

The following is a letter sent by the OHCHR Staff Committee to the High Commissioner for Human Rights, Volker Türk, with the endorsement of 517 members of OHCHR Staff. The letter urges OHCHR to recognize that the legal threshold under the Genocide Convention has been met and asks that appropriate action be taken accordingly.

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**Dear High Commissioner,**

The Staff Committee of the Office of the United Nations High Commissioner for Human Rights (“OHCHR Staff Committee”), in line with Article 3(1)(a) of its Terms of Reference, writes to convey staff views, opinions, and concerns to the High Commissioner and senior management regarding the Office’s public positioning and legal qualification of the situation in Gaza.

Staff members from a broad cross-section of OHCHR (hereafter: Concerned Staff) expressed profound frustration at the scale, scope, and nature of reported violations and their impact on civilians, especially women and children and many are concerned that the Office’s approach risks eroding OHCHR’s credibility as leading authority on human rights for everyone everywhere.

Concerned staff consider – based on extensive reporting by UN mechanisms and Independent Experts – that the situation in Gaza meets the elements under the **Convention on the Prevention and Punishment of the Crime of Genocide**, and believe the Office should reflect this assessment more explicitly in its public communications.

Staff members noted, in particular, the **International Court of Justice** orders indicating provisional measures in *South Africa v. Israel* and later directions concerning *Rafah*, which found that the rights asserted under the Genocide Convention, “namely the right of Palestinians in the Gaza Strip to be protected from acts of genocide and related prohibited acts,” are *plausible* and required steps to prevent acts proscribed by the Convention and to enable humanitarian assistance. They also noted repeated **UN Special Procedures** statements warning of the *genocide*, *apartheid*, and serious violations of international human rights, humanitarian, and criminal laws perpetrated in Gaza. They further point to UN humanitarian reporting that continues to document the daily mass civilian casualties, widespread destruction, and disruptions to humanitarian assistance, resulting in forced starvation, death, and displacement.

In relaying staff perspectives, we have been asked to transmit the following requests for your consideration:

1. **Legal characterization.** Staff emphasize that, based on the available evidence and authoritative assessments by the UN-appointed experts, as well as legal and IHL professionals, the legal threshold under the Genocide Convention has been met. They therefore urge the Office to assess these findings along with OHCHR's documentation and state the legal characterization publicly.
2. **Acknowledgement of delay.** Staff ask that the Office acknowledge concerns about the delay in taking a clear and public position on the situation in Gaza and its impact on the confidence in OHCHR's leadership.
3. **Prevention, and arms transfers.** Staff ask that OHCHR publicly call on States and other entities to suspend arms sales, transfers and related logistical or financial support to Israeli authorities, which constitutes a clear breach of international law, consistent with States' obligations under the Arms Trade Treaty (arts. 6–7) and Article 16 of the Articles on Responsibility of States for Internationally Wrongful Acts (aid or assistance); and for companies, consistent with the UN Guiding Principles on Business and Human Rights.
4. **Complicity risk and due diligence.** Staff request a human-rights due diligence review of any OHCHR engagement, including business relationships, that could materially support or contribute to serious violations of international human rights or humanitarian law in Gaza, and—where a credible risk is identified—mitigation measures are put in place including suspension or disengagement, consistent with the UN Human Rights Due Diligence Policy on UN support to non-UN security forces (A/67/775–S/2013/110), the recently adopted UN Human Rights Due Diligence Framework Policy, and the ILC Articles on the Responsibility of International Organizations, in particular Article 14 (aid or assistance).
5. **Global advocacy and accountability.** Staff call for strengthened advocacy for an immediate cessation of hostilities, unimpeded, safe and sustained humanitarian access, full compliance with the International Court of Justice's provisional measures, accountability for perpetrators through appropriate national, regional and international mechanisms, and urging Member States and international bodies

to take concrete steps to halt ongoing violations, protect civilians, and bring perpetrators to justice.

6. **Communication and engagement with staff.** There is a strong desire to reinitiate structured exchanges with Senior Management (e.g. meetings, Q&As) on the situation in Gaza, to explain the legal and policy basis for the Office's approach and to outline actions taken or foreseen. Many staff have expressed that only a highly visible response at the highest level would restore confidence.

OHCHR has a strong legal and moral responsibility to denounce acts of genocide. The UN was founded in the aftermath of World War II, including the Holocaust, with the aim of preventing such atrocities from recurring. Failing to denounce an unfolding genocide undermines the credibility of the UN and the human rights system itself. Notably, silence during the Rwandan genocide is often cited as one of the UN's greatest moral failures.

Recognizing the complexity and sensitivity of legal determinations and public positioning, and mindful of OHCHR's responsibility to uphold and advance international human rights law, we respectfully request, reflecting staff members' views, that the Office's response be commensurate with the gravity of the situation and clearly communicated internally to the staff as well as publicly to the international community.

We remain at your disposal to support and/or facilitate any action that you wish to take in addressing staff concerns.

For transparency—and in response to staff requests to be informed of the Staff Committee's actions—we will also share a copy of this letter with OHCHR staff.

Please accept, High Commissioner, the assurances of our highest consideration.

Sincerely,

OHCHR Staff Committee