

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 the situation of human rights in the Islamic Republic of Iran

Ref.: AL IRN 11/2022
(Please use this reference in your reply)

8 June 2022

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 42/22, 44/5, 49/13, 43/4, 41/12 and 49/24.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **excessive use of force against protesters, leading to the death of at least five protesters, as well as the arbitrary arrest of a large number of people at said protests. Further concerns are raised at the disruption of the internet, preventing access to and sharing of information on the events. In addition, concerns are raised over the wider crackdown on civil society and the largescale and arbitrary arrests of teachers, union leaders, labour rights defenders, human rights defenders, activists, artists and academics, many of whom have been accused of or charged with national security crimes.**

Concerns regarding the unlawful and excessive use of force against protesters and other concerns related to the authorities' response to the protests in the Islamic Republic of Iran have been repeatedly raised by Special Procedures, including in previous communications (IRN 32/2021; 9/2021; 2/2020; 17/2019; and 16/2019). We thank your Excellency's Government's for its response to IRN 17/2019 and 16/2019. We regret that no response has been received to the subsequent ones.

According to the information received:

In the beginning of May 2022, a series of government measures were introduced to cut government subsidies on several food items in an effort to address the growing deficit. The authorities announced these decisions as "fair re-distribution" of subsidies to lower-income people. On 1 May 2022, the Government ended subsidies for imported wheat with further cuts announced on 3 May 2022. The cuts lead to a dramatic increase in the price of certain food items overnight, from a 100 to 300 per cent increase, including cooking oil, dairy products and wheat. The increase in the cost of flour has resulted in further increases in the price of other basic products, such as bread and other flour-based items. The subsidy cuts take place at a time of an economic crisis, aggravated by the ongoing pandemic situation and when approximately 60 per

cent of the population lives below the poverty line.

The Ministry of Agriculture announced on 5 May 2022 that a new program will be introduced under which consumers would be able to receive subsidized bread.

On 7 May 2022, protests erupted in several parts of the country. The protests began in Dezful, Mahshahr, Izeh and Shadegan and spread to other cities across the country by 11 May. Protesters criticised the authorities for the crippling ongoing political and economic situation and chanted slogans against the political leadership.

Footage, video and testimonies have shown security forces violently cracking down on protesters, and, in some cases, shown police and security forces firing with live ammunition directly at people, in addition to using tear gas. The reported use of excessive force has led to the killing of at least five people in Khuzestan , Chaharmahal and Bakhtiari provinces. Internet disruptions were reported at the time of the violent suppression of the protests, preventing access to information and information sharing about the ongoing events. It is also reported that the Supreme National Security Council and the Ministry of Intelligence have warned media against reporting on the protests, including by meeting with media editors to set a policy on how to cover them.

In addition to the use of force, there have reportedly been widespread arbitrary arrests of protestors and other individuals in a number of cities, including the capital, Tehran. According to State media, an estimated 300 people were dispersed by security forces in the city of Dezful alone, and over 50 people were arrested at demonstrations in the city of Shahr-e Kord. Several of those arrested are below the age of 18 years. The total number of arrests remains unknown. Since the protests, a heavy presence of security forces and police have been reported in several cities, including in Tehran.

In conjunction with the repression of protests, a widescale crackdown on civil society has also been reported, with the arbitrary arrest of teachers, labour rights defenders, union leaders, human rights defenders, activists, artists and academics. Many of those arrested are facing national security charges.

It has been reported that since 7 May 2022, mobile Internet has been entirely cut off and landline connections severely slowed down in Khuzestan province, leading in effect to a near total internet shutdown. In addition, internet disruptions have been reported across several cities.

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 against unarmed and peaceful protesters, resulting in at least five deaths. We express serious concern at the high number of arbitrary arrests of these peaceful protesters, including children, and at the disruption of the internet for the apparent purpose of preventing access to information and information sharing. Furthermore, we express concern over the apparent crackdown on civil society representatives, and the arrest of teachers, labor rights defenders, union leaders, human rights defenders, activists, artists and academics. We reiterate our concerns that the clampdown against protesters and civil society actors appears to fall into a wider pattern of the repeated and violent

repression of the expression of any form of dissent and a criminalization of the peaceful exercise of the rights to freedom of expression and of peaceful assembly. We respectfully remind your Excellency's Government of the need to maintain an open and inclusive dialogue with individuals and groups wishing to express their views and sometimes dissenting opinions, particularly regarding policies that will affect them.

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. We remind your Excellency's Government of its obligation to provide effective remedies to victims, including through the duty to investigate alleged violations of human rights law under Article 2 of the ICCPR.

In light of the allegations of the excessive use of force by law enforcement agents, resulting in the death of at least five persons, we recall that the right to life is a norm of *jus cogens* and customary international law applicable at all times and in all circumstances, including during public emergencies, and that any exceptional measures must be established by law and accompanied by effective institutional safeguards designed to prevent arbitrary deprivation of life. We also stress that, according to international law, any loss of life resulting from the excessive use of force without strict compliance with the principles of necessity and proportionality constitutes an arbitrary deprivation of life and is therefore unlawful. We are seriously concerned that the allegations received indicate that the violence used in the context of the above-mentioned protests does not comply with international human rights standards.

We are equally alarmed that the crackdown happened against protestors acclaiming one of their most basic human rights, the right to food, in times of economic hardship and against the background of an aggravating global food crisis. The right to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions is enshrined in Article 11 of the Convention on Economic, Social and Cultural Rights (CESCR) ratified by Iran in 1975.

The human right to adequate food is recognized in several instruments under international law. The International Covenant on Economic, Social and Cultural Rights, ratified by Iran on 24 June 1975, recognizes "the right of everyone to an adequate standard of living for himself and his family, including adequate food".

In interpreting this provision, the Committee on Economic Social and Cultural Rights stressed in its General Comment No. 12 that the core content of the right to adequate food implies, *inter alia*, the availability of food, economic and physical accessibility of food, as well as the sustainability of food access for both present and future generations (para. 7). As noted by the Committee, the right to food requires States to proactively engage in activities aimed at enhancing people's access to and use of resources and means to ensure their livelihood. They are obliged to respect existing access to adequate food and not to take any measures that prevent such access. The realization of the right to food also requires full respect for the principles of transparency, accountability and people's participation.

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.

We are issuing this appeal in order to safeguard the rights of individuals concerned from irreparable harm and without prejudicing any eventual legal determination.

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 United Nations Revised Manual for the Effective Investigation of Extra-Legal, Arbitrary and Summary Executions (The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016).
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.
5. 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. Please also explain in detail and in relation to the incidents mentioned in this communication, the justification for the use of force against demonstrators and how the proportionality of such actions and the protection of the life and physical and mental integrity of the concerned individuals were assessed.
6. 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.
7. Please provide information on actions taken to ensure that food policies are in line with the right to food, including for those living in vulnerable situations.

8. Please provide information on the measures taken to ensure that human rights defenders and civil society representatives are able to carry out their legitimate activities in an enabling environment, without fear of attack, intimidation or reprisals.

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.

We would be grateful for a considered response to the concerns raised in this letter. While awaiting a reply, we respectfully recommend that certain measures be taken to protect the peaceful exercise of the rights to freedom of expression and of assembly of protestors and civil society actors, including teachers, union leaders and labour rights activists, as well as the use of strictly necessary and proportionate non-lethal force against protesters to prevent any further death and injuries, and the leading of independent and thorough investigations into the alleged deaths and injuries of peaceful protestors, 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.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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

Mumba Malila Vice- Chair of the Working Group on Arbitrary Detention

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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.

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to article 3 of the Universal Declaration of Human Rights which states that "Everyone has the right to life, liberty and security of person"; and article 6 (1) of the International Covenant on Civil and Political Rights which provides that "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life".

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 of 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 Death¹ (General Comment 36 para 27). 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.

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

¹ Available at <https://www.ohchr.org/Documents/Publications/MinnesotaProtocol.pdf>

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 there 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).

As stated by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, “[t]he right to access and use internet and other digital technologies for the purposes of peaceful assembly is protected under article 20 of the Universal Declaration of Human Rights and article 21 of the International Covenant on Civil and Political Rights” (A/HRC/47/24/Add.2, para. 8). Internet shutdowns fail to meet all of these conditions, a point that the Human Rights Committee emphasized when it affirmed that “States parties must not block or hinder internet connectivity in relation to peaceful assemblies. The same applies to geo-targeted or technology-specific interference with connectivity or access to content” (CCPR/C/GC/37, para. 34). Similarly, the U.N. General Assembly (A/RES/73/173) and the Human Rights Council (A/HRC/RES/38/7) have called upon States to refrain from implementing internet shutdowns and to ensure internet is available at all times, including during peaceful protests (A/HRC/RES/44/20)” (A/HRC/47/24/Add.2, para. 13).

The protection of national security and public order are often invoked to justify internet shutdowns. While protecting national security and public order is a legitimate purpose under article 21, the mere possibility that a peaceful assembly may provoke adverse or even violent reactions from some members of the public cannot be used to justify restrictions under those grounds, including an internet shutdown. National security, in particular, cannot be invoked as rationale for restrictions ‘where the very reason for the deterioration of national security is the suppression of human rights’ (CCPR/C/GC/37, para. 42) (A/HRC/47/24/Add.2, para. 16).

The Special Rapporteur also stated that “internet shutdowns may never be invoked as a justification for suppressing advocacy of democracy and human rights, [n]or can they be used to curtail monitoring, reporting on, and ensuring accountability for gross human rights violations in relation to peaceful protests” (A/HRC/47/24/Add.2, para. 17).

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.² 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.³

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

Right to Food

Article 25 of the Universal Declaration of Human Rights recognizes the right of everyone "to a standard of living adequate for the health and well-being of himself and of his family, including food." Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognizes "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions." In interpreting this provision, the Committee on Economic Social and Cultural Rights stressed in its General Comment No. 12 that the core content of the right to adequate food implies, inter alia, the availability of food which refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well- functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand (para. 12).

While Article 11 (1) is subjected to progressive realization to the maximum of States available resources, article 11 (2), provides "the fundamental right to freedom from hunger and malnutrition", which is of immediate application.

² Principle 8, UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990).

³ 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).

The FAO Right to Food Guidelines to support the progressive realization of the right to adequate food in the context of national food security emphasize that "States should promote and safeguard a free, democratic and just society in order to provide a peaceful, stable and enabling economic, social, political and cultural environment in which individuals can feed themselves and their families in freedom and dignity."

The ICESCR requires States to "take appropriate steps to ensure the realization of the right to food" (article 11(1)), and the Committee has defined the corresponding obligations of States to respect, protect, and fulfil the right to food in its General Comment No. 12. According to the Committee, the obligations to respect existing access to adequate food requires State parties to refrain from taking any pressures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food.