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Country Policy and Information Note

Iran: Smugglers

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 9 August 2019

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution and/or serious harm by state actors because of the person's criminal activities as a smuggler.

1.2 Points to note

- 1.2.1 Sources also refer to smugglers as 'Kolbar', 'Kulbar', 'Koolbar' or 'Kolbaran'. In Kurdish 'Kol' or 'Kul' means a person's back and 'Bar' means 'carry' or 'delivery' (literally "those who carry on their back").

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

- 2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of Humanitarian Protection (HP).
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Asylum Instruction on Restricted Leave](#).

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2.3 Refugee convention reason(s)

- 2.3.1 Smugglers in Iran are not considered to form a particular social group (PSG) within the meaning of the 1951 UN Refugee Convention. This is because they do not share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it – and they do not have a distinct identity which is perceived as being different by the surrounding society.

- 2.3.2 However, depending on the case, the claim may fall under actual or imputed political opinion.
- 2.3.3 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their actual or imputed convention reason.
- 2.3.4 In the absence of a link to one of the five Convention reasons necessary for the grant of refugee status, decision makers must consider whether the person will face a real risk of serious harm sufficient to qualify for HP.
- 2.3.5 For further guidance on Convention reasons, including particular social groups, see the instruction on [Assessing Credibility and Refugee Status](#). For further guidance on the HP, see the Asylum Instruction on [Humanitarian Protection](#).

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2.4 Risk

a. State treatment

- 2.4.1 Kurdish smugglers transport a variety of different items across the Iran and Iraq border, ranging from clothes and basic foodstuffs all the way up to weapons and illegal drugs. The smuggling of items into Iran from its bordering countries without paying customs duties and taxes is illegal. While the Iranian authorities do issue permission papers to transport certain goods, they are difficult to obtain and are therefore not widely used. On occasion, the Iranian border guards have been known, to some degree, to turn a blind eye towards smugglers as Iran becomes more dependent on smuggled goods as a result of recent sanctions (see [Background](#), [Alcohol](#), [Narcotics](#), [Legal products](#) and [State attitudes and actions](#)).
- 2.4.2 While there is a functioning judicial system in Iran, it is often criticised for a lack of impartiality and trials often disregarded international standards of fairness. There are reports of pre-determined verdicts, defendants being denied legal representation, the opportunity to confront their accusers and appeal any convictions in most cases that involve major penalties. Judges disregard allegations that the accused was tortured or abused while detained and often accept forced confessions as evidence. There also continue to be reports of politically motivated charges and a lack of due process (see [Judicial system](#)).
- 2.4.3 Punishments for smuggling include fines, imprisonment, flogging and the death penalty – depending on what items are being transported. Iran has an increasingly prevalent drug problem with an estimated 2.8 million people regularly using some form of illicit drug. Iran imposes corporal punishment and in some cases the death penalty for those found guilty of drug trafficking (see [Illicit commodities](#) and [Legal context](#)).
- 2.4.4 In an amendment to its Anti Narcotic Law, which came into force in November 2017, the Iranian government raised the threshold on the quantities of illicit drugs that would be considered a capital offense. As a result, the number of people executed for drug-related crimes in 2018 fell dramatically compared to recent years. While this new amendment is

retroactive and also applies to those already convicted of drug offences, recent reports indicate that Iran are still executing drug convicts and a large number of convicted drug offenders remain on death row (see [Narcotics](#) and [Prevalence of the death penalty for drug related crimes](#)).

- 2.4.5 There are reports of smugglers being charged with crimes relating to civic activism and membership of Kurdish political parties, many of whom being sentenced to years of imprisonment. Human rights observers also believe that many people who have been executed ordinary crimes, including drug crimes, are in fact political opponents (see [Arrests](#)).
- 2.4.6 Iranian border guards regularly target individuals travelling between the Iraqi and Iranian borders, arbitrarily shooting at them causing injuries and deaths. There are also reports of the border guards taking bribes, confiscating goods and killing horses being used to transport items (see [Violence](#)).
- 2.4.7 Persons who have been involved solely in smuggling are likely to face prosecution, rather than persecution, on return to Iran. It is legitimate for the authorities to prosecute those engaged in smuggling illegal items or goods which would be subject to import tariffs. However, those prosecuted for such crimes may face a trial which does not meet international standards of fairness. In some cases, those with a political profile or those who have come to the adverse attention of the authorities for other reasons could face victimisation in the application of drug smuggling charges. These could lead to disproportionate punishment amounting to persecution or serious harm.
- 2.4.8 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from state actors, they will not be able to avail themselves of the protection of the authorities.
- 2.5.2 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution from state actors, it is unlikely to be possible for them to relocate to escape that risk.
- 2.6.2 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

Country information

Section 3 updated: 9 August 2019

3 Background

3.1 History, organisation, prevalence and commodities

3.1.1 An April 2019 report produced by The Global Initiative Against Transnational Organized Crime (GIATOC) entitled 'Sanctions and smuggling – Iraqi Kurdistan and Iran's border economies' provided the following background information on smuggling systems in Iran:

'Iran shares a 1458-kilometre-long border with Iraq, of which some 500 kilometres pass through the Kurdistan region. Smuggling of goods across this border has been happening for decades. Over time, this illicit trade has become consolidated, and operated by well-organized criminal networks consisting primarily of businessmen on either side of the border, who deploy smugglers or delivery drivers who transfer goods to collection points in the mountainous border regions, and couriers who carry the goods by foot or on horseback along the last stretch of the route across the border into Iran. Smugglers and couriers are exclusively Kurdish, either of Iranian or Iraqi origin.

'Many of the couriers have been plying their trade across this border for decades, and some have passed on their knowledge of the routes and systems to their children, and work as family units. Horse courier Yassan, 22, started couriership when he was just 13. "I work with my father and three brothers. It's like a family business. We just do the horses, and we just do alcohol," he said. "There's nothing else we can do to make money because there's a lot of discrimination against Kurds in Iran."

'The US reimposed sanctions on Iran on 6 August 2018 after the US withdrew from the 2015 "nuclear deal", with additional measures imposed on 5 November [2018].

'...During the earlier period of sanctions on Iran, 1979–2016, smuggling had flourished, and couriers transported across this border almost every conceivable item, including basic foodstuffs, fridges, tyres, luxury-car parts, cigarettes and alcohol. Sanctions were eased in January 2016, after UN inspectors confirmed that Iran had met its side of the 2015 nuclear agreement, the Joint Comprehensive Plan of Action, by dismantling significant parts of its nuclear programme. The lifting of sanctions meant Iran could re-enter the global economy, and its citizens were no longer so reliant on smuggled goods.

'Although smuggling activity across this border area diminished after the sanctions were lifted in 2016, it never completely stopped. Electrical goods, for example, remained cheaper to buy in Iran if they had originally been purchased in Iraqi Kurdistan and smuggled across the border to Iranian markets. Smuggling operations also refocused on illegal contraband – American cigarettes, alcohol and precursors for making illicit drugs. Despite the long-standing strained political relations between America and Iran,

couriers say in Iran there has always been a high demand for American goods, particularly branded Western cigarettes, alcohol and American walnuts.’¹

3.1.2 The report further stated:

‘The goods-smuggling trade from Iraqi Kurdistan to Iran is highly organized. It primarily consists of so-called greymarket goods that have been legally imported into Iraqi Kurdistan for local market consumption, but which are then redirected to Iran, largely evading official export or import procedures and duties. Alongside this grey market, concurrent networks facilitate the transportation of black-market goods – notably alcohol, which is illegal in Iran, and cigarettes originating in the West, the sale of which is prohibited in Iran in an attempt to protect the local industry. The most criminal aspect of smuggling in the region, however, involves the cross-border movement of weapons, narcotics and raw materials for manufacturing drugs, which are smuggled across the Iraq–Iran border using broadly similar methods and routes as deployed for the ‘grey’ goods supply chain. Smuggling in this region is an open secret and an economic necessity on both sides of the border. But, because the same transportation routes and methods for ordinary goods are used to smuggle illegal items, these long established supply routes enable criminal networks to move contraband with some degree of impunity.

‘...As sanctions cripple the economy of Iran, the trade in both grey- and black-market goods finds alternative routes, and smuggling enables individuals and larger criminal networks on both sides of the border to profit from the sanctions environment. New routes have opened since the sanctions, and the couriers expect more to emerge in the next six months. Routes also change depending on local conditions, such as snow, which makes some areas impassable, or when a particular smuggling corridor is targeted by the Iranian border guard.’²

3.1.3 The report also went on to state the following in regard to local economies and livelihoods in Iran:

‘Smuggling in this region takes place on a huge scale. Iranian Kurdish MP for the Mahabad region, Jalal Mahmudzadeh, estimated in April 2018 that there were 80,000 couriers plying the Iran–Iraqi Kurdistan border. However, couriers, smugglers and local people say this is a conservative estimate, and claim the actual number of Iranian couriers operating along this border stretch is around 100,000. Smugglers say that areas of passable terrain could have up to 3,000 couriers transporting goods, and on some comparatively short stretches of border, there could be as many as 25 illegal crossing points.

‘The precarious financial situation confronting residents living either side of the border area, especially on the Iranian side, means local economies are heavily reliant on smuggling. All Iranian couriers interviewed by the authors said they were pushed into this illegal work through financial desperation. As

¹ GIATOC, ‘Sanctions and smuggling – Iraqi Kurdistan and Iran’s border economies’, April 2019, [url](#)

² GIATOC, ‘Sanctions and smuggling – Iraqi Kurdistan and Iran’s border economies’, April 2019, [url](#)

Mahmudzadeh said, if smuggling were stopped by the Iranian government, it would leave 80,000 people without a livelihood.’³

- 3.1.4 The report also looked at some of the commodities that are smuggled across the Iranian border ‘Smugglers say that anything and everything that Iran can no longer import legally is now smuggled across this border, mainly carried on foot or by horseback. Most of the goods now being transported this way are not illegal commodities in Iran – they are just no longer available to ordinary citizens, or at least not at prices they can afford.’⁴
- 3.1.5 The report states that some items that are smuggled include clothes, footwear, cigarettes, dry food products, fridges, washing machines, tyres, plasma televisions, vehicles, vehicle spare parts and other electrical goods such as air conditioning units⁵.

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3.2 Illicit commodities

- 3.2.1 The Global Initiative Against Transnational Organized Crime (GIATOC) report entitled ‘Sanctions and smuggling – Iraqi Kurdistan and Iran’s border economies’ stated the following:

‘Although the organized smuggling network behind the flow of foodstuffs and other legal goods is technically a criminal operation, it is widely viewed locally as a form of trade in essential items. However, alongside this ‘trade’ there is a parallel smuggling operation across this border, involving explicitly criminal commodities, notably alcohol, weapons and illicit drugs. These goods are illegal in Iran and not authorized by government, making their smuggling a more criminal, and more dangerous, operation.

‘... Alcohol passes through certain border posts. In rural Halgurd, where much of the mountainous area is uninhabited in winter and populated by semi-peripatetic farmers in the summer, alcohol is one of the main contraband items, mainly transported by horseback. At one particular border collection point in 2017, alcohol stocks were seen being collected by up to 250 horses at a time. An average load is four boxes (48 bottles of whiskey, for example) per horse.

‘...Some horse couriers have walkie-talkies and, when there is a security threat, one goes ahead to scout out the border and then radios back to the waiting couriers, providing reconnaissance on the Iranian military, advising others on which routes look safer and which time of day is preferable to set out over the mountain.

‘But the most criminal part of this smuggling network involves the transportation of weapons and drugs. “The weirdest thing I carried was Tramadol tablets and battery acid for making drugs like crystal meth. There are a lot of drug laboratories on the other (Iranian) side, close to the border. Some couriers take raw materials over to Iran and bring back the finished product, although the drugs are also sold inside Iran,” said Mahmoud [an

³ GIATOC, ‘Sanctions and smuggling – Iraqi Kurdistan and Iran’s border economies’, April 2019, [url](#)

⁴ GIATOC, ‘Sanctions and smuggling – Iraqi Kurdistan and Iran’s border economies’, April 2019, [url](#)

⁵ GIATOC, ‘Sanctions and smuggling – Iraqi Kurdistan and Iran’s border economies’, April 2019, [url](#)

Iranian smuggler]. Some couriers also carry opium, explained Mahmoud, and a few couriers have become addicts themselves.’⁶

3.2.2 The report further stated:

‘Weapons are one of the most lucrative forms of contraband that cross this border, and one that carries the highest risks. Former arms smuggler 50-year-old Soran said he made good money smuggling weapons into Iran for three years, before running into trouble with the Iranian border guard. “I didn’t like it as a job but I did it for the money,” he said, explaining that with few job opportunities for Iranian Kurds, he struggled to look after his wife and seven children. The extent of smuggling in this border region is so vast and so normalized that even its more criminal aspects are genuinely viewed by smugglers and couriers as a job rather than as a criminal activity.

“Arms smuggling is not like the alcohol smuggling. That goes on all the time but weapons smuggling is a case of supply and demand,” Soran said. “The smuggled guns end up all over Iran, literally everywhere in the country.” Soran fell foul of the authorities in early 2017, when his car got stuck on a mountain pass and Iranian border guards opened fire. His mistake, he said, was to shoot back: “I managed to get the weapons out but they seized my car and that’s what caused the problems because they identified my name and saw that I had driven across the official border from Iran into Iraq and was returning illegally,” he said.

‘Soran spent a year living in a makeshift hut on Halgurd, earning a pittance guarding alcohol supplies at a courier collection point, before managing to return home.’⁷

3.2.3 The United States Department of State (USSD) looked at the situation in Iran in relation to illegal drugs and trafficking in their March 2019 ‘International Narcotics Control Strategy Report’ and stated that:

‘Iran is a significant transit and destination country for opiates and cannabis products originating mostly in Afghanistan. Significant volumes of methamphetamine are also produced and consumed within Iran, as well as trafficked to international markets. Most opiates and cannabis products are trafficked into Iran across its land borders with Afghanistan and Pakistan. Drug supplies transiting Iran are trafficked overland across Iran’s northern borders, primarily through Turkey and Azerbaijan, and to a lesser extent into Iraq. Heroin and other opioids are also trafficked by maritime conveyance from Iran into Eastern Africa, for further transshipment to international markets.

‘...The Iranian government recognizes that illicit drug consumption within Iran is a serious challenge, and increasingly prevalent. In 2018, DCHQ [Iran’s Drug Control Headquarters] authorities estimated that 2.8 million people regularly use some form of illicit drug within the country, with half that total suffering from substance use disorders. Other Iranian authorities and non-governmental organizations have cited higher estimates. Opium is the most widely-used illicit drug in Iran, according to Iranian authorities, followed by cannabis products and methamphetamine (known locally as “shisheh,” or

⁶ GIATOC, ‘Sanctions and smuggling – Iraqi Kurdistan and Iran’s border economies’, April 2019, [url](#)

⁷ GIATOC, ‘Sanctions and smuggling – Iraqi Kurdistan and Iran’s border economies’, April 2019, [url](#)

“glass”). Approximately 43 percent of Iran’s inmate population is jailed for drug offenses, according to media reports.

‘...The UN Office on Drugs and Crime maintains a field office in Tehran that provides some training and capacity support to Iranian authorities, including on demand reduction, drug interdiction, and forensic analysis of drug seizures. Iran maintains liaison relationships with some neighboring countries, but operational cooperation on investigations appears limited. Drug control cooperation between Iran and European states has been limited partially due to concerns over the Iranian government’s widespread application of the death penalty for drug offenses.’⁸

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Section 4 updated: 9 August 2019

4 Legal context

4.1 Judicial system

4.1.1 The United States Department of State (USSD) 2018 country report of Human Rights Practices in Iran, published 13 March 2019 stated:

‘The constitution provides that the judiciary be “an independent power” that is “free from every kind of unhealthy relation and connection.” The court system was subjected to political influence, and judges were appointed “in accordance with religious criteria.”

‘The supreme leader appoints the head of the judiciary. The head of the judiciary, members of the Supreme Court, and the prosecutor general were clerics. International observers continued to criticize the lack of independence of the country’s judicial system and judges and maintained that trials disregarded international standards of fairness.

‘According to the constitution and law, a defendant has the right to a fair trial, to be presumed innocent until convicted, to have access to a lawyer of his or her choice, and to appeal convictions in most cases that involve major penalties. These rights were not upheld.

‘Panels of judges adjudicate trials in civil and criminal courts. Human rights activists reported trials in which authorities appeared to have determined the verdicts in advance, and defendants did not have the opportunity to confront their accusers or meet with lawyers. For journalists and defendants charged with crimes against national security, the law restricts the choice of attorneys to a government approved list.’⁹

4.1.2 The report continued:

‘The constitution does not provide for the establishment or the mandate of the Revolutionary Courts. The courts were created pursuant to the former supreme leader Ayatollah Khomeini’s edict immediately following the 1979 revolution, with a sharia judge appointed as the head of the courts. They were intended as a temporary emergency measure to try high-level officials of the deposed monarchy and purge threats to the regime. The courts,

⁸ USSD, ‘International Narcotics Control Strategy Report’, March 2019, [url](#)

⁹ USSD, ‘Country Report on Human Rights Practices 2018 – Iran’, 13 March 2019, [url](#)

however, became institutionalized and continue to operate in parallel to the criminal justice system. Human rights groups and international observers often identify the Revolutionary Courts, which are generally responsible for hearing the cases of political prisoners, as routinely employing grossly unfair trials without due process, handing down predetermined verdicts, and rubberstamping executions for political purposes. These unfair practices reportedly occur during all stages of criminal proceedings in Revolutionary Courts, including the initial prosecution and pretrial investigation, first instance trial, and review by higher courts.

‘The IRGC [Islamic Revolutionary Guard Corps] and Intelligence Ministry reportedly determine many aspects of Revolutionary Court cases. Most of the important political cases are referred to a handful of branches of the Revolutionary Courts, whose judges often have negligent legal training and are not independent.

‘During the year human rights groups and international media noted the absence of procedural safeguards in criminal trials. On September 8, three Kurdish men - Zaniar Moradi, Loghman Moradi, and Ramin Hossein Panahi - were executed at Rajai Shahr Prison following what Amnesty International called “grossly unfair” trials in which the men were denied access to lawyers.

‘Courts admitted as evidence confessions made under duress or torture. UNSR Jahangir stated that the government relied on physical and mental torture to coerce confessions from prisoners during pretrial detention and interrogations. Based on reports from numerous media and human rights groups, there was a noticeable increase during the year in the authorities’ use of torture, as well as forced videotaped confessions that the government later televised.’¹⁰

4.1.3 A joint report by Iran Human Rights (IHR) and Ensemble Contre la Peine De Mort (ECPM) [Together Against the Death Penalty] published in February 2019 stated that:

‘The ICCPR [International Covenant on Civil and Political Rights], which Iran has ratified, promotes the rule of law and underlines equal legal rights for all individuals regardless of sex, ethnicity, opinion or belief, and prohibit many forms of discrimination. Article 14 specifically mentions the importance of an impartial judicial system, access to a lawyer and a fair trial, and not compelling individuals to testify against themselves or to confess guilt. However, lack of due process is probably the biggest obstacle to significant improvements in the human rights situation and the situation of the death penalty in particular. Perhaps lack of an impartial judiciary and inequality before the law are the most important structural reasons for the lack of due process in Iran. The Head of the judiciary is directly chosen by the country’s highest political authority, the Supreme leader, and must report to him. The Chief of the Supreme Court and all judges are chosen by the Head of Judiciary based on their ideological affiliation and political background, turning the judiciary into a political body which is neither impartial nor independent. Citizens are not equal before the law: men have more rights

¹⁰ USSD, ‘Country Report on Human Rights Practices 2018 – Iran’, 13 March 2019, [url](#)

than women; Muslims have more rights than non-Muslims; and Shia Muslims have more rights than Sunni Muslims.’¹¹

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4.2 Alcohol

- 4.2.1 The Iran Human Rights Documentation Center (IHRDC) reproduced a comprehensive (unofficial) English translation of Book Five of the Islamic Penal Code of the Islamic Republic of Iran (passed on 22 May 1996) which included the following articles in relation to alcohol:

‘Article 702- Anyone who produces or buys or sells or proposes to sell or carries or keeps alcoholic beverages or provides to a third person, shall be sentenced to six months to one year of imprisonment and up to 74 lashes and a fine five times as much as the usual (commercial) value of the aforementioned object.

‘Article 703- Importing alcoholic beverages into the country shall be considered as smuggling and the importer, regardless of the amount (of the beverages), shall be sentenced to six months to five years’ imprisonment and up to 74 lashes and a fine ten times as much as the usual (commercial) value of the aforementioned object. This crime can be tried in the General Courts.

‘Note 1- In respect to articles 702 and 703, when the discovered alcoholic beverages are more than twenty liters, the vehicle used for its transport, if its owner is aware of the matter, shall be confiscated in favor of the government; otherwise the offender shall be sentenced (to a fine) equal to the value of the vehicle. Tools and equipments used for producing or facilitating the crimes mentioned in the said articles, as well as the money gained through the transactions, shall be confiscated in favor of the government.

‘Note 2- When civil servants or employees of governmental companies or companies or institutes dependant to government, councils, municipalities or Islamic revolutionary bodies, and basically all the three powers and also members of armed forces and public service officials, commit, or participate, or aid and abet in the crimes mentioned in articles 702 and 703, in addition to the punishments provided, they shall be sentenced to one to five years’ temporary suspension from civil service.

‘Note 3- The court, under no circumstances, shall suspend the execution of the punishment provided in articles 702 and 703.’¹²

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4.3 Narcotics

- 4.3.1 The Anti Narcotics Law of the Islamic Republic of Iran as amended on 8 November 1997 by the Expediency Council found on the United Nations Office on Drugs and Crime website (UNODC) stated that:

¹¹ IHR & ECPM, ‘Annual report on the death penalty in Iran 2018’, 26 February 2019, [url](#)

¹² IHRDC, ‘Islamic Penal Code of the Islamic Republic of Iran – Book Five’, 15 July 2013, [url](#)

‘Article 1: The following acts are considered as crimes and the perpetrators shall be sentenced to punishments prescribed hereunder:

1. Cultivating poppy and coca absolutely, and cannabis for the purpose of production of narcotics.
2. Importing, exporting, producing and manufacturing any kind of narcotics.
3. Keeping, carrying, purchasing, distributing, hiding, transiting, supplying and selling narcotic drugs.
4. Setting up or running places for the use of drugs.
5. Using drugs in any form or manner except for cases provided for by law.
6. Producing, manufacturing, purchasing, selling and keeping tools and instruments used for manufacturing and consuming narcotics.
7. Causing to escape or giving protection to drug offenders and perpetrators who are under prosecution or have been arrested.
8. Destroying or concealing evidence of offenders' crimes.
9. Putting narcotic drugs or the tools used for their consumption in a place to entangle someone else.’¹³

4.3.2 The Anti Narcotics Law of the Islamic Republic of Iran further stated that:

‘Article 4: Anybody who smuggles in or out, produces, distributes, deals in or puts on sale bhang, Indian hempjuice, grass, opium and opium juice, residue (shireh) shall be sentenced to the following punishments, taking into account the quantity of said materials:

1. Up to fifty grams, a fine in the amount of up to four million rials in cash and up to fifty lashes.
2. More than fifty grams up to five hundred grams, a fine in the amount of four to fifty million rials in cash, plus twenty to seventy four lashes as well as up to three years of imprisonment if the court finds it necessary.
3. More than five hundred grams to five kilograms, a fine in the amount of fifty million rials to two hundred million rials in cash plus fifty to seventy four lashes and three to fifteen years of imprisonment.
4. More than five kilograms, death penalty and confiscation of property, excepting the provision of the normal living costs for the family of the convicted.’¹⁴

4.3.3 Furthermore it also stated:

‘Article 8: Anyone who imports, exports, distributes, produces, deals in, keeps or stores, conceals and carries (or transports) heroin, morphine, cocaine and other chemical derivatives of morphine or cocaine shall be sentenced to the following punishments, taking into account the amount of said drugs:

¹³ UNODC, ‘The Anti Narcotics Law of the Islamic Republic of Iran’, 8 November 1997, [url](#)

¹⁴ UNODC, ‘The Anti Narcotics Law of the Islamic Republic of Iran’, 8 November 1997, [url](#)

1. Up to five centigrams, a fine in the amount of five hundred thousand to one million rials in cash plus twenty to fifty lashes.
2. More than five centigrams to one gram, a fine in the amount of two million to six million rials in cash plus thirty to seventy lashes.
3. More than one gram up to four grams, a fine in the amount of eight million to twenty million rials in cash plus two to five years of imprisonment and thirty to seventy lashes.
4. More than four grams up to fifteen grams a fine in the amount of twenty million to forty million rials in cash, plus five to eight years of imprisonment and thirty to seventy four lashes.
5. More than fifteen up to thirty grams, a fine in the amount of forty million to sixty million rials fine in cash, plus ten to fifteen years of imprisonment and thirty and seventy four lashes.
6. More than thirty grams, death penalty and confiscation of property excepting the normal living costs for the family of the convicted.¹⁵

4.3.4 In August 2017 Iran's parliament raised the threshold on the amount of drugs that would be considered a capital offence. This new amendment to its Anti Narcotic law was enforced in November 2017. An article published by the Guardian in January 2018 entitled 'Iran's easing of drug laws could halt execution of 5,000 prisoners' stated:

'The lives of more than 5,000 prisoners on death row in Iran could be spared as a change in the law abolishes capital punishment for some drug-trafficking offences.

'...The softening of drug-trafficking laws was put into force in a communique by the head of the Iranian judiciary to all judicial officials on Tuesday.

'Campaigners said it was a potentially significant step towards halting executions worldwide.

'The Iranian parliament passed measures in August raising the threshold for a death sentence to possession of 50kg of opium, 2kg of heroin or 3kg of methamphetamine. Under the previous law, possessing 5kg of opium or 30g of heroin was a capital offence.

'The new limits are set to be applied retrospectively, potentially saving the lives of thousands on death row'.¹⁶

4.3.5 A joint report by Iran Human Rights (IHR) and Ensemble Contre la Peine De Mort (ECPM) [Together Against the Death Penalty] published in February 2019 stated that:

'The Iranian Anti-Narcotics law was drafted in 1988 and previously amended in 1997 and 2011. Both amendments aimed to counteract Iran's growing drugs problem by expanding the scope of the law and introducing harsher sentences. The 2011 amendments introduced the death penalty for possession of as little as 30 grams of heroin and included new categories of drugs in the law. All together, the Anti-Narcotics law, including the 1997 and

¹⁵ UNODC, 'The Anti Narcotics Law of the Islamic Republic of Iran', 8 November 1997, [url](#)

¹⁶ The Guardian, 'Iran's easing of drug laws could halt execution of prisoners', 10 January 2018, [url](#)

2011 amendments, imposed the death penalty for 17 drug-related offences including: a fourth conviction for drug-related offences in several instances; planting opium poppies, coca plants or cannabis seeds with the intention of producing drugs; smuggling more than five kilograms of opium or cannabis into Iran; buying, possessing, carrying or hiding more than five kilograms of opium and the other aforementioned drugs (punishable upon a third conviction); smuggling more than 30 grams of heroin, morphine, cocaine or their derivatives into Iran and dealing, producing, distributing and exporting it.

‘... The new amendment increases the minimum amounts of illegal drugs that would subject convicted producers and distributors to a death sentence, raising the level of synthetic substances such as heroin, cocaine, and amphetamines from 30 grams to two kilos and that of natural substances such as opium and marijuana from five kilos to 50 kilos (Amendment, Art. 45(d).) The punishment for those already sentenced to death or life imprisonment for drug-related offences should be commuted to up to 30 years in prison and a fine. Death sentences should be restricted to those convicted of carrying or drawing weapons, acting as the ringleader, providing financial support or using minors aged under 18 or the mentally ill in a drug crime, and to those previously sentenced to death, life imprisonment or imprisonment for more than 15 years for related crimes.’¹⁷

4.3.6 An article published by Iran Human Rights in April 2019 stated:

‘The new amendment to Iranian Anti-drug law which was enforced on November 14, 2017, includes a mechanism to limit the use of the death penalty and reduce the sentences of those sentenced to death or life imprisonment. The law was retroactive and could potentially save many prisoners’ lives after their case-review process.

‘The amendment specifies that the death penalty should be limited to those who have been carrying or have used weapons while trafficking, sponsoring or organizing narco gangs and inducting children under the age of 18 or people with intellectual disabilities into such gangs. Those with a prior prison term of more than 15 years would also be excluded from the commutations under the amendment.

‘... Due to a lack of transparency, it is not known how many death sentences have been commuted thanks to the new legislation but the execution of 20 drug offenders in the last 3 months of the year gives one reason to fear that the few months’ halt in implementation of drug-related death sentences might have come to an end.’¹⁸

4.3.7 A complete translation of the 2017 amendments to the Anti-Narcotics law is available in Appendix 2 of the [2017 Annual Report on the Death Penalty in Iran](#)¹⁹ also produced by IHR and ECPM.

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¹⁷ IHR & ECPM, ‘Annual report on the death penalty in Iran 2018’, 26 February 2019, [url](#)

¹⁸ IHR, ‘Man Hanged for Drug Offenses’, 15 April 2019, [url](#)

¹⁹ IHR & ECPM, ‘Annual report on the death penalty in Iran 2017’, 13 March 2018, [url](#)

4.4 Legal products

- 4.4.1 A paper entitled 'Illegal Trade in the Iranian Economy: Evidence from a Structural Model' written in September 2008 by Mohammad Reza Farzanegan from the Center for Near and Middle Eastern Studies (CNMS) at the University of Marburg stated:

'The illegal transaction happens in order to avoid legal taxation and duties for those goods which can be imported legally. However, there is also an incentive for smuggling those goods that are prohibited based on legal or religious grounds such as alcoholic beverages and drugs in the case of Iran. The main relevant rules and regulations in Iran about smuggling are "Penal codes on smuggling" (1933), "Custom rule" (1971), and "Governmental discretionary punishments rule" (1994). The 1933 punishment rule for smuggling identified different kinds of smuggling. This classification covers the following groups: (1) the smuggling of legal products; (2) the import smuggling of illegal products; (3) the export smuggling of illegal products; (4) the smuggling of monopoly products; and (5) special activities.

'The smuggling of legal products is the import or export of those products for which the government accounts for custom duties and taxes at the time of the preparation of annual budgets. In fact, these products can be traded legally through payment of official duties and taxes. Smugglers evade legal import taxes and custom duties in this case. Legal products may also be categorized into two groups. First are those goods which do not need the permission of relevant governmental organizations for importing or exporting. These groups of goods will be determined by the Ministry of Commerce in annual import and export regulations at the beginning of each year. After the approval of the Council of Ministers, the list of these goods will be announced to national customs. Second are conditional legal products. These are legal products, which because of a special situation in the domestic economy and general socio-political policies, need prior permissions by governmental organizations. For example, the import of special machinery products or medicines may require permission from the Ministry of Industry and Mines and Ministry of Health, respectively.'

'The second and third groups are the import and export of illegal products. Custom rule has determined these products. Some examples of imported illegal goods are military weapons, drugs and anti-religious or materials printed which are opposed to social norms (books, magazines and so on). In custom rule, we can hardly find any concrete example of export smuggling of illegal goods. In general, export smuggling of illegal goods refers to the export of those products that are prohibited based on religious or governmental rules.

'The fourth category is the smuggling of monopoly products. Monopoly products are those goods which on the base of monopoly regulations (such as monopoly of tobacco rule, 1931) can be traded only by the government. Thus, trading such products without having the legal representation of the government is referred to as trading smuggled goods.'²⁰

²⁰ Mohammad Reza Farzanegan, 'Illegal Trade in the Iranian Economy', 25 September 2008, [url](#)

4.4.2 The report further stated:

‘The main regulatory development to combat the smuggling of goods and foreign exchange was realized through the governmental discretionary punishments of 1994 and its executives’ guidelines in 2000. Based on this regulation, the penalty for smuggled goods depends on the value of goods and these fall into two groups: (1) products with the value of equal to or less than 10 million rials, and (2) products with a value beyond 10 million rials.’

‘[1] Products with the value equal to or less than 10 million rials:

‘Upon the detection of this group of products by the relevant governmental bodies (customs or police), they can seize the goods and inform the government revenues recipients’ offices. In this case, related official bodies without extra monetary penalties will seize the detected consignment. Based on articles 12 and 20 of executives’ guidelines of governmental discretionary punishments, the governmental revenues recipients’ offices must transfer the seized smuggled goods to “possessory goods seller organization”.

‘[2] Products with a value of over 10 million rials:

‘In this case, according to the governmental discretionary punishments rule (approved in 1994) governmental revenues recipients’ offices, besides seizing the smuggled consignment, will also receive the cash penalty. The cash penalty is twice the value of smuggled products. In this case, the offender may accept or reject to pay the fines. In the former case, upon payment of the penalty, the offender will receive an official fine receipt and will be free of any judicial prosecution. In the latter case, the case will be sent to court within 5 days upon detection. In the case of confirmation of a smuggling offence, the offender will be sentenced to imprisonment besides seizing the smuggled products or foreign exchange. Furthermore, they must pay the amount of monetary penalty, which will not be lower than twice the value of smuggled products.’²¹

4.4.3 The Global Initiative Against Transnational Organized Crime (GIATOC) report entitled ‘Sanctions and smuggling – Iraqi Kurdistan and Iran’s border economies’ stated the following:

‘Some couriers transporting legal commodities have permission papers, effectively a sort of permit, issued by the Iranian authorities. In this way, aspects of smuggling have become ‘legalized’, or at least officially sanctioned. Permits, Ahmed said, were not easy to obtain, however, and, with many people keen to get their hands on them, there is a long wait. The document, theoretically, allows a courier to transport certain ‘approved’ goods for a certain period, usually six months. The authors were not able to speak to any courier who had such a permit, and its actual value and impact remain unclear, especially as large groups of couriers cross the mountains, making it difficult for Iranian border guards to establish from a distance who is actually in possession of such permits.’²²

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²¹ Mohammad Reza Farzanegan, ‘Illegal Trade in the Iranian Economy’, September 2008, [url](#)

²² GIATOC, ‘Sanctions and smuggling – Iraqi Kurdistan and Iran’s border economies’, April 2019, [url](#)

4.5 Prevalence of the death penalty for drug related crimes

4.5.1 A joint report by Iran Human Rights (IHR) and Ensemble Contre la Peine De Mort (ECPM) [Together Against the Death Penalty] published in February 2019 stated that:

‘According to reports gathered by IHR, at least 24 people were executed for drug offences in 2018. This represents a 90% reduction compared to 2017 and is the lowest recorded number of drug-related executions since 2010. This shows that the amendments to the Anti-Narcotics law which were enforced in November 2017 have, at least in the short run, led to a significant decrease in the number of executions for drug offences. This is probably the most significant step towards restricting the scope of the death penalty by the Islamic Republic of Iran during the 40 years since its establishment. However, one must be cautious about the long-term effects of this reform. The law has not removed the death penalty for all drug-related crimes and there are still a large number of convicted drug offenders on death row in Iran. Moreover, with the large extent of drug problems in Iran and given the lack of due process for such crimes, the number the executions can go up again unless a moratorium on all drug-related crimes is introduced.

‘... According to IHR reports, at least 3,248 people were executed for drug offences between 2010 and 2018. This gives an average of 361 drug-related executions per year. [...] In 2018, drug-related executions took place in seven different prisons. Additional reports were received about the execution of two prisoners in the prison of Kermanshah (west of Iran) but the reports could not be confirmed by independent sources and these have not been included in this report.’²³

4.5.2 The USSD 2018 report stated:

‘The overall number of executions decreased in comparison with 2017, reportedly as a result of an amendment passed in August 2017 by parliament to the 1997 Law to Combat Drugs to raise the threshold for the death penalty for drug-related offenses.

‘... In January Judiciary Chief Sadegh Larijani ordered judges to halt the death sentences of drug offenders potentially affected by this change to the law while their cases were reviewed. In July state media quoted Tehran’s Prosecutor General Abbas Jafari-Dolatabadi announcing that of the 3,000 requests the government had received from death-row prisoners and from those sentenced to life imprisonment, 1,700 sentences had been reviewed and most of those sentences had been reduced, while 1,300 cases remained to be reviewed.’²⁴

4.5.3 An article published in April 2019 by Iran Human Rights (IHR) entitled ‘Iran Executions: Man Hanged for Drug Offenses’ stated:

‘A man who was sentenced to death for drug charges, hanged on Monday morning at Dastgerd Prison in the Iranian city of Isfahan.

²³ IHR & ECPM, ‘Annual report on the death penalty in Iran 2018’, 26 February 2019, [url](#)

²⁴ USSD, ‘Country Report on Human Rights Practices 2018 – Iran’, 13 March 2019, [url](#)

‘According to IHR sources, prisoner Abdollah Ghanbarzehi, 29, was executed on April 15, 2019. He was from the Iranian south eastern province of Sistan and Baluchestan.

‘A well-informed source told IHR, “Ablollah was arrested with 9 kilograms of drugs in the city of Isfahan.” Baluchi Activists’ Campaign published Abdollah’s photos (See below) and mentioned that he was arrested on September 28, 2017.

‘The new amendment to Iranian Anti-drug law which was enforced on November 14, 2017, includes a mechanism to limit the use of the death penalty and reduce the sentences of those sentenced to death or life imprisonment. The law was retroactive and could potentially save many prisoners’ lives after their case-review process.’²⁵

4.5.4 An article on 14 May 2019 entitled ‘Six Men Executed for Drug Offences in Iran, Despite Legal Reform’ published by TalkingDrugs stated:

‘At least six men have been hanged for drug offences in Iran since late April, raising concerns about a “new wave of drug-related executions” in a country that recently legislated to reduce the punishment.

‘On April 27, Kamal Shahbakhs was hanged at Kerman Central Prison for drug offences after having spent six years in prison. The next day, 24-year-old Mohammad Bameri was executed at the same prison. A local activist described Bameri as “a poor student who had [sold drugs] to earn some money for his college expenses. His execution made his family’s condition even worse.”

‘Then, on May 9, four men were hanged at Arak Central prison for drug offences: Hamidreza Hosseinkhani, Majid Kazemi, Mohammad Hemmati, and Mohammad Davoudabadi.’²⁶

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Section 5 updated: 9 August 2019

5 Treatment of smugglers

5.1 State attitudes and actions

5.1.1 An April 2019 report produced by The Global Initiative Against Transnational Organized Crime (GIATOC) entitled ‘Sanctions and smuggling – Iraqi Kurdistan and Iran’s border economies’ stated the following:

‘The smuggling trade is so well known regionally that even the Supreme Leader of Iran, Sayyid Ali Hosseini Khamenei, has spoken about it. In February 2017, he said poverty-stricken couriers should not be the principal target of anti-smuggling operations, but rather the smugglers who control the networks.

‘Despite this plea, however, in December 2018, the head of Iran’s Border Guard, Brigadier General Qasem Rezaee, railed against the couriers, threatening that anyone who crossed the border illegally took his life into his own hands: “Every day and every night someone crosses the border

²⁵ IHR, ‘Man Hanged for Drug Offenses’, 15 April 2019, [url](#)

²⁶ TalkingDrugs, ‘Six Men Executed for Drug Offences in Iran’, 14 May 2019, [url](#)

illegally, calling himself a courier ... crossing the border illegally is a red line for us.”

‘However, the proliferation of smugglers and couriers who currently cross the border suggests that the Iranian border guards are less interested in intervening in smuggling operations than they are in preventing an incursion of potential Kurdish militants.

‘Smugglers and couriers admit the length of the border and the difficult terrain make comprehensive border control impossible. However, they also say that, although the Iranian border guards do regularly target couriers, shooting at them and making arrests, they sometimes tend to turn a blind eye because Iran is once again dependent on smuggled goods as a result of the new sanctions.

“There are hundreds of illegal crossing points all along the border here. Of course Iran knows what’s going on here. We’re talking about 600 to 700 people coming at a time, working just the point I use,” Mahmoud [a smuggler interviewed by the authors] said. “Sometimes the couriers make several journeys in one night”. The Iranian border guards appear to turn a blind eye to some smuggling operations on this border stretch but they can, and do, sometimes take action against couriers. Such action can happen day or night, and on different routes, but darkness offers some degree of cover, so many couriers prefer to work at night to reduce the risk of being targeted.

‘Former Iranian alcohol smuggler Khalid, 28, who stopped smuggling after being arrested in Iran and having all his contraband confiscated, claimed the Islamic Revolutionary Guard Corps (IRGC) were complicit in much of the trade. “Most – around 90% – of smuggling from Iraq to Iran is arranged and supervised by the IRGC, who also arrange onward transport,” he said. “Sometimes they target or kill couriers because they are working outside their control and not working within their organized-crime systems.”

‘Smugglers and couriers also say some Iranian border guards profit from this illegal trade by taking bribes. Iranian KDPI commander Aziz Selegi said the best way out for horse couriers if they were stopped was to pay a US\$30 bribe per horse to the Iranian border guards. Given that about 200 horses pass through one comparatively small area of the border over Halgurd most nights (excluding the very coldest winter months), this is a potentially lucrative source of income for border guards. Cash for the bribes is said to be usually arranged in advance by smugglers further up the criminal network, or the bribe money is later reimbursed, and some border guards are apparently pre-paid through an arrangement that should allow couriers to transport goods along certain routes with relative impunity.’²⁷

- 5.1.2 An article produced in February 2019 by The FP Group (Foreign Policy), a magazine with an ‘independent viewpoint and commitment to rigorous exploration of the world’s biggest issues’²⁸, entitled ‘For Kurdish Smugglers, Iran Sanctions Are Starting To Bite’ stated:

‘The border that the kolbars cross has been closely watched by Iran’s Islamic Revolutionary Guard Corps for years, but surveillance has intensified

²⁷ GIATOC, ‘Sanctions and smuggling – Iraqi Kurdistan and Iran’s border economies’, April 2019, url

²⁸ FP Group, ‘Our History’, Undated, [url](#)

after the reintroduction of U.S. sanctions against the Iranian regime. On the one hand, Tehran fears the infiltration of militants belonging to Kurdish-Iranian groups exiled to Iraq—such as the Kurdish Democratic Party of Iran and the Kurdistan Free Life Party—which call for armed insurrection against the central government and are considered a threat to Iranian security forces. On the other hand, the United States, in an attempt to further isolate Iran, is moving to seal the porous border, blocking both legal trade and smuggling. It's a flow of money that, according to Rebaz Hamlan, the finance minister of the Kurdistan Regional Government of Iraq, is worth \$8 billion a year.

'Over the course of 2018, Iranian border guards killed 48 smugglers and left 104 injured, according to Iran Human Rights Monitor. Furthermore, every year dozens of deaths are caused by accidents in the harsh mountain conditions—mainly hypothermia and land mines dating back to the Iran-Iraq War, which, three decades later, still claim victims. "A few days ago," recounted Karwan, a 25-year-old kolbar, "a friend of mine was shot in cold blood by an Iranian soldier. Another time, two agents intercepted us on our trip back and stole all our contraband cigarettes."

'As he spoke, Karwan pointed to a building that dominates the entire valley. It's the border guard police station from which soldiers can observe the smugglers' whole journey on the Iranian side of the mountain—opening fire every so often to reassert their authority. "We engage in an illegal activity that is only partly tolerated," the young man explained, "hence, when the army wants to remind us who's in control, they start shooting. It's a way to remind us that we work only because they allow us to. We risk our lives constantly, yet for many it's a way to earn some money."²⁹

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5.2 Violence

5.2.1 The Kurdistan Human Rights Network (KHRN), a 'non-political, independent and non-profit organization established in 2014 by a group of lawyers and human rights activists'³⁰, published an article on 22 June 2019 entitled 'A Kolbar lost his leg while three others were wounded' which stated:

'Over the past week, at least three Kolbars in Sardasht and Piranshahr were wounded by direct shooting of military forces in Iran. Meanwhile, a Kolbar has also lost his leg in the Sardasht border area due to the mine blast.

'KHRN has obtained information that Sardasht Security forces targeted a vehicle of a tradesman "Sirvan Azizzadeh" from Sardasht on the pretext of carrying illegal goods on the eve of June 6, 2019. As a result, the Kurdish tradesman was seriously injured.

'Also on the eve of Friday, June 7, 2019, a 25-year-old Kolbar from Rabt, Daniel Azizi, lost one leg due to mine blast at the border crossing of "Kani Zard".

'According to another report, on June 8, 2019, a Kolbar "Omid Mohammadpour" was injured in the border region of Piranshahr and while

²⁹ FP Group, 'For Kurdish Smugglers, Iran Sanctions are Starting to Bite', 24 February 2019, [url](#)

³⁰ KHRN, 'About us', Undated, [url](#)

another Kolbar “Ahmed Haj Ali” was killed as a result of Border guards shooting around the village of Kani Zard in Sardasht on June 9.

‘KHRN has previously reported that two Kolbars were killed by the firing of security forces in the border area of Piranshahr and at least 11 others were injured in the border areas of Marivan, Piranshahr, Shno and Orumiyeh between May 19, 2019 and June 1.’³¹

5.2.2 A July 2018 Iran Human Rights Documentation Center report on the human right situation of the Baluch minority noted:

‘Price of fuel in Iran is one of the lowest in the world. Currently the price of one liter of gasoline is 1000 toumans, which approximately equals \$0.07. In neighboring Pakistan, however, one liter of gasoline costs \$0.76, which is ten times more than what it costs in Iran. This significant price difference has led to a high rate of fuel smuggling across the Iran-Pakistan border. Without other job opportunities, many in Baluchistan engage in this practice to earn a living. In response, Iranian security forces often resort to opening fire at vehicles they suspect of smuggling fuel, in some cases fatally shooting those inside. On March 22, 2019, Mohammad Osman Siahani Moqadam was shot dead at the Keshtegan border, near Saravan, Sistan and Baluchistan Province, as he was attempting to cross the border. He was married and had four children. On July 24, 2018, Omid Raeesi, a Baluch Iranian, was killed when his vehicle caught fire after being shot by security forces. His vehicle was carrying diesel when it came under fire near Sang Masjed village in Sistan and Baluchistan Province.’³²

5.2.3 A report published in May 2019 by the Association for Human Rights in Kurdistan of Iran-Geneva (KMMK-G) entitled ‘Human Rights Violations in Kurdistan of Iran’ stated:

‘Border security forces involved in indiscriminate and blind killings do not respect Iranian domestic laws, which authorize the use of lethal force only as a last resort. Even though the current Islamic Republic administration pledged to change its security approach toward Iranian Kurdistan, the extra-judicial killings of Kurdish Kolbaran (border couriers or tradesmen) continued dramatically in the first four months of 2019.

‘KMMK-G has received reports of indiscriminate and extra-judicial killings of 79 border couriers known as Kolbar in the first four months of 2019. 42 of the Kolbars were victims of direct shootings of the security forces of the Islamic Republic of Iran. Six of them have fallen from mountains after being persecuted by the Iranian security forces. Fourteen died or lost a limb due to the cold weather conditions and snow fall. Four others were wounded due to landmines explosions.

‘This brings the total incidents reported regarding shootings and discriminate killings of Kolbaran to 79 victims (28 killed and 51 injured) for the period of January 1st, 2019 to April 30th, 2019. The indiscriminate and blind killing of Kurdish Kolbaran takes place in blatant violation of Iran’s domestic laws and international obligations.

³¹ KHRN, ‘A Kolbar lost his leg while three others were wounded’, 22 June 2019, [url](#)

³² IHRDC, ‘The Human Rights Situation of Iran’s Baluch Minority’, 10 July 2019, [url](#),

'It's also important to note that according to our data, in 2018, 75 border couriers or "Kolbar" were killed and another 177 individuals working as Kolbar injured at the border due to reasons such as shooting, snow fall, cold and landmine explosions among others. The total incidents in 2018, regarding shootings and discriminate killings of Kolbaran amounts to 252 victims.'³³

- 5.2.4 An article produced by Hengaw, an independent organisation reporting monthly on the human rights violations in Iranian Kurdistan stated the following in an article published in June 2019 'According to recorded statistics at the Hengaw Organization for Human Rights, in May 2019, at least 34 Kolbars were killed and injured on the Kurdistan border in which most of them were killed and wounded by direct firings of Iranian armed forces and Popular Mobilization Forces. in comparison to April in which there were 15 cases, it went up by more than 126%.'³⁴
- 5.2.5 The article stated that of the 34 people were harmed in the incident, 8 people were killed and 17 people were wounded by direct gunfire³⁵.
- 5.2.6 Another article published by Hengaw stated that 15 smugglers were killed and wounded in April 2019, of which 9 (3 killed and 6 wounded) were as a result of direct gunfire³⁶.
- 5.2.7 Hengaw also published an article in October 2018 which stated:

'Iran's border guards continue shooting Kurdish couriers with unrelenting frequency, injuring and killing at least eleven from a single province in the past week.

'On Saturday, Rasool Hussein-Zada, joined the latest victims of direct targeting by Iran's border guards as he was travelling with a group of Kolbar, carrying small amounts of goods across the border to the Kurdistan Region.

'Hussein-Zada is from Dolla-Too village, West Azerbaijan Province, and was shot in the hip. After sustaining the injury, friends transported him to Sardasht hospital where he is under the care and supervision of doctors.

'Items smuggled by Kulbar are generally made up of tea, tobacco, and tires.

'Though considered illegal by the Iranian government, it is a local practice and one of the only means of generating income for some families.

'According to data compiled by Hengaw, in the past week, 11 Kulbar from West Azerbaijan have died or been injured while working, most of them shot by border guards.

'Late Saturday, Muzafar Ganja, a young man from the province's Gasiyan Village, froze to death. On the same day, border guards shot two other Kulbar, Khalid Mohammed-Pour and Amin Khzir-Pour, severely injuring both.

³³ KMMK-G, 'Human Rights Violations in Kurdistan of Iran', May 2019, [url](#)

³⁴ Hengaw, 'Bloody May, 34 Kolbars were killed and wounded', 7 June 2019, [url](#)

³⁵ Hengaw, 'Bloody May, 34 Kolbars were killed and wounded', 7 June 2019, [url](#)

³⁶ Hengaw, 'During in April 15 Kolbars killed and injured', 30 April 2019, [url](#)

The latter's health is unstable and both are currently receiving medical treatment.³⁷

- 5.2.8 An article published on 31 May 2019 by the Human Rights Activists News Agency (HRANA), a press association established in 2009 by Iranian human rights advocates³⁸, stated:

'In the past two days, two Kulbars, 23 years old Sina Mam-Hamidi and 55 years old Naser Olian were injured in Marivan and Urmia and two others, Khaled Salimi and Akam Bardel were killed by patrol police in Piranshahr.

'In 2018, 48 Kulbars were killed and 104 had been injured by police patrol in the west and north west of Iran.'³⁹

- 5.2.9 The Center for Human Rights in Iran published an article on 31 August 2018 which stated:

'At least one courier has been killed and five other people injured near Iran's border with Iraq since August 23, 2018, the Center for Human Rights in Iran (CHRI) has learned.

'News of the casualties comes almost a year after Iran promised to implement reforms aimed at protecting the human rights of the cross-border couriers or "kulbars" in Farsi.

'Thousands of kulbars in the economically depressed Kurdish-populated border regions of north western Iran make meagre livings by transporting goods on their backs on foot, or on horses and mules, mainly between Iran and Iraq. The men, who do not have work permits, are often shot at by Iranian border guards when they try to avoid customs check points.

'Recently, many of the men, who are not legally authorized to work as kulbars, have been forced to traverse routes littered with landmines to avoid being shot at by Iranian border guards who have come under increasing attacks from Kurdish militants.

"Clashes between Kurdish groups and the Islamic Revolutionary Guard Corps [IRGC] have become more frequent and as a result, many of the traditional foot paths have been closed," a source in Iran's Kurdistan Province told CHRI. "The remaining paths are full of mines and more difficult to traverse."

'The source spoke on condition of anonymity because Iranian authorities have prosecuted people for speaking to foreign media outlets about human rights issues.

"On August 23, one kulbar was wounded by a direct gunshot and the following day at least four kulbars stepped on a mine in Marivan [city in Kurdistan Province], killing one of them," added the source.

'The incident resulted in the death of one kulbar and three others were wounded, according to the state-funded Iranian Labor News Agency (ILNA)

³⁷ Hengaw, 'Iran's border guards killed, injured 11 Kurdish Kolbars in a week', 28 October 2018, [url](#)

³⁸ HRANA, 'About us', undated, [url](#)

³⁹ HRANA, 'Four Kulbars were killed or injured by police', 31 May 2019, [url](#)

‘On August 27, the Center of Democracy and Human Rights in Kurdistan (CDHRK), an advocacy group based in Iran, released the names of six casualties since August 23: the death of Nasser Banouj and wounding of “Mansour, the son of Majid,” “Eghbal, the son of Ahmad” and “Ebrahim, the son of Mohammad” from the mine explosion, in addition to the wounding of Osman Ghadimi and Ayoub Nikzad from bullets fired by border guards.

‘According to CDHRK, between July 23 and August 22, 17 kulbars were wounded or killed from mine explosions or bullets shot by border guards.’⁴⁰

- 5.2.10 An article published in October 2018 by Kurdistan24, a media network based in Erbil, Iraqi Kurdistan⁴¹, entitled ‘No “red lines” for Kurdish couriers crossing Iranian border: Official’ stated:

‘An Iranian Ministry of Interior official on Tuesday warned Kurds living near areas bordering the Kurdistan Region not to cross over illegally as the military does not have any “red lines” that would protect local couriers in those regions.

“We no longer have a thing called by the name of Kulbar; I don’t know where this word was invented,” Brig. Gen. Hossein Zulfaghari, Security and Police Deputy of the Ministry of Interior, began when answering a question by ILNA on a recent incident involving a Kurdish courier who was shot by border guards.

‘Zulfaghari added, “Unfortunately, I see that the authorities who pose these issues use the term Kulbar,” maintaining “those who exit and re-enter the country carrying goods with themselves are no longer Kulbar and what they are doing illegal,” and will be considered as “smuggling.”

‘The commander did not explain how his description of the work justifies the actions of the border guards.

‘Iranian laws dictate that border guards can fire their weapons only if they believe the trespasser is armed and dangerous and only after observing the following three procedures: they must give a verbal warning, they must fire into the air, and only then are they permitted to targeting the lower body of a suspect with gunfire.

‘However, the guards continue to shoot and kill Kulbar with increasing regularity as Iran’s recent economic crisis appears to have enticed more in the border areas to take up the work as their only means of income and to fill the trade void created by US sanctions.

‘Critics complain that the law’s wording is vague, leaving it open to wide interpretation.

‘Hengaw, a group that writes on human rights violations involving Kurds in Iran, recently reported that they had recorded over 100 casualties from all types of incidents involving Kulbar. Out of the 32 who had died, 21 were killed after being shot by border guards.

⁴⁰ CHRI, ‘Fighting results in more deaths of Iran’s border couriers’, 31 August 2018, [url](#)

⁴¹ Kurdistan24, ‘About us’, undated, [url](#)

"We have no red lines in the border areas," the commander stated. "Everyone who enters the border area will be warned, and if they do not pay attention, they will be targeted."

"I will honestly say: dear peoples living near the border, do not cross over illegally," Zulfaghari ominously concluded.⁴²

- 5.2.11 Kurdistan24 also published a number of other articles reporting on the deaths and injuries sustained by Kurdish smugglers at the hands of the Iranian authorities. One article published in December 2018 reported on the death of one Kurdish smuggler and the wounding of another⁴³. Another article published in August 2018 reported on the death of one smuggler and the killing of three horses used in the smuggling operation⁴⁴. A June 2018 article reported on the killing of three Kurdish couriers by the Iranian border guards and the wounding of three more in two separate incidents⁴⁵.
- 5.2.12 In March 2018 a joint report entitled 'Rights Denied: Violations against ethnic and religious minorities in Iran' was published by Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International. A case study within the report entitled 'Indiscriminate killings of Kurdish Kulbaran' stated:
- 'The kulbaran are border couriers that carry goods into Iran on their backs or the backs of mules. This practice has been part of the informal economy of impoverished parts of the Kurdish provinces of Kermanshah, Kurdistan, Ilam and West Azerbaijan for decades, although some kulbaran operate with a license. Faced with high unemployment rates and threats to traditional farming activities as a result of landmine contamination, many Kurds turned to smuggling commodities such as tea, tobacco and fuel across the border.
- 'However, efforts by Iranian officials to tighten border security have resulted in hundreds of deaths or injuries to kulbaran over the years, as border patrols have taken a 'shoot first, ask questions later' approach to enforcement. Rarely have these kulbaran been found to have been carrying illicit goods.
- 'According to a Kurdish human rights monitoring group, in 2016 border security forces killed 51 kulbaran and injured 71 others, with two victims being under the age of 18. In addition, authorities made arrests of kulbaran, confiscated their goods, and shot dead hundreds of horses. In mid-2016, Iranian authorities reportedly announced they would issue more licenses to kulbaran, which would allow them to carry out their activities legally. However, killings and injuries of kulbaran increased in 2017. In the first 10 months of 2017, 57 kulbaran were killed and 120 injured.
- 'In one reported incident in October 2017, border police shot one kulbar and stripped dozens more of their clothes, leaving them in the mountains in Sardasht. The Iranian security forces' targeting of kulbaran is in violation of

⁴² Kurdistan24, 'No "red lines" for Kurdish couriers crossing Iranian border', 16 October 2018, [url](#)

⁴³ Kurdistan24, 'Iran guards kill, injure two Kurdish border couriers: Hengaw', 1 December 2018, [url](#)

⁴⁴ Kurdistan24, 'Iranian border guards continue to kill Kurdish couriers', 15 August 2018, [url](#)

⁴⁵ Kurdistan24, 'Iranian border guards kill three Kurdish couriers, wound three more', 8 June 2018, [url](#)

both domestic and international laws, which prohibit the use of lethal force except as a last resort.’⁴⁶

- 5.2.13 An article published in October 2017 by Radio Free Europe/Radio Liberty (RFE/RL) entitled ‘Death of Young “Porter” Highlights Plight of Iran’s “Human Mules”’ stated:

‘Working in the smuggling trade in Iran is a risky business -- one that has cost the lives of hundreds of anonymous “human mules” who carry heavy loads of contraband on their backs across the western border with Iraq and Turkey.

‘The death of 17-year-old Vahid Dolatkhah provides an exception to the norm -- a face, a name, and an identity of one of those who died plying the perilous trade.

‘Dolatkhah died on August 21 near the border with Turkey due to an “unnatural accident,” according to Iran’s semiofficial ILNA news agency. Opposition websites and groups documenting rights violations in Iran have claimed, however, that Dolatkhah was shot in the chest and stomach by Iranian border guards while carrying smuggled cigarettes.

‘Hundreds of the human mules have been killed or injured in past years, according to reports by rights groups. Some have been shot by security forces and border guards; others have died after being caught up in natural disasters, stepping on land mines that remain from the 1980-1988 war with Iraq, or falling from mountains.

‘... When he [Dolatkhah] died of his injuries after being taken to a hospital in West Azerbaijan Province, he unintentionally became the human face of an occupation often born of economic desperation. By Iranian lawmaker Rasool Khezri’s estimation, there are currently 70,000 smugglers, often referred to as “porters,” working in Iran’s border regions. The trade is particularly prominent in Kurdish-populated regions, such as Kurdistan Province and West Azerbaijan Province.

‘In 2016, 42 human mules in Kurdish areas were shot dead by Iranian border guards and 22 died as a result of hypothermia and other causes, according to the France-based Kurdish Human Rights Network.

‘The New York-based Center for Human Rights In Iran reported in 2012 that between February and March 2011, 70 porters, or smugglers, had died. The overwhelming majority were killed by security forces; four died as a result of mine explosions, avalanches, or extreme cold.’⁴⁷

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5.3 Arrests

- 5.3.1 A report published in May 2019 by the Association for Human Rights in Kurdistan of Iran-Geneva (KMMK-G) entitled ‘Human Rights Violations in Kurdistan of Iran’ stated the following in regard to political prisoners in Iran:

⁴⁶ Ceasefire Centre for Civilian Rights et al, ‘Rights Denied’, May 2018, [url](#)

⁴⁷ RFE/RL, ‘Death Of Young “Porter” Highlights Plight Of Iran’s “Human Mules”’, October 2017, [url](#)

'According to KMMK-G's collected data, 828 Kurdish citizens were also arrested in 2018, many of whom sentenced to long years of imprisonment and were charged with crimes related to civic activism and membership of Kurdish political parties. Among these prisoners, there are individuals like workers, teachers, Kolbars (border couriers), artists, human rights and environmental activists, journalists, lawyer, students, photographer, cultural activists, and others alike.'⁴⁸

- 5.3.2 In information for 2019, 'Hands Off Cain', a non-profit organisation for the abolition of the death penalty worldwide, explained the legal position regarding the death penalty in Iran, stating:

'On 18 October 2017, the Guardian Council approved the bill for the amendment to the drug law, which was approved by Iran's Parliament on 13 August. Under the amended bill, those charged with smuggling less than 50 kilograms of opium, less than 3 kilograms of methamphetamine and less than 2 kilograms of heroin will not be executed. Under the previous law, possessing 5kg of opium or 30g of heroin was a capital offence.

'...Human rights observers believe that many of the people put to death in Iran for ordinary crimes – particularly drug crimes – or for "terrorism," may well be in fact political opponents, in particular members of Iran's ethnic minorities, including Iranian Azerbaijanis, Kurds, Baluchis, and Arabs.'⁴⁹

- 5.3.3 The Hengaw Organization for Human Rights published an article entitled '64 Kurdish Citizens arrested in October 2018'. Within this article it was stated that 19 of the 64 people arrested in October 2018 were kolbars⁵⁰.

- 5.3.4 Hengaw also published a number of other articles about smugglers being arrested. One article from November 2018 reported on the arrest of an 18 year old male at the Kani Khoda borders on the charge of smuggling, having all of his goods confiscated in the process⁵¹. One article from June 2018 reported the arrest of 4 Kolbars at the Shno borders⁵², while another article from April 2018 reported the arrest of another four Kolbars from the Western Azerbaijan Province⁵³.

- 5.3.5 A joint report by Iran Human Rights (IHR) and Ensemble Contre la Peine De Mort (ECPM) [Together Against the Death Penalty] published in February 2019 stated that:

'Article 38 of the Iranian Constitution bans all forms of torture and forced confessions. However, reports gathered by IHR and other human rights NGOs indicate that torture is widely used against suspects after their arrest and in the pre-trial phase in order to extract a confession. All the death row prisoners IHR has been in contact with have testified that they were subjected to torture in order to confess to the crime with which they were charged. This is not limited to those with political or security-related charges

⁴⁸ KMMK-G, 'Human Rights Violations in Kurdistan of Iran', May 2019, [url](#)

⁴⁹ Hands Off Cain, 'Iran', Undated, [url](#)

⁵⁰ Hengaw, '64 Kurdish citizens arrested in October 2018', 3 November 2018, [url](#)

⁵¹ Hengaw, '18 year old Kolbar arrested by Iran's security forces', 23 November 2018, [url](#)

⁵² Hengaw, 'Being injured and arrested of 4 Kolbars in Shno borders', 17 June 2018, [url](#)

⁵³ Hengaw, 'Four Kurdish porters (Kolbar) arrested by Iranian forces', 9 April 2018, [url](#)

alone. Almost all prisoners who are arrested for drug offences have been kept in solitary confinement and subjected to physical torture in the investigation phase following their detention, while being denied access to a lawyer. In many cases, confessions provided during detention have been the only evidence available for the judge to base his verdict upon.’⁵⁴

- 5.3.6 The United States Department of State (USSD) 2018 country report of Human Rights Practices in Iran, published 13 March 2019 stated:

‘Although the constitution prohibits all forms of torture “for the purpose of extracting confession or acquiring information,” use of physical and mental torture to coerce confessions remained prevalent, especially during pretrial detention. There were credible reports that security forces and prison personnel tortured and abused detainees and prisoners throughout the year.

‘Commonly reported methods of torture and abuse in prisons included threats of execution or rape, forced tests of virginity and “sodomy,” sleep deprivation, electroshock, burnings, the use of pressure positions, and severe and repeated beatings. Former UNSR Jahangir highlighted reports of prisoners subjected to physical abuse, as well as to blackmail.’⁵⁵

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Section 6 updated: 2 July 2019

6 Protests

- 6.1.1 The United States Department of State (USSD) 2018 country report of Human Rights Practices in Iran, published 13 March 2019 stated:

‘In April [2018], according to international media reports and Kurdish rights groups, there were widespread peaceful protests and demonstrations over the government’s closure of the Baneh border crossing with Iraq, a vital conduit for trade with northern Iraq’s Kurdistan region. The government had also blocked since December 2017 the passes that Kurdish porters used to carry goods back and forth across the border. Rights groups said a number of Iranian Kurds were arrested and the internet was blocked during the protests.’⁵⁶

- 6.1.2 An article entitled ‘Protests Spread in Iran’s Kurdish Areas over Border Shutdown’ published by VOA (Voice of America), ‘the largest U.S international broadcaster, providing news and information in more than 40 languages to an estimated weekly audience of more than 275 million people’⁵⁷ stated:

‘Kurds in north western Iran have gone on strike for a fifth day to protest Tehran’s extended closure of border crossings that they rely upon for vital trade with northern Iraq’s Kurdistan region.

‘Residents of the predominantly ethnic Kurdish region of Iran sent VOA Persian photos and videos of peaceful strikes and demonstrations in several locations Thursday. Kurdish news sites said the protests have spread to at

⁵⁴ IHR & ECPM, ‘Annual report on the death penalty in Iran 2018’, 26 February 2019, [url](#)

⁵⁵ USSD, ‘Country Report on Human Rights Practices 2018 – Iran’, 13 March 2019, [url](#)

⁵⁶ USSD, ‘Country Report on Human Rights Practices 2018 – Iran’, 13 March 2019, [url](#)

⁵⁷ VOA, ‘About VOA’, undated, [url](#)

least seven towns since they began Sunday. Those towns include Baneh, Javanrud, Mahabad, Marivan, Piranshahr, Saqqez and Sardasht. VOA Persian has received additional images of the shuttered stores and street rallies in these areas in recent days.

‘The Iranian government has been blocking paths used by Iranian Kurdish porters to carry goods to and from Iraqi Kurdistan since December. Much of the local economy in Iran’s Kurdish areas relies on such trade. Residents say the border closures have deprived them of imported products to sell in stores, which have been suffering from a lack of customers thanks to widespread poverty in the region.

‘The official IRNA news agency quoted Baneh’s deputy governor Nejad Shahidi on April 15 as saying that Iran has been blockading the crossings at the request of Iraq to “bring order to border trade and preserve security in border areas.”

‘... There have been no reports of violence in the five-day protest movement. But several Iranian Kurds told VOA Persian that Iranian Revolutionary Guard personnel had detained them briefly and ordered them to make pledges not to continue the strikes. Their accounts of detention could not be verified.’⁵⁸

6.1.3 Radio Farda, a Persian language broadcaster at Radio Free Europe/Radio Liberty⁵⁹, also covered the protests in an article published on 19 April 2018 stating:

‘Protests in the majority Kurdish regions of western Iran continued this week, with merchants going on strike to highlight the financial losses they’ve suffered since Iran closed the border with Iraqi Kurdistan last year, effectively blocking trade among Kurds from the neighboring countries.

‘There were no goods for sale in the bazaars in the cities of Baneh, Javanrud, Marivan, and Saqqez April 17, as merchants instead placed empty table cloths on the ground to symbolize their starvation as a result of the border closing.

‘Iran’s Kurdish merchants have long relied on “koolbars,” porters who carry huge packs of goods on their backs and cross the border on foot to supply them with goods not widely available in Iran, like alcohol, foreign clothing, and other consumer goods. Iran has quite strict and complicated import laws, one factor that fuels smuggling.

‘Villagers on the border have been engaged in this type of smuggling for years, and though illegal, it has propped up the economy of Iran’s Kurdish regions. In mid-2016 Iranian authorities announced they would issue special licenses to allow the koolbars to cross the border on foot legally, but in October 2017 Iran instead closed the border entirely, reportedly on the request of Baghdad. Kurdish rights groups say the border was closed in order to isolate and weaken Iraqi Kurds.

⁵⁸ VOA, ‘Protests Spread in Iran’s Kurdish Areas over Border Shutdown’, 19 April 2018, [url](#)

⁵⁹ Radio Farda, ‘About Radio Farda’, Undated, [url](#)

“Closing down the borders used by koolbars has put pressure on the business of the shopkeepers who sold their imported goods,” pro-Kurdish rights website, Kordpa, cited a merchant as saying.

‘Meanwhile, Mohsen Biglari, an MP from the city of Baneh, has warned, “As there are no alternative jobs in the mainly Kurdish populated regions in western Iran, closing down the border has disrupted the koolbars’ activity and imposed great losses on local shopkeepers.”’⁶⁰

- 6.1.4 Rudaw, ‘a Kurdish media network that aims to impart news and information about Kurdistan and the Middle East in a professional manner’⁶¹, published an article in May 2018 looking at the response of the Iranian authorities to the protests. The article stated:

‘Security forces have been deployed to the Iranian Kurdish city of Baneh after three weeks of strike action by shop owners protesting closure of unofficial border crossings.

‘Since Friday, Baneh has been under high-security alert “due to the presence of numerous anti-riot forces,” the Kurdistan Human Rights Network (KHRN) reported on Sunday.

‘With many security forces in the streets, people are staying at home, the France-based rights monitor stated, adding that “the internet connection in Baneh has been disbanded by the Provincial Council the past three days to stop the coverage of the strike.”

‘Dozens of strikers have reportedly been arrested, but KHRN is not able to confirm or obtain details because of the internet disruption.

‘Iranian authorities frequently shut down communication platforms during protests in the country. Most recently, it has banned popular messaging app Telegram.’⁶²

- 6.1.5 Rudaw also reported on the re-opening of the borders to Kurdish kolbars in June 2018 in their article entitled ‘Iran opening borders to kolbars in Kurdistan province’⁶³.

- 6.1.6 Protests also occurred in September 2017 after the deaths of two Kurdish smugglers. An article published by Kurdistan24 on 4 September 2017 stated:

‘Iranian Kurds on Monday gathered in front of the Baneh City Hall in protest of the killing of two Kulbar (border couriers). Early Monday morning, Iranian border guards shot Ghader Bahrami, 41, father of four, and Heydar Faraji, 22, reported the Kurdistan Human Rights Network (KHRN).

‘The two men were reportedly not carrying goods and were simply crossing borders.

‘After carrying the dead bodies of the two men to a hospital, angry protestors stormed the city hall, breaking the door and demanding justice for the victims.

⁶⁰ Radio Farda, ‘Merchants on Strike in Iran’s Kurdistan’, 19 April 2018, [url](#)

⁶¹ Rudaw, ‘About Us’, Undated, [url](#)

⁶² Rudaw, ‘Iranian authorities shut down internet over Baneh strikes’, 6 May 2018, [url](#)

⁶³ Rudaw, ‘Iran opening borders to kolbars in Kurdistan province’, 6 June 2018, [url](#)

'In response, armed guards have been positioned across the city center and in front of government buildings.

'Activists call on people to continue protesting the unaccountable killing of poverty-stricken individuals who are forced into smuggling goods across borders.'⁶⁴

6.1.7 Rudaw also published an article on the protests on 8 September 2017 stating that:

'Five civil activists have been arrested during protests of killings of kolbars, cross-border porters, in Kurdish cities in Iran.

'The five, identified as Farzad Safara, Fuad Mizafari, Arsalan Abasi, Shahriar Tahmasibi, and Shahriar Rostami, were arrested on Thursday while protesting along with hundreds of other citizens in front of Kermanshah governorate building in solidarity with the protests in Baneh.

'People in Baneh began protesting the killings on Tuesday, closing their shops in a general strike and as many as 5,000 took to the streets.

'Over the following days, solidarity protests also took place in Sanandaj and Sardasht. Iranian authorities responded, deploying anti-riot forces. Eyewitnesses reported helicopters over the city of Baneh and an atmosphere of "fear and terror."

'The Kurdish-Iranian party Komala reported on Friday the presence of many law enforcement forces in the city of Mariwan "and local activists are trying to find an opening to protest."

'Social media users were also targeted for arrest and the internet was shut down in Baneh.'⁶⁵

6.1.8 Kurdistan24 further reported on the protests stating that 'Dozens of Iranian Kurds have been arbitrarily detained in the aftermath of peaceful demonstrations across the region in protest to the unaccountable killing of Kulbar, a rights organization said. The arrest of over 30 activists has been reported, said the Kurdistan Human Rights Network (KHRN).'⁶⁶

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⁶⁴ Kurdistan24, 'Killing Kulbar against Iran's laws', 4 September 2017, [url](#)

⁶⁵ Rudaw, 'Five activists arrested in kolbar protests in Iran', 8 September 2017, [url](#)

⁶⁶ Kurdistan24, 'Iran cracks down on Kurdish protestors', 11 September 2017, [url](#)

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

Background

- History
- Numbers
- Commodities

Legal context

- Constitution
- Legislation
- Criminal/Penal Code
- Law in practice
- Judiciary System

Application of the law in practice

- Treatment of smugglers
- Arrest, detention, prosecution of smugglers
 - Numbers, timescales
 - Charges, trials, sentences

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Bibliography

Sources cited

Association for Human Rights in Kurdistan of Iran-Geneva (KMMK-G), 'Human Rights Violations in Kurdistan of Iran – Periodic Summary Report for the Attention of the OHCHR Desk of the UN Special Rapporteur on the Situation of Human Rights in Iran', May 2019, <http://kmmk-ge.org/sd/wp-content/uploads/2019/05/KMMK-G-Periodic-Summary-Report-for-the-Attention-of-the-OHCHR-Desk-of-the-UN-Special-Rapporteur-on-the-Situation-of-Human-Rights-in-Iran.pdf>. Last accessed: 28 June 2019

Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights, Minority Rights Group International, 'Rights Denied: Violations against ethnic and religious minorities in Iran', May 2018, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>. Last accessed: 2 July 2019

Centre for Human Rights in Iran, 'Fighting between IRGC and Kurdish Forces Results in More Deaths of Iran's Border Couriers', 31 August 2018, <https://www.iranhumanrights.org/2018/08/fighting-between-irgc-and-kurdish-forces-results-in-more-deaths-of-irans-border-couriers/>. Last accessed: 27 June 2019

Hands Off Cain, 'Iran', Undated, http://www.handsoffcain.info/bancadati.php?id_cont=23&id_state=50000011. Last accessed: 21 June 2016

Hengaw Organization for Human Rights,

'Being injured and arrested of 4 Kolbars (porters) in Shno borders', 17 June 2018, <https://hengaw.net/en/news/being-injured-and-arrested-of-4-kolbars-porters-in-shno-borders>. Last accessed: 1 July 2019

'Bloody May, 34 Kolbars were killed and wounded', 7 June 2019, <https://hengaw.net/en/news/bloody-may-34-kolbars-were-killed-and-wounded>. Last accessed: 27 June 2019

'During in April 15 Kolbars killed and injured', 30 April 2019, <https://hengaw.net/en/news/during-in-april-15-kolbars-killed-and-injured>. Last accessed: 27 June 2019

'Four Kurdish porters (Kolbar) arrested by Iranian forces', 9 April 2018, <https://hengaw.net/en/news/four-kurdish-porters-kolbar-arrested-by-iranian-forces>. Last accessed: 1 July 2019

'Iran's border guards killed, injured 11 Kurdish Kolbars in a week', 28 October 2018, <https://hengaw.net/en/news/irans-border-guards-killed-injured-11-kurdish-kulbar-in-week>. Last accessed: 27 June 2019

'18 Year old Kolbar arrested by Iran's security forces', 23 November 2018, <https://hengaw.net/en/news/18-year-old-kolbar-arrested-by-irans-security-forces-1>. Last accessed: 1 July 2018

'64 Kurdish Citizens Arrested in October 2018', 3 November 2018, <https://hengaw.net/en/news/64-kurdish-citizens-arrested-in-october-2018>. Last accessed: 1 July 2018

Human Rights Activists News Agency,

'About Us' undated, <https://www.en-hrana.org/about-us>. Last accessed: 28 June 2019

'Four Kulbars were killed or injured by police shot', 31 May 2019, <https://www.en-hrana.org/four-kulbars-were-killed-or-injured-by-police-shot>. Last accessed: 28 June 2019

Iran Human Rights, 'Iran Executions: Man Hanged for Drug Offenses', <https://iranhr.net/en/articles/3700/>. Last accessed: 5 July 2019

Iran Human Rights (IHR) and Ensemble Centre la Peine de Mort (ECPM) Together Against the Death Penalty,

'Annual Report on the Death Penalty in Iran 2017', 13 March 2018, <http://ecpm.sitetemp.fr/wp-content/uploads/Rapport-iran-2018-gb-090318-MD2.pdf>. Last accessed: 25 June 2019

'Annual Report on the Death Penalty in Iran 2018', 26 February 2019, https://iranhr.net/media/files/Rapport_iran_2019-GB-BD.pdf. Last accessed: 25 June 2019

Iran Human Rights Documentation Centre,

'Extreme Inequality: The Human Rights Situation of Iran's Baluch Minority', 10 July 2019, https://iranhrdc.org/extreme-inequality-the-human-rights-situation-of-irans-baluch-minority/#_Toc13498839. Last accessed: 9 August 2019

'Islamic Penal Code of the Islamic Republic of Iran – Book Five', 15 July 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>. Last accessed: 20 June 2019

Kurdistan24,

'About us', Undated, <https://www.kurdistan24.net/en/aboutus>. Last accessed: 28 June 2019

'Iran border guards continue to kill Kurdish couriers', 15 August 2018, <https://www.kurdistan24.net/en/news/adfccd24-cb69-4dad-9ad3-284013e32b89>. Last accessed: 28 June 2019

'Iran cracks down on Kurdish protesters: report', 11 September 2017, <https://www.kurdistan24.net/en/news/3b3d3bbb-07c9-48de-8e44-41d880d3bc15>. Last accessed: 2 July 2019

'Iranian border guards kill three unarmed Kurdish couriers, wound three more', 8 June 2018, <https://www.kurdistan24.net/en/news/ebffeb5c-cedd-41cb-a7e8-fcb3e3040221>. Last accessed: 28 June 2019

'Iran guards kill, injure two Kurdish border couriers: Hengaw', 1 December 2018, <https://www.kurdistan24.net/en/news/f39ed30a-f544-4b74-b38b-3bf6ae9f2efd>. Last accessed: 28 June 2019

'Kurdish lawyer: Killing Kulbar against Iran's laws', 4 September 2017, <https://www.kurdistan24.net/en/news/eb6ba655-0dd7-417c-ba03-fc163901762b>. Last accessed: 2 July 2019

'No "red lines" for Kurdish couriers crossing Iranian border: Official', 16 October 2018, <https://www.kurdistan24.net/en/news/92a88778-c10c-49c1-890c-bcf85fda19f4>. Last accessed: 28 June 2019

Kurdistan Human Rights Network,

'About Us', Undated, <http://kurdistanhumanrights.net/en/about-us/>. Last accessed: 1 July 2019

'A Kolbar lost his leg while three others were wounded', 22 June 2019, <http://kurdistanhumanrights.net/en/a-kolbar-lost-his-leg-while-three-others-were-wounded/>. Last accessed: 1 July 2019

Mohammad Reza Farzanegan, University of Marburg – Center for Near and Middle Eastern Studies (CNMS), 'Illegal Trade in the Iranian Economy: Evidence from a Structural Model', 25 September 2008, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1273505. Last accessed: 25 June 2019

Radio Farda,

'About Radio Farda', undated, <https://en.radiofarda.com/p/6258.html>. Last accessed: 2 July 2019

'Merchants on Strike in Iran's Kurdistan As Border Closure Hurts Trade', 19 April 2019, <https://en.radiofarda.com/a/iran-kurdistan-merchants-strike/29177135.html>.

Radio Free Europe/Radio Liberty, 'Death of Young "Porter" Highlights Plight of Iran's "Human Mules"', 3 October 2017, <https://www.rferl.org/a/iran-smugglers-mules-porters-deaths-plight-human-face/28770759.html>. Last accessed: 28 June 2019

Rudaw,

'About us', undated, <http://www.rudaw.net/english/about>. Last accessed: 2 July 2019

'Five activists arrested in kolbar protests in Iran', 8 September 2017, <http://www.rudaw.net/english/middleeast/iran/08092017>. Last accessed: 2 July 2019

'Iran opening borders to kolbars in Kurdistan province', 6 June 2018, <http://www.rudaw.net/english/middleeast/iran/060620182>. Last accessed: 2 July 2019

'Iranian authorities shut down internet over Baneh strikes: monitor', 6 May 2018, <http://www.rudaw.net/english/middleeast/iran/06052018>. Last accessed: 2 July 2019

TalkingDrugs, 'Six Men Executed for Drug Offences in Iran, Despite Legal Reform', 14 May 2019, <https://www.talkingdrugs.org/six-men-executed-for-drug-offences-in-iran-despite-legal-reform>. Last accessed: 5 July 2019

The Foreign Policy (FP) Group,

'For Kurdish Smugglers, Iran Sanctions Are Starting To Bite', 24 February 2019, <https://foreignpolicy.com/2019/02/24/for-kurdish-smugglers-iran-sanctions-are-starting-to-bite/>. Last accessed: 1 July 2019

'Our History', Undated, <https://fpgroup.foreignpolicy.com/about/history/>. Last accessed: 1 July 2019

The Global Initiative Against Transnational Organized Crime, 'Sanctions and smuggling – Iraqi Kurdistan and Iran's border economies', April 2019, <https://globalinitiative.net/wp-content/uploads/2019/04/TGIATOC-Report-Sanctions-Iraq-Iran-05Apr1300-Web.pdf>. Last accessed: 3 July 2019

The Guardian, 'Iran's easing of drug laws could halt execution of 5,000 prisoners', 10 January 2018, <https://www.theguardian.com/world/2018/jan/10/iran-ease-drug-laws-could-halt-execution-5000-prisoners-death-row>. Last accessed: 21 June 2019

United Nations Office on Drugs and Crime, 'The Anti Narcotics Law of the Islamic Republic of Iran as amended on 8 November 1997 by the Expediency Council', undated, https://www.unodc.org/res/cld/document/irn/anti-narcotics-law_html/iran-THE_ANTI_NARCOTICS_LAW.pdf. Last accessed: 20 June 2019

United States Department of State, 'Country Report on Human Rights Practices 2018 – Iran', 13 March 2019, <https://www.state.gov/wp-content/uploads/2019/03/IRAN-2018.pdf>. Last accessed: 2 July 2019

United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs, 'International Narcotics Control Strategy Report – Volume 1: Drug and Chemical Control', March 2019, <https://www.state.gov/2019-incsr-volume-i-drug-and-chemical-control-as-submitted-to-congress/>. Last accessed: 20 June 2019

Voice of America (VOA),

'About VOA', undated, <https://www.insidevoa.com/p/5831.html>. Last accessed: 2 July 2019

'Protests Spread in Iran's Kurdish Areas over Border Shutdown', 19 April 2018, <https://www.voanews.com/middle-east/voa-news-iran/protests-spread-irans-kurdish-areas-over-border-shutdown>. Last accessed: 2 July 2019

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Sources consulted but not cited

Al Jazeera, 'A dangerous smuggling route across Iraq-Iran border', 29 August 2017, <https://www.aljazeera.com/indepth/inpictures/2017/08/dangerous-smuggling-route-iraq-iran-border-170820115803935.html>. Last accessed: 3 July 2019

BBC News, 'Iran drug laws change could spare thousands on death row', 10 January 2018, <https://www.bbc.co.uk/news/world-middle-east-42634252>. Last accessed: 21 June 2019

Centre for Human Rights in Iran, 'Three Men Accused of Killing Anti-Drug-Trafficking Agents Executed in Eastern Iran', 18 March 2019, <https://iranhumanrights.org/2019/03/three-men-accused-of-killing-anti-drug-trafficking-agents-executed-in-eastern-iran/>. Last accessed: 5 July 2019

Financial Tribune, 'Calls for Border Economic Recovery', 8 February 2017, <https://financialtribune.com/articles/economy-domestic-economy/59220/calls-for-border-economic-recovery>. Last accessed: 2 July 2019

Iran Human Rights, 'Iran execution trends six months after the new anti-narcotics law', 29 May 2018, <https://iranhr.net/en/articles/3325/>. Last accessed: 21 June 2019

Kurdistan24,

'Kurdish cities in Iran militarized after demonstrations', 5 September 2017, <https://www.kurdistan24.net/en/news/315eae3b-8af2-4126-b8b0-eab77e8ea854>. Last accessed: 2 July 2019

'Twitter storm protests Iran's unaccountable killing of Kurdish Kulbar', 19 June 2017, <https://www.kurdistan24.net/en/news/77fd1ae3-253a-4d1e-bdd1-bffd53383482>. Last accessed: 2 July 2019

'UN Special Rapporteur: Kurds almost half of political prisoners in Iran', 8 March 2017, <https://www.kurdistan24.net/en/news/7145642c-2a65-4208-937e-17a91cec66d5/un-special-rapporteur--kurds-almost-half-of-political-prisoners-in-iran>. Last accessed: 2 July 2019

Kurdistan Human Rights Network, 'Kolbar lost his life in an ambush by IRGC forces', 11 May 2019, <http://kurdistanhumanrights.net/en/kolbar-lost-his-life-in-an-ambush-by-irgc-forces/>. Last accessed: 1 July 2019

Middle East Eye, 'Revenge killings following shooting of border couriers in Iranian Kurdistan', 6 September 2017, <https://www.middleeasteye.net/news/revenge-killings-follow-shooting-border-couriers-iranian-kurdistan>. Last accessed: 2 July 2019

National Council of Resistance of Iran, 'The Root of the "Kolbar" Phenomenon and How Iran's Regime Handles It', 4 June 2018, <https://www.ncr-iran.org/en/news/society/24850-the-root-of-the-kolbar-phenomenon-and-how-iran-s-regime-handles-it>. Last accessed: 2 July 2019

The Centre for Human Rights in Iran, 'Iran suspends thousands of drug-related death sentences after years of domestic and international campaigning', 10 January 2018, <https://iranhumanrights.org/2018/01/iran-suspends-thousands-of-drug-related-death-sentences-after-years-of-domestic-and-international-campaigning/>. Last accessed: 21 June 2019

The Independent, 'Iran drug law change could mean 5,000 Iranians are spared death', 10 January 2018, <https://www.independent.co.uk/news/world/middle-east/iran-drug-laws-change-spare-death-penalty-a8152466.html>. Last accessed: 21 June 2019

The Times of Israel, 'New Iran drug law saves thousands from the noose', 10 January 2018, <https://www.timesofisrael.com/new-iran-drug-law-saves-thousands-from-the-noose/>. Last accessed: 21 June 2019

World Press Photo: Witness, 'Where the wind carries bullets', 5 June 2019, <https://witness.worldpressphoto.org/where-the-wind-carries-bullets-8bf345fc2b8d>. Last accessed: 27 June 2019

Zamaneh Media, 'Killing of porters and arrests persist in Kurdistan border regions', 13 July 2016, <https://en.radiozamaneh.com/28029/>. Last accessed: 28 June 2019

7D News, 'Iran: 22 executions and hundreds of arrests in October', 7 November 2018, <https://7dnews.com/news/iran-22-executions-and-hundreds-of-arrests-in-october>. Last accessed: 1 July 2019

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Version control

Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **16 August 2019**

Changes from last version of this note

Update to country of origin information and assessment.

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