

Congress of the United States

Washington, DC 20515

July 29, 2022

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Secretary Blinken,

We are writing to you regarding the ongoing United Nations Human Rights Council (UNHRC) Commission of Inquiry (COI) into the armed conflict between Israel and the combined forces of Hamas and the Palestinian Islamic Jihad in the spring of 2021. We appreciate your commitment to put the UNHRC's "disproportionate focus on Israel" at the top of your agenda to reform the Council, as well as multiple statements of opposition to the COI from the Administration. Unfortunately, despite these positive rhetorical statements, the COI continues to operate its permanent, discriminatory, and unwarranted investigation into Israel unimpeded.

Our concerns have been heightened due to recent comments by Miloon Kothari, said-to-be a human rights expert and one of the three members of the COI. Mr. Kothari's comments indicate an inherent bias against Israel and the Jewish people with a mindset fundamentally incapable of adjudicating questions about Israel in an objective manner. Furthermore, his comments demonstrate that the very worst of our suspicions regarding the prejudicial nature of the COI have been fully justified.

In theory, the COI's unprecedented and open-ended investigation into "alleged violations of international humanitarian law and ... abuses of international human rights law" applies equally to individuals or groups within Israel and the Palestinian Territories. However, the resolution for the COI makes no mention of Hamas or Palestinian Islamic Jihad – U.S. designated terrorist organizations, and makes no allusion to or mention of Israel's inherent right to defend itself and its citizens.

The first charge of the COI is to investigate all alleged violations of international law "up to and since April 13, 2021." This mandate is unprecedented for its breadth, and yet Mr. Kothari advocates for a "a much deeper and much more comprehensive review that has to be done, and that is what we are doing." Specifically, it is his intent to investigate how "ending apartheid is not going to end occupation," and claims that in this cause "we are very disheartened by the social media that is controlled largely by – whether it is the Jewish lobby or specific NGOs" that oppose him. These comments are evidence of a disturbed and prejudiced mind.

The COI has also been given the broadest mandate in history, to address "all underlying root causes of recurrent tensions, instability and protraction of conflict." Thus, rather than focusing on specific incidents in 2021, the COI is empowered to take actions such as accusing Israel of war crimes and, amazingly, claiming that Israel is also responsible for Hamas' war crimes through a convoluted framing of a legal case. The COI is further empowered to consider, as Mr. Kothari puts it, how to "tackle this issue of how far you can take antisemitism." No matter which way you interpret that statement, this constitutes flagrant discrimination against the plight of the Jewish people.

Additionally, the COI has an unlimited mandate that puts U.S. taxpayers on the hook for a \$1 million per year bill. This allows for Mr. Kothari to state that “I would go as far as to raise the question of why are they [Israel] even a member of the UN. The Israeli government does not respect its own obligations as a UN member state. They consistently either directly or through the U.S. try to undermine UN mechanisms.” Thus, the COI’s excessive mandate is enabling it to go beyond human rights considerations and instead ponder issues of UN membership of a sovereign state, at the expense of the American taxpayer.

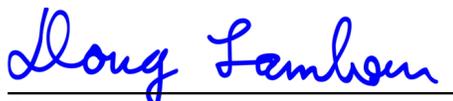
The United States should not stand for these types of remarks coming from an activist with blatant prejudice and discriminatory agenda. According to COI chairwoman Navi Pillay, members are “of an independent, impartial, and objective body of the United Nations” and yet Mr. Kothari has clearly gone into this investigation with findings and conclusions pre-determined. At a minimum, we request that you demand full disclosure from the UN High Commissioner regarding the selection of Mr. Kothari on the COI and demand his immediate removal.

Despite underlining her pledges of fairness, Navi Pillay is not immune from prejudice. The Obama Administration previously blocked her renewal as UN High Commissioner for Human Rights. Additionally fellow commissioner Chris Sidoti previously praised a Palestinian commission for “courageously denouncing violations by the occupying Israeli forces.” With the understanding that these issues are likely to persist in an inherently biased international review body, we reiterate a request that the United States lead the effort to eliminate the COI and defund the Commission.

Furthermore, within all applicable rules and regulations, we call on the Biden Administration to work with like-minded partners and stand up for Israel when the Commission’s report is considered by the UN General Assembly in September. We stand ready to assist, if requested, as congressional representatives to the UN at that time. The Administration must demonstrate its commitment to defend Israel from discrimination through concrete action, not just rhetoric. Mr. Kothari’s boast that “the U.S. failed quite badly at the Council this year to do anything to us” should not be the last word on this matter.

Thank you for your attention to this matter, we look forward to your response.

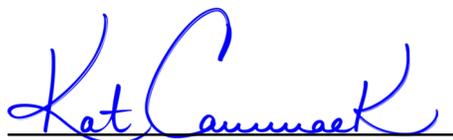
Sincerely,



Doug Lamborn
Member of Congress



Scott DesJarlais, M.D.
Member of Congress



Kat Cammack
Member of Congress



Joe Wilson
Member of Congress



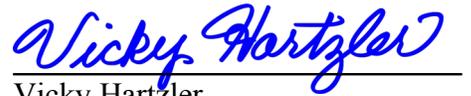
Gus M. Bilirakis
Member of Congress



Fred Keller
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Tom McClintock
Member of Congress



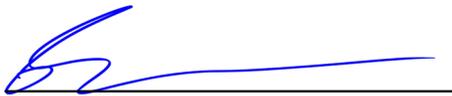
Vicky Hartzler
Member of Congress



Mario Diaz-Balart
Member of Congress



Neal P. Dunn, M.D.
Member of Congress



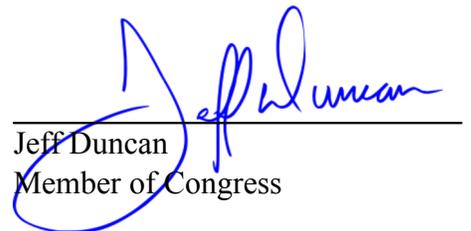
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Ted Budd
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Steve Chabot
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Jeff Duncan
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Ben Cline
Member of Congress



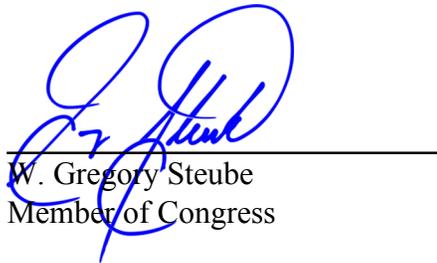
Lee Zeldin
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress



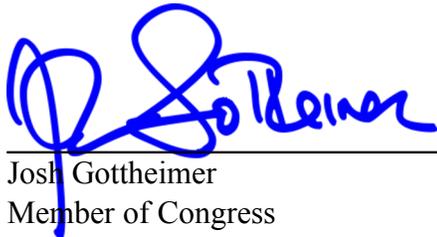
Ronny L. Jackson
Member of Congress



W. Gregory Steube
Member of Congress



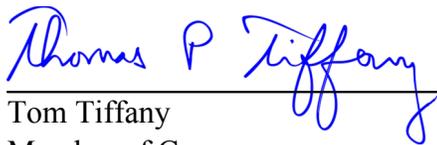
Jim Banks
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Josh Gottheimer
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Carol D. Miller
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Tom Tiffany
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Guy Reschenthaler
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