

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Independent expert on the promotion of a democratic and equitable international order and the Special Rapporteur on the human rights to safe drinking water and sanitation

Ref.: AL IND 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 the human right to a clean, healthy and sustainable environment; Special Rapporteur on extrajudicial, summary or arbitrary executions; Independent expert on the promotion of a democratic and equitable international order and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 58/14, 55/2, 53/4, 57/7 and 51/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **India's military response in Pakistan's territory following the Pahalgam terrorist attack on 22 April 2025 in Jammu and Kashmir, and the suspension of the Indus Waters Treaty 1960 between India and Pakistan.**

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.

We are, however, concerned that these facts, if true, would involve violations of the right to life under article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by India on 10 April 1979; the rights to water and food, as an aspect of the right to an adequate standard of living under article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR); the right to work (ICESCR, article 6), also ratified by India on 10 April 1979; the right to a clean and healthy environment; the right to economic self-determination of peoples (ICCPR and ICESCR, article 1(2)); and the right to development under customary 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 pre-empt, 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.

Suspension of the Indus Water Treaty

The Indus Waters Treaty between India and Pakistan, negotiated with the involvement of the World Bank in 1960, is a transboundary water sharing agreement that allocates three eastern rivers (Ravi, Beas and Sutlej) to India and three western rivers (Indus, Jhelum, Chenab) to Pakistan, with usage rights for India (irrigation, “run-of-the-river” hydropower that does not significantly alter

water flow or storage, and non-consumptive uses). It has been successfully maintained for 65 years even through previous periods of conflict and tension between the parties.

The rivers irrigate 18 million hectares of farmland in Pakistan (about 80 percent of Pakistan's arable land), particularly in the food bowl provinces of Punjab and Sindh, contributing 24 percent of Pakistan's GDP. The rivers are thus vital in providing food security and livelihoods within Pakistan's population of 240 million people. Limited water storage in Pakistan means that it relies on the unimpeded flow of river water. Any disruption of the flow of water under the Treaty (such as by filling large pondage pools and reservoirs, opening dam gates to flood downstream, or the mass release of sediment) could have serious impacts on human rights in Pakistan, including the right to work and livelihood, the right to an adequate standard of living (including the right to water and the right to food), the right to a clean, healthy and sustainable environment and the right to development. Pakistan is already a water-stressed country and is one of the ten countries most vulnerable to the adverse effects of climate change, including water scarcity.

As mentioned, after the Pahalgam attack, on 23 April 2025, India's Cabinet Committee on Security decided to hold the Treaty in "abeyance" until Pakistan "credibly and irrevocably abjures its support for cross-border terrorism". In a letter to Pakistan dated 24 April 2025, India's Secretary of the Ministry of Jal Shakti (Water) stated that Pakistan has "violated the spirit of the treaty" as a result of its alleged "state-sponsored cross border terrorism" and that the resulting "security uncertainties have directly impeded India's full utilization of its rights under the Treaty".¹

In addition, India contends that there have been "fundamental changes in the circumstances that have taken place since the Treaty was executed that require a re-assessment of obligations" under it.² These changes are said to include "significantly altered population demographics, the need to accelerate the development of clean energy and other changes in the assumptions underlying the sharing of waters under the Treaty". India further alleges that Pakistan has refused to respond to India's request to enter into negotiations as envisaged under the Treaty and is thus in breach, and further that refusal to discuss modifications prevents India's full utilization of its rights. India has further suggested that Pakistan is impeding India's exercising of its Treaty rights by legally obstructing its development of projects on the western rivers.³

On 21 June 2025, India's Home Minister declared that India would "never" restore the Treaty and would instead divert waters to India's Rajasthan via a new canal.

Pakistan's National Security Committee has declared that any attempt to stop or divert the flow of water to Pakistan under the Treaty will be considered as an

¹ Quoted in Permanent Court of Arbitration, *Indus Waters Western Rivers Arbitration (Pakistan v. India)*, Supplemental Award on Competence, 27 June 2025, para. 46.

² Ibid, para. 45.

³ Ibid, para. 47.

“Act of War”.

Context of the Indus waters dispute

India’s suspension of the Treaty follows escalating tensions over the Treaty since 2006, including over India’s Kishanganga and Ratle Hydroelectric Projects, which Pakistan believes have disrupted natural water flows and the flushing of heavy loads of silt, especially during critical irrigation periods. These disputes have been variously addressed within the Permanent Indus Commission (from 2006), a Court of Arbitration (from 2010-2013 and 2016-present, through the Permanent Court of Arbitration) and by a Neutral Expert (2022-present). The Treaty provides for a sophisticated dispute settlement procedure involving four processes: consultations within the Permanent Indus Commission; bilateral negotiations; and recourse to Neutral Expert and a Court of Arbitration.

Since 2023, India has reportedly sought negotiations to review and modify the Treaty, alleging a “material breach” of the Treaty by Pakistan. In a letter to Pakistan dated 30 August 2024, India claimed that there have been fundamental and unforeseen changes of circumstances since signing the Treaty. It referred to population growth; India’s obligation to generate clean energy; insecurity due to “cross-border terrorism”; the need to reconsider dispute settlement mechanisms; some transitional provisions of Treaty becoming obsolete; and undue restrictions on India’s rights as upper riparian. Pakistan has reportedly been open to preliminary discussions on certain conditions.

As a result of these tensions, the annual meetings of the Permanent Indus Commission have not taken place since 2022; disputes have arisen over the dispute resolution provisions themselves; the exchange of data has been interrupted; and disputes persist over India’s development of hydropower projects.

On 18 February 2013, the Permanent Court of Arbitration delivered its Partial Award in the arbitration concerning the Kishanganga hydroelectric project.

In 2016, Pakistan commenced new proceedings in the Permanent Court of Arbitration over the Kishanganga and Ratle projects.⁴ India challenged the Court’s jurisdiction, arguing that Pakistan had failed to first exhaust other dispute resolution mechanisms under the Treaty, and has refused to participate in the proceedings. On 6 July 2023, the Court’s Award on Competence affirmed the Court’s jurisdiction.

A Supplemental Award on Competence on 27 June 2025 found that India’s announcement in April 2025 that the Treaty would be held in “abeyance” did not limit the competence of the Court, because the Treaty “does not allow either Party, acting unilaterally, to hold in abeyance or suspend an ongoing dispute settlement proceeding” (para. 68), a rule also confirmed by customary international law. Rather, it continues in force until terminated by the mutual

⁴ Permanent Court of Arbitration, *Indus Waters Western Rivers Arbitration (Pakistan v. India)*, Request for Arbitration, 19 August 2016, as amended on 28 July 2023, <https://pca-cpa.org/cn/cases/284/>.

consent of the parties. The Court emphasized that Article XII(4) of the Treaty provides that its provisions “shall continue in force until terminated by a duly ratified treaty concluded for that purpose between the two Governments”, and that this article “definitively indicates an intent by the drafters not to allow for unilateral action to alter the rights, obligations, and procedures established by the Treaty, including the Treaty’s dispute settlement procedures” (paras. 54-55).

Given the Court’s conclusions, the Court found it unnecessary to determine the meaning of or justification for India’s decision that the Treaty would be held in “abeyance”, including whether it reflects an assertion that the Treaty is suspended; and whether any such suspension may be justified by India based on the law of treaties (such as due to a material breach of the Treaty by Pakistan or a fundamental change of circumstances) or based on the law concerning the responsibility of States for internationally wrongful acts (such as rules on countermeasures) (para. 69).

On 8 August 2025, the Court’s Award on Issues of General Interpretation of the Indus Waters Treaty interpreted a range of matters under the Treaty, including as regards: the final and binding effect of arbitral awards and decisions of a neutral expert; the object and purpose of the treaty; India’s obligation to “let flow” the western rivers for Pakistan’s unrestricted use and the exceptions; provisions concerning outlets, spillways, turbine intakes, pondage and freeboard; and cooperation non hydropower planning. The case is now proceeding to the first phase on the merits.

Neither India nor Pakistan are parties to the Vienna Convention on the Law of Treaties 1969 (VCLT), although its provisions on suspension and termination of treaties reflect customary international law⁵ binding on both States.

While we do not wish to prejudge the accuracy of these allegations, we are concerned that India’s response to the Pahalgam attack appears to (1) have violated the rights to life and security of person, as a result of the unlawful use of force on Pakistan’s territory, and (2) risk violating the rights to work and livelihood, an adequate standard of living (including the rights to water and food), and a clean, healthy and sustainable environment and development, as a result of the actions that may be taken to disrupt the flow of water to Pakistan under the Indus Waters Treaty.

Unlawful use of armed force

We emphasize that article 2(4) of the United Nations Charter and customary international law prohibits India from the threat or use of armed force against the territorial integrity or political independence of Pakistan, whether such force is targeting State or non-State actors. We note further that under article 51 of the United Nations Charter and customary international law, India 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

⁵ International Court of Justice (ICJ), *Case Concerning the Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*, Judgment, ICJ Reports 1997, p. 7, para. 46.

a State “sends” non-State forces to attack.⁶ Article 51 further requires the victim State to report the armed attack to the Security Council. There is no separate right to unilaterally use military force in foreign territory in order to counter terrorism.

We are concerned that India has not disclosed credible evidence that the militants who committed the Pahalgam attack were sent to attack India by the Government of Pakistan. We are equally concerned that India did not notify the Security Council of any claim of self-defence under article 51 of the Charter. As such, it appears that India has violated the prohibition on the use of force under article 2(4) of the Charter, and may itself have committed an armed attack on Pakistan, entitling Pakistan to exercise self-defence under article 51 of the Charter, risking escalation that could pose grave danger to life in both States.

The unlawful use of force would consequently constitute a violation of the right to life under article 6 of the ICCPR. States parties engaged in acts of aggression as defined in international law, resulting in deprivation of life, violate ipso facto article 6 of the ICCPR (Human Rights Committee, general comment No. 36, para. 70). We affirm that the obligation to respect the right to life applies 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 (ibid, paras. 22 and 63).

We note further that the illegal use of force on foreign territory would also constitute a violation of the foreign State’s sovereignty and the duty of non-intervention in a foreign State.

“Abeyance” of the Indus Waters Treaty

We are deeply concerned that any disruption of the flow of water to Pakistan that may result from holding the Indus Waters Treaty in “abeyance” could severely affect the human rights of millions of people in Pakistan who rely on the river for agriculture, industry, drinking water and sanitation, and healthy ecosystems, by undermining their rights to work and livelihood, water, food, an adequate standard of living, a clean and healthy environment, economic self-determination of peoples, and the right to development.

We emphasize that the obligation to respect rights requires States to refrain from directly or indirectly interfering in the enjoyment of the right (Committee on Economic, Social and Cultural Rights (CESCR), general comment No. 18 (right to work), para. 22), including where State conduct has foreseeable transboundary effects. According to the CESCR, “States parties have to respect the enjoyment of the right [to water] in other countries. International cooperation requires States parties to refrain from actions that interfere, directly or indirectly, with the enjoyment of the right to water in other countries. Any activities undertaken within the State party’s jurisdiction should not deprive another country of the ability to realize the right to water for persons in its jurisdiction” (general comment No. 15, para. 31). States must not prevent the cross-border supply of water and “water should never be used as an instrument of political and economic pressure” (ibid, para. 32).

⁶ ICJ, *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States)*, Merits, Judgment, ICJ Reports 1986, p. 14, para. 195.

The duty to respect the right to water requires refraining from any activity that denies or limits equal access to adequate water (ibid, para. 21), and maintaining access to existing water supplies (ibid, para. 10). We note further that there is a strong presumption against retrogressive measures and that if any such measures are taken, the State must prove that they were introduced after the most careful consideration of all alternatives and that they are duly justified by reference to the totality of ICESCR rights in the context of the full use of the State party's maximum available resources (ibid, para. 19).

We note that the right to water encompasses water use for a range of purposes, including work, drinking water, hygiene and health, work, production of food, subsistence farming and indigenous livelihoods, and cultural practices (ibid, paras. 6-7).

We also note that the International Court of Justice has consistently affirmed States' obligation to prevent significant transboundary environmental harm, most recently in its 2025 [Advisory Opinion](#) on climate change. The Court emphasized that this duty forms part of customary international law and constitutes an erga omnes obligation, owed to the international community as a whole. In this regard, the right to a clean, healthy, and sustainable environment is indispensable for the enjoyment of all human rights and is foundational for States to fulfill their broader human rights obligations.

Economic self-determination and the right to development

We are concerned that the suspension or termination of the Treaty could violate the right of self-determination of peoples and the right to development in Pakistan in relation to their common water resources. In this regard, common article 1(2) of the ICCPR and ICESCR guarantee that “[a]ll peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence”.

Article 1(2) of the Declaration on the Right to Development 1986 includes this right of economic self-determination as an element of the right to development. The Declaration further requires States to cooperate with each other in ensuring development and eliminating obstacles to development (article 3(3)).

Lack of legal grounds for suspending or terminating the Treaty

We are concerned that there do not appear to be any valid international legal grounds for holding the Treaty in “abeyance”, so as to justify the potential interferences in human rights in Pakistan of disrupting the flow of water assured under the Treaty. We recall the finding of the Permanent Court of Arbitration in June 2025 that Article XII(4) of the Treaty “definitively indicates an intent by the drafters not to allow for unilateral action to alter the rights, obligations, and procedures established by the Treaty”. The Court further noted the ambiguity in India’s use of the term “abeyance” and that India has not formally invoked the provisions on the suspension of treaties found in the VCLT or on countermeasures under the rules on State responsibility for

internationally wrongful acts.⁷

The Court refrained, however, from ruling on whether “abeyance” reflects a claim to suspend the Treaty and whether this would be justified under the international law of treaties or on countermeasures. In this regard, in accordance with the international law on treaty interpretation, we emphasize that Article XII(4) of the Treaty appears to exclude any grounds for suspending the Treaty that are external to the Treaty itself (including the default rules on termination and suspension of treaties under the VCLT). The Treaty does not provide any grounds for unilateral suspension, arguably reflecting the importance to both parties of maintaining the flow of water guaranteed under the Treaty, that any disputes must be resolved through the Treaty’s comprehensive dispute resolution procedures, and that any perceived inadequacies in the Treaty must be addressed through its provisions on modification.

Even if there were room to apply the default rules on suspension and termination of treaties under the VCLT, we emphasize two points. Firstly, under the law of treaties, assuming valid notice has been given, if the other party objects then the parties must seek a solution through the dispute settlement means indicated in article 33 of United Nations Charter (VCLT, article 65(3)); and this procedure for invoking any grounds for suspending or terminating a treaty is still subject to the dispute settlement procedures of the treaty itself (VCLT, article 65(4)). As such, unilateral suspension or termination by India, without first submitting to the Treaty’s dispute settlement procedures (including its provisions for binding determination) would be unlawful.

Secondly, there does not appear to be sufficient evidence to substantiate any of the grounds for suspension or termination under articles 60 and 62 of the VCLT. Pakistan does not appear to have materially breached the Treaty by either repudiating it or violating a provision essential to the accomplishment of its object or purpose (namely, the cooperative utilization of the rivers and cooperative dispute settlement) (VCLT, article 60(3)), including as regards India’s proposals to modify the Treaty. Even if Pakistan had supported cross-border terrorism, this would be extraneous to a breach of the Treaty.

Further, there does not appear to be any fundamental change of circumstances since the Treaty was concluded and which was not foreseen by the parties, where (a) the existence of those circumstances constituted an essential basis of the consent of the parties to be bound and (b) the effect of the change is radically to transform the extent of obligations still to be performed (VCLT, article 62). This includes factors such as population growth or energy needs; mere environmental considerations are not sufficient.⁸ We recall that the International Court of Justice has indicated that the threshold is very high: changes must imperil the existence or vital development of one of the parties, and increase the burden on the party to as to render it essentially different from that originally undertaken.⁹

⁷ Permanent Court of Arbitration, *Indus Waters Western Rivers Arbitration (Pakistan v. India)*, Supplemental Award on Competence, 27 June 2025, para. 48.

⁸ ICJ, *Case Concerning the Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*, Judgment, ICJ Reports 1997, p. 7.

⁹ ICJ, *Fisheries Jurisdiction (United Kingdom v. Iceland)*, Merits, Judgment of 25 July 1974, ICJ Reports 1974, p. 3.

Unavailability of countermeasures

We are concerned that the unilateral suspension of the Treaty would not appear to constitute a valid countermeasure precluding the wrongfulness of the act under the law of treaties.¹⁰ As yet, India has not disclosed credible evidence that Pakistan committed an internationally wrongful act by carrying out, or diligently failing to prevent, the Pahalgam attack, and that such threats continue, thereby justifying countermeasures to prevent the continuing violation. Even if Pakistan were responsible, we are concerned that the suspension of the Treaty would not be proportionate to the injury suffered,¹¹ given the severe adverse impacts on the human rights of Pakistanis from the disruption of the flow of water. We further emphasize that countermeasures must not in any case affect obligations for the protection of fundamental rights,¹² which are engaged by the effects of suspending the Treaty.

Further, the procedural preconditions of countermeasures do not appear to have been fulfilled, namely giving notice and offering to negotiate.¹³ Countermeasures may not be taken if the dispute is pending before a court,¹⁴ raising questions as to whether Permanent Court of Arbitration proceedings, which have already considered India's "abeyance" of the Treaty, engage this provision. We also recall that even if countermeasures are valid, applicable dispute settlement procedures still apply,¹⁵ including under the Treaty.

We note that since countermeasures must aim to compel compliance by the other State, and must therefore be temporary and reversible, they could not justify the permanent termination of the Treaty.

Conditions conducive to terrorism

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.

¹⁰ International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts 2001, articles 22 and 49-53.

¹¹ Ibid, article 51.

¹² Ibid, article 50(1)(b).

¹³ Ibid, article 52.

¹⁴ Ibid, article 52(3)(b).

¹⁵ Ibid, article 50(2)(a).

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 indicate whether India will provide reparation and apology for violations of the right to life resulting from the unlawful use of force in Pakistan.
3. Please explain whether India will fulfil its obligations under the Indus Waters Treaty in good faith and refrain from taking any measures that interfere with Pakistan's legal rights under the Treaty and consequently the human rights of those in Pakistan dependent on the flow of water.
4. Please clarify what measures India is taking or plans to take to prevent harming human rights as a result of disrupting the Indus Waters Treaty, in particular the rights to water, a healthy environment, food, development, that are affected by the actions described above.
5. Please indicate whether India will peacefully settle any disputes with Pakistan over the Treaty in accordance with its dispute settlement provisions, and only seek to modify the Treaty in accordance with its provisions on modification.
6. 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 Pakistan.

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

Astrid Puentes Riaño

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Pedro Arrojo-Agudo

Special Rapporteur on the human rights to safe drinking water and sanitation

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 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 an adequate standard of living, including the right to food and to water

Article 11 of the ICESCR guarantees the right to an adequate standard of living for individuals and their family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. It provides that “States Parties must take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”

Article 11(2) stresses the importance of international cooperation for achieving the progressive realisation of the right to food. As stated by the Committee on Economic, Social and Cultural Rights (CESCR) in general comment No. 12, “States parties should recognize the essential role of international cooperation and comply with their commitment to take joint and separate action to achieve the full realization of the right to adequate food” (para. 36). The CESCR also emphasized that States must respect existing access to adequate food, take no action to prevent such access (para. 15), and ensure the formal repeal or suspension of legislation necessary for the continued enjoyment of the right to food (para. 19).

In its general comment No. 15 on the right to water, the CESCR noted that “[t]he right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival” (para. 3). It emphasized that the human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses (para. 1) and includes “the right to maintain access to existing water supplies necessary for the right to water, and the right to be free from interference, such as the right to be free from arbitrary disconnections or contamination of water supplies” (para. 10). The CESCR further prescribed that States parties should adopt comprehensive and integrated strategies and programmes to ensure that there is sufficient and safe water for present and future generations, which among others may include ensuring that proposed developments do not interfere with access to adequate water and assessing the impacts of actions that may impinge upon water availability and natural-ecosystems watersheds (para. 28).

The right to water is inextricably related to the enjoyment of other rights, including the right to human dignity (ICCPR, preamble), the right to life (ICCPR, article 6), the right to food (ICESCR, article 11), and the right to the enjoyment of the highest attainable standard of physical and mental health. (ICESCR, article 12). There is a strong presumption that retrogressive measures taken in relation to the right to water are prohibited under the ICESCR (CESCR, general comment No. 3, para. 9). State parties have the burden of proving that any deliberately retrogressive measures have been introduced “after the most careful consideration of all alternatives and that they are duly justified by reference to the totality of the rights provided for in the Covenant in the context of the full use of the State party’s maximum available resources” (CESCR, general comment No. 15, para. 19). In addition, States parties must refrain from interfering directly or indirectly with the enjoyment of the right to water, including by refraining from limiting access to, or destroying, water services and infrastructure as a punitive measure, for example, during armed conflicts in violation of international humanitarian law (para. 21).

In his 2023 report on water as an argument for peace, twining and cooperation, the Special Rapporteur on the human rights to water and sanitation states that international water law supports the realization of human rights in transboundary contexts even without explicitly including them. Many of the principles of international water law are codified in the Convention on the Law of the Non-navigational Uses of International Watercourses, the Convention on the Protection and Use of Transboundary Watercourses and International Lakes and its Protocol on Water and Health, supporting transboundary obligations regarding water and sanitation rights. These principles provide a legal basis that, along with the ICESCR, supports transboundary obligations related to the rights to water and sanitation (A/78/253, para. 46).

In his 2021 report on human rights and the global water crisis: water pollution, water scarcity and water-related disasters, the Special Rapporteur on the human right to a clean, healthy and sustainable environment put forward a set of recommendations to fulfil the water component of the right to a healthy environment. The Special Rapporteur stressed that States must implement the seven steps of rights-based water governance, namely capacity-building, public engagement and empowerment, monitoring, legal mapping and strengthening, development of rights-based plans, and implementation and evaluation (A/HRC/46/28, para. 88).

Right to a clean and healthy environment

Human Rights Council resolution 48/13 and United Nations General Assembly resolution 76/300, respectively adopted in 2021 and 2022, both recognize the human right to a clean, healthy and sustainable environment. The Framework Principles on Human Rights and the Environment, presented to the Human Rights Council in March 2018 (A/HRC/37/59) set out basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment. In particular, principle 8 provides that “[t]o avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights.” Principle 13 provides for the cooperation of States “to establish, maintain and

enforce effective international legal frameworks in order to prevent, reduce and remedy transboundary and global environmental harm that interferes with the full enjoyment of human rights.”

The Special Rapporteur on the human right to a clean, healthy and sustainable environment provided an overview of this right, including its six substantive elements to the human right to a clean, healthy and sustainable environment, including clean air, a safe climate, access to safe water and adequate sanitation, healthy and sustainably produced food, non-toxic environments in which to live, work, study and play, and healthy biodiversity and ecosystems (A/79/270).

Right to work

Article 6 of the ICESCR guarantees the right to work, which includes the right of everyone to the opportunity to gain a living by work which the individual freely chooses or accepts. It provides that States must take appropriate steps achieve the full realization of this right, including through “technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.”

In its general comment No. 18, the CESCR noted that the right to work imposes on States an obligation to respect, protect and fulfill such right. It stated that “[t]he obligation to *respect* the right to work requires States parties to refrain from interfering directly or indirectly with the enjoyment of that right. The obligation to *protect* requires States parties to take measures that prevent third parties from interfering with the enjoyment of the right to work” (para. 22). It further noted that States should “refrain from denying or limiting equal access to decent work for all persons, especially disadvantaged and marginalized individuals and groups, including prisoners or detainees, members of minorities and migrant workers” (para. 23).

Economic self-determination of peoples

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.

Right to development

The United Nations Declaration on the Right to Development (A/RES/41/128) affirms that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development. Article 1 of Declaration recognizes that “[t]he right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.” It further provides that the right to development implies the full realization of the right of peoples to self-determination, including full sovereignty over their natural wealth and resources. Article 3 of the Declaration provides that “States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development”, which requires “full respect for the creation of national and international conditions favourable to the realization of the right to development.” Article 5 of the Declaration specifically emphasizes the duty of States to eliminate violations of human rights of peoples and individuals affected by, *inter alia*, “foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental right of peoples to self-determination.”

In its general comment No. 3, the CESCR emphasized that “in accordance with articles 55 and 56 of the Charter of the United Nations, with well-established principles of international law, and with the provisions of the Covenant itself, international cooperation for development and thus for the realization of economic, social and cultural rights is an obligation of all States” (para. 14). Relatedly, in his report on the right to development, the Special Rapporteur on the right to development emphasized that “[g]ood governance, a just and transparent rule of law and stable institutions that are transparent, responsive and accountable are necessary preconditions” to development (A/HRC/42/38, para. 9).