



UK Mission
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**From the Permanent
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Alena Douhan

Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights

Obiora C. Okafor

Independent Expert on human rights and international solidarity

Special Procedures Branch
Office of the High Commissioner for Human Rights
United Nations Office at Geneva
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Geneva 10
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REF: AL GBR 12/2021

Dear Ms Douhan, Mr Okafor,

Thank you for your letter dated 16 December 2021 regarding the information you have received concerning "*the freezing of gold assets of the Central Bank of Venezuela (CBV) by the Bank of England (BOE), in the context of a dispute about the legitimate holder of governing authority in Venezuela after elections in 2018*".

The Bank of England is a separate and wholly independent public organisation. As a matter of longstanding policy, Her Majesty's Government does not intervene in private matters (including in relation to independent public organisations) or any disputes that may arise therefrom.

Neither the UK Government, nor the Bank of England, nor the UK courts have "frozen" the gold assets to which you refer. For the avoidance of doubt, the Central Bank of Venezuela has not been sanctioned by the UK Government, and the assets held by the Bank of England are not subject to an asset freeze.

The dispute between the two rival boards of the CBV (the "Maduro Board" and the "Guaido Board") as to which party has the authority to issue instructions in relation to the assets is a matter of law which must be determined by the UK courts. That is evident from the legal arguments and proceedings that have taken place. It is therefore not correct to say that this is "*a political matter reserved for the British Government*".

In the ongoing litigation referred to above, the Bank of England has asked the English High Court for direction as to which Board has the requisite authority to provide instructions on behalf of the Central Bank of Venezuela in relation to the gold. While the litigation remains ongoing between the two rival Boards, the English High Court has ordered that the Bank of England's involvement in the proceedings is stayed.

Whilst the litigation continues, neither Board has established its authority to provide the requisite instructions to release the gold as a matter of English law. Until the conclusion of this ongoing litigation between the Boards and such time as the UK courts have determined this issue and provided further direction to the Bank of England, this is likely to remain the case.

Your letter draws attention to the appalling humanitarian crisis in Venezuela. The UK Government is deeply concerned by the deteriorating situation in the country, where economic mismanagement by the Maduro regime has resulted in hyperinflation, shortages of food and medicine, and the collapse of essential infrastructure. The UK Government has provided critical humanitarian assistance to help alleviate the suffering of the Venezuelan people, focussing on health, nutrition, and water and sanitation. The UK has spent £37m in humanitarian aid in response to the Venezuelan crisis since 2019.

The impact of the economic collapse of the country is being exacerbated by the regime's repeated and serious human rights violations and its repression of political opponents, media and civil society. The UN's Independent International Fact-Finding Mission's reports on human rights in Venezuela are shocking, suggesting very serious human rights violations are being carried out with the involvement or knowledge of regime leaders, senior military officers and officials. The latest report in September concluded that the justice system has played a significant role in State repression. The UK Government urges Venezuela to comply with the recommendations previously made by the Fact-Finding Mission and the Office of the High Commissioner for Human Rights, and to cooperate fully with these institutions.

Finally, the UK has consistently supported the UN Guiding Principles (UNGPs) on business and human rights, which are widely regarded as the authoritative international framework to steer practical action by governments and businesses worldwide on this important agenda. In response to the Guidelines, the UK was the first State to produce a National Action Plan on Business and Human Rights. The UK Government is clear that it expects all UK businesses to respect human rights throughout their operations, in line with the UNGPs.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Manley', written over a horizontal line.

SIMON J. MANLEY CMG