

H.E. Mr António Guterres
Secretary-General
United Nations
405 E 42nd St
New York, NY 10017
United States of America

7 February 2024

RE: Palestinian Organizations Express Disappointment and Call for an Inquiry Regarding the Special Adviser on the Prevention of Genocide’s Failure to Fulfil Her Mandate in Addressing Israel’s Ongoing Genocide in Gaza

Dear Secretary-General,

We write to express and articulate our deep disappointment concerning the failure of the Special Adviser on the Prevention of Genocide, Ms. Alice Wairimu Nderitu, to fulfill the duties outlined in her mandate, and our concern of the far-reaching repercussions of such failure on the United Nations (UN) system.

The glaring absence of *any* action in response to the sustained mass atrocities endured by Palestinians in Gaza raises significant concerns about the Special Adviser’s capability to execute her mandate with due effectiveness and impartiality. This absence is particularly glaring given the International Court of Justice’s (ICJ) acknowledgment of the plausibility of genocide being committed by Israel against Palestinians in Gaza, placing them at risk of irreparable harm.

The observed shortcomings in the fulfillment of the Special Adviser’s mandate are apparent when considering the warnings issued by alternative mechanisms within the UN. On [19 October 2023](#), a collective plea from nine UN Special Rapporteurs urgently called for the prevention of genocide, highlighting the imminent risk of genocidal acts against Palestinians in Gaza. On [2 November 2023](#), eight UN Special Rapporteurs, expressing conviction that the Palestinian people face a grave risk of genocide, issued a demand for a ceasefire to avert the threat of genocide. On [16 November 2023](#), 41 UN independent experts openly called upon the international community to take action and prevent genocide against Palestinians in Gaza.

Further, in a decision adopted on [21 December 2023](#) under its Early Warning and Urgent Action Procedures, the Committee on the Elimination of Racial Discrimination (CERD) voiced grave concerns “about the racist hate speech, incitement to violence and genocidal actions, as well as dehumanizing rhetoric targeted at Palestinians since 7 October 2023 by Israeli senior government officials, members of the Parliament, politicians and public figures”.

The fact that other mechanisms within the UN system have proactively raised alarms regarding the impending risk of genocide against Palestinians in Gaza, as early as 19 October 2023, underscores a notable lapse in the effectiveness of the Special Adviser’s efforts. This discrepancy raises concerns about the timeliness and efficacy of the Special Adviser’s response to potential genocidal situations, prompting a critical examination of her ability to resist political pressures or biases while fulfilling the duties outlined in her mandate.

The UN has historically borne a specific responsibility towards the Palestinian people, a responsibility that has consistently fallen short, as our people continue to be denied their inalienable right to self-determination, including their right to return. Over the past four months, 2.3 million Palestinians in Gaza have tragically borne the brunt of the severe repercussions resulting from the politicization of UN bodies—notably the UN Security Council, which has proven ineffective in addressing Israel’s ongoing genocide in Gaza.

Four months into Israel’s [genocidal military campaign](#) against Gaza, at least 27,500 Palestinians have been killed—including 12,100 children—and 67,000 injured. It is estimated that more than 8,000 are missing under rubble, presumably dead. Approximately 1.7 million Palestinians, or around 75% of Gaza’s total population, have been forcibly [displaced](#) from their homes, many of whom multiple times. Half of the population is at [imminent risk of starvation](#). Epidemics and infectious diseases are rapidly [spreading](#) amidst the total collapse of the health system. This catastrophic reality is the outcome of calculated and deliberately imposed policies and plans by Israeli authorities against Palestinians in Gaza.

In the face of yet another catastrophe afflicting the Palestinian people at the hands of Israel, it is disheartening to note that the Special Adviser remains silent, failing to alert you, Secretary-General, or the international community, to the ongoing genocide, or, *at the very least*, to the alarming risk of genocide against Palestinians in Gaza. The foundation of the Special Adviser’s [mandate](#) is grounded in the lessons learned from past failure by the international community as a whole, including the UN, to undertake meaningful preventive efforts ahead of the genocide in Rwanda or Srebrenica. The Special Adviser’s conspicuous failure to fulfill her mandate in relation to Israel’s ongoing genocide in Gaza raises serious doubts about the universal application of such lessons.

The Special Adviser on the Prevention of Genocide serves as an early warning mechanism, providing alerts to you, Secretary-General, in instances where there exists a potential risk of genocide and presenting recommendations to address and mitigate such situations. The [role](#) of the Special Adviser also encompasses the imperative task of advancing national and international initiatives to safeguard populations from genocide, war crimes, ethnic cleansing, crimes against humanity, and the incitement thereof. Likewise, the [role](#) of the Special Advisor on the Responsibility to Protect, is to “narrow the gap between Member States’ pre-existing obligations under international humanitarian and human rights law and the reality faced by populations at risk of genocide, war crimes, ethnic cleansing and crimes against humanity”.

In this context, we express our deep concern over the unfilled role of the Special Adviser on the Responsibility to Protect, which became vacant following Mr. George Okoth-Obbo’s [resignation](#) in August 2023. The fact that this position has remained vacant for almost six months reflects a grave negligence on the part of the UN that demands immediate attention and rectification. Accordingly, we urgently call upon you, Secretary-General, to expedite the appointment of a new Special Adviser on the Responsibility to Protect to address the pressing needs and responsibilities associated with this crucial role.

The Special Adviser on the Prevention of Genocide has issued many [warning statements](#) over recent months, addressing different situations. However, noticeably absent are statements addressing the ongoing atrocities faced by 2.3 million Palestinians in Gaza, half of whom are children. We have [noted](#) with deep concern and alarm the analysis, approach, and rhetoric expressed in the sole [statement](#) issued by the Special Adviser “on the situation in the Middle East” on 15 October 2023. In this statement, there is a notable absence of condemnation of Israel’s actions in Gaza—despite that, at the time, the Israeli senior leadership had already made several statements inciting genocide against Palestinians in Gaza, and at least 2,000 Palestinians had already been killed.

In 2014, the then-Special Advisers on the Prevention of Genocide, Mr. Adama Dieng, and on the Responsibility to Protect, Ms. Jennifer Welsh, issued a [public warning](#) in response to Israel’s actions against Palestinians in Gaza, 18 days into the beginning of Israel’s military aggression on Gaza. By the conclusion of this 51-day war, which unfolded between 8 July and 26 August 2014, Israel had killed 2,219 Palestinians, including 566 children and 299 women. In just one week between 7 and 14 October 2023, Israel killed a comparable number of Palestinians: 2,215, including 724 children and 458 women.

This gives rise to concerns regarding the impartiality of Ms. Alice Wairimu Nderitu in fulfilling her mandate as Special Adviser and her capacity to withstand external political pressures, biases, or potential manifestations of anti-Palestinian sentiments. The principles of genocide prevention must be universally applied, without making any special allowances or exceptions for anyone, including Israel.

Regrettably, our repeated efforts to establish contact and schedule a meeting with the Special Adviser or the Office on Genocide Prevention have been unsuccessful. On 2 December 2023, Palestinian organizations penned a [letter](#) to the Special Adviser, articulating concerns and seeking clarification on various matters. To date, no response has been received. Since then, we endeavored to arrange an in-person meeting with the Office on Genocide Prevention; however, it was regrettably canceled at the last minute. In fact, ever since, all of our written correspondences have remained unanswered.

On [12 December 2023](#), the UN Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP) convened a panel discussion titled “2023 War on Gaza: The Responsibility to Prevent Genocide”, featuring the participation of genocide scholars, civil society organizations, and Palestinians as speakers. The nonattendance of the Special Adviser or any representative from the Office on Genocide Prevention, despite the event taking place at the UN Headquarters in New York and just a few floors down from their office, did not go unnoticed.

This lack of responsiveness is deeply concerning, as we had anticipated direct engagement in a constructive dialogue to address the existential threat faced by Palestinians in Gaza. We remind that the Special Adviser is mandated to collect information on situations of concern for assessing the risk of genocide. Yet, both the Special Adviser and the Office on Genocide

Prevention consistently declined meaningful engagement with Palestinian human rights organizations, including those based or operating in Gaza.

Secretary-General, your numerous warnings, notably expressing deep concerns about Gaza potentially becoming a “[graveyard for children](#),” condemning the [unprecedented and unparalleled](#) number of civilians, UN aid workers and journalists killed since you assumed your role, have not gone unnoticed. On 6 December 2023, you [invoked](#) Article 99 of the UN Charter, marking the first instance since assuming your position as Secretary-General. This invocation highlighted an imminent threat to world peace and security arising from the hostilities across the occupied Palestinian territory and Israel. In this context, you noted that “civilians in Gaza face a grave danger” and that “[n]owhere is safe in Gaza.” Your actions alone should have compelled the Special Adviser to take immediate and decisive measure.

Preventing genocide, war crimes, ethnic cleansing and crimes against humanity is primarily the responsibility of individual States. This is why, on 29 December 2023, the Republic of South Africa [instituted](#) proceedings against the State of Israel before the ICJ, concerning alleged violations by Israel of its obligations under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention) in relation to Palestinians in the Gaza Strip.

In its [84-page application](#), the South African legal team conspicuously drew upon statements from you, Secretary-General, and other UN agencies as guiding references. The fact that these sources have been consulted for guidance underscores the importance of the insights and perspectives articulated by key figures within the UN system. The absence of input or statements from the Special Adviser becomes even more deafening, raising questions about the notable silence and its implications in light of the gravity of the situation addressed in the application.

On 26 January 2024, the ICJ, in a [landmark ruling](#), found it plausible that Israel is committing genocide against Palestinians in Gaza and recognized the risk of irreparable harm to Palestinians there. Yet, even the Court’s determination that it is plausible that Israel is committing genocide in Gaza did not elicit *any* statement from the Special Adviser or the Office on Genocide Prevention. Conversely, [36 UN independent experts](#) and the [High Commissioner for Human Rights](#) have called on Israel to fully implement the ICJ order. Once again, the evident failure of the Special Adviser to fulfill her mandate is clear when comparing her response to that of other UN mechanisms.

The absence of any public acknowledgment or reaction to the ICJ order issued in the case of *South Africa v. Israel* on 26 January 2024 is also a reflection of the apparent double standards of the Special Adviser. Indeed, when the ICJ issued provisional orders in the case of *Ukraine v. the Russian Federation* regarding Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide on 16 March 2023, the Special Adviser promptly issued a [statement](#) acknowledging the ICJ’s order within two days. This specific instance starkly highlights the Special Adviser’s apparent double standards and inconsistency in carrying out her mandate.

The gravity of the situation on the ground in Gaza and the urgency it commands intensify our concerns that the Special Adviser is in dereliction of her duties and responsibilities demanded by her mandate. This failure includes neglecting to raise awareness about Israel's ongoing genocide against Palestinians in Gaza or, *at the very least*, to the alarming risk of genocide; failing to acknowledge the ICJ ruling that Israel is plausibly committing genocide against Palestinians in Gaza along with the provisional measures ordered for Israel; and refusing to engage meaningfully, meet, or respond to requests from Palestinian human rights organizations.

Given the circumstances outlined above, we urgently request you, in your capacity as Secretary-General, to give immediate attention to this pressing matter. This entails conducting an inquiry, with publicly disclosed findings, into the reasons behind the failure of both the Special Adviser and the Office on Genocide Prevention to fulfill their mandates. The Office on Genocide Prevention and the Responsibility to Protect must be staffed with reputable persons of good standing who are vigilant to atrocity crimes and unmotivated by political bias—those who fail to satisfy these criteria must be swiftly replaced by competent professionals capable of executing the mandate impartially and without biases.

The failure of the international community, including Ms. Alice Wairimu Nderitu, to prevent Israel's genocide in Gaza has tangible consequences on the ground. This is evident in the tragic toll of 100,000 Palestinians who have been killed, injured, or are missing, constituting 4% of the total Gaza population. The ongoing mass atrocities in Gaza require an unequivocal response. The UN cannot afford to stay silent in the face of the genocide currently taking place in Gaza and must avoid repeating the mistakes of the past.

Yours sincerely,

- **The Palestinian Human Rights Organizations Council (PHROC):**
 - Addameer Prisoners' Support and Human Rights Association
 - Aldameer Association for Human Rights
 - Al-Haq
 - Al Mezan Center for Human Rights
 - Defence for Children International-Palestine
 - Hurriyat Defense for Civil Liberties and Human Rights
 - Independent Commission for Human Rights (Observer)
 - Jerusalem Center for Legal Aid and Human Rights Center
 - Muwatin Institute for Democracy and Human Rights (Observer)
 - Ramallah Center for Human Rights Studies
 - The Palestinian Centre for Human Rights
- Bisan Center for Research and Development
- Women's Centre for Legal Aid and Counseling (WCLAC)
- Union of Agricultural Work Committees (UAWC)
- The Palestinian Initiative for the Promotion of Global Dialogue and Democracy - MIFTAH
- The Palestine Institute for Public Diplomacy (The PIPD)