

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

REFERENCE:
AL IRN 31/2020

12 January 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 43/24 and 44/5.

We write in connection with the assassination of Mr. **Mohsen Fakhrizadeh** on 27 November 2020, to follow up on comments made by your Excellency's Government on this case in relation to the upcoming report by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran to the Human Rights Council. We would appreciate your view on the information below and in particular, any information available in relation to the questions at the end of this letter.

According to the information received:

Mr. Fakhrizadeh was a brigadier general in the Islamic Revolutionary Guard Corps (IRGC), a physicist and the head of the Research, Innovation Organization of the Defense Ministry. He was furthermore a professor of physics at the IRGC's Imam Hossein University. Mr. Fakhrizadeh was the subject of an assassination attempt in 2008.

On 27 November 2020, while in a car on the highway close to Absard, east of Tehran, Mr. Fakhrizadeh's car was ambushed with explosives and machine gun fire. He was brought to hospital where efforts to resuscitate him failed. In addition, one of his bodyguards and members of his family who were in the car with him were also wounded.

There has to date been no claim of responsibility for the attack. In the aftermath of the killing, different official accounts have been presented about how the killing had taken place. Early eye witness accounts presented on state television stated that a Nissan pick up truck had exploded by Fakhrizadeh's car and a group of gun men had opened fire on his car and that three or four assailants had been killed. On the day of the attack, the Ministry of Defence stated that there had been a gunfight between Fakhrizadeh's bodyguards and several gunmen. Most recently, senior officials have stated that the killing was carried out through a machine gun operated by remote satellite control, without anyone present on the ground.

In early December, a parliamentary advisor stated to media that some of the individuals involved in the assassination had been arrested.

At the same time, high level officials, including the Foreign Minister and the President have publicly characterized the assassination as “an act of State terror”.

Without prejudging the accuracy of the information received, we express grave concern at the assassination of Mr. Fakhrizadeh. The assassination constitutes a violation of the right to life, guaranteed under article 6 of the International Covenant on Civil and Political Rights (ICCPR). Furthermore, we are concerned that the assassination takes place in what appears to be a context of a series of attacks against sites and individuals affiliated with the military, intelligence and nuclear facilities. We would welcome information on the steps your Excellency’s Government has taken to investigate the assassination of Mr. Fakhrizadeh, in line with international human rights law and detailed information on the results of any investigations.

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.

In line with the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would welcome your clarification on the factual allegations that have been made as to the killing of Mr. Fakhrizadeh. In addition, we would be grateful for your observations on the following matters:

1. Please provide information about steps taken into the investigation of the killing of Mr. Fakhrizadeh, and the results of the investigation, including any investigation into the accounts regarding the explosion of a truck and attack by several gun men.
2. Please provide information about the evidence that has led to the most recent conclusion by your Excellency’s Government that the killing was carried out by a machine gun operated through a remote satellite device.
3. Please provide information about the evidence that has led to the conclusion by high level State officials that the assassination was an “act of State terror”.
4. Please provide information about whether the investigation has identified any perpetrators behind the killing. In this connection, please confirm whether it is correct that several individuals have been arrested.
5. Please provide information about the results of the investigation into the assassination attempt against Mr. Fakhrizadeh in 2008, including information about whether any perpetrators were identified.
6. Please indicate whether your Excellency’s Government has taken any steps to bring the killing to the attention of an international forum.

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.

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

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

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer to article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975. Article 6(1) of the ICCPR lays the foundation for the obligation of States parties to respect and ensure the right to life, to give effect to it through legislative and other measures, and to provide effective remedies and reparation to all victims of violations of the right to life.

As highlighted by the Human Rights Committee, the obligation to respect the right to life also entails that State parties must ensure the right to life and exercise due diligence to protect the right of individuals against deprivations caused by persons or entities whose conduct is not attributable to the State. The obligation of States parties to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life (CCPR/C/GC/36).

The duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity.

Investigations into allegations of violations of article 6 must always be independent, impartial, prompt, thorough, effective, credible, and transparent (CCPR/C/GC/36).