

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

REFERENCE:
AL IRN 16/2019

20 November 2019

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 40/18, 35/15, 34/18 and 41/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **ongoing protests in Iran, and the killing, injury, and arrest of individuals participating in the protests.**

According to the information received:

At least 87,000 people have reportedly participated in protests in dozens of Iranian cities and towns beginning on 15 November 2019 after the President, Head of the Judiciary and the Head of the Parliament announced their decision to introduce petrol rationing and to reduce petrol subsidies, resulting in a sharp increase in petrol prices.

Protests and demonstrations have followed the announcement and are reportedly ongoing. Protestors have reportedly blocked highways and other roads in several cities, including in Tehran, and assembled to protest the change in policy and other economic issues. Some protestors have reportedly set fire to police stations, banks and other buildings.

Signs of disruption of mobile and fixed-lines were reported on the afternoon of 15 November 2019 in Tehran, Mashhad, Shiraz and other cities showed signs of disruption. On November 16, internet connectivity in the country was reportedly down to 5% of normal connectivity levels, indicating a near-total shutdown of internet in Iran. Because of the complexity of the implementation of such a shutdown, it had reportedly required preparation and planning. The shutdown has sought to prevent independent coverage of the protests and other related issues while also depriving millions of Iranians of access to normal channels of communications.

The Supreme National Security Council confirmed, according to semi-official state media, that it had voted to cut-off internet access for 24 hours on the evening of 16 November 2019. Telephone communications also had been impacted according to reports. As of 20 November, the restrictions on internet access remain in place.

Security forces have reportedly used water cannons, tear gas and gunfire to disperse protesters, resulting in injuries and deaths. Media reports from Iran indicate that at least 1000 people have been arrested since the start of the protests. An Interior Ministry official in Sirjan confirmed that one person died after being shot by security forces when he and others tried to enter a fuel storage depot on the evening of 15 November 2019. On 17 November 2019, Kermanshah's Police Force Commander reportedly said that an officer was killed during demonstrations on 16 November 2019 in Kermanshah City.

While not stating a specific number, Supreme Leader Ayatollah Khamenei stated on 17 November 2019 that "a number of people lost their lives" in the protests. Unofficial reports indicate there have been as many as 106 deaths as of 19 November, and many suggest that the figure could be higher. The flow of information out of the country is currently limited due to lack of internet access.

Since the protests began, statements from authorities in Iran have suggested the possibility of continued serious repercussions should protests continue, with warnings that decisive action will be taken.

Without prejudice to the accuracy of the information made available to us, we express our most serious concern at the alleged excessive use of force resulting in the death of protestors, at the near total internet blackout implemented in Iran beginning on 15 November, at the mass arrests of demonstrators, and at the serious restrictions on the freedom of assembly and expression in the context of the demonstrations. The actions by the authorities seem to be in contravention of the rights of every individual to life, liberty and security, to freedom of opinion and expression, and to freedom of peaceful assembly, as established respectively by articles 6, 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975.

Past demonstrations have seen similar reactions from the authorities, with participants in the demonstrations killed and injured due to the use of excessive force, and access to communications infrastructure severely limited. The near total internet shutdown by the authorities however, is unprecedented. It represents an indiscriminate and disproportionate interference with the right to freedom of expression and access to information, as well as the right to peaceful assembly. Experience has shown that internet shutdowns jeopardise the exercise of a wide range of other human rights as well. Communications shutdowns not only invariably fail to meet requirements for lawful restrictions under international human rights law, they are often implemented specifically for unlawful purposes.

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

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

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the compatibility of the disruption of internet and telecommunication services with the requirements under Articles 19 and 21 of the ICCPR. In particular, please provide information on the legal basis and the necessity and proportionality of the measure.
3. Please provide information on the measures taken to ensure full and unhindered access to telecommunication and internet services.
4. Please provide details, and where available, the results of any investigation and judicial or other inquiry undertaken in relation to the allegations of excessive use of force and unlawful killings in the context of the above-mentioned demonstrations. If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. Please provide information on the regulations and operational procedures for law enforcement agents concerning the use of force in the context of law enforcement during assemblies and arrests and whether it is compatible with international standards in particular on the use of force and firearms.
6. Please provide information about the legal basis for the large-scale arrests of protestors, and explain how these arrests are compatible with international human rights law.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Javaid Rehman

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

Agnes Callamard

Special Rapporteur on extrajudicial, summary or arbitrary executions

David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Clement Nyaletsossi Voule

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975.

Internet shutdowns

We underline that international human rights law, in accordance with Article 19(2) of the ICCPR, guarantees everyone's rights to seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any media. Under article 19 (3) of the ICCPR, limitations on the right to freedom of expression must be provided by law and must conform to the strict tests of necessity and proportionality. Limitations must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated. We also highlight that Article 21 of the ICCPR protects the right to use the internet and other communications technology to plan, organize, promote, advertise and monitor peaceful protests. Restrictions to this right must also meet requirements of legality and be "necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others". The complete shutdown of access to the internet would appear to contravene the fundamental principles of necessity and proportionality that must be met by any restriction on freedom of expression and peaceful assembly. Shutdowns fail to meet the established test for restrictions to the right to freedom of expression under articles 19(3) and 21 of the ICCPR.

In this connection, we would also like to highlight the principle enunciated by Human Rights Council Resolution 12/16, which called on States to refrain from imposing restrictions which are not consistent with article 19(3), including on access to or use of information and communication technologies, including radio, television and the Internet; discussion of government policies and political debate; reporting on human rights, government activities and corruption in government; and engaging in election campaigns. Further, Human Rights Council Resolution 32/13 "condemn[ed] unequivocally measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law, and calls upon all States to refrain from and cease such measures". Human Rights Council Resolution 38/11 expressed "concerned about the emerging trend of disinformation and of undue restrictions preventing Internet users from having access to or disseminating information at key political moments, with an impact on the ability to organize and conduct assemblies".

The Human Rights Committee also clarified that, "Any restrictions on the operation of websites, blogs or any other internet-based, electronic or other such information dissemination system, including systems to support such communication, such as internet service providers or search engines, are only permissible to the extent that they are compatible with paragraph 3" (General Comment No. 34 para. 43).

We would also refer you to the reports of the Special Rapporteur on freedom of opinion and expression, which forcefully concluded that online and offline limitations follow the same criteria as those above. For instance, in his report on the role of digital access providers (A/HRC/35/22), the Special Rapporteur on the rights to freedom of opinion and expression clearly stated that: “Network shutdowns invariably fail to meet the standard of necessity. Necessity 5 requires a showing that shutdowns would achieve their stated purpose, which in fact they often jeopardize [...] Given the number of essential activities and services they affect, shutdowns restrict expression and interfere with other fundamental rights”. The monitors of freedom of expression further emphasized, in their 4 May 2015 Joint Declaration, that shutdowns of this nature cannot be justified under international human rights law.

Similarly, in his latest report to the Human Rights Council (A/HRC/41/41), the Special rapporteur on the rights to freedom of peaceful assembly and association affirmed that these measures “are in clear violation of international law and cannot be justified in any circumstances”. He emphasized that “these extreme measures generate a wide variety of harms to human rights, economic activity, public safety and emergency services that outweigh the purported benefits. Network disruptions often backfire and cause chaos and unrest. In the context of protests and elections, when tensions are at their highest, these tools are actually needed to prevent disinformation and dispel rumours, as well as to protect the rights to liberty and personal integrity, by allowing access to emergency help and contact with family and friends”.

Use of force

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

Moreover, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, recall the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. As also confirmed by the Human Rights Committee in its General Comment No. 31, a failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR.

With regard to freedom of assembly, we would also like to refer to Human Rights Council resolution 24/5 (operative paragraph 2), in which the Council “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

We would finally like to highlight the fundamental principles set forth in articles 1 and 2 of the UN Declaration on Human Rights Defenders, which provide for the right to promote and to strive for the protection and realization of human rights and fundamental freedoms.