

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the situation of human rights in Afghanistan; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the human rights of internally displaced persons and the Independent expert on the promotion of a democratic and equitable international order

Ref.: AL PAK 13/2025

(Please use this reference in your reply)

29 January 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on the situation of human rights in Afghanistan; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the human rights of internally displaced persons and Independent expert on the promotion of a democratic and equitable international order, pursuant to Human Rights Council resolutions 58/14, 60/2, 53/4, 59/12 and 57/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning Pakistan's use of armed force on the territory of Afghanistan in October 2025, reportedly directed at positions of the Tehrik-e-Taliban Pakistan (TTP) and other armed groups, but resulting in civilian casualties and widespread destruction. The operations occurred amid heightened cross-border hostilities between Pakistan and the Taliban *de facto* authorities in Afghanistan, including air and drone strikes, artillery shelling, and ground incursions along the frontier, followed by retaliatory attacks from both sides.

We are gravely concerned that, if confirmed, these actions may constitute violations of the prohibition on the use of force under the Charter of the United Nations, the sovereignty and territorial integrity of Afghanistan, and Pakistan's obligations under international human rights and humanitarian law, including the right to life under article 6 of the International Covenant on Civil and Political Rights (ICCPR). We are equally concerned about the broader humanitarian consequences of the escalation, including harm to civilians, damage to essential infrastructure, mass displacement, and the exacerbation of insecurity along the Pakistan–Afghanistan border.

According to the information received:

On Thursday, 9 October 2025, two airstrikes occurred in Kabul, and another airstrike was reported in a market in south-eastern Afghanistan. Afghanistan's *de facto* authorities accused Pakistan of "violating its sovereignty" in connection with the incidents. Pakistan neither confirmed nor denied responsibility, stating instead that it had carried out "a series of retribution operations" in response to recent terrorist attacks in Pakistan, including the killing of 11 Pakistani soldiers earlier that week, while indicating those operations were directed at militant targets.

In the early hours of 12 October 2025, heavy clashes erupted along multiple sections of the frontier between the two countries. Afghanistan's *de facto*

authorities stated that its forces had conducted “retaliatory and successful operations” against Pakistani military outposts and warned: “If the opposing side again violates Afghanistan’s territorial integrity, our armed forces are fully prepared to defend the nation’s borders and will deliver a strong response.”

The Pakistan military’s media wing (ISPR) accused the Afghan Taliban of launching attacks “to facilitate terrorism”, adding: “Exercising the right of self-defence, the alert armed forces of Pakistan repelled the assault decisively all along the border and inflicted heavy casualties on Taliban forces.” They had further indicated that they “will not tolerate the treacherous use of Afghan soil for terrorism against Pakistan ... the State of Pakistan will not rest until the menace of terrorism emanating from Afghanistan is completely eliminated.”

Between 11 and 15 October 2025, sustained exchanges of fire and cross-border raids occurred along multiple points of the frontier, including near Kurram district in Khyber Pakhtunkhwa province and at major crossings such as Torkham (Nangarhar/Khyber Pakhtunkhwa) and Chaman/Spin Boldak (Kandahar/Balochistan). Pakistan subsequently closed principal and secondary border points, halting the movement of people and goods, and disrupting commercial and humanitarian access.

During this period, Pakistan reportedly conducted air and drone strikes inside Afghanistan, including in Kabul, Kandahar and Paktika provinces, said to be directed at Tehrik-e-Taliban Pakistan (TTP) and affiliated groups. Pakistan has alleged since 2021 that the *de facto* authorities in Afghanistan provide shelter or permissive space for the TTP. Exchanges of fire resulting in significant military casualties were also reported between the armed forces of Afghanistan’s *de facto* authorities and the Pakistani military. Pakistan denied targeting civilians, stating that militants were the intended objective.

Heavy clashes continued across the frontier over several nights, involving artillery fire, aerial bombardment and ground incursions along a border of more than 2,600 kilometres. The United Nations Assistance Mission in Afghanistan (UNAMA) reported at least 37 civilian deaths and over 400 injuries during the period of escalation, with casualties recorded in Paktia, Paktika, Khost, Kunar, Kandahar and Helmand provinces, and including women and children.

On 16 October 2025, UNAMA [urged](#) protection of civilians and reminded all parties of their obligations under the principles of distinction, proportionality and precaution. Subsequent public reporting citing UNAMA indicated a higher nationwide toll during the week of escalation. A significant number of people were reportedly displaced.¹

On 19 October 2025, Pakistan and the *de facto* authorities in Afghanistan agreed to a ceasefire, mediated by Qatar with the involvement of Türkiye. The agreement provided for an immediate cessation of hostilities and the establishment of a joint mechanism to prevent further escalation and facilitate dialogue on cross-border security. According to a joint statement by

¹ A/80/366 - S/2025/554, para. 19.

Afghanistan, Pakistan, Qatar and Türkiye, the parties agreed to maintain the ceasefire and to establish a monitoring and verification mechanism with penalties for violations.

In the days following the ceasefire, both parties issued further statements attributing responsibility for the violence and accusing each other of harbouring or supporting armed groups operating across the frontier. Pakistan reiterated that the Taliban administration had failed to curb TTP activity, while the *de facto* authorities in Afghanistan denied providing any sanctuary to the group and stated that Pakistan had repeatedly violated Afghanistan's territorial sovereignty through unilateral military operations. Talks resumed in Istanbul on 6 November and 7 November and again in Riyadh in early December with no reported outcome.

These developments have occurred within a broader context of deteriorating relations between the two neighbours since the Taliban's return to power in 2021, marked by recurring border closures, deportations under Pakistan's Illegal Foreigners Repatriation Plan, and heightened tensions along the disputed Durand Line. While the Security Council has not issued a formal statement, UNAMA and regional partners, including Qatar and Türkiye, have publicly called for restraint, protection of civilians and the peaceful settlement of cross-border disputes.

While we do not wish to prejudge the accuracy of these allegations, we are concerned that the reported use of air and drone strikes, cross-border shelling and incursions by Pakistan's armed forces on the territory of Afghanistan may constitute a use of armed force contrary to article 2(4) of the Charter of the United Nations and customary international law, right to life protected under article 6 of the ICCPR.

We are particularly concerned by allegations of deaths and injuries of civilians, including women and children, as reported by UNAMA, which would violate the right to life and international humanitarian law.

We are equally concerned about the risk of escalation between neighbouring States and the consequent deterioration of regional stability, which may further exacerbate humanitarian needs and undermine conditions conducive to peace and development in both countries.

Violations of the prohibition of the use of force and respect for sovereignty

We emphasize that article 2(4) of the Charter of the United Nations and customary international law prohibit Pakistan from the threat or use of armed force against the territorial integrity or political independence of Afghanistan, whether such force is directed at State or non-State actors.

We note further that under article 51 of the Charter of the United Nations and customary international law, Pakistan may only exercise the right of self-defence in foreign territory where it is necessary and proportionate in response to an armed attack committed by a foreign State, whether directly by its armed forces, or where that State

“sends” non-State forces to carry out such an attack. Article 51 also requires the victim State to immediately report any such invocation of self-defence to the Security Council.

We recall further that the International Court of Justice, in *Military and Paramilitary Activities in and against Nicaragua* (1986) and *Armed Activities on the Territory of the Congo* (2005), confirmed that the use of force against another State’s territory to combat non-State actors (where not sent by a State) is otherwise unlawful unless undertaken with that State’s consent or with Security Council authorisation. There is no separate right to unilaterally use military force in foreign territory in order to counter terrorist groups.

We are concerned that Pakistan has not disclosed credible evidence that attacks within its territory were directed or controlled by the *de facto* authorities in Afghanistan, or that such conduct constituted an armed attack within the established meaning of article 51. We are equally concerned that Pakistan has not notified the Security Council of any claim of self-defence. In the absence of attribution or consent, Pakistan’s cross-border air and drone strikes, artillery shelling and incursions into Afghan territory would appear to violate the prohibition on the use of force under article 2(4) of the Charter, the sovereignty and territorial integrity of Afghanistan, and the customary international law duty of non-intervention.

Consequential violations of the right to life

The unlawful use of force consequently engages the right to life under article 6 of the ICCPR. As stated by the Human Rights Committee, “States parties engaged in acts of aggression as defined in international law, resulting in deprivation of life, violate *ipso facto* article 6 of the Covenant” (general comment No. 36, para. 170). We affirm that the obligation to respect the right to life applies whenever a State’s military activities have a direct and reasonably foreseeable impact on the life of individuals outside its territory (*ibid*, paras. 22 and 63). If Pakistani strikes or shelling foreseeably resulted in civilian deaths or injuries within Afghanistan, Pakistan would bear responsibility for arbitrary deprivation of life under article 6.

Violations of international humanitarian law

The hostilities between Pakistan and the TTP and affiliated groups were sufficiently intense and organised to amount to a non-international armed conflict. The hostilities between Pakistan and the Taliban *de facto* authorities also constituted an armed conflict. Pakistan’s strikes appear to have involved violations of international humanitarian law, including failures to respect the principles of distinction, proportionality and precaution and the prohibition on indiscriminate attacks. Such violations of international humanitarian law would amount to arbitrary deprivations of life contrary to Article 6 of the ICCPR.

Humanitarian and human rights implications of cross-border hostilities

The closure of border crossings such as Torkham and Chaman/Spin Boldak disrupted the flow of essential goods, trade and humanitarian assistance, with foreseeable consequences for civilians dependent on cross-border access. Under the International Covenant on Economic, Social and Cultural Rights (ICESCR), Pakistan

must respect and protect the rights to an adequate standard of living, food and health, and refrain from actions that arbitrarily restrict humanitarian access or contribute to deprivation and that are not strictly necessary and proportionate in pursuit of the legitimate aim of addressing specific security threats.

We are also concerned about the vulnerabilities of the significant number of internally displaced persons and urge the parties to respect international human rights and humanitarian law, protect civilians, and guarantee that displaced persons are treated with dignity and are able to access safe, voluntary, and durable solutions.

Lawful means of responding to alleged terrorist threats

Countering terrorism does not justify violations of international law. While States have a duty and prerogative to protect the right to life of their populations from foreseeable terrorist threats, they must do so in compliance with the Charter of the United Nations, international human rights law and international humanitarian law. Cross-border infiltration by terrorist groups may be lawfully addressed through the proportionate use of force in the victim's State's own territory.

Under article 33 of the Charter of the United Nations, parties to a dispute must seek peaceful settlement through negotiation, mediation or other peaceful means. Law enforcement cooperation and lawful and proportionate counter-measures may also be available. The ceasefire agreed on 19 October 2025 represents a critical opportunity to de-escalate and to re-establish diplomatic channels of communication. We encourage Pakistan and the *de facto* authorities in Afghanistan to cooperate through existing bilateral and regional mechanisms, to avoid further use of force, and to ensure accountability for any violations of international law.

We further emphasise that under Pillar I of the United Nations Global Counter-Terrorism Strategy, States should address the conditions conducive to terrorism, which are stated to include protracted unresolved conflict and human rights violations. Sustained cross-border hostilities risk perpetuating these conditions, thereby undermining both counter-terrorism objectives and human rights obligations.

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 factual and legal basis relied upon to justify the air and drone strikes and artillery shelling inside Afghan territory, including any evidence for the alleged responsibility of the *de facto* Afghan authorities for TTP attacks in Pakistan.

3. Please detail how the use of force employed by Pakistan in Afghan territory complied with international law, including the prohibition on the use of force under the Charter of the United Nations and customary international law, international human rights law, and international humanitarian law (particularly the principles of necessity, distinction, proportionality, and precaution and the prohibition on indiscriminate attack).
4. Please provide information on any measures taken to ensure the protection of civilians and civilian objects, and to investigate reports of civilian casualties.
5. Please describe any steps taken to ensure accountability, reparation and guarantees of non-recurrence in the event that investigations confirm violations of international humanitarian law and the right to life.
6. Please explain the rationale and legal basis for the temporary closure of major border crossings and restrictions on the movement of goods and humanitarian assistance, what steps have been taken to mitigate adverse humanitarian impacts, and how these measures are consistent with international human rights law.
7. Please clarify what measures were taken or are envisaged to protect and assist displaced persons, including alternative adequate housing, water, essential food and medical services, and other humanitarian and/or legal assistance. Please provide information on measures to prevent further arbitrary displacement and investigate violations of displaced persons' rights and ensure remedies and accountability.
8. Please indicate what steps have been taken to de-escalate tensions with the *de facto* authorities in Afghanistan, to pursue a peaceful settlement of disputes, and to strengthen bilateral or regional mechanisms for counter-terrorism cooperation in accordance with international 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.

Please note that a related communication has been shared with the *de facto* authorities in Afghanistan.

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

Ben Saul

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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the principles and international standards applicable to this communication.

Right to life

Article 6 of the ICCPR guarantees the right to life and provides that "every human being has the inherent right to life [which] shall be protected by law. No one shall be arbitrarily deprived of his [or her] life." In its general comment No. 36, the Human Rights Committee noted that States must take all necessary measures to prevent arbitrary deprivation of life by their law enforcement officials. This includes procedures to ensure that law enforcement actions are properly planned, consistent with the need to minimize the risk they pose to human life, mandatory reporting review and investigation of lethal and other life-threatening incidents (para. 13). The State also has a responsibility to take "all appropriate measures to deter, prevent and punish the perpetrators as well as to address any attitudes or conditions within society which encourage or facilitate such crimes violence or killings committed by non-State actors" (E/CN.4/2005/7, para. 71).

The Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, require a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions. Investigations must be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death. In accordance with the Minnesota Protocol, families of victims of unlawful death have the right to equal and effective access to justice; to adequate, effective and prompt reparation; to recognition of their status before the law; and to have access to relevant information concerning the violations and relevant accountability mechanisms. Investigations must be aimed at ensuring that those responsible are brought to justice, promoting accountability and preventing impunity, avoiding denial of and drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations, and at the responsibility of superior officials with regard to violations committed by their subordinates (general comment No. 36, para. 27). Where a violation is found, full reparation must be provided, including adequate compensation, rehabilitation and satisfaction; as well as steps to prevent re-occurrence in future.

In addition, the Human Rights Committee has stated that "practices inconsistent with international humanitarian law, entailing a risk to the lives of civilians and other persons protected by international humanitarian law, including the targeting of civilians, civilian objects and objects indispensable to the survival of the civilian population, indiscriminate attacks, failure to apply the principles of precaution and proportionality, and the use of human shields would also violate article 6 of the Covenant. States parties should, in general, disclose the criteria for attacking with lethal force individuals or objects whose targeting is expected to result in deprivation of life, including the legal basis for specific attacks, the process of identification of military targets and combatants

or persons taking a direct part in hostilities, the circumstances in which relevant means and methods of warfare have been used, and whether less harmful alternatives were considered. They must also investigate alleged or suspected violations of article 6 in situations of armed conflict in accordance with the relevant international standards” (para. 64) 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.

International prohibition on the use of force

Under article 2(4) of the Charter of the United Nations: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.”

Under article 51 of the United Nations Charter and customary international law, a State may only exercise the right of self-defence in foreign territory where it is necessary and proportionate in response to an armed attack committed by a foreign State, whether directly by State forces or where a State “sends” non-State forces to attack.²

Force may otherwise only be used on foreign territory with the consent of the government of that State or by authorisation of the Security Council under Chapter VII of the Charter of the United Nations.

International humanitarian law

The principle of distinction requires the parties to an armed conflict to distinguish between civilians and combatants, and between civilian objects and military objectives, and must direct their operations only against military objectives. Launching indiscriminate attacks are prohibited. The principle of proportionality prohibits attacks that may be expected to cause incidental loss of civilian life, injury to civilians, or damage to civilian objects, which would be excessive in relation to the concrete and direct military advantage anticipated.

Killings resulting from a direct attack against a civilian (rule 1), an indiscriminate attack (rule 11) and an attack against military objectives causing excessive loss of civilian life (rule 14) are all unlawful and prohibited by the rules on the conduct of hostilities and constitute war crimes attracting individual criminal responsibility, including superior responsibility.

ICRC Customary International Humanitarian Law rule 20 provides that “Each party to the conflict must give effective advance warning of attacks which may affect the civilian population, unless circumstances do not permit”. This principle of precaution in attack requires the parties to adopt all feasible measures to avoid or minimize harm to civilians and civilian objects (rule 15).

ICRC Customary International Humanitarian Law rules 109-111 obligates parties to respect and protect the wounded, the sick, and those caring for them.

² ICJ, *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States)*, Merits, Judgment, ICJ Reports 1986, p. 14, para. 195.

Rules 25-32 require respect and protection for medical and humanitarian personnel, facilities, and units, which must not be attacked or hindered from performing their humanitarian functions.

Respect for human rights while countering terrorism

Many resolutions of the United Nations General Assembly, Security Council and Human Rights Council reaffirm that any measures taken to combat terrorism and violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.³ Counter-terrorism measures must conform to fundamental requirements of legality, necessity, proportionality, and non-discrimination.

Rights to internally displaced persons

The 1998 Guiding Principles on Internal Displacement establish the need to respect and ensure respect for international human rights law to prevent and avoid conditions that might lead to the displacement of persons (principle 5). Every person has the right to be protected against being arbitrarily displaced from his or her home, including in situations of armed conflict (principle 6). It is incumbent upon the authorities to ensure proper accommodation is provided to displaced persons, under satisfactory conditions of safety, nutrition, health, and hygiene, and that members of the same family are not displaced (principle 7). Displacement should not be carried out in a manner that violates the right to life, dignity, liberty, and security of the displaced (principle 8). Internally displaced persons should be protected against genocide, murder, summary execution, indiscriminate acts of violence, starvation as a method of combat, use as shields, attacks against their camps and settlements, landmines, rape, and arbitrary detention (principles 10-12). Internally displaced persons should enjoy an adequate standard of living, which includes basic shelter and housing, food and water, and access to medical services (principles 18-19). The property rights of internally displaced persons must be respected, and their property and possessions should in all circumstances be protected (principle 21). All authorities concerned should not impede the passage of humanitarian assistance to internally displaced persons, and humanitarian workers and supplies must be respected (principles 25-26). Internally displaced persons are entitled to a durable solution of their choice, i.e. safe, voluntary and dignified return to their places or origin, settlement elsewhere in the country or local integration (principles 28-30).

Right to an effective remedy

Article 2(3) of the ICCPR enshrines the right to an effective remedy. It provides that States parties have the obligations to ensure that: (a) any person whose rights or freedoms are violated have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) any person claiming such a remedy has such right determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; and (c) the competent

³ Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others.

authorities enforce such remedies. The right to an effective remedy is a key element of the full enjoyment of human rights. Without access to an effective remedy, human rights violations go unpunished, and victims may be deprived of justice, compensation and their human dignity.