Navi Pillay, Leading a UN Rights Probe on Palestine and Israel, Hits Back on Slurs Against Her

November 23, 2022

By Dulcie Leimbach

Passblue

<https://www.passblue.com/2022/11/23/navi-pillay-who-leads-a-un-rights-probe-on-palestine-and-israel-hits-back-on-slurs-against-her/>

Navi Pillay, who leads the United Nations Human Rights Council’s commission of inquiry on Palestine and Israel, has written to the president of the General Assembly about a “matter of significant concern” involving the Israeli ambassador at a public meeting in October at the UN. The letter, dated Nov. 21, 2022, was sent to Csaba Korosi nearly a month after the commission delivered its first report to the Assembly’s human-rights committee.

The [report](https://www.ohchr.org/en/hr-bodies/hrc/co-israel/index) found that the Israeli occupation of Palestinian territory is “unlawful under international law due to its permanence and the Israeli Government’s de facto annexation policies.”

The two-page letter to Korosi, seen by PassBlue, says: “During the interactive dialogue following the presentation of the report, the Permanent Representative of the State of Israel to the United Nations launched personal attacks directed at each of the Commissioners, including by using offensive language and insults which questioned their objectivity and impartiality, accusing them of ‘Jew hatred’, labelling them ‘blatant antisemites’, and referring to them as part of a ‘terror-supporting’ Commission.”

The Independent International Commission of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, and Israel, or [COI](https://www.ohchr.org/en/hr-bodies/hrc/coiopt-israel/commissioners), was created by the Human Rights Council in May 2021 through a [resolution](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/114/96/PDF/G2111496.pdf?OpenElement) adopted by a vote of 24 to 9, with 14 abstentions. It is mandated to investigate “all alleged violations of international humanitarian law and abuses of international human rights law leading up and since 13 April 2021.” It is also tasked to “investigate all underlying root causes of recurrent tensions, instability and protraction of conflict, including systematic discrimination and repression based on national, ethnic, racial or religious identity.”

As such, it has no term limit. The COI must report to the Human Rights Council and to the General Assembly annually, starting in June 2022 and September 2022, respectively.

Its members are [Pillay](https://www.passblue.com/2022/09/12/born-under-apartheid-navi-pillay-has-climbed-to-global-heights-in-promoting-human-rights-law/) (chair), the UN high commissioner for human rights from 2008 to 2014 and a South African judge; Miloon Kothari, an Indian academic who was the first UN special rapporteur on adequate housing (2000 to 2008) and has reported to the Council on Israel’s occupation of Palestine; and Chris Sidoti, an Australian who from 2017 to 2019 was part of the UN Independent International Fact Finding Mission on Myanmar.

The members are all unpaid and have spent time in Israel and Palestine, Pillay told reporters at the UN on Oct. 27. (Although Israel would not let the commissioners into the country specifically for the report, she said.) Pillay also told reporters at the briefing that the commissioners had asked to meet the US ambassadors to the UN in New York City and in Geneva, but said she got no response.

“I think they are afraid of this mandate,” Pillay said.

In fact, the US State Department publicly reacted to the report when it was released on June 7, [saying](https://www.state.gov/the-un-human-rights-councils-commission-of-inquiry-on-the-situation-in-israel-the-west-bank-and-gaza/), in part, that “we firmly oppose the open-ended and vaguely defined nature of the UN Human Rights Council’s (HRC) Commission of Inquiry (COI) on the situation in Israel, the West Bank, and Gaza, which represents a one-sided, biased approach that does nothing to advance the prospects for peace.” A request by PassBlue for a comment from the US mission to the UN on Pillay’s letter went unanswered.

Copies of Pillay’s letter to Korosi were also sent to UN Secretary-General António Guterres; Federico Villegas, president of the Human Rights Council; José Alfonso Blanco Conde, chair of the Assembly’s Third Committee (human rights); and Volker Turk, the UN high commissioner for human rights.

The Israeli ambassador’s actions in the Assembly committee meeting on Oct. 27 are detailed in the letter, although he is not named. [Gilad Erdan](https://www.jpost.com/breaking-news/article-708802), the envoy, is also a vice president of the Assembly, a yearlong post that began in September 2022.

Pillay writes that Erdan “held up posters of each Commissioner and brought into the room family members of a child victim of a rocket attack launched from Gaza, arranging for them to stand at the back of the meeting room holding up a photograph of their son. He accused the Commissioners of being ‘heartless’ to their suffering.”

This was a “clear use,” Pillay adds, “of victims as a means of pushing a political and distorted message — that the Commissioners have no intention of meeting with Israeli victims of human rights violations and abuses — despite numerous requests having been made to the State of Israel to allow the Commission to visit the country and meet with such victims.”

Erdan indeed held up large pictures of the commissioners as he read a narrative about the death of five-year-old Ido Avigal by what Erdan called Hamas rocket shrapnel that penetrated a bomb shelter during a strike on May 12, 2021. Pointing to Ido’s parents in the UN conference room, Erdan asked the commissioners, whom he called “hate-filled,” to explain to the parents “why you deliberately ignored their son’s murder” and then shouted, “how can you be so heartless; how?”

After Erdan spoke, José Alfonso Blanco Conde, the committee chair, told the Israeli delegation to “stick to the text of the document” and avoid making “personal attacks.”

Erdan [repeated](https://www.youtube.com/watch?v=lDys927xDMw) a shorter version of this speech to reporters right before the Assembly meeting, referring to the COI report as “a vicious compilation of lies bashing the only liberal democracy in the Middle East.”

The Assembly meeting was followed by the press briefing that day with the three commissioners about their report, which they said focused on the lawfulness of the occupation of Palestine. One reporter accused Pillay of discriminating against Israel in the document, saying she “prejudged every matter that is before the commission” and supported the Boycott-Divestment-Sanctions movement ([BDS](https://bdsmovement.net/)), a Palestinian effort to affect the Israeli economy. Pillay responded firmly and matter-of-factly that she was not a campaigner for BDS.

“I’m 81 years old and this is the first time I’ve been accused of anti-Semitism,” Pillay told [Mike Wagenheim](https://twitter.com/mike_wagenheim)of i24News, an Israeli media company. She and her fellow commissioners also emphasized repeatedly that this first report was focused on the “occupation” by Israel of Palestine territory, of which “apartheid,” Pillay noted, is a “manifestation.” The members said that subsequent reports — also thematic — will include acts of Palestinian armed groups.

Pillay, who was born in South Africa during the apartheid regime, told reporters that she would ask top UN executives to have the secretary-general issue a statement about her being called an “anti-Semite.”

So far, Guterres’s spokesperson, Stéphane Dujarric, [has said](https://press.un.org/en/2022/db221028.doc.htm) to reporters: “Look, I don’t have any specific language on that for the time being. It’s not for me to comment on the work of this Commission of Inquiry or other Commissions of Inquiry that the Human Rights Council have been set up. They work independently from the Secretary‑General. These commissions are an important mechanism in addressing the issue of human rights in the different places where they’ve been created.”

A few days later, the UN deputy spokesperson Farhan Haq [told a reporter who asked](https://press.un.org/en/2022/db221101.doc.htm) if there was a follow-up to Pillay’s request: “We don’t have a statement on this, but obviously, you’re aware of the many different roles Navi Pillay has played in the UN system in terms of the international criminal tribunals, in terms of the work of the Human Rights Office. And so, her professionalism and her integrity are well known to all of you, and we would reaffirm that.”

This week, the UN’s agency on trade and development released a [report](https://unctad.us6.list-manage.com/track/click?u=3592d5dcafd1b9278dd78095f&id=9e6b0f587a&e=be0314472e) estimating that because of restrictions imposed by Israel in areas of the West Bank available for development, Palestinians have paid an accumulated estimated cost of $50 billion from 2000 to 2020.

In the Nov. 21 letter to Korosi, Pillay writes that “given the extreme seriousness of the issue of antisemitism, along with other forms of discrimination, the Commission takes exception to the comments from some member states that its report is in itself ‘antisemitic.'”

The commission, Pillay adds, “expects the venues where it is mandated to present its reports to be safe places where I can present its conclusions and recommendations and engage in open dialogue.”

She then asks Korosi to “inquire as to why such incidents were allowed to occur” and that he take steps to “ensure” that the commissioners “are effectively protected from such personal attacks in the future, and that a safe space is provided in the General Assembly and its Committees for them to undertake their official duties as mandated by the Human Rights Council.”

Korosi received the letter but had no comment for PassBlue about it.