

**Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on minority issues**

Ref.: OL PAK 12/2025  
(Please use this reference in your reply)

18 November 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; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 58/14, 60/8, 54/14, 52/9, 59/4, 52/4 and 52/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the adoption of new counter-terrorism measures authorising preventive detention at the federal and provincial levels in Pakistan.

**We wish to draw attention to recent amendments to the Anti-Terrorism Act 1997 (herein the "ATA"), adopted by the federal Parliament in August 2025 (Anti-Terrorism (Amendment) Act 2025), as well as similar legislation enacted in the provinces of Balochistan and Punjab.** Taken together, these provisions appear to authorise the preventive, arbitrary detention without charge or trial of individuals suspected of terrorism-related offences under the newly amended section 11EEEE of the ATA, in the absence of meaningful judicial review or effective remedies. These provisions risk violating, among others, the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010, and including the prohibitions on arbitrary detention, enforced disappearance, and torture and cruel, inhuman and degrading treatment or punishment, as well as minority rights and non-discrimination. They also risk counter-productively undermining effective counter-terrorism efforts.

We have previously raised concerns about the proposed amendments to the federal law in communication [AL PAK 1/2025](#), in the context of conflict in Balochistan. In that communication, we noted that such measures appear to build on earlier internment powers in Khyber Pakhtunkhwa in 2019 (see [OL PAK 10/2019](#)) and in federally and provincially administered Tribal Areas in 2011. We note with regret that the Government has not replied to this communication.

### *Anti-Terrorism (Amendment) Act 2025*

The Anti-Terrorism (Amendment) Act 2025 (herein “the Federal Act”) was passed by Pakistan’s Senate on 19 August 2025 and received presidential assent on 31 August 2025. It inserts a new section 11EEEE into the ATA. This provision authorises the Federal Government, or where section 4 of the ATA is invoked, the armed forces or civil armed forces, to order the preventive detention of any person suspected of involvement in terrorism-related offences for a period of up to 90 days (three months), provided that “reasonable” or “sufficient” grounds exist and the reasons are formally recorded. Where detention is ordered by the armed forces or civil armed forces, the case is to be referred to a Joint Investigation Team (JIT) composed of representatives of the police (not below the rank of Superintendent), intelligence agencies, the armed forces and civil armed forces. The federal amendment also stipulates that section 11EEEE will remain in force for a period of three years, after which it will lapse unless expressly renewed.

### *Balochistan Anti-Terrorism (Amendment) Act 2025*

The Balochistan Anti-Terrorism (Amendment) Act 2025 (herein the ‘Balochistan Amendment Act’) was passed by the Balochistan Assembly on 4 June 2025. Similarly to the federal Act, the Balochistan Act amends section 11EEEE of the ATA at the provincial level, to empower the Provincial Government, or the armed forces or civil armed forces when section 4 is invoked, to detain individuals suspected of terrorism-related offences for up to three months, provided reasons are recorded. Section 11EEEE (2A) introduces a six-year validity period, with a two-year extension possible through a notification by the Provincial Government. Section 11EEEE (2) mandates that if the detention order is issued by the armed forces or civil armed forces, the inquiry must be conducted by a JIT comprising a police officer not below the rank of Superintendent of Police, intelligence agencies, civil armed forces, armed forces, and other law enforcement agencies.

### *Punjab Anti-Terrorism (Amendment) Act 2025*

The Punjab Anti-Terrorism (Amendment) Act 2025 (herein the ‘Punjab Amendment Act’) was passed by the Provincial Assembly of the Punjab on 21 May 2025 and received the assent of the Governor of the Punjab on the same day. The Punjab Amendment Act amends section 11EEE of the ATA to authorise preventive detention on broadly similar grounds to the federal and Balochistan amendments. Where detention orders are issued by the armed forces or civil armed forces, inquiries must be conducted by a Joint Investigation Team (JIT) composed of a police officer not below the rank of Superintendent of Police, members of the intelligence agencies, the armed forces, civil armed forces, and other law enforcement agencies. The Punjab Act stipulates that these provisions will remain in force for a period of two years from its commencement, after which they will lapse unless renewed.

### *Human Rights Concerns*

We wish to highlight what appears to be a broadening and institutionalisation of preventive detention powers within Pakistan’s counter-terrorism framework, at both federal and provincial levels. These developments warrant careful consideration in light

of their potential implications for the protection of human rights and the rule of law. The amendments to the ATA, as well as to the provincial laws of Balochistan and Punjab, appear to permit detention without charge or trial for up to 90 days, on the basis of suspicion of involvement in terrorism-related activity. These provisions raise a substantial risk of arbitrary detention, enforced disappearance, and exposure to torture and other cruel, inhuman or degrading treatment or punishment, particularly given the lack of adequate judicial safeguards. We are concerned that such measures may be applied in a discriminatory or disproportionate manner against persons belonging to minority groups, political dissidents, human rights defenders, journalists, students and children, especially in Balochistan province, echoing earlier allegations brought to our attention. Should these be confirmed, they would constitute violations of articles 7, 9, 14, 16, 19, 21, 22, 24,26, and 27 read alone and in conjunction with article 2(3) of the ICCPR, ratified by Pakistan on 23 June 2010.

*Preventive detention and risk of arbitrary detention and enforced disappearance*

We note that the amendments to the ATA adopted by the federal Parliament in 2025 via the Anti-Terrorism (Amendment) Act 2025, as well as similar legislation enacted in Balochistan and Punjab, would permit preventive detention for up to three months under the newly inserted section 11EEEE, based on broad and vague grounds, including suspicion that a person is involved in terrorism-related offences. Such provisions are likely to result in arbitrary detention contrary to article 9 of the ICCPR, which Pakistan ratified on 23 June 2010.

We recall that under international human rights law, restrictions on liberty must comply with the principle of legal certainty. The current formulation of the ATA, both in its original provisions and as amended, contains broad and vague definition of terrorism-related offences and thus fails to clearly circumscribe who may be subjected to preventive detention, thereby risking arbitrary detention and the abuse of detention powers to target individuals engaged in the lawful exercise of their rights to freedom of expression, peaceful assembly, and association and the right to participate in political affairs. We note that in its Concluding Observations on Pakistan in 2024, the Human Rights Committee stated that “the State party should urgently review the Anti-Terrorism Act, 1997 and ensure that the definition of terrorism is clear and precise and that it complies with the principles of legality, legal certainty and predictability” (para. 27). We further refer to the detailed concerns about the definition of terrorism in AL PAK 1/2025, including in relation to legality, impacts on the rights to freedoms of expression, assembly, association, political participation and minority rights, and the potential chilling effect on civil society. In this regard, we recall the report of the Special Rapporteur on freedom of peaceful assembly and of association on advancing accountability and ending impunity, which raised concerns that broad and ambiguous security-related legislation have been misused and instrumentalised by States as tools to suppress and crack down on activists and protesters, and legitimise abuses by States (A/HRC/53/38).

We also note that the preventive detention powers, as set out in section 11EEEE of the ATA and carried forward in the 2025 amendments, may be ordered on the basis of vague and conflicting standards of proof. Detention may be authorised if the competent authority is satisfied that the person “has been concerned in” conduct, or

alternatively if “a reasonable complaint has been made, credible information has been received, or a reasonable suspicion exists.” By retaining these formulations while expanding the maximum duration of preventive detention to 90 days and broadening the authority to impose such measures, the amendments risk arbitrary deprivation of liberty.

The decision to detain may be taken not only by civil authorities, but also by the armed forces or civil armed forces when section 4 of the ATA is invoked. This includes military, naval, and air forces, which are not actors accustomed to making law-enforcement decisions about whether there is suspicion of a criminal offence, thus risking further arbitrariness.

The Human Rights Committee has cautioned that preventive detention “presents severe risks of arbitrary deprivation of liberty,” including where an ordinary criminal justice response is available (general comment No. 35, para. 15). Preventive detention must be limited to “the most exceptional circumstances,” where the state demonstrates that the person poses a “present, direct and imperative threat” (*ibid*). Detention must not last longer than absolutely necessary, and the overall length of detention must be limited. The required suspicion under the amendments that a person has been involved in specified offences in the past does not necessarily establish that the person presents a current threat of the required severity.

According to the Human Rights Committee, the State must also demonstrate that the threat cannot be addressed by alternative measures (*ibid*). Since preventive detention under these amendments requires suspicion of a criminal offence, ordinary criminal justice investigation and arrest should ordinarily be available. The criminal law of attempt, extended modes of criminal liability, such as conspiracy, and preparatory offences that are committed at early stages in terrorist planning, including by lone individuals, will usually be sufficient to interdict imminent terrorist acts; and surveillance and other administrative measures, such as restrictive orders, may also be available to contain the threat (A/80/284, para. 44).

We further draw attention to the 2025 report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, setting out best practice international standards on administrative security detention in counter-terrorism contexts (A/80/284, paras. 40-61). In particular, security detention should be permitted only where: (a) It is prescribed by law; (b) It is likely, on the balance of probabilities, that the person will substantially participate in the commission of an imminent terrorist act intended to cause death or serious injury, as properly defined; (c) It is necessary and proportionate to detain the person to prevent their participation; (d) Alternative means would be ineffective, including criminal arrest, surveillance, other law enforcement action or other restrictive measures; (e) It is prospectively authorized by a judicial authority; urgent, *ex parte* hearings are permissible, where necessary. If detention may be authorised by the executive, it must be done at a senior level and be automatically and promptly judicially reviewed; (f) The maximum duration of detention is seven days (or, exceptionally, 14 days), and it may only be renewed if there is evidence of a new threat. In addition, security detention should normally be limited to public emergencies threatening the life of the nation, where a valid derogation from the right to liberty has been made under article 4(2) of the ICCPR.

We are concerned that preventive detention also carries risks of enforced disappearance, including due to the lack of an express guarantee of access to a lawyer. The absolute prohibition of enforced disappearance has attained the status of *jus cogens*. Article 7 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearances establishes that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances. Moreover, the Declaration provides that no State shall practice, permit or tolerate enforced disappearances (article 2); any person deprived of liberty shall be held in an officially recognized place of detention (article 10(1)); and an official up-to date register of all persons deprived of their liberty must be maintained in every place of detention (article 10(3)). The Working Group on Enforced or Involuntary Disappearances has expressed its concern that States are increasingly justifying the use of enforced disappearances as part of their counter-terrorism activities (A/HRC/42/40, para. 58).

#### *Due process*

We are concerned about the lack of due process applicable to preventive detention. Section 11EEEE requires review of detention by the relevant authority but does not provide for meaningful judicial oversight or guarantee detainees access to all essential information upon which detention is based, due to the ability of the authorities to withhold information on public interest grounds. A detainee may be unable to effectively challenge their detention in the absence of access to the essential information upon which detention is based. The Human Rights Committee has determined that, in cases of preventive detention, there must always be “disclosure to the detainee of, at least, the essence of the evidence on which the decision is taken” (general comment No. 35, para. 15). The amendments similarly do not expressly provide for a detainee to have access to a lawyer, contrary to what is required under international human rights standards.

#### *Risk of torture and ill-treatment*

We note that the broad powers of preventive detention introduced through the 2025 amendments increase the risk of torture or other ill-treatment, in violation of article 7 of the ICCPR. Detention on the basis of vague standards of suspicion, without prompt and independent judicial oversight, heightens exposure to abuse and ill-treatment in custody.

In addition to Pakistan’s obligations under article 7 of the ICCPR, we recall that Pakistan ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) on 23 June 2010. We note that in its concluding observations on Pakistan’s initial report (CAT/C/PAK/CO/1), the Committee against Torture underscored that Pakistan’s counter-terrorism legislation, particularly the Anti-Terrorism Act (ATA), eliminates important legal safeguards against torture otherwise available to persons deprived of their liberty. The Committee highlighted that the ATA permits detention for up to three months without review or the possibility of lodging a habeas petition, and detention without trial for up to a year for persons suspected of involvement in a proscribed organisation. It further expressed concern at provisions allowing confessions made in police custody to be admitted as

evidence, and at the resort to military courts lacking independence and conducting closed trials in terrorism cases.

We further note that the 2025 federal and provincial amendments, by entrenching and expanding preventive detention powers under the ATA, perpetuate the very shortcomings identified by the Committee against Torture. In particular, the broad authority to detain individuals on the basis of suspicion, without prompt and independent judicial review, heightens the risk of torture and ill-treatment, contrary to Pakistan's obligations under articles 2, 11 and 15 of CAT. Moreover, the expanded powers appear to reinforce a framework in which safeguards against torture are weakened in the name of counter-terrorism, in direct contravention of the Committee's recommendations.

All forms of administrative security detention must comply with international standards on treatment in and conditions of detention, including freedom from torture and cruel, inhuman and degrading treatment or punishment, humane and dignified conditions of detention, access to legal representation, regular family contact and visitation, and consular rights (A/80/284, para. 61).

#### *Sunset clause*

While we note that the federal enactment incorporates a three-year sunset clause for section 11EEEE, we remain concerned that such clauses have rarely provided meaningful safeguards in practice. Temporary counter-terrorism powers are frequently extended or normalised, and even if strictly time-limited, the existence of a sunset clause cannot mitigate the immediate risks of arbitrary detention and enforced disappearance, vague standards of proof, or inadequate judicial oversight. A temporal limitation does not substitute for the core protections required by international human rights law.

In summary, we recall that while States may adopt measures to counter terrorism, such measures must fully comply with their obligations under international human rights law, including the ICCPR and the CAT. The adoption of overly broad preventive detention powers, coupled with weak safeguards against torture and ill-treatment, risks undermining rather than advancing counter-terrorism objectives.

We stand ready to provide any technical advice your Excellency's Government may require in ensuring that legislation is consistent with international human rights standards and with the principles of the UN Global Counter-Terrorism Strategy.

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 observations.
2. Please explain how the recent amendments to the Anti-Terrorism (Amendment) Act (2025) at the federal and provincial levels are being implemented in practice, including the number and location of persons

detained.

3. Please explain the compatibility of the 2025 amendments with Pakistan's obligations under articles 2(3), 7, 9, 10 and 16 of the ICCPR, and articles 2, 11 and 15 of the CAT.
4. Please indicate the measures taken to implement the recommendations of the Committee against Torture (CAT/C/PAK/CO/1) and the Human Rights Committee (CCPR/C/PAK/CO/2), particularly those aimed at strengthening legal and institutional safeguards against torture and ill-treatment, including in the context of counter-terrorism legislation, policies, and operations.
5. Please provide information on the manner in which preventive detention and counter-terrorism legislation is designed and implemented to ensure that it does not disproportionately affect groups protected under the ICCPR, such as journalists, human rights defenders, and minority communities.
6. Please indicate whether the federal and provincial governments intend to review or amend the 2025 laws to bring them into conformity with Pakistan's international obligations, and to strengthen safeguards against torture and other ill-treatment, enforced disappearance, and arbitrary detention.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

Ben Saul

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

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