleged enforcement partners are none other than the governments of states that have openly meddled in Venezuela's internal affairs, demonstrating a lack of autonomy and complicity with the United States of America.

In legal terms, the U.S. enforcement of UCM is covered by the International Emergency Economic Powers Act of 1977 (IEEPA), which is legislation upon which most of

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<sup>2</sup> On the case of Emtrasur's aircraft and its crew: <https://www.lanacion.com.ar/politica/la-justicia-de-los-estados-unidos-pidio-a-la-argentina-incautar-el-avion-de-emtrasur-retenido-en-nid02082022/>

<sup>3</sup> Press Release. United States Seizes Aircraft Used by Nicolás Maduro Moros in Violation of U.S. Export Control and Sanctions Laws. Available at: <https://www.justice.gov/opa/pr/united-states-seizes-aircraft-used-nicolas-maduro-moros-violation-us-export-control-and>

Washington's sanctioning programs are based. While the National Emergency Act of 1976<sup>4</sup> gives the U.S. President the ability to enact national emergencies during a crisis. The Treasury Department, through the Office of Foreign Assets Control (OFAC) administers and enforces sanctions policy by designating individuals and companies on lists of sanctioned entities. In turn, the U.S. Department of Commerce imposes export controls on items destined, in whole or in part, to individuals who are part of the Venezuelan Government or Venezuelan military or intelligence officials, while the Department of Justice requests arrest warrants or seizures of goods and assets of the Venezuelan Government.

As has become common practice, the statements of the U.S. representatives evidence the interference in Venezuela's internal affairs, as well as the narratives that have been used to label our country as *a failed state, a narco-regime and a country where gross human rights violations occur*. Attorney General Merrick B. Garland said that “The Department will continue to pursue those who violate our sanctions and export controls to prevent them from using American resources to undermine the national security of the United States.”<sup>5</sup>

The confession that the U.S. will continue to apply its laws and judicial orders extraterritorially, not only by imposing sanctions against Venezuela, but also through the imposition of secondary sanctions on third States, natural persons, companies, government officials or organizations that establish relations with our country, maximizes the initial scope of the coercive measures. Meanwhile, the alleged cooperation between the legal authorities of the U.S. and other countries such as Argentina (in the Emtrasur case) and, recently, the Dominican Republic, makes evident the clear subordination of third States to the designs of the U.S., imperialist actions, the lack of autonomy of the national institutions of those countries, and the complicity to disregard the principles of International Law and to undermine the human rights of the Venezuelan people.

The Venezuelan Association of Jurists considers that the illegal confiscation of the Dassault Falcon 900EX aircraft is a new episode of plundering of goods and assets owned by the Venezuelan State, that constitutes an application of the principle of

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<sup>4</sup> National Emergencies Act (NEA), <https://home.treasury.gov/system/files/126/nea.pdf>

<sup>5</sup> U. S. Department of Justice Press Release, (as mentioned above).

extraterritoriality of the unilateral coercive measures imposed against the Bolivarian Republic of Venezuela since at least 2014. We respectfully request that you consider this new action in your next reports, as a clear example of the extraterritorial application of laws and administrative and judicial measures against sanctioned States, as well as the effects that the implementation, enforcement and compliance of sanctioning regimes have on third States.

Warm regards,

A handwritten signature in black ink, appearing to be 'ML', with a small mark at the end of the line.

**María Lucrecia Hernández**  
**President**  
**Venezuelan Association of Jurists**