

28 October 2023

Dear High Commissioner,

This will be my last official communication to you as Director of the New York Office of the High Commissioner for Human Rights.

I write at a moment of great anguish for the world, including for many of our colleagues. Once again, we are seeing a genocide unfolding before our eyes, and the Organization that we serve appears powerless to stop it. As someone who has investigated human rights in Palestine since the 1980s, lived in Gaza as a UN human rights advisor in the 1990s, and carried out several human rights missions to the country before and since, this is deeply personal to me.

I also worked in these halls through the genocides against the Tutsis, Bosnian Muslims, the Yazidi, and the Rohingya. In each case, when the dust settled on the horrors that had been perpetrated against defenseless civilian populations, it became painfully clear that we had failed in our duty to meet the imperatives of prevention of mass atrocities, of protection of the vulnerable, and of accountability for perpetrators. And so it has been with successive waves of murder and persecution against the Palestinians throughout the entire life of the UN.

High Commissioner, we are failing again.

As a human rights lawyer with more than three decades of experience in the field, I know well that the concept of genocide has often been subject to political abuse. But the current wholesale slaughter of the Palestinian people, rooted in an ethno-nationalist settler colonial ideology, in continuation of decades of their systematic persecution and purging, based entirely upon their status as Arabs, and coupled with explicit statements of intent by leaders in the Israeli government and military, leaves no room for doubt or debate. In Gaza, civilian homes, schools, churches, mosques, and medical institutions are wantonly attacked as thousands of civilians are massacred. In the West Bank, including occupied Jerusalem, homes are seized and reassigned based entirely on race, and violent settler pogroms are accompanied by Israeli military units. Across the land, Apartheid rules.

This is a text-book case of genocide. The European, ethno-nationalist, settler colonial project in Palestine has entered its final phase, toward the expedited destruction of the last remnants of indigenous Palestinian life in Palestine. What's more, the governments of the United States, the United Kingdom, and much of Europe, are wholly complicit in the horrific assault. Not only are these governments refusing to meet their treaty obligations "to ensure respect" for the Geneva Conventions, but they are in fact actively arming the assault, providing economic and intelligence support, and giving political and diplomatic cover for Israel's atrocities.

Volker Turk, High Commissioner for Human Rights
Palais Wilson, Geneva

In concert with this, western corporate media, increasingly captured and state-adjacent, are in open breach of Article 20 of the ICCPR, continuously dehumanizing Palestinians to facilitate the genocide, and broadcasting propaganda for war and advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, and violence. US-based social media companies are suppressing the voices of human rights defenders while amplifying pro-Israel propaganda. Israel lobby online-trolls and GONGOS are harassing and smearing human rights defenders, and western universities and employers are collaborating with them to punish those who dare to speak out against the atrocities. In the wake of this genocide, there must be an accounting for these actors as well, just as there was for radio *Milles Collines* in Rwanda.

In such circumstances, the demands on our organization for principled and effective action are greater than ever. But we have not met the challenge. The protective enforcement power Security Council has again been blocked by US intransigence, the SG is under assault for the mildest of protestations, and our human rights mechanisms are under sustained slanderous attack by an organized, online impunity network.

Decades of distraction by the illusory and largely disingenuous promises of Oslo have diverted the Organization from its core duty to defend international law, international human rights, and the Charter itself. The mantra of the “two-state solution” has become an open joke in the corridors of the UN, both for its utter impossibility in fact, and for its total failure to account for the inalienable human rights of the Palestinian people. The so-called “Quartet” has become nothing more than a fig leaf for inaction and for subservience to a brutal status quo. The (US-scripted) deference to “agreements between the parties themselves” (in place of international law) was always a transparent slight-of-hand, designed to reinforce the power of Israel over the rights of the occupied and dispossessed Palestinians.

High Commissioner, I came to this Organization first in the 1980s, because I found in it a principled, norm-based institution that was squarely on the side of human rights, including in cases where the powerful US, UK, and Europe were not on our side. While my own government, its subsidiary institutions, and much of the US media were still supporting or justifying South African apartheid, Israeli oppression, and Central American death squads, the UN was standing up for the oppressed peoples of those lands. We had international law on our side. We had human rights on our side. We had principle on our side. Our authority was rooted in our integrity. But no more.

In recent decades, key parts of the UN have surrendered to the power of the US, and to fear of the Israel Lobby, to abandon these principles, and to retreat from international law itself. We have lost a lot in this abandonment, not least our own global credibility. But the Palestinian people have sustained the biggest losses as a result of our failures. It is a stunning historic irony that the Universal Declaration of Human Rights was adopted in the same year that the Nakba was perpetrated against the Palestinian people. As we commemorate the 75th Anniversary of the UDHR, we would do well to abandon the old cliché that the UDHR was born out of the atrocities that preceded it, and to admit that it was born *alongside* one of the most atrocious genocides of the 20th Century, that of the destruction of Palestine. In some sense, the framers were promising human rights to everyone, *except* the Palestinian people. And let us remember as well, that the UN itself carries the original sin of helping to facilitate the dispossession of the Palestinian people by ratifying the European settler colonial project that seized Palestinian land and turned it over to the colonists. We have much for which to atone.

But the path to atonement is clear. We have much to learn from the principled stance taken in cities around the world in recent days, as masses of people stand up against the genocide, even at risk of beatings and arrest. Palestinians and their allies, human rights defenders of every stripe, Christian and Muslim organizations, and progressive Jewish voices saying “not in our name”, are all leading the way. All we have to do is to follow them.

Yesterday, just a few blocks from here, New York's Grand Central Station was completely taken over by thousands of Jewish human rights defenders standing in solidarity with the Palestinian people and demanding an end to Israeli tyranny (many risking arrest, in the process). In doing so, they stripped away in an instant the Israeli *hashbara* propaganda point (and old antisemitic trope) that Israel somehow represents the Jewish people. It does not. And, as such, Israel is solely responsible for its crimes. On this point, it bears repeating, in spite of Israel lobby smears to the contrary, that criticism of Israel's human rights violations is not antisemitic, any more than criticism of Saudi violations is Islamophobic, criticism of Myanmar violations is anti-Buddhist, or criticism of Indian violations is anti-Hindu. When they seek to silence us with smears, we must raise our voice, not lower it. I trust you will agree, High Commissioner, that this is what speaking truth to power is all about.

But I also find hope in those parts of the UN that have refused to compromise the Organization's human rights principles in spite of enormous pressures to do so. Our independent special rapporteurs, commissions of enquiry, and treaty body experts, alongside most of our staff, have continued to stand up for the human rights of the Palestinian people, even as other parts of the UN (even at the highest levels) have shamefully bowed their heads to power. As the custodians of the human rights norms and standards, OHCHR has a particular duty to defend those standards. Our job, I believe, is to make our voice heard, from the Secretary-General to the newest UN recruit, and horizontally across the wider UN system, insisting that the human rights of the Palestinian people are not up for debate, negotiation, or compromise *anywhere* under the blue flag.

What, then, would a UN-norm-based position look like? For what would we work if we were true to our rhetorical admonitions about human rights and equality for all, accountability for perpetrators, redress for victims, protection of the vulnerable, and empowerment for rights-holders, all under the rule of law? The answer, I believe, is simple—if we have the clarity to see beyond the propagandistic smokescreens that distort the vision of justice to which we are sworn, the courage to abandon fear and deference to powerful states, and the will to truly take up the banner of human rights and peace. To be sure, this is a long-term project and a steep climb. But we must begin now or surrender to unspeakable horror. I see ten essential points:

1. ***Legitimate action:*** First, we in the UN must abandon the failed (and largely disingenuous) Oslo paradigm, its illusory two-state solution, its impotent and complicit Quartet, and its subjugation of international law to the dictates of presumed political expediency. Our positions must be unapologetically based on international human rights and international law.
2. ***Clarity of Vision:*** We must stop the pretense that this is simply a conflict over land or religion between two warring parties and admit the reality of the situation in which a disproportionately powerful state is colonizing, persecuting, and dispossessing an indigenous population on the basis of their ethnicity.
3. ***One State based on human rights:*** We must support the establishment of a single, democratic, secular state in all of historic Palestine, with equal rights for Christians, Muslims, and Jews, and, therefore, the dismantling of the deeply racist, settler-colonial project and an end to apartheid across the land.
4. ***Fighting Apartheid:*** We must redirect all UN efforts and resources to the struggle against apartheid, just as we did for South Africa in the 1970s, 80s, and early 90s.
5. ***Return and Compensation:*** We must reaffirm and insist on the right to return and full compensation for all Palestinians and their families currently living in the occupied territories, in Lebanon, Jordan, Syria, and in the diaspora across the globe.

6. **Truth and Justice:** We must call for a transitional justice process, making full use of decades of accumulated UN investigations, enquiries, and reports, to document the truth, and to ensure accountability for all perpetrators, redress for all victims, and remedies for documented injustices.
7. **Protection:** We must press for the deployment of a well-resourced and strongly mandated UN protection force with a sustained mandate to protect civilians from the river to the sea.
8. **Disarmament:** We must advocate for the removal and destruction of Israel's massive stockpiles of nuclear, chemical, and biological weapons, lest the conflict lead to the total destruction of the region and, possibly, beyond.
9. **Mediation:** We must recognize that the US and other western powers are in fact not credible mediators, but rather actual parties to the conflict who are complicit with Israel in the violation of Palestinian rights, and we must engage them as such.
10. **Solidarity:** We must open our doors (and the doors of the SG) wide to the legions of Palestinian, Israeli, Jewish, Muslim, and Christian human rights defenders who are standing in solidarity with the people of Palestine and their human rights and stop the unconstrained flow of Israel lobbyists to the offices of UN leaders, where they advocate for continued war, persecution, apartheid, and impunity, and smear our human rights defenders for their principled defense of Palestinian rights.

This will take years to achieve, and western powers will fight us every step of the way, so we must be steadfast. In the immediate term, we must work for an immediate ceasefire and an end to the longstanding siege on Gaza, stand up against the ethnic cleansing of Gaza, Jerusalem, and the West Bank (and elsewhere), document the genocidal assault in Gaza, help to bring massive humanitarian aid and reconstruction to the Palestinians, take care of our traumatized colleagues and their families, and fight like hell for a principled approach in the UN's political offices.

The UN's failure in Palestine thus far is not a reason for us to withdraw. Rather it should give us the courage to abandon the failed paradigm of the past, and fully embrace a more principled course. Let us, as OHCHR, boldly and proudly join the anti-apartheid movement that is growing all around the world, adding our logo to the banner of equality and human rights for the Palestinian people. The world is watching. We will all be accountable for where we stood at this crucial moment in history. Let us stand on the side of justice.

I thank you, High Commissioner, Volker, for hearing this final appeal from my desk. I will leave the Office in a few days for the last time, after more than three decades of service. But please do not hesitate to reach out if I can be of assistance in the future.

Sincerely,



Craig Mokhiber