Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

REFERENCE:
AL IRN 18/2020

4 August 2020

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 35/15 and 43/24. The content of the present letter is based on information that was brought to our attention within the context of the work as Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. The letter is an initiative that the mandates are undertaking in spite of the absence of any involvement of, or knowledge by the family members of the alleged victim, due to the inability to reach out to them.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the assassination of an Iranian citizen, Mr. [redacted], in Istanbul on 14 November 2019, Turkey, allegedly on the direction and with the involvement of Iranian authorities. The information we received suggests that the killing of Mr. [redacted] constitutes a violation of the right to life and of the right to freedom of expression.

According to the information received:

Mr. [redacted] was born in [redacted]. He studied engineering and computer science in Iran and received a PhD in artificial intelligence and computer engineering [redacted]. Mr. [redacted].

In June 2018, Mr. [redacted] relocated to Istanbul, Turkey. From there, he helped run a channel on Telegram called "Black Box," which published corruption allegations against members of the Iranian government, judiciary and intelligence services. Mr. [redacted] was active on social media and reportedly stayed in touch with Iranian dissidents using Twitter. He also openly shared his desire to eradicate corruption in Iran. In a social media post from August 2019, Mr. [redacted] declared, "I will root out the corrupt mafia commanders. Pray that they don't kill me before I do this."

In Istanbul, Mr. [redacted] was befriended by another Iranian citizen (Mr. E), who allegedly reported him to Iranian intelligence and assisted with carrying out the plan to assassinate Mr. [redacted].

On 13 November 2019, between 8.15 p.m. and 9.00 p.m., Mr. E and an Iranian businessman (Mr. AP) met with the eventual assassin (Mr. AK).

On 14 November 2019, between 10.08 a.m. and 10.39 a.m. in the morning, Mr. E was seen going into the Consulate General of Iran in Istanbul. Later that day, he once again met with Mr. AK, allegedly to go over the final details of the assassination, at Kanyon AVM in the Levent neighborhood of Istanbul. At 9.30 p.m., Mr. AK met with another individual near the Levent Metro Station and received a gun from him. At around 10.00 p.m., Mr. E met Mr. [redacted] in Istanbul's Şişli neighborhood and the two started walking on the street when Mr. AK approached Mr. [redacted] from behind and fired 11 shots at him.

On 15 November 2019 the Consulate General of Iran issued Mr. E an identification document under the name of "Abbas Feramarzi." At 10.00 a.m., Mr. E received directions to throw away his phone, which he did promptly in the Sarıyer neighborhood. The same day, around 8.25 p.m., Mr. E met with an Iranian smuggler who gave him the forged Iranian identification document. On November 16, at 1.00 a.m., Mr. E took a bus to Ankara and then to Doğubayazıt, a town just 30 kilometres from the Turkish-Iranian border. On November 17, he was smuggled into Iran.

Mr. AK and several other suspects, including Turkish and Iranian citizens, detained in the weeks after the killing, told the Turkish authorities that they had acted on the orders of two intelligence officers at the Consulate General of Iran. The Turkish officials alleged that the two men held diplomatic passports.[1]

While we do not wish to prejudge the accuracy of these allegations, grave concern is expressed about the assassination of Mr. [redacted], as well as at allegations that the killing took place following orders by your Excellency's Government. Further concern is expressed that the killing could be linked to Mr. [redacted] exercise of his right to freedom of expression. The killing is in violation of article 6 of the International Covenant on Civil and Political Rights (ICCPR) ratified by Iran on 24 June 1975. In light of Mr. [redacted] reported involvement in denouncing and fighting corruption efforts in Iran, his killing may also constitute a violation of the right to freedom of expression recognized in article 19 of the ICCPR.

According to the UN Principles on Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, 1989, para. 1-3, States are obligated to take all necessary steps to ensure its officials do not perpetrate an attack causing an extrajudicial killing or arbitrary deprivation of life. The allegations suggest that your Excellency's Government has failed in its international human rights obligations by allowing its officials, including intelligence and consular officers, to orchestrate and/or assist the assassination of Mr. [redacted].

[1] https://www.reuters.com/article/us-turkey-iran-killing-exclusive/exclusive-iranian-diplomats-instigated-killing-of-dissident-in-istanbul-turkish-officials-say-idUSKBN21E3FU

Under international law, in all suspected cases of extra-legal, arbitrary and summary executions, States have an obligation to conduct "thorough, prompt and impartial investigations" (Principles on Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, Principle 9). Failure to conduct such an investigation may trigger additional violations of the right to life. Furthermore, "investigations should explore, inter alia, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates." (CCPR/C/GC/36, para. 27)

We are gravely concerned by the allegations that Iranian officials helped Mr. E. a man who purportedly played a key role in the assassination, escape Turkey by providing him with a forged identification document and hiring a human trafficker to take him into Iran, thus interfering with the Turkish investigation into the killing.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would therefore be grateful for the observations of your Excellency's Government on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.

2. Please indicate whether any investigation has been conducted in connection with the above-mentioned allegations, both in relation to all the circumstances of the assassination of Mr. [redacted] and the possible misuse of consular premises and services to plan the assassination. If there is an ongoing investigation, or one complete, please share any related information.

3. Please indicate whether your Excellency's Government had made attempts to contact Mr. [redacted] or summon him to the Iranian embassy in Ankara prior to his assassination, and if so, for what reasons?

4. Please provide information on the whereabouts of Mr. E, also known as "Abbas Feramarzi." Have attempts been made to locate, arrest and question him in relation to the killing of Mr. [redacted]? Have similar attempts been made in relation to the consular and intelligence officers who may have been involved in the assassination of Mr. [redacted]?

5. Please provide details about existing policies and measures aimed at ensuring that intelligence officers do not perpetrate or orchestrate extrajudicial killings or arbitrary deprivation of life.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting website. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Javaid Rehman
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Annex
Reference to international human rights law

Each government has the obligation to protect the right to physical and mental integrity of all persons.

The International Covenant on Civil and Political Rights, which Iran ratified on 24 June 1975, provides that that every individual has the right to life and security of the person, that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life (article 6). The right to life is a right from which no derogation is permitted. "It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, whose effective protection is the prerequisite for the enjoyment of all other human rights and whose content can be informed and infused by other human rights." (CCPR/C/GC/36, para. 2)

A State is obligated to take all necessary steps to ensure its officials do not perpetrate an attack causing an extrajudicial killing or arbitrary deprivation of life. "Crimes, including murder, can also give rise to State responsibility in instances in which the State has failed to take all appropriate measures to deter, prevent and punish the perpetrators." (E/CN.4/2005/7, para. 71.) Moreover, a State must take all necessary steps to prevent killings resulting from the "excessive or illegal use of force by a public official or other person acting in an official capacity or by a person acting at the instigation, or with the consent or acquiescence of such person." (UN Principles, 1989, para. 1.) To prevent such killings, a State must "prohibit orders from superior officers or public authorities authorizing or inciting other persons to carry out" extrajudicial killings. (1989 UN Principles, paras. 2-3).

Under international law, in all suspected cases of extra-legal, arbitrary and summary executions, States have an obligation to conduct "thorough, prompt and impartial investigations" (Principles on Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, Principle 9). Failure to conduct such an investigation may trigger additional violations of the right to life. Furthermore, "investigations should explore, inter alia, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates," (CCPR/C/GC/36, para. 27.

We also wish to remind your Excellency's Government of Principle 17 of the Principles on Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions. It provides that "[a] written report shall be made within a reasonable period of time on the methods and findings of such investigations. The report shall be made public immediately and shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law." Considering the global public interest in stopping the practice of extraterritorial use of force against dissidents and in bringing transparency into allegations of extrajudicial or arbitrary killings planned and carried-out by public officials.