UN violated its own rules, appointed biased commissioners against Israel - opinion

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By Bruce Rashkow, Gil Kapen

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<https://www.jpost.com/opinion/article-711192>

The incredibly biased and predictably distorted preliminary report of the United Nations commission of inquiry against Israel is galling and must be rejected in its entirety for a variety of reasons, but primarily because it has been prepared by individuals who fail to meet the fundamental rules of the UN to ensure impartiality and fairness.

[Navi Pillay](https://www.jpost.com/opinion/article-709090) (the chair of the commission), Christopher Sidoti and Milton Kothari all have blatant paper trails of vitriolic anti-Israel rhetoric and actions. That makes the appointment of these individuals to conduct this inquiry a clear violation of the UN’s own rules, requiring impartiality and fairness on the part of such individuals.

Pillay, as recently as last year, signed a letter to President Joe Biden which referenced the “domination and oppression of the Palestinian people” and called on the US to address Israel’s “ever expanding discrimination and systemic oppression.” The previous year, she signed a petition entitled “Sanction [Apartheid Israel](https://www.jpost.com/diaspora/antisemitism/article-710863).”

Kothari wrote a report in 2001, during the [Second Intifada](https://www.jpost.com/arab-israeli-conflict/the-second-intifada-a-defining-event-that-reshaped-the-nation-642644), which used the words “massacring” and “ethnically cleansing” to describe Israel’s treatment of Palestinians, and referred to Palestinian terrorism as resistance.

Sidoti is no less compromised. He is a consultant to the Australian Centre for International Justice, a rabidly anti-Israel organization that has publicly demanded Australia support the boycott, divestiture and sanctions (BDS) movement against Israel and criminal prosecution of Israelis for war crimes. The same organization signed a letter which decried, “this systematic brutality, perpetrated throughout the past seven decades of Israel’s colonialism, apartheid= and prolonged illegal belligerent occupation...”

The rules are clear

The UN’s rules requiring impartiality and fairness by individuals conducting investigations and inquiries on behalf of the UN are clear – and Pillay, Sidoti and Kothari completely violate those rules.

AS THE UN Ethics Office has declared, “UN personnel, in the performance of their official duties, shall always act with impartiality, objectivity and professionalism. They shall ensure that the expression of personal views and convictions does not compromise or appear to compromise the performance of their official duties or the interests of the UN. They shall not act in any way that unjustifiably could lead to actual or perceived preferential treatment for or against particular individuals, groups or interests.” In this respect, the Ethics Office is simply echoing the standards adopted by the General Assembly for all UN personnel. If UN personnel violate these fundamental standards, they are subject to disciplinary action up to and including dismissal from their positions with the UN.

In addition, UN rules relating to the investigation of the possible violation of these standards reinforces the fundamental obligation incumbent upon UN personnel for impartiality and fairness in the conduct of investigations. For example, the rules relating to UN investigations by the UN’s Office of Internal Oversight Operations – created at the insistence of the US – of wrongdoing by UN personnel require that UN investigators “maintain objectivity, impartiality and fairness throughout the investigative process and that appropriate action be taken to remedy any actual or potential conflicts of interest. Similarly, the United Nations Development Program (UNDP) which has its own office for investigating wrongdoing by the UN personnel for which it is responsible, provides that “objectivity, impartiality and fairness should be maintained throughout the investigative process and that appropriate action be taken to remedy any actual or potential conflicts of interest.”

More to the point, the UN’s rules relating specifically to commissions of inquiry and fact finding missions on international human rights and humanitarian law unequivocally reinforce the requirement that impartiality in fact and in appearance be observed in the appointment of members of such commissions. The rules specifically require that independence and impartiality should always guide the selection of members and that members in all cases have a proven record of independence and impartiality. The rules stress the importance of ensuring that the background of candidates, prior public statements or political and other affiliations do not affect their independence or impartiality, or “create perceptions of bias.”

The absurdity of the Commission of Inquiry is only confirmed by the appointments of Pillay, Sidoti and Kothari, whose prior statements should have disqualified them from being appointed. Their appointments utterly fail to respect the fundamental UN rules regarding impartiality, objectivity and fairness; throws the commission’s findings from the very start into disrepute, and undermines respect for the UN and the credibility of UNHRC.