

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the right to food; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

Ref.: AL IRN 32/2021

(Please use this reference in your reply)

21 December 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on the right to food; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 46/18, 46/7, 32/8, 43/4, 41/12 and 43/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **protests in the city of Esfahan and the authorities' use of excessive force against protesters, resulting in severe injuries and the arrest of protesters for the exercise of the right to peaceful assembly.**

Concerns regarding the unlawful and excessive use of force against protesters and other concerns related to the authorities' response to the protests in Islamic Republic of Iran have been repeatedly raised by Special Procedures, including in previous communications (IRN 16/2019, 17/2019, 2/2020, 9/2021). We thank your Excellency's Government's for its response to the two former communications. We regret that no response has been received to the two subsequent ones. The issue of concern in the present letter has been raised in the reports of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (A/75/213, A/HRC/46/50).

According to the information received:

The Islamic Republic of Iran has been experiencing increasing water scarcity in recent years, culminating in a country-wide water crisis. According to environmental experts, while environmental and water scarcity issues are multifaceted issues, the water crisis in this context can be attributed to poor water management policies, lack of capacity and coordination between Government agencies and water re-direction and dam-making policies. This has been exacerbated by years of drought and increase in temperatures. In the province of Esfahan, the diversion of the water of the Zayanderood river to industrial complexes and neighboring provinces together with unsustainable agricultural methods have reportedly been major driving forces behind the water

crisis. The water scarcity has had an impact on the population in general, but has in particular severely affected the livelihood of farmers in the province. Furthermore, and as recognized by the authorities themselves, water scarcity together with land degradation and pollution constitute the main threats to the country's biodiversity.

Between 7 and 26 November 2021, thousands of farmers participated in protests in the city of Esfahan against the water shortage and the Government's water policies. The protests started in front of some of the Government buildings and the office of a Member of Parliament who had previously responded to reports of water shortages by asking people to "pray for rain". The farmers continued their protest by assembling in the dry riverbed of the Zayanderood river, demanding the water flow to be restored. Other citizens also joined the protests, in particular on 19 November when thousands of people gathered in the riverbed of Zayanderood.

On 11 November, the President met with representatives from the provinces of Esfahan, Yazd and Semnan and promised to resolve water issues.

On 25 November at 4:00 am, security forces reportedly warned the farmers who were holding a sit-down strike in the dry riverbed, that they had 10 minutes to evacuate. Subsequently, the security forces set fire to the tents of farmers, fired tear gas at the tents and shot in the air. The prosecutor of Esfahan alleged on 26 November that it was "thugs" who set the farmers' tents on fire and that the police intervened and arrested some of these "thugs".

On 26 November, protests continued and security forces resorted to the use of baton, tear gas and pellet guns to disperse protesters. Internet disruption in the mobile data was reported at the time of crackdown. Reports and footage indicate security forces firing directly at protesters, including with live ammunition and pellet guns. Video footages show demonstrators shouting slogans against the political establishment. Many protesters were seen severely wounded, including teenagers, women and old farmers.

The use of force by the security forces has reportedly caused a large number of injuries. A health official stated on 27 November that among the injured demonstrators, two are in a serious condition. In particular, the widespread use of pellet guns fired in close range at protesters and bystanders has caused serious eye and other injuries. Credible sources claim 40 people have lost at least one eye after being shot by security forces. There are also unconfirmed reports of three deaths.

The police commander in Esfahan stated that on 26 November, plainclothes security agents had detained 67 people. Other sources estimate that more than 300 people, including 13 children, were arrested and detained. Some of the arrested were brought to a detention centre under the supervision of intelligence forces in Esfahan Central Prison. Some of the detainees are reportedly held incommunicado in the detention centre. Reports indicate that injured protestors have been taken out of hospital and transferred to detention centres. Reports

have also been received that the authorities have threatened the families of many of the protesters not to speak about their arrests.

On 30 November, State television broadcasted a segment with a young woman and man admitting to setting fire to the tents of farmers protesting in order to provoke a riot.

Subsequent to the above events, citizens in the area made calls for a repeat protest to be organized on 3 December. In response, the traffic police chief of the city of Esfahan announced that all roads along the river would be closed to cars and pedestrians from 5:00 am. The Governor of Esfahan stated that no one had submitted a request for a permit to protest and that any gathering would be illegal. The prosecutor of Esfahan also warned that any protests would be put down. On 3 December, plainclothes agents and armed special units were deployed across the city and the roads leading to the Zayanderood river were blocked. The cell phones of a number of individuals who attempted to take photos or videos from the scenes were reportedly confiscated.

In response to the reports of large number of eye injuries among protesters, social media users and activists have expressed solidarity and protested against the targeting of protesters' eyes by security forces by sharing photos of themselves with one eye covered.

Without prejudice to the accuracy of the information made available to us, we express our most serious concern at the excessive use of force against unarmed and peaceful protesters, resulting in possibly several deaths, as well as dozens of confirmed serious injuries. We express serious concern at the high number of arrests of peaceful protesters and the forced transfer of injured persons from medical care to detention facilities, and at the disruption of the internet for the apparent purpose of preventing access to information and information sharing. We express further serious concern at the broadcasting of what appears to be forced confessions on state television, and reiterate previously raised concerns at patterns of ill-treatment for the purpose of extracting confessions. Finally, we reiterate our concerns that the crackdown against protesters in Esfahan falls into a line of systematic repression of dissent and a criminalization of the peaceful exercise of the rights to freedom of expression and to peaceful assembly. We are concerned at the threat by the authorities to repress any further protests, at their denial of responsibility to ensure the exercise of the right to freedom of peaceful assembly and at the denial to investigate, for the purposes of prosecuting and punishing, violations committed. Access to safe water and adequate sanitation is one of the substantive components of the right to a healthy environment and the right to development. We call on your Excellency's Government to address the root causes of the protests, by adopting human rights based water management policies that take into account the vital needs of the population, in the long-term perspective of environmental sustainability, in consultation with all groups of individuals concerned.

If confirmed, the actions by the authorities would be in contravention of the rights of every individual to life, liberty and security, the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, to freedom of opinion and expression, and to freedom of peaceful assembly, as established respectively by articles 6, 7, 9, 10, 19 and 21 of the International Covenant

on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975. Furthermore, they would be in contravention of the duty to provide effective remedies to victims, including through the duty to investigate alleged violations of human rights law under Article 2 of the ICCPR.

The right to water, is an essential condition for life. Without water, there is no life. The United Nations Committee on Economic, Social and Cultural Rights (CESCR) considers that this right arises from the rights to an adequate standard of living and to health<sup>1</sup>. The right to water entitles individuals to safe, affordable, clean, and physically accessible water for personal and domestic uses. It encourages states should prioritize the allocation of water for personal and domestic uses, for the prevention of starvation and disease, and to ensuring that water is available to meet the core obligations of other ESCR, including the right to food or the right to health. Access to water is also a condition to adequate sanitation, which is critical to maintain oneself in good health, and protect the quality of the water supply.<sup>2</sup> The Right to an adequate standard of living, which includes the essential right to water, itself essential to the right to food, and to the right of farmers, who nourish the population, to make a proper living, is enshrined in Article 11 of the Convention on Economic, Social and Cultural Rights (CESCR) ratified by Iran in 1975.

In connection with these 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 the observations of your Excellency's Government 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 number, name, age and sex of individuals killed and injured due to the force used by security personnel during the protests. Please include information on the steps being taken to investigate any alleged killing and injury in compliance with the investigation with international standards including the *Minnesota Protocol on the Investigation of Potentially Unlawful Death*.
3. Please provide information about the number, name, age and sex of persons arrested and detained during, since and in connection with the protests.
4. Please provide information on where detained protestors are being held, including the names of the facilities, their location, and the number of protestors detained in each facility.

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<sup>1</sup> See United Nations Committee on Economic Social and Cultural Rights (CESCR), [General Comment No. 15, The Right to Water](#), para. 3.

<sup>2</sup> *Idem*, see para. 29.

5. Please provide information on the transfer of persons from hospitals to detention facilities, and the compatibility of the transfers with the right to receiving health care.
6. Please provide information on the regulations and operational procedures that govern police and other law enforcement personnel's use of force in the context of the management of assemblies, and how they are compatible with international standards in particular on the use of force and firearms.
7. Please provide detailed information about what seems to be a disproportionate use of force against mostly peaceful protests by farmers, requesting a public management of water that take into account the vital need for themselves and the population, of growing life-sustaining crops.
8. Please provide detailed information and the types of weapons used by police and other forces involved in the repression of the demonstrations; and in particular the reported use by security personnel against the protestors of pellet guns, which have been reported as having been used to deliberately target the upper part of the body, where vital organs, such as the heart, the lungs, the throat and the eyes are located;
9. Please provide information on the compatibility of the disruption of internet 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.
10. Please explain how broadcasting confessions of protestors prior to court proceedings is in compliance with international human rights law.
11. Please provide information on actions taken to address and mitigate the human rights and environmental impacts of the water crisis in Esfahan Province.

We would be grateful for a considered response to the concerns raised in this letter. While awaiting a reply, we respectfully recommend that considered measures be taken to protect the peaceful exercise of freedom of expression and of assembly of farmers and other protestors affected by the water crisis in Espahan; to use strictly necessary and proportionate non-lethal force against protesters to prevent any further death and injuries; to independently investigate the alleged deaths and injuries and their cause and circumstances, and in the event that these investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the them.

Given the importance of the concerns raised in this communication, which in our view warrants serious attention; and based on the credibility of the information thus far at hand; and while we are valuing the rimacy of an effective dialogue on this and other issues of concern with the Government of Iran; we reserve the right to publicly express our concerns about the case. Any public expression of concern on our part will

indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

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.

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

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

David R. Boyd  
Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

Michael Fakhri  
Special Rapporteur on the right to food

Irene Khan  
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

Nils Melzer  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

## **Annex**

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

In connection with the 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.

Without expressing at this stage an opinion on the facts of the case and on whether reported detentions were arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of all detained persons in this case not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 14 of the ICCPR.

#### *Management fo assemblies and use of force*

We refer to Human Rights Committee, General Comment 36 which highlights that less-lethal weapons must be employed only subject to strict requirements of necessity and proportionality, in situations in which other less harmful measures have proven to be or clearly are ineffective to address the threat. States parties should not resort to less-lethal weapons in situations of crowd control that can be addressed through less harmful means, especially situations involving the exercise of the right to peaceful assembly.

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. The duty to investigate also arises in circumstances in which a serious risk of deprivation of life was caused by the use of potentially lethal force, even if the risk did not materialize. Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death<sup>3</sup> (General Comment 36 para 27). As also confirmed by the Human Rights Committee in its General Comment No. 31, a

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<sup>3</sup> Available at <https://www.ohchr.org/Documents/Publications/MinnesotaProtocol.pdf>

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.

### *Freedom of assembly*

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

We would also like to recall that states do not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards (A/HRC/41/41).

### *Freedom of expression*

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

As expressed by the Human Rights Committee, “A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights”, *id.* para. 13. “States parties should ensure that public broadcasting services operate in an independent manner. In this regard, States parties should guarantee their independence and editorial freedom”, see *id.* para 16. The interference in the freedom of the press is therefore a particularly serious restriction of the rights under Article 19 of the ICCPR. As further expressed by the Committee, “the penalization of a media outlet, publishers or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression, *id.* para. 42. Furthermore, and as generally held, attacks against individuals for the exercise of their right to freedom of expression is incompatible with the

Covenant, see CCPR/C/GC/34 para 23. Any such attacks should be subject to independent and impartial investigations, *id.* With reference to the abovementioned information received that their was disruption to internet access, the Committee expressed in General Comment no.34 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 (*Ibid.* para. 43).

### *Torture and ill-treatment*

Whenever absolutely unavoidable, any use of force by law enforcement officials must meet the following four requirements: 1) Legality: any use of force must pursue a lawful purpose and respect equal treatment of all persons before the law in accordance with the principle of non-discrimination; 2) Necessity: force must only be used when, and to the extent, strictly necessary for the achievement of a lawful purpose, noting that lethal force may only be used when unavoidable to protect against grievous bodily harm or an imminent threat to life; 3) Proportionality: the harm likely to be inflicted by the use of force must not be excessive compared to the benefit of the lawful purpose pursued, and 4) Precaution: law enforcement operations must always be planned, prepared and conducted so as to minimize, to the greatest extent possible, the resort to force and, whenever it becomes unavoidable, to minimize the resulting harm. Even exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.<sup>4</sup> State officials failing to meet one or several of these requirements amounts to cruel, inhuman or degrading treatment and may violate the right to life and, therefore, is absolutely prohibited in all circumstances without exception. The same applies to certain weapons and other means of law enforcement which, by nature or design, must be regarded as inherently cruel, inhuman or degrading.<sup>5</sup>

In addition, we would like to draw the attention of your Excellency’s Government to Principle 4 of the UN Basic Principles on the Use of Force and Firearms by Law Officials, which provides that, “[l]aw enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.” This also applied to persons in custody or detention as stated in Principle 15.

Furthermore, Principle 5 provides that, “[w]henver the use of force and firearms is unavoidable law enforcement officials shall, (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate object to be achieved; (b) Minimize damage and injury, and respect and preserve human life; (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment and (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment” (adopted by the

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<sup>4</sup> Principle 8, UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990).

<sup>5</sup> Report of the Special Rapporteur on Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment to the General Assembly “Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment” (A/72/178).

Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990).

### *Health*

We would also like to bring to your Excellency's attention that the right to the enjoyment of the highest attainable standard of physical and mental health is reflected, inter alia, in article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Iran ratified on 24 June 1975. This includes an obligation on the part of all State Parties to ensure that health facilities, goods and services are accessible to everyone, especially the most vulnerable or marginalized sections of the population, without discrimination. According to Article 12, States have an obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services (General Comment CESCR 14, para. 34). In addition, Principle 9 of the Basic Principles for the Treatment of Prisoners, adopted and proclaimed by General Assembly resolution 45/111, indicates that all prisoners should have access to the health services available in the country without discrimination on the grounds of their legal situation. Rule 27(1) furthermore provides that all prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care.

In conclusion, we would like to recall that paragraph 7c of Human Rights Council Resolution 16/23 urges States "To ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, and calls upon States to consider extending that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, recognizing that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment."

### *Right to a healthy environment*

On 8 October 2021, the Human rights Council adopted resolution 48/13, recognizing the right to a clean, healthy and sustainable environment. In addition, the Framework Principles on Human Rights and the Environment, presented to the Human Rights Council in March 2018 (A/HRC/37/59) set out basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment. Principle 4 provides, specifically, that "States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence."