

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 OTH 150/2025
(Please use this reference in your reply)

29 January 2026

Dear Mr. Khan Muttaqi,

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.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the Special Procedures system of the United Nations, which has 59 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your attention information we have received concerning Afghanistan's alleged failure to suppress Tehrik-e-Taliban Pakistan (TTP) and other armed groups in the territory of Afghanistan, which allegedly launched cross-border attacks on Pakistan in October 2025; as well as the subsequent use of armed force by Afghanistan's *de facto* authorities in Pakistan. We are concerned that, if confirmed, these actions may violate Afghanistan's obligations to protect the right to life under international human rights law.

Taliban

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 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 by Pakistan 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. The *de facto* authorities have repeatedly denied supporting 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 in Afghanistan 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 reported 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 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.

Duty to protect the right to life from terrorist threats

While we do not wish to prejudge the accuracy of these allegations, we are concerned that any failure to diligently suppress the activities of armed groups in Afghanistan's territory who engage in cross-border attacks against Pakistan would constitute a violation of Afghanistan's obligation to protect the human right to life under article 6 of the ICCPR.

Under international law, States must "take appropriate legislative and other measures to ensure that all activities taking place in whole or in part within their territory and in other places subject to their jurisdiction, but having a direct and

¹ A/80/366 - S/2025/554, para. 19.

reasonably foreseeable impact on the right to life of individuals outside their territory ... are consistent with article 6” (general comment No. 36, para. 22). This includes where such threats originate from private actors, such as armed or terrorist groups (*ibid*, paras. 21 and 23). Specifically, States 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” (*ibid*, para. 21).

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.

These obligations must be interpreted in the light of general international legal obligations on States to refrain from tolerating, acquiescing in, or supporting terrorist or armed activities in their territories directed against other States, which may constitute prohibited interventions in or uses of force against foreign States under customary international law (see the General Assembly’s 1970 Declaration on Friendly Relations between States, paras. 2 and 8 respectively; see annex to this letter) and specifically violate established counter-terrorism norms (see Declaration on measures to eliminate international terrorism, annexed to General Assembly resolution 49/60 (1994), para. 5(a) and Security Council resolution 1373 (2001), para. 2; see annex to this letter).

Peaceful dispute settlement

The ceasefire agreed on 19 October 2025 represents a critical opportunity to de-escalate and to re-establish diplomatic channels of communication. 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. We encourage the *de facto* authorities in Afghanistan and Pakistan 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 explain what measures have been taken to investigate allegations that the TTP is present in Afghanistan and to prevent its operation in Afghan territory, including so as to prevent cross-border attacks.
3. Please provide information on any measures taken to ensure the protection of civilians, investigate reports of civilian casualties, and provide humanitarian assistance, including to displaced civilians.
4. Please indicate the steps taken by the *de facto* authorities in Afghanistan to de-escalate tensions with the Pakistani authorities, to pursue a peaceful settlement of disputes, and to strengthen bilateral or regional mechanisms for counter-terrorism cooperation in accordance with international law.
5. 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.

This communication and any response received from you 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 Government of Pakistan.

Please accept, Mr. Khan Muttaqi, the assurances of our highest consideration.

Ben Saul

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Richard Bennett

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Morris Tidball-Binz

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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to remind you that any authority exercising effective control over parts of the Afghan territory and/or persons has the obligation to abide by Afghanistan's international commitments including treaties and human rights agreements. In this regard we would like to refer you to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, accessed to by Afghanistan respectively on 24 January 1983, 24 January 1983, 6 July 1983, 28 March 1994, and 5 March 2003. Afghanistan is a State party to all the mentioned conventions, which obliges the *de facto* authorities to enforce them in practice.

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." The State also has a responsibility to take "all appropriate measures to deter, prevent and punish the perpetrators" (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.

International obligations to prevent cross-border terrorist activities

The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, annexed to General Assembly resolution 2625(XXV) (1970) provides in

paragraph 2, as an element of the duty of non-intervention, that “no State shall organize, assist, foment, finance, incite or tolerate subversive, *terrorist* or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.”

Paragraph 8 of the same Declaration, as an element of the prohibition on the use of force in international relations, provides that “Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or *terrorist acts* in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts referred to... involve a threat or use of force.”

The Declaration on measures to eliminate international terrorism, annexed to General Assembly resolution 49/60 (1994), at para. 5(a), recalls the obligation on States “To refrain from organizing, instigating, facilitating, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that their respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens”.

Security Council resolution 1373 (2001), in binding paragraph 2 adopted under Chapter VII of the United Nations Charter, requires all States to:

- (a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;
- (b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;
- (c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;
- (d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;
- (e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;
- (f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;

- (g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents.

Rights of 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 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 of 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 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.