

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

Ref.: AL PAK 10/2025  
(Please use this reference in your reply)

16 October 2025

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 extrajudicial, summary or arbitrary executions and Independent expert on the promotion of a democratic and equitable international order, pursuant to Human Rights Council resolutions 58/14, 53/4 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 force against India following the Pahalgam terrorist attack on 22 April 2025 in Jammu and Kashmir**, which could involve violations of the right to life under article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010, as well as violations of international humanitarian law.

We unequivocally condemn the Pahalgam attack and express our deepest sympathy with victims and their families. All those responsible must be brought to justice, in accordance with international law.

According to the information received:

On 22 April 2025, five militants attacked tourists in a valley near Pahalgam in the disputed territory of Jammu and Kashmir, killing 26 civilians and injuring 20. The Resistance Front, a group affiliated with Lashkar-e-Taiba, which has been listed under Security Council counter-terrorism sanctions since 2005 as associated with Al Qaeda, initially claimed then later repudiated responsibility ([S/2025/482](#), para. 84).

On 22 April 2025, the Secretary-General [condemned](#) the attack, extended condolences to the families of the victims, and emphasized that "attacks against civilians are unacceptable under any circumstances".

On 23 April 2025, the Indian Foreign Secretary [reported](#) on the meeting of the Cabinet Committee on Security, which condemned the attack, expressed condolences to the families of the victims, noted "the cross-border linkages of the terrorist attack" and resolved to bring the perpetrators to justice. The Committee decided to:

- (i) immediately hold "in abeyance" the Indus Waters Treaty 1960 "until Pakistan credibly and irrevocably abjures its support for cross-border

terrorism”;

- (ii) close Attari border post;
- (iii) refuse Pakistani nationals permission to travel to India under the SAARC Visa Exemption Scheme;
- (iv) declare Pakistan military advisors at the Pakistani High Commission in New Delhi *persona non grata*, and withdraw India’s advisers from Islamabad; and
- (v) reduce diplomatic representation at both High Commissions from 55 to 30.

In response, Pakistan soon suspended the 1972 Simla Agreement, which among other things provides for peaceful dispute settlement, respect for the 1971 Line of Control in Jammu and Kashmir, non-use of force, and respect for sovereignty and non-interference. Pakistan also cancelled the visas of Indian nationals (disrupting mixed marriage families, including in the minority Sikh community); closed its airspace to Indian airlines; suspended bilateral trade, postal, air, and maritime links with India; and downgraded diplomatic representation.

On 25 April 2025, a Security Council [statement](#) strongly condemned the incident as a terrorist attack; expressed sympathy for the victims, their families, and the Governments of their nationalities, India and Nepal; and urged all States to cooperate in bringing to justice the perpetrators, financiers and sponsors, in line with international law. A closed consultation on the “India-Pakistan question” was held by the Security Council on 5 May but produced no further statement.

On 2 May 2025, Pakistan’s Permanent Representative to the United Nations in New York [denied](#) Pakistani involvement in the attack; condemned the terrorist targeting of civilians; called India’s allegations of its involvement unsubstantiated; and indicated that “[s]hould India resort to aggression, Pakistan will exercise its inherent and legitimate right to self-defense, as enshrined in the UN Charter”. Pakistan has also called for an independent investigation into the attack.

On 5 May 2025, the Secretary-General [called](#) for those responsible to be brought to justice and urged the parties “to avoid a military confrontation that could easily spin out of control” and to exercise “maximum restraint and stepping back from the brink”.

### Use of armed force

Skirmishes were reported along the Line of Control in Jammu and Kashmir between 24 April and 5 May 2025.

On 7 May 2025 India launched “Operation Sindoor”, with missile and air strikes reportedly targeting Lashkar-e-Taiba and Jaish-e-Mohammed bases in Pakistani-held Jammu and Kashmir and Pakistani province of Punjab. India claimed at least 70 and as many as 100 “terrorists” were killed. The Indian Foreign Secretary asserted that “India exercised its right to respond and preempt, as well as deter more such cross-border attacks. India’s actions focused on dismantling the terrorist infrastructure and disabling terrorists likely to be sent across to India”.

India did not, however, notify the Security Council that its operation was in the exercise of the right to self-defence under article 51 of the United Nations Charter, under the procedures required by that article.

According to Pakistan, civilian areas were struck, including mosques, and a number of civilians were killed and injured. Pakistani military casualties were also reported. On 7 May 2025, Pakistan [condemned](#) India’s actions and [informed](#) the Security Council that it reserved the right to respond in self-defence, citing article 51 of the UN Charter.

Hostilities continued for four days between 7 and 10 May 2025. Pakistan reportedly launched missiles and drones strikes, and heavily shelled the border district of Poonch, resulting in military and civilian casualties and damage to possibly hundreds of houses, a large number of schools and religious sites. Its “Operation Bunyan-um-Marsoos” on 10 May targeted Indian military installations. India also attacked the Pakistani military.

A ceasefire was agreed on 10 May 2025.

On 16 May 2025, Pakistan sent another [letter](#) to the Security Council, informing it that Pakistan had launched “Operation Bunyan-um-Marsoos” in exercise of its right of self-defence under article 51 of the UN charter.

While we do not wish to prejudge the accuracy of these allegations, and while noting that Pakistan duly informed the Security Council of an armed attack on its territory under article 51 of the United Nations Charter, we are concerned that Pakistan’s use of force against India may have violated several rules of international humanitarian law and international human rights law.

We are concerned that the civilian casualties and damage to houses, schools and places of worship resulting from the missiles and drones strikes launched by Pakistan may have resulted in violations of international humanitarian law as well as violations of the right to life under article 6 of the ICCPR. We remind your Excellency’s Government of the requirements of international humanitarian law applicable in an international armed conflict. The principle of distinction requires that parties to a conflict distinguish between civilians and combatants, and between civilian objects and military objectives, and only direct their operations against military objectives (Customary International Humanitarian Law, rule 7). Indiscriminate attacks are prohibited (rule 11). Humanitarian law prohibits attacks on civilian objects (rule 10), including schools and places of worship (see also rule 38). The principle of proportionality prohibits attacks expected to cause incidental civilian death, injury, or

damage to civilian objects that would be excessive in relation to the concrete and direct military advantage anticipated (rule 14). The obligation of precaution requires that all feasible measures be taken in the choice of means and methods of attack to avoid and, in any event, minimize incidental harm to civilians and civilian object (rule 15).

We also emphasize that the obligation to respect the right to life continues to apply in situations of armed conflict and whenever the State's military activities have a direct and reasonably foreseeable impact on the right to life of individuals outside the State's territory (Human Rights Committee, general comment No. 36, paras. 22 and 63-64). Practices that are inconsistent with international humanitarian law and which entail a risk to the lives of civilians or other protected persons violate article 6 of the ICCPR (ibid, para. 64). Such practices include "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" (ibid). As stated by the Human Rights Committee, "[e]fforts to avert the risks of war and any other armed conflict, and to strengthen international peace and security, are among the most important safeguards of the right to life" (ibid, para. 69).

We note that Pakistan's suspension of the 1972 Simla Agreement counter-productively disrupts its mutually beneficial provisions concerning peaceful dispute settlement, respect for the 1971 Line of Control in Jammu and Kashmir, the non-use of force, and respect for sovereignty and non-interference. We also note that the cancellation of the visas of Indian nationals could interfere in the family and children's rights in mixed marriage families, potentially in violation of articles 17, 23 and 24 of the ICCPR and the Convention on the Rights of the Child, ratified by Pakistan on 12 November 1990. We further observe that the legal bases for the suspension of aviation, trade postal, air, and maritime links with India appear not to have been fully explained, such as whether these are intended to constitute acts of retorsion and/or proportionate counter-measures.

We welcome that Pakistan has called for an independent investigation into the Pahalgam attack and note that Pakistan has denied involvement in the attack. We would welcome further information about any investigations and findings made by the Pakistani authorities concerning India's allegations of Pakistani support for the attack.

Finally, we are concerned that disputes over cross-border terrorism and water-sharing may persist as long as the underlying dispute about the territorial status of Jammu and Kashmir is not peacefully settled in accordance with international law. We note that under Pillar I of the United Nations Global Counter-Terrorism Strategy, all States commit to addressing the conditions conducive to terrorism, which include protracted unresolved conflict, political exclusion, and violations of human rights.

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 detail how the use of force employed by Pakistan against India complied with international humanitarian law, particularly with regard to the principles of necessity, distinction, proportionality, and precaution.
3. Please explain what steps have been taken or are envisaged to promptly investigate any unlawful attacks on civilians, civilian homes, schools and places of worship, in line with international law, including article 6 of the ICCPR.
4. Please indicate whether Pakistan will provide reparation and apology for any violations of the right to life resulting from unlawful use of force in India.
5. Please explain the rationale and legal bases for the suspension of the 1972 Simla Agreement, the cancellation of visas of Indian nationals, and the suspension of aviation, trade, postal, air, and maritime links with India and the downgrading of diplomatic representation, and detail how these measures comply with international law.
6. Please explain whether any investigation has occurred into India's allegations of Pakistani involvement in the Pahalgam attack and any findings.
7. Please explain what steps will be taken to pursue a peaceful settlement of the territorial dispute with Pakistan over Jammu and Kashmir, in accordance with international law and the right of self-determination of Peoples.

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 to clarify the issues in question.

Please be informed that a related communication and a copy of this communication have been sent to the Government of India.

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

Ben Saul

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Morris Tidball-Binz

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## Annex

### Reference to international human rights law

In connection with the 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.

We emphasize that the provisions of the 1949 Geneva Conventions, particularly the Fourth Geneva Convention, safeguard the sovereignty and territorial integrity of States in times of armed conflict. The principles established in these Conventions are critical in maintaining peace and order in international relations and are binding on all States. The Hague Conventions further emphasize the protection of State sovereignty and the peaceful resolution of disputes.

#### *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 use of potentially lethal force for law enforcement purposes is an extreme measure that should be resorted to only when strictly necessary in order to protect life or prevent serious injury from an imminent threat (general comment No. 36, para. 12). All operations of law enforcement officials should comply with relevant international standards, including the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (ibid, para. 13).

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.

#### *Right to self-determination*

The right to self-determination is a *jus cogens* norm that constitutes the bedrock of international human rights law. It is recognized as the prerequisite to the enjoyment of human rights and is enshrined not only in the ICCPR and ICESCR but also in various UN General Assembly resolutions.

The right to self-determination of peoples, which is central to the sovereignty and territorial integrity of nations, is enshrined in article 1(2) of the United Nations Charter. It is further protected under common article 1 of the ICCPR and the ICESCR, which guarantees that all peoples have the right to freely determine their political status and pursue their economic, social, and cultural development. Similarly, paragraph 2 of the Vienna Declaration and Programme of Action provides that: “All peoples have the right of self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development.”

Further, General Assembly resolution 1803 (XVII) on Permanent sovereignty over natural resources, adopted on 14 December 1962, reiterates that permanent sovereignty over natural wealth and resources is a basic constituent of the right to self-determination. It declares that “[t]he free and beneficial exercise of the sovereignty of peoples and nations over their natural resources must be furthered by the mutual respect of States based on their sovereign equality” (para. 5) and that the “[v]iolation of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the Charter of the United Nations and hinders the development of international co-operation and the maintenance of peace” (para. 7). The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, approved by General Assembly resolution 2625 (XXV), adopted on 24 October 1970, recognizes that States have the duty to refrain from any forcible action which deprives

peoples of their right to self-determination.

### *Self-defence*

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.<sup>1</sup>

### *Prohibition of arbitrary or unlawful interference with the family and home*

Article 17(1) of the ICCPR prohibits arbitrary or unlawful interferences with a person’s privacy, family, home or correspondence, and unlawful attacks on a person’s honour and reputation. Article 17(2) provides that “[e]veryone has the right to the protection of the law against such interference or attacks.” Any interference with the right protected under article 17 must be strictly necessary and proportionate in pursuit of a legitimate aim.

The Human Rights Committee has emphasized the duty of States “not to engage in interferences inconsistent with article 17 of the Covenant and to provide the legislative framework prohibiting such acts by natural or legal persons” (general comment No. 16, para. 9).

### *Protection of the family*

Article 23 of the ICCPR provides that “[t]he family is the natural and fundamental group unit of society and is entitled to protection by society and the State.” As noted by the Human Rights Committee, such protection requires that States adopt legislative, administrative or other measures (general comment No. 19, para. 5). The Committee further stated that the right to found a family under article 23(2) implies the right to live together and therefore “the adoption of appropriate measures, both at the internal level and as the case may be, in cooperation with other States, to ensure the unity or reunification of families, particularly when their members are separated for political, economic or similar reasons” (ibid, para. 5).

### *Rights of the child*

Article 24 of the ICCPR protects the right of children to such measures of protection as are required by their status as minors, on the part of their family, society and the State, and without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth. In its general comment No. 17, the Human Rights Committee emphasized that children benefit from all of the civil rights enunciated in the ICCPR and that the implementation of article 24 “entails the adoption of special measures to protect children, in addition to the measures that States are required to take under article 2 to ensure that everyone enjoys the rights provided for in the Covenant” (paras. 1 and 2).

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<sup>1</sup> ICJ, *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States)*, Merits, Judgment, ICJ Reports 1986, p. 14, para. 195.

Article 2 of the Convention on the Rights of the Child (CRC) states that “States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.” In accordance with article 3 of the CRC, the best interests of the child must be the primary consideration in all actions concerning children. In addition, article 9 of the CRC provides that children must not be separated from their parents against their will, except where a competent authority determines that such separation is necessary for the best interests of the child. The Committee on the Rights of the Child has emphasized that preventing family separation and preserving family unity are key elements of an effective child protection system (general comment No. 14, para. 60).