

**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 TUR 8/2020

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.

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 Turkey on 14 November 2019, allegedly at the direction and involvement of Iranian authorities.

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] [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 on him to the Iranian intelligence and assisted with carrying out the plan to assassinate Mr. [REDACTED].<sup>1</sup>

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). The next day, between 10.08 a.m. and 10.39 a.m., 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

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<sup>1</sup> <https://www.sabah.com.tr/gundem/2020/03/31/iranli-ajana-kasikci-benzeri-suikast>

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 km 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 Iranian consulate. The Turkish officials alleged that the two men held diplomatic passports.<sup>2</sup>

While we do not wish to prejudge the accuracy of these allegations, grave concern is expressed about the assassination of Mr. [REDACTED] in Turkey, reportedly at the direction and involvement of Iranian authorities. Further concern is expressed that the killing could be linked to Mr. [REDACTED] reported involvement in denouncing and fighting corruption work in Iran and the exercise of his right to freedom of expression.

We underline that the right to life, as guaranteed under article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Turkey on 23 September 2003, applies to "every human being", regardless of nationality or citizenship. In light of article 2 (1) of the ICCPR a State party has an obligation to respect and to ensure the rights under article 6 of all persons who are within its territory and all persons subject to its jurisdiction. As highlighted by the Human Rights Committee, States parties must take appropriate measures to protect individuals against deprivation of life by other States in areas operating on their territory, and States also have obligations under international law not to aid or assist activities undertaken by other States that violate the right to life. (CCPR/C/GC/36).

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)). In addition, 'immunities and amnesties provided to perpetrators of intentional killings and to their superiors, and comparable measures leading to de facto or de jure impunity, are, as a rule,

<sup>2</sup> <https://www.reuters.com/article/us-turkey-iran-killing-exclusive/exclusive-iranian-diplomats-instigated-killing-of-dissident-in-istanbul-turkish-officials-say-idUSKBN21E3FU>

incompatible with the duty to respect and ensure the right to life, and to provide victims with an effective remedy.’ (CCPR/C/GC/36, para. 27). We are gravely concerned that Mr. E, a man who purportedly played a key role in the assassination, was allowed to escape to Iran and that the Turkish government has failed to conduct appropriate, formal investigations 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 your observations 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 provide information on Mr. AK and other suspects, including Turkish and Iranian citizens, who were detained in the weeks after the killing of Mr. [REDACTED] and provide us with information about whether any of them held diplomatic passports.
4. Please provide further information if formal criminal investigation and criminal prosecution of certain individuals have not proceeded because of their diplomatic immunity defence.
5. Please provide details about existing policies and measures aimed at ensuring that foreign intelligence officers are not allowed to perpetrate or orchestrate extrajudicial killings on Turkish territory.

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.

We would like to inform your Excellency's Government that 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 have written a similar letter to the Government of the Islamic Republic of Iran.

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**

The International Covenant on Civil and Political Rights, which Turkey ratified on 23 Sep 2003, 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 the supreme 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)

We would like to recall that the right to life applies to all human beings, and that Governments have a responsibility to protect this right in territories under their jurisdiction regardless of the citizenship of the persons concerned (CCPR/C/GC/36). Moreover, the duty to protect the right to life demands that States take special measures to protect vulnerable persons and groups, including refugees and asylum seekers.

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. 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, 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.”