

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on minority issues**

REFERENCE:  
AL IRN 9/2021

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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; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 43/24, 42/22, 44/5, 43/4, 41/12 and 43/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the killing of between 12 to 23 fuel couriers, protesters and bystanders belonging to the Baluch minority through the use of lethal and excessive force by security and law enforcement in the province of Sistan and Baluchestan, arbitrary arrest of protesters, and restrictions on freedom of expression, including internet shutdowns, and restrictions on freedom of peaceful assembly imposed during the protests in Sistan and Baluchestan.

Concerns regarding the excessive use of force by border officials have been the subject of a previous communication by special procedures mandate holders dated 22 September 2020 (IRN 15/2020). Concerns at the excessive use of force against protesters have been repeatedly raised by Special Procedures, including in previous communications by special procedures mandate holders (IRN 16/2019, 17/2019, 2/2020) and the reports of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (A/75/213, A/HRC/46/50). These reports of the Special Rapporteur have also raised concerns regarding the excessive use of force against border couriers (see also, A/HRC/43/61).

According to the information received:

*Use of lethal force against Sookhtbaran (fuel couriers) and protesters*

On 20 February 2021, the Islamic Revolutionary Guard Corps (IRGC) at Shamsar border area blocked a road leading to the city of Saravan which *Sookhtbaran* use for transporting fuel between Iran and Pakistan. Fuel couriers

His Excellency  
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Minister for Foreign Affairs

were stopped for two days near the border on the Iranian side and were negotiating with IRGC forces to open the road. On 22 February, after the fuel couriers' food and water ran out, a group of them tried to break the metal barrier and drive their vehicles through it. According to reports, the IRGC forces then fired warning shots into the air. After the drivers did not stop, the IRGC opened fire at unarmed fuel couriers resulting in the death and injury of a number of them in their vehicles. Following the shootings, some of the fuel couriers moved towards Shamsar base in protest while some of them were chanting and throwing stones. The IRGC border guards responded with firing live ammunition. At least 10 individuals, including one 17-year-old boy, are confirmed to have been killed as a result of the shooting and an unconfirmed number of individuals were critically injured. It is reported that the families of victims were denied access to examine the bodies and were asked by intelligence officials to sign statements stating the IRGC forces were not responsible for the death and injuries of their family members.

On 23 February, dozens of protestors, including families of the victims killed on 22 February, gathered in front of the Governor's office in Saravan, Sistan and Baluchestan Province. On 24 February, protests continued in Saravan and spread to other cities in the province including Zahedan, Sarjangan, Iranshahr, Khash, and Korin. According to reports, business owners and workers shut their stores in the cities of Saravan, Iranshahr and Zahedan and went on strike in support of the protests.

Security forces have reportedly used gunfire, pointed metal pellets, and tear gas to disperse the protests. In the village of Shoroo in Korin district, firing of live ammunition by security forces reportedly led to the killing of at least two individuals, including a bystander and a child. According to information received, security forces have arrested a number of protesters, including some injured protesters who were seeking treatment in medical facilities. There is no official report on the number of arrests. Due to the internet shutdown, it also remains difficult to verify the total number of deaths. Some reports indicate the total death toll of fuel couriers, protesters, and bystanders has reached 23 individuals. The Governor of Zahedan reported a police officer was also killed during the clashes in the city of Korin, after the protesters reportedly broke into a police station on 25 February.

On 23 February, the authorities shut down mobile data access in several cities of Sistan and Baluchestan Province, reportedly to prevent news about the events from coming out. Sistan and Baluchestan Province has an under-developed infrastructure for internet access. According to official records, the internet penetration in Sistan and Baluchestan is around 66.93 per cent, and 95.7 per cent of internet users rely on mobile internet as the main tool to connect to the internet. Therefore, the shutdowns of mobile carriers are the equivalent to a near total internet shutdown in the province. As of 27 February, mobile data access was reportedly restored in some cities.

The Deputy Security Official of Sistan and Baluchestan province announced on 23 February that the shooting started from the Pakistan side of the border. He added that some people in the crowd attacked the Shamsar base by throwing

stones, setting fire to a bike and breaking the glass of vehicles. The Deputy Security Official stated that following the attack on the Shamsar base, the security forces were forced to resort to shooting and some individuals were injured. He added that one of the injured individuals died in the hospital and they were investigating if he was injured on the other side of the border. The Governor General of Sistan and Baluchestan Province has confirmed deaths of three individuals stating two of them were killed on the Pakistan side of the border and only one of them was in these incidents. Pakistani officials have denied shooting from Pakistani border guards. On 26 February, the Military Prosecutor of Sistan and Baluchestan Province stated that a case had been opened to investigate these incidents. On 2 March, the Iranian Parliament sent a delegation to the province to investigate the excessive use of force.

Following the unrest, the tensions in the region have escalated. On 2 March, in what appears to be an unrelated incident, the militant jihadist group of Jaish-al-Adl attacked two vehicles of the IRGC in the city of Saravan in Sistan and Baluchestan province. A state media outlet reported from the Ghods Ground Forces of IRGC that “in a terrorist attack to IRGC engineering unit, an IRGC engineer was wounded and another one is unaccounted for”. Other sources report five members of the IRGC were killed.

The use of lethal force against *sookhtbaran* took place in the context of a new plan to regulate fuel transportation in border areas of the province of Sistan and Baluchestan. The new plan entitled *razzagh* is implemented in an agreement between IRGC, the Governor General of Sistan and Baluchestan province, and the Anti-Contraband Unit in the province. Under the plan, residents living within 20 kilometres of the border will be given a card to receive legal fuel. Activists criticize the *razzagh* plan for monopolizing the sale of fuel by the IRGC, and state the plan could result in large populations in Sistan and Baluchestan losing their main source of income.

*Patterns of excessive use of force against and extrajudicial killings of Sookhtbaran (fuel couriers) and Kulbaran (border couriers)*

In border provinces with high levels of unemployment and poverty, border courier activities have become a prevalent way of earning a living. The activity is undertaken by children, men and women. Sistan and Baluchestan province and the Kurdish-majority provinces, populated largely by minority groups, are the provinces with the highest number of border couriers.

The use of lethal force in Sistan and Baluchestan province follows the long-term pattern of the unchecked use of force by border and security officials against border couriers. The *sookhtbar* earn a living transporting fuel between Sistan and Baluchestan Province and its neighbouring countries, particularly Pakistan. Fuel couriers face many risks in their work, including car accidents, explosions of cars carrying fuel after being shot by border guards, as well as injuries and death directly due to shooting by security forces.

*Kulbar* are border couriers who reside in border areas of provinces populated by the Kurdish minority. Many of them transport goods on their back, on foot, and

on horses under difficult conditions. The *Kulbaran* continuously face lethal and excessive force by security forces. They are also at high risk of serious injuries or death for taking routes littered with landmines. In 2020, 202 *kulbar* were reported to be victims of direct shootings by the security forces of the Islamic Republic of Iran, of which 59 died.

Members of Parliament have previously objected to the use of force against border couriers and also the Government's failure to prosecute the perpetrators. A member of parliament stated in September 2020 that 166 *Kulbar* were killed or injured in the previous Persian calendar year.

#### *Legal provisions regarding use of firearms against border couriers*

The Iranian legislation on the use of firearms by state officials does not provide sufficient safeguards against arbitrary use of lethal force and falls short of the international human rights law standards. The national legal framework on the use of firearms by state officials is set out in the *law of using firearms by armed officials in necessary situations* adopted in 1995. The law outlines the situations where the armed forces are allowed to use lethal firearms in the context of border control. Article 2 (9) of the law provides: "Armed forces are allowed to use firearms to prevent and confront individuals who intend to enter or exit borders illegally and do not pay attention to the warnings of security forces." Article 6 of the law states:

"Shooting towards cars by security forces in order to stop them is allowed, when: a car according to credible circumstances and reasons and/or credible information is stolen or it is carrying fugitives or smuggled goods or drugs and/or illegally carrying weapons.

Note 1: The security forces are required in checkpoints to install and to put warning tools such as barriers, signs, and revolving lamps.

Note 2: The security forces are allowed to fire at cars when in addition to compliance to note 1, with a loud and clear voice shout "Stop" to the driver of the car and the driver would not pay attention to the warnings."

Article 10 (3) adds that: "In all cases stated herein, armed officers are allowed to use a weapon only if, first, there is no alternative other than the use of arms, and second, they observe, if possible, the following order: Shoot in the air, Shooting from the waist down, Shooting from the waist up."

The necessity to amend the current law of *using firearms by armed officials in necessary situations* has been raised by members of parliament. An amendment to the law to restrict the shooting of border couriers has been under review by the Iranian Parliament's Commission on National Security and Foreign Policy since 2019.

While we do not wish to prejudge the accuracy of these allegations, we wish to express grave concern regarding the arbitrary deprivation of life and extrajudicial killings through the use of lethal force by security forces against unarmed fuel couriers,

protestors and bystanders. We furthermore express grave concern at the arrest of mostly peaceful protesters, including through forced transfer of injured persons from medical care to detention facilities, as well as unlawful restrictions to the right to freedom of expression and information and the right to freedom of assembly through the imposition of a near total internet shutdown in the province of Sistan and Baluchestan. We are furthermore concerned that these events take place in a context characterized by a crackdown on minorities, particularly the Baluch minority in Sistan and Baluchestan province, and long-term deprivations of their human rights in the province. We are concerned that these factors may lead to further unrest and escalation of the security situation, and we call on your Excellency's Government to address the underlying causes of the grievances and to avoid, at all cost, to conflate the attack by armed groups on 2 March with the prior protests by unarmed fuel couriers and peaceful protesters.

The actions by the authorities seem to be in contravention of the rights of every individual to life, liberty and security, to freedom of opinion and expression, and to freedom of peaceful assembly, as established respectively by articles 6, 9, 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975. We wish to remind your Excellency's Government that border officials must respect international human rights instruments pertaining to law enforcement, including the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. We underline that law enforcement officials may use force only when and to the extent strictly necessary for the performance of their duty and in a manner proportionate to the threat to be addressed. More precisely, the use of lethal force is only legitimate "to save the life of a person or to protect a person from serious injury; as said, such force must be necessary and proportionate and it cannot be used in a discriminatory fashion." Killing or causing deadly injury resulting from the use of force in the absence of an imminent threat of death or serious injury may amount to arbitrary deprivation of life. We note that articles 6 and 7 of the ICCPR guarantee these rights for all human beings, without distinction of any kind. As highlighted by the Human Rights Committee, "States have a duty to prevent and redress unjustifiable use of force in law enforcement" (CCPR/C/GC/35, para. 9).

We are particularly alarmed at the fact that the fuel couriers were unarmed and none of them have posed a threat to life or serious injury to the border officials that could justify the use of force. We express further concern at long-lasting patterns of using excessive force by border guards against fuel couriers in Sistan and Baluchestan province belonging to the Baluch minority as well as border couriers from areas populated by the Kurdish minority, as raised previously in the reports of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (see, for example, A/HRC/46/50, A/75/213, A/74/188).

We are also deeply concerned that the Iranian law regarding the use of firearms is inconsistent with the fundamental principles reflected in the international norms. The Iranian law on use of firearms authorizes the use of firearms in a variety of situations without providing the necessary safeguards. We underline that the principles of necessity and proportionality should be duly reflected in the law. It appears that the only qualification in the Iranian law is that "there is no alternative other than the use of arms". The law only emphasizes law enforcement objectives but does not elaborate on the proportionality of the type of force which is used. As highlighted by the Special

Rapporteur on extrajudicial, summary or arbitrary executions “without accompanying provisions on proportionality, such statements set the bar too low, and will allow individuals posing no immediate danger, to be shot with apparent impunity.” (A/HRC/26/36, para. 88)

We recall that, with respect to the authorities’ response to protests in the Islamic Republic of Iran, allegations of violations to the right to life and unnecessary and disproportionate use of force have been the subject of previous communications by special procedures mandate holders, including IRN 16/2019, 17/2019, and 2/2020. We regret that a similar response from the authorities is reported, with participants in the demonstrations being killed and injured due to the use of excessive force and arbitrarily arrested.

Following our previous communications addressed to the Government of the Islamic Republic of Iran regarding internet shutdowns in the context of protests (IRN 16/2019, 17/2019) we regret to note the continued reports of network disruptions. We wish to express our concerns over the adverse effects that the shutting down of the internet and telecommunication networks may have on these rights, especially on the right to disseminate and receive information and the right to peacefully assemble and to expression.

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 mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide a detailed description of the circumstances that led to the reported use of force against fuel couriers in connection with the incidents described above.
3. Please provide details, and where available, the results of any investigations and judicial or other inquiry undertaken in relation to the allegations of excessive use of force and unlawful killings in the context of the above-mentioned incidents against members of the Baluch minority.
4. Please provide information on the number of deaths and injuries caused by the force used by security forces against fuel couriers and protesters and how the use of force was proportionate and necessary. Please also provide a full list of names of individuals killed in the events of 22 February and in subsequent protests in Sistan and Baluchestan province.
5. Please provide information on the names and number of people arrested and detained during the protests in Sistan and Baluchestan province.

Please provide information on where detained protestors are being held, including the names of the facilities and the number of detained protestors in each facility. Please provide information on the legal basis for their arrest and detention, charges against them, the current state of proceedings and whether they have legal assistance.

6. Please provide information on the transfer of persons from hospitals to detention facilities, the measures taken to ensure that the transfer is compatible with international human rights obligations, and the measures taken to ensure that those injured during the protests and those detained that require medical assistance received such assistance.
7. Please provide information on the regulations and operational procedures for law enforcement agents concerning the use of force in the context of border control and whether it is compatible with international standards in particular on the use of force and firearms.
8. Please provide information on the legal basis for the shutdown of mobile data access during the events, as well as information as to the duration of this measure in the various cities of Sistan and Baluchestan province. Please explain how such disruption of internet and services complies with requirements under international human rights law. In particular, please provide information on the necessity and proportionality of the measure.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. 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 may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issues in question.

We would like to inform your Excellency's Government that after having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such letters in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

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

Elina Steinerte  
Vice-Chair of the Working Group on Arbitrary Detention

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Khan  
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Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Fernand de Varennes  
Special Rapporteur on minority issues



## **Annex**

### **Reference to international human rights law**

#### Right to life and prohibition against torture and other forms of ill-treatment

In connection with the above alleged facts and concerns, we refer to articles 6 (1), 7 and 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975, which guarantees the inherent right to life of every individual and provide that this right shall be protected by law and that no one shall be arbitrarily deprived of his life, the right to liberty and security of the person, as well as the prohibition against torture.

Without expressing at this stage an opinion on the facts of the case and on whether the reported detentions were arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of the detained person in this case not to be deprived arbitrarily of his liberty, in accordance with article 9 of the ICCPR. In this connection, we also recall that Human Rights Committee's General Comment no. 35 affirms that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21) and freedom of association (art. 22), freedom of religion (art. 18) and the right to privacy (art. 17). Arrest or detention on discriminatory grounds in violation of article 2, paragraph 1, article 3 or article 26 is also in principle arbitrary.

#### Use of force and firearms

We would like to draw the attention of your Excellency's Government to the Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. In particular, principle 12 of the Basic Principles provides that "everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the ICCPR. Governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14." These provisions restrict the use of firearms to situations of violent assemblies and provide that force and firearms may only be used as a last resort when unavoidable and require exercising the utmost restraint. In addition, pursuant to principle 5(c), law enforcement officials should ensure the provision of timely medical assistance to anyone injured as a result of the use of force or firearms.

#### Investigations

Furthermore, according to Principle 9 of the Principles of the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, there is an obligation to conduct thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death. The Minnesota

Protocol on the Investigation of Potentially Unlawful Death which in 2016 updated the original UN Manual on the Effective Prevention of Extra-legal, Arbitrary and Summary Executions of 1991; and the UN Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (1989), states that an investigation must be a) prompt; b) effective and thorough; c) independent and impartial; and d) transparent.

As also confirmed by the Human Rights Committee in its General Comment No. 31, a failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR.

### Compensation

Additionally, principle 20 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, (resolution 1989/65 Economic and Social Council) states the families and dependents of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time.

### Preventive measures and training and legislation

We further highlight that according to Human Rights Committee General Comment 36, States parties are expected to take all necessary measures intended to prevent arbitrary deprivations of life by their law enforcement officials. These measures include appropriate legislation controlling the use of lethal force by law enforcement officials, procedures designed to ensure that law enforcement actions are adequately planned in a manner consistent with the need to minimize the risk they pose to human life, mandatory reporting, review, and investigation of lethal incidents amongst others. In particular, all operations of law enforcement officials should comply with relevant international standards, including the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169)(1979) and the Basic Principles law enforcement officials should undergo appropriate training designed to inculcate these standards so as to ensure, in all circumstances, the fullest respect for the right to life.

### Freedom of peaceful assembly

With regard to freedom of assembly, we recall that according to Article 21 of the ICCPR, “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.” The ‘provided by law’ requirement means that any restriction ‘must be made accessible to the public’ and ‘formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly’ (CCPR/C/GC/34). Moreover, it ‘must not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution’. The requirement of necessity implies an assessment of the proportionality of restrictions, with the aim of ensuring that restrictions ‘target a specific objective and do not unduly intrude upon the rights of targeted persons. The ensuing interference with third parties’ rights must also be limited and justified in the interest supported by the

intrusion. Finally, the restriction must be ‘the least intrusive instrument among those which might achieve the desired result’.

### Freedom of expression

Article 19 of the ICCPR provides for the rights to freedom of opinion and expression. Paragraph 3 of article 19 sets out the requirement that any restrictions to the right to freedom of expression must be necessary, proportionate and prescribed by law. While national security, under Article 19 (3), is a legitimate basis for restricting the right to freedom of expression, any such restriction must be strictly construed and necessary for the protection of the national security of the State. Furthermore, the restriction must be proportionate. It must be appropriate to achieve its protective function and be the least restrictive means to achieve the protective function, and be proportionate to the interest to be protected, see CCPR/C/GC/34 para. 34.

We underline that Article 19(2) of the ICCPR, guarantees everyone’s rights to seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any media. The complete shutdown of the internet and telecommunication networks would appear to contravene the fundamental principles of necessity and proportionality that must be met by any restriction on freedom of expression. Shutdowns fail to reach the established test for restrictions to the right to freedom of opinion and expression under article 19(3) of the ICCPR, as well as for restrictions on the freedom of peaceful assembly and of association under articles 21 and 22(2) ICCPR.

With regard to internet access, we also recall that the same rights that people have offline must also be protected online, see e.g. CCPR/C/GC/34 para. 12, UN General Assembly resolution 68/167, Human Rights Council Resolutions 26/13 and 32/13, as well as the Report by the Special Rapporteur on the Freedom of Expression A/HRC/35/22 paras. 76 and 77. In this regard, we would further like to draw your attention to Human Rights Council Resolution 32/13, which “condemn[ed] unequivocally measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law, and calls upon all States to refrain from and cease such measures”.

### Protection of the rights of persons belonging to minorities

Finally, we would like to bring to your Excellency’s Government’s attention the international standards regarding the protection of the rights of persons belonging to minorities, in particular article 26 of ICCPR: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as [...] religion [...]". Moreover, article 27 of the ICCPR and the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt the measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination and in full equality before the law (article 4).