

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

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(Please use this reference in your reply)

26 March 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 52/4, 55/2, 53/4 and 52/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **death of environmental human rights defender Mr. Jagabar Ali at Thirumayam, Pudukottai District, Tamil Nadu, on 17 January 2025.**

Mr. **Jagabar Ali** was an environmental human rights defender, an All India Anna Dravida Munnetra Kazhagam (AIADMK) functionary in the Pudukkottai district, Tamil Nadu, and secretary of the Union Minority Division in the AIDMK. He advocated against stone quarries and mining activities operating on expired licenses in the Thirumayam area. It has been reported that due to his environmental rights work, Mr. Jagabar Ali had faced intimidation and death threats in the past.

Special Procedures' mandate holders have previously raised their concerns with your Excellency's Government concerning allegations of failing to adequately investigate the death of another environmental human rights defender, Mr. R. Jaganathan (IND 10/2022). We regret that your Excellency's Government has not provided a response to these allegations.

According to the information received:

On 14 November 2018, the company RR Crusher obtained a mining licence and began operating stone quarries in the Pudukkottai district, Tamil Nadu. Mining companies RR Sand Unit 1 and RR Sand Unit 2, which have the same owner, obtained similar licences on 30 August 2017 and 14 November 2018 respectively. The licences of RR Crusher and RR Sand Unit 2 expired on 13 November 2023 and the licence of RR Sand Unit 1 on 29 August 2022. Nonetheless, the companies reportedly continued to extract minerals until 7 February 2025, when the quarries were closed due to pressure from local organisations and human rights defenders following the death of Mr. Jagabar Ali.

On 4 January 2023 and 31 January 2023, Mr. Jagabar Ali filed two complaints regarding the illegal mining with the Pudukkottai District Collector, the State Mineral Resources Department, the Thirumayam Tahsildar Land Revenue Office, the State Geology and Mining Department, and the Superintendent of the Pudukkottai District Police. The environmental human rights defender also filed a case with the Madurai High Court Bench of the Madras High Court which, on 5 September 2023, granted an order for an investigation to be carried out into the alleged illegal operation of the stone quarries. The authorities are not believed to have implemented the High Court's order or to have further investigated Mr. Jagabar Ali's complaints.

On 15 June 2024, Mr. Jagabar Ali reportedly submitted a memorandum to the Superintendent of Police in the Pudukkottai district stating that he was receiving death threats and seeking protection. Several of these threats were allegedly made by family members of the owners of the company RR Crusher. This complaint does not appear to have been investigated by the authorities and no measures were taken to protect Mr. Ali from the alleged perpetrators.

On 10 January 2025, Mr. Ali filed a subsequent complaint with the Tahsildar Land Revenue Office in the Pudukkottai district seeking legal action against and the seizure of assets belonging to RR Crusher, RR Sand Unit 1, RR Sand Unit 2 and other mining companies operating in the area. In the complaint, the environmental human rights defender requested that such legal action be taken to recover compensation for alleged unpaid fines previously issued to the companies by the Indian Government for the excessive mining of minerals beyond the licences granted. Mr. Ali accused the companies of operating in both government-recognised quarries and private land measuring a total area of more than 30 acres.

According to Mr. Jagabar Ali's complaint, which he supported with detailed land records, documents and images related to stockyards, the companies were operating on a 24-hour basis, employing more than 150 workers, operating heavy machinery, and extracting on average 1,800 units of residue every day. These units were then allegedly illegally stored on the mining sites. The environmental human rights defender's calculations estimated that the companies have sold 840 cores Indian rupees worth of the minerals since the expiration of their licences and reportedly caused irreparable damage and pollution to the surrounding environment and villages including water supply channels. Mr. Ali further alleged that such illegal activities were only permitted to take place because the Thirumayam Taluk Level Task Force, constituted for the prevention of illegal mining and transportation of minerals based on the orders of the Madras High Court on 5 November 2009, had not carried out its duties.

On the same date, Mr. Jagabar Ali gave an interview in which he stated that his environmental activism to date had brought him into conflict with the mining companies operating in the area as well as with officials employed in State departments and law enforcement agencies. He also announced in this interview that, on 17 January 2025, he planned to hold a protest against the operation of the stone quarries. This interview was made available online.

On 17 January 2025, the date that Mr. Jagabar Ali was set to hold his protest, his motorbike was hit by a tipper lorry which was being driven from the opposite direction. As a result of the incident, Mr. Jagabar Ali was knocked from his vehicle into a ditch at the side of the road. The environmental human rights defender sustained tire marks on his abdomen, right arm and both legs, fractured ribs, two shattered kidneys, and a torn urinary bladder amongst other injuries which proved fatal. When Mr. Ali's family arrived at the scene, all records on his phone from that day had allegedly been erased. The phone was submitted as evidence to the police authorities.

Following Mr. Jagabar Ali's death, the Thirumayam Police initially categorized the incident as a road accident. Following public pressure, on 18 January 2025 – over 24 hours after the death of the environmental human rights defender – the police registered a First Information Report (FIR) under section 194(1) of the Bharatiya Nyaya Sanhita Criminal Code categorizing the event as an affray. This was later amended to sections 3(5), 61(2), 103 and 191(2) of the Bharatiya Nyaya Sanhita categorizing the incident as pre-meditated murder. On 21 January 2025, the investigation was transferred to the Crime-Branch Crime Investigation Department (CB-CID).

During the period between the death of Mr. Ali and the registration of the FIR, the environmental human rights defender's body was kept at the Thirumayam Government Hospital mortuary, which reportedly could not provide the required freezer facilities to preserve the body. After approximately three hours, the family arranged for such facilities at their own expense. After 4 p.m. on 18 January 2025, a postmortem was carried out on the environmental human rights defenders' body at the same location, reportedly without the presence of a forensic expert and without following forensic protocols and guidelines set out by the Madras High Court in Arun Swaminathan v. The Principal Secretary W.P.(MD) Case No. 78, 2019. The guidelines set out in this case specify that postmortems should be videographed, which allegedly the postmortem of Mr. Jagabar Ali's body was not.

The results of this postmortem showed that Mr. Ali had died from a hemorrhage as a result of multi-organ injuries. The postmortem report was not made available to the family until 26 January 2025 and did not follow the postmortem template set out by the National Human Rights Commission India. A human rights organisation filed a request with the Madurai Bench of Madras High Court on behalf of the environmental human rights defender's family, requesting a second postmortem including an X-ray and CT scan. On 30 January 2025, the High Court passed an order directing an X-Ray of the body to be conducted before 31 January 2025 at Pudukottai Government Medical College Hospital, which is located 20 kilometres from Thirumayam Government Hospital and has a separate Department of Forensic medicine. Mr. Ali's body was then exhumed, as the burial had already taken place, and the postmortem report was submitted to police authorities.

It is unclear why the environmental human rights defender's body was not transferred to the Pudukottai Government Medical College Hospital as soon as

the authorities discovered that the Thirumayam Government Hospital mortuary could not provide the required freezer facilities to preserve the body or an adequately qualified professional to carry out the postmortem.

To date, five individuals allegedly linked to the company RR Crusher have been arrested in relation to the investigation into the death of Mr. Jagabar Ali, reportedly charged with murder and criminal conspiracy. On 21 January 2025, an inspection of the quarries in question was also initiated.

On 27 January 2025, Mr. Ali's family filed a Witness Protection Application under the Witness Protection Scheme 2018 as they have reportedly been receiving significant threats and fear for their safety.

Without prejudging the accuracy of the allegations, we are deeply concerned regarding the death of Mr. Jagabar Ali, which we fear may have been carried out intentionally in order to halt his work in defense of human rights and the environment. We are particularly concerned that, despite Mr. Ali having alerted the authorities about the fact that he was receiving death threats, the authorities appear not to have taken any action to further investigate these threats or provide the environmental human rights defender with the required protection measures. If confirmed, the allegations would appear to contravene, among other norms, the State's duty to protect the right to life, which requires States parties to take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence (CCPR/C/GC/36, paragraph 23). Furthermore, we stress our concerns about the chilling effect of the potential intentional killing of Mr. Jagabar Ali and the lack of protection and adequate investigation, on individuals, including journalists, media workers and human rights defenders, who wish to express themselves, demonstrate peacefully, and participate in public and political life, leading to self-censorship.

Furthermore, we are concerned that the failure to preserve Mr. Jagabar Ali's body and carry out an adequate postmortem in a timely manner may have interfered with the upcoming criminal case's evidence. If true, this would be in violation of due process and would raise serious questions over the impartiality of the investigation into the death of the human rights defender.

While we welcome the initiation of a criminal investigation by the CB-CID into the death of Mr. Jagabar Ali, we would like to remind your Excellency's Government that such an investigation must be thorough, prompt, independent, impartial and in compliance with international standards, in particular the UN Principles for the Effective Prevention and Investigation of Extra-Legal, Summary and Arbitrary Executions, and the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the Minnesota Protocol on the Investigation of a Potentially Unlawful Death (2016)). We are additionally deeply concerned about the lack of precautions taken to ensure the safety of Mr. Ali's family.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the specific investigative steps taken following each of the numerous attacks, including the death, of Mr. Jagabar Ali and how these investigations have been carried out in accordance with the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the Minnesota Protocol on the Investigation of a Potentially Unlawful Death (2016)). If no investigations took place and the perpetrators have not been brought to justice, please explain why.
3. Please provide information on why, when the authorities discovered that the Thirumayam Government Hospital mortuary could not provide the required facilities to preserve the body and provide a postmortem by an adequately qualified professional, Mr. Jagabar Ali's body was not moved to an adequately equipped hospital such as the Pudukottai Government Medical College Hospital.
4. Please provide information on steps taken and guarantees put in place by your Excellency's government to provide a safe and enabling environment for human rights defenders, including environmental defenders, to carry out their legitimate human rights work without fear of reprisals such as threats, injury and death.
5. Please provide information on the measures taken or foreseen to ensure the complete physical and psychological safety of Mr. Jagabar Ali's family and on the status of their Witness Protection Application, filed on 27 January 2025.

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.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Astrid Puentes Riaño
Special Rapporteur on the human right to a clean, healthy and sustainable
environment

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

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), acceded by India on 10 April 1979. In particular, we would like to refer to articles 6 and 19, which guarantee the inherent right to life and that no one should be arbitrarily deprived of their life, and the right to freedom of opinion and expression. Such rights are also guaranteed under articles 3 and 19 of the Universal Declaration of Human Rights (UDHR).

Article 19 of the ICCPR guarantees the right to opinion and expression. In the general comment 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of opinion and expression, including inter alia 'political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism', subject only to admissible restrictions as well as the prohibition of propaganda for hatred and incitement to hatred, violence and discrimination.

Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19 (3), that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant. An attack on a person because of the exercise of his or her freedom of opinion or expression, including arbitrary arrest, torture, threats to life and killing, cannot be compatible with article 19 (GC34 paragraph 23).

We would like to refer to Human Rights Committee, general comment 36 which states that the right to life constitutes a jus cogens norm from which no derogation is permitted under any circumstances (CCPR/C/GC/36, paragraph 2). It further indicates that States parties to the ICCPR are under a due diligence obligation to take reasonable, positive measures that do not impose disproportionate burdens on them in response to reasonably foreseeable threats to life originating from private persons and entities whose conduct is not attributable to the State (paragraph 7). The duty to protect the right to life requires States parties to take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence (paragraph 23), including human rights defenders. In particular, States parties must take the necessary measures to respond to death threats and to provide adequate protection to human rights defenders, including the creation and maintenance of a safe and enabling environment for defending human rights.

The general comment additionally states that "an important element of the protection afforded to the right to life by the Covenant is the obligation on the States parties, where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents. 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, and must be

aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations” (paragraph 27).

We would like to remind Your Excellency’s Government that the legitimate role of human rights defenders is recognised by international law and referred to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1 and 2 which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 2, which highlights that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms;
- article 6, point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We would also like to refer to Human Rights Council Resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

On 8 October 2021, the Human Rights Council adopted resolution 48/13, recognizing the right to a clean, healthy and sustainable environment, confirmed by the General Assembly in July 2022 with resolution A/RES/76/300. 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.”