

**Mandates of 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 situation of human rights defenders**

REFERENCE:  
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Excellency,

We have the honour to address you in our capacity as 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 situation of human rights defenders, pursuant to Human Rights Council resolutions 35/15, 34/18 and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the killing of Ms. **Gauri Lankesh**.

Ms. Gauri Lankesh was a prominent journalist, editor and human rights defender. She wrote critically about religious fundamentalism, the governing party and right-wing politics. In 2016, she was sentenced to six months imprisonment for defaming two politicians of the ruling party. She was released on bail during the appeals process. In June 2017, she wrote an article about the history of the attacks on the freedom of the press in her home state of Karnataka, and she had publicly expressed worry over the shrinking space for public debate in India.

According to the information received:

On 5 September 2017, Ms. Lankesh was shot dead outside her home in Bangalore in the state of Karnataka by unidentified men.

Following the killing, protests broke out across India demanding justice. At the same time an online campaign was launched against the Prime Minister after it emerged that he was following via his Twitter account users who celebrated and justified the killing of Ms. Lankesh. The Prime Minister has yet to condemn the killing.

On 7 September 2017, the Karnataka government announced that an investigation team of 21 members had been formed to probe the killing.

We express grave concern at the killing of Ms. Lankesh, which appear to be directly connected to her professional activities as a journalist and her expression of ideas critical of political authorities. We express equal concern at the lack of protection measures for the safety of Ms. Lankesh, in particular bearing in mind that she had been

receiving threats for years. We express additional concern at the lack of action by the authorities to reduce the hostile environment against independent voices and journalists in India.

In this connection we refer to articles 3, 6 and 19 of the International Covenant on Civil and Political Rights (ICCPR), acceded by India on 10 April 1979, guaranteeing the rights of every individual to life and security and provide that these rights shall be protected by law, that no one shall be arbitrarily deprived of his life, and of freedom of opinion and expression.

Additionally, in its General Comment 31, the Human Rights Committee observed that there is a positive obligation on States to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities, which includes the duty to exercise due diligence to prevent, punish, investigate or redress the harm caused by non-state actors. Failure to investigate and to bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13). Moreover, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions stress the obligation to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. Principle 4, moreover establishes the obligation of States to ensure effective protection of those who receive death threats and are in danger of extra-legal, arbitrary or summary executions.

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. 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 respect to the safety of journalists, we would like to refer to Human Rights Council resolution 12/16 which calls upon states to investigate effectively threats and acts of violence against journalists, and to bring to justice those responsible to combat impunity.

We would like to finally refer to the UN Declaration on Human Rights Defenders, articles 1, 2, 5 and 6 which state everyone's right to promote and to strive for the protection and realization of human rights and fundamental freedoms; provide for States' prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, and establish everyone's right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

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 therefore be grateful for your observations on the following matters:

1. Please provide any additional information and comment you may have on the above-mentioned allegations.
2. Please provide details of the investigation carried out into the killing of Ms. Lankesh. In this connection, please provide details on measures taken to ensure the safety of witnesses and of Ms. Lankesh's family.
3. Please provide details on measures taken to ensure the safety of journalists, human rights defenders, and independent voices in India, and how they are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation, harassment or violence of any sort.

We intend to 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.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

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

Michel Forst  
Special Rapporteur on the situation of human rights defenders

