The UN Human Rights Council’s “Commission of Inquiry” Goes Openly Antisemitic

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<https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/>

* **In May 2021, after an 11-day conflict between Palestinian terrorists in Gaza and Israelis, the UN established a “Commission of Inquiry” on Israel with a permanent “ongoing” mandate to ferret out “systematic discrimination and repression.”**
* **Three well-known biased actors were appointed as members of the inquiry who could be counted on to manufacture a guilty verdict: Navi Pillay as chair (former UN High Commissioner for Human Rights), Miloon Kothari (a former UN “expert”), and Chris Sidoti (a close associate of a top Palestinian organization and of Israel-bashing NGOs).**
* **While UN rules specifically require that UN human rights “experts” are independent, impartial, and objective, each one is on record promoting the libel of apartheid and crimes against humanity regarding Israel and is a proven anti-Israel zealot. In June 2022, the inquiry members presented their first report, which concluded that the actions of “Jewish Israelis” were the “root cause” of the conflict.**
* **On July 25, 2022, an interview with commission member Miloon Kothari appeared on the anti-Israel website Mondoweisswhere, referring to Israel, he said: “I would go so far as to raise the question as why are they even a member of the United Nations.” He referred to the social media reaction to the inquiry controlled by “the Jewish lobby.”**
* **Human Rights Council President Federico Villegas of Argentina called Kothari’s remarks “unfortunate” and said they “could reasonably be interpreted as the stigmatization of the Jewish people.” He suggested Kothari “consider the possibility” of “publicly clarifying” his comments.**
* **In a letter to Villegas, Israel’s Prime Minister Yair Lapid wrote, “The fight against antisemitism cannot be waged with words alone. It requires action. This is the time for action; it is time to disband the Commission. This Commission does not just endorse antisemitism – it fuels it.”**
* **The Biden administration has officially and repeatedly objected to the UN “inquiry.” On June 29, the House Appropriations Committee adopted an amendment prohibiting the use of any American funds for the inquiry. Defunding would be entirely consistent with current American legislation banning the use of taxpayer dollars for other anti-Israel UN bodies.**

The United Nations’ top human rights body, the Human Rights Council, has been caught red-handed promoting antisemitism. The culprits are so-called human rights experts appointed by the council’s president to a “Commission of Inquiry” that the council established. The perpetrators’ response has been to point to their enthusiasm for Holocaust remembrance and to redefine antisemitism. The council’s current president’s response has been to pretend it’s all about one bad apple.

In May 2021, the United Nations held an “urgent” special session at the behest of Islamic states about an 11-day conflict between Palestinian terrorists and Israelis, which concluded with a ceasefire. The session was a contrived opportunity to establish a so-called “Commission of Inquiry” on Israel with a permanent “ongoing” mandate ranging from biblical times to any time in the future to ferret out “systematic discrimination and repression based on national, ethnic, racial or religious identity.”[2](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn2)

The language came directly from a report by Human Rights Watch[3](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn3) issued a few weeks earlier, which declared Israel guilty of apartheid. The plan was to have the inquiry, and then the council, and eventually, the General Assembly all make the same apartheid declaration.

This highly orchestrated affair relied on one key element: appointing members of the inquiry who could be counted on to manufacture the apartheid “finding” and guilty verdicts for other heinous crimes. Thus, in July 2021, the president of the Human Rights Council[4](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn4) enlisted three well-known biased actors: Navi Pillay as chair (former UN High Commissioner for Human Rights), Miloon Kothari (a former UN “expert”), and Chris Sidoti (a close associate of a top Palestinian organization and Israel-bashing NGOs). Every one of them is on record promoting the libel of apartheid and crimes against humanity regarding Israel and is a proven anti-Israel zealot.[5](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn5)

Of course, UN rules specifically require that UN human rights “experts” are independent, impartial, and objective.[6](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn6) But nobody in UN Human Rights Council circles was taking any chances.

With the inquiry up and running – and no intervention from Congress – American taxpayers became its largest benefactor, footing the bill for over a million dollars a year to run the operation in perpetuity.

### Antisemitism Rears Its Head

In June 2022, the inquiry members appeared before the council and a press conference to present their first report.[7](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn7) Pillay teed up the terminology of “persistent discrimination” and an “oppressive environment” at the hands of “Jewish Israelis,” whose actions were the “root cause” of the conflict. In a forthcoming report, it is now a hop, skip, and jump to an apartheid designation.

Hoping to get ahead of the critics, inquiry member Chris Sidoti told the council, “I would like to make only one comment, and that comment relates to the accusation of antisemitism.” He said he was “outraged” because “accusations of antisemitism are thrown around like rice at a wedding.”[8](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn8)

The apartheid slur against Israel is the face of modern antisemitism. The crime entails intentional domination of one racial group over another – in this case, “Jewish domination”[9](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn9) – a familiar charge antisemites have made throughout the ages.

And since apartheid is a crime against humanity, its perpetrators deserve total isolation, criminal prosecution, incarceration, economic devastation, and ruin. That’s the point of accusing Israel in the first place: the demonization and destruction of the world’s one and only Jewish state.

The state of Israel is the embodiment of Jewish self-determination, namely, Zionism. The safe haven for the 850,000 Jewish refugees and their descendants who fled persecution in Arab and Muslim countries from 1948 onward. The defender and guardian of the Jewish people that six million fellow Jews never had.

With the apartheid canard clenched firmly between their teeth, the inquiry members marched ahead after their Geneva performance. They assumed they were shielded by a council membership that includes gross human rights violators such as China, Cuba, Libya, Qatar, Somalia, Sudan, and Venezuela.[10](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn10)

That is until the inquiry member Miloon Kothari blew the tribunal’s human rights cover story in a recorded interview with a notoriously anti-Israel website, Mondoweiss.[11](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn11) In the interview, published on July 25, 2022, Kothari made several shocking statements:

* Referring to Israel, he said: “I would go so far as to raise the question as why [sic] are they even a member of the United Nations.”
* Referring to the adverse reaction to the inquiry, he said: “We are very disheartened by the social media that is controlled largely by whether it’s the Jewish lobby or it’s the specific NGOs. A lot of money is being thrown into trying to discredit us.”
* And he said the inquiry members aimed to convince countries “to go beyond just a blind sort of faith in whatever Israel does.… We’re also, you know, beginning to tackle this issue of how far you can take antisemitism.”

In short: kick Israel out of the UN. The Jewish lobby controls social media, and by implication, the big money lurking behind the criticism of the inquiry. And complaints of antisemitism are a subterfuge for the money merchants who maintain Israel is above the law. Overtly antisemitic: it’s the only description that fits.

### Pillay to the Antisemites’ Defense

Condemnation of Kothari’s behavior was swift and came from various sources – multiple countries, Democrats and Republicans in the United States, heads of major NGOs, and high-level officials and diplomats.[12](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn12) At some unknown point, the president of the Human Rights Council, Federico Villegas of Argentina, voiced concerns to Pillay, the inquiry’s chair.

Pillay responded to Villegas in writing on July 28, 2022, mounting an unapologetic and vigorous defense of Kothari.[13](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn13) She knew too well how many of those red lines she had crossed herself. She claimed poor Mr. Kothari had been “taken out of context,” though the context was available online and on tape for the world to hear. She quickly pivoted to an attack on Israel for not cooperating (with her phony tribunal). She claimed Kothari’s remark about the Jewish lobby was “misquoted” – though his statements had been heard worldwide.

In addition, Pillay bitterly complained that the commissioners were subject to “personal attacks.” An odd criticism since the criteria for holding their jobs – objectivity, impartiality, integrity – are by definition personal, as are their failures to meet those standards.

Pillay also attacked the Israeli ambassador to the United Nations in Geneva, Meirav Eilon Shahar, in her letter. In June, the latter had issued a statement concerning Kothari’s words and those of their colleague Sidoti at the Human Rights Council.[14](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn14) Pillay lectured the Israeli ambassador about “Jews, who felt they experienced antisemitism,” and she doubled down on the remarks of Sidoti that “accusations of antisemitism are thrown around like rice at a wedding” – going so far as to repeat his words. Because, she claimed, the commissioners understood better than the UN representative of the Jewish state what counts as antisemitism and what “defiles the memory of the 6 million victims of the Shoah.”

The hubris was astounding but sadly in character. Pillay was and is the world’s leading champion of the 2001 Durban antisemitic hate fest, the racist anti-racism conference held in her hometown of Durban, South Africa, and “reaffirmed” at global celebrations twice under her leadership.[15](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn15) Pillay is on video in 2017 (long before the inquiry) claiming that Israel practices apartheid and, like Kothari, fingering “the extremist Israeli lobby.”[16](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn16)

Despite Pillay’s offensive, pressure continued to mount. And on July 29, 2022, Council President Villegas sent her a response to her missive[17](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn17) in which he called Kothari’s remarks “unfortunate” and said they “could reasonably be interpreted as the stigmatization of the Jewish people, which, as you are all aware, is at the heart of any expression of antisemitism.” He suggested Kothari “consider the possibility” of “publicly clarifying” his comments and intentions.

Hence, though the Human Rights Council president (in this case Villegas’ predecessor) appointed Kothari in the first place, President Villegas wasn’t prepared to dismiss him for gross violation of the UN “Code of Conduct”[18](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn18) that is supposed to apply to the council appointments. Instead, Kothari has been allowed to shuffle off by himself, sparing the council and the inquiry – which Villegas was at pains to “support” – any further embarrassment or fallout. If and when he does, the president will appoint somebody new to do the same dirty job that will somehow come up smelling like roses.

Kothari, however, is not just a bad apple. The “inquiry” – its creation, purpose, mandate, and all its members – don’t pass the smell test. There is only one genuine fix: disband it.

Indeed, this request was made on July 29, 2022, to UN Secretary-General Guterres by the Conference of Presidents of Major American Jewish organizations.[19](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn19) To date, Guterres has not stated his approval or disapproval or indicated that he intends to offer any help or encouragement to disband the inquiry.

### A New Twist: UN Israel-Bashers Lobby Congress

The spectacle of UN human rights experts encouraging antisemitism has now moved to Washington, D.C. Kothari revealed in his interview that the inquiry intends to act “well beyond just our reports,” and to that end, is now lobbying members of Congress. He made the startling admission that “we’ve had some communications even with Congress people and senators in the United States” and that commission members were also planning to come to the United States for “about two weeks” to visit campuses and hold public meetings.

Lobbying is not in the inquiry’s UN mandate. Furthermore, the Biden administration has officially and repeatedly objected to the “inquiry.”[20](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn20) Which raises the question: Which members of Congress, which senators are engaged with foreign agents in secret efforts aimed at undermining the current administration’s foreign policy?

Moreover, UN commissions of inquiry on country-specific issues,[21](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn21) like this one, are not allowed to waltz into the United States and conduct a lobbying and indoctrination tour – let alone against stated U.S. policy. The host agreement between the United States and the United Nations stresses “the right of the United States to completely control the entrance of aliens into any territory of the United States other than the headquarters district and its immediate vicinity.”[22](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn22) So assuming the State Department initially gave the inquiry members an entry ticket, it ought to be rescinded in light of their antisemitic messaging and declared purpose. In light of Kothari’s revelations about other globetrotting activities, it behooves other countries to reconsider their engagements.

And last but not least is the money trail. On June 29, 2022, the House Appropriations Committee adopted a GOP amendment,[23](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn23) with some Democratic support, prohibiting the use of any American funds for the inquiry. But Democratic Rep. Barbara Lee (CA), a senior member of the appropriations committee who chairs the subcommittee on “State, Foreign Operations, and Related Programs,” spoke against the amendment. These new developments should translate into unequivocal Biden administration support for defunding the inquiry in the full House. Defunding by withholding funds for the UN would be entirely consistent with current American legislation prohibiting the use of taxpayer dollars for other anti-Israel UN bodies.[24](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_edn24) Similar withholding initiatives should be pursued in other states.

### What to Do

The inquiry fiasco was sadly predictable. The Human Rights Council’s discriminatory record on Israel, the origins and nature of the inquiry, and the individuals selected for the job, all pointed to the inevitable output of antisemitism. Now that it’s so obviously happened, it ought to be equally obvious what to do about it:

* revoke any permission provided to members of the inquiry to travel anywhere outside the immediate vicinity of UN Headquarters and condition their entry into the United States on acting in conformity with their mandate and the UN Charter,
* withhold American taxpayer dollars from being used to support the inquiry and encourage allies to do the same,
* insist that the UN Secretary-General issues a robust condemnation, and
* develop a plan for much stronger repercussions for relationships with the United Nations if the inquiry remains intact.

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**Notes**

\* The author wishes to thank Sarah Willig, research fellow at Human Rights Voices.

[1](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_ednref1) http://illustrationart.blogspot.com/2022/01/political-cartoons-part-7-jeff-macnelly.html

[2](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_ednref2) On the detailed origins and nature of the inquiry, see Anne Bayefsky, “The Newest Anti-Israel UN Action Must Be Challenged – Now,” Jerusalem Center for Public Affairs, December 20, 2022, <https://jcpa.org/article/the-newest-anti-israel-un-action-must-be-challenged-now>

[3](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_ednref3) Human Rights Watch, “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution,” April 27, 2021, <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>

[4](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_ednref4) Nazhat Shameem Khan, a Muslim lawyer from Fiji operating in an entirely opaque process. “President of Human Rights Council appoints Members of Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel,” Office of the High Commissioner for Human Rights Press Release, July 22, 2021, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=27331&LangID=E>

[5](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_ednref5) For more details on their individual backgrounds, see Anne Bayefsky, “The Newest Anti-Israel UN Action Must Be Challenged – Now,” Jerusalem Center for Public Affairs, December 20, 2022, <https://jcpa.org/article/the-newest-anti-israel-un-action-must-be-challenged-now>

[6](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_ednref6) “Code of Conduct for Special Procedures Mandate-holders,” Annex (Articles 3 (a), 3(e), 5, 8, 13(b)), UN Human Rights Council Resolution A/HRC/RES/5/2, June 18, 2007, <https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/5/2>; “United Nations Human Rights Council: Institution-building,” Annex, II. Special Procedures, A. Selection and appointment of mandate-holders, Article 39, UN Human Rights Council Resolution A/HRC/RES/5/1, June 18, 2007, <https://ap.ohchr.org/documents/dpage_e.aspx?si=a/hrc/res/5/1>

[7](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_ednref7) For a more detailed look at its initial report, see Anne Bayefsky, “The UN Commission of Inquiry: An Exercise in Historical Revisionism,” Jerusalem Center for Public Affairs, June 8, 2022, <https://jcpa.org/article/the-un-commission-of-inquiry-an-exercise-in-historical-revisionism>; and on the presentation of the report to the Human Rights Council and press, see Anne Bayefsky, “The Latest UN Commission of Inquiry on ‘Occupied Palestinian Territory’ Is an Inquisition,” Jerusalem Center for Public Affairs, June 27, 2022, <https://jcpa.org/the-latest-un-commission-of-inquiry-on-occupied-palestinian-territory-is-an-inquisition/#_ednref5>

[8](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_ednref8) “ID (cont’d): Commission of Inquiry on OPT – 3rd Meeting, 50th Regular Session of Human Rights Council,” UN Webcast, June 14, 2022, <https://media.un.org/en/asset/k1q/k1qtlzmbs2>

[9](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_ednref9) Human Rights Watch, “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution,” April 27, 2021, p. 7, <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>

[10](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_ednref10) Membership of the Human Rights Council 1 January – 31 December 2022, <https://www.ohchr.org/en/hr-bodies/hrc/current-members>

[11](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_ednref11) “Mondoweiss Podcast Episode 39: The UN is investigating the root causes of violence between Israelis and Palestinians,” July 25, 2022, <https://mondoweiss.net/2022/07/the-un-is-investigating-the-root-causes-of-violence-between-israelis-and-palestinians/>

[12](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_ednref12) Tweet by Germany UN Mission to Geneva, July 30, 2022,

https://twitter.com/GermanyUNGeneva/status/1553343981341347841?ref\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Etweet;Tweet by Czech UN Mission Geneva, July 29, 2022,

https://twitter.com/JanLipavsky/status/1553055367600406529?cxt=HHwWgoCw5Zvox40rAAAA; Tweet by Austria UN Mission Geneva, July 30, 2022

<https://twitter.com/AustriaUNGeneva/status/1553426511985868801?cxt=HHwWgoC8-dTL8I4rAAAA>; Tweet by Permanent Mission of France to the United Nations in Geneva Regarding the U.N. “Commission of Inquiry” on Israel, July 29, 2022, <https://twitter.com/FranceONUGeneve/status/1552945477699751937>;

“Conference of Presidents Calls to Disband the United Nations Human Rights Council’s Biased Commission of Inquiry on Israel,” July 29, 2022, <https://www.conferenceofpresidents.org/news/press/2022/jul29/conference-presidents-calls-disband-united-nations-human-rights-council%E2%80%99s>; Tweet by UK Ambassador to the United Nations in Geneva Simon Manley Regarding the U.N. “Commission of Inquiry” on Israel, Simon Manley, July 28, 2022, <https://twitter.com/SimonManleyFCDO/status/1552622107577679873>;

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[13](https://jcpa.org/article/the-un-human-rights-councils-commission-of-inquiry-goes-openly-antisemitic/%22%20%5Cl%20%22_ednref13) “Letter from Chair of the COI on the OPT, including East Jerusalem, and Israel to HRC President,” July 28, 2022, [https://hrcmeetings.ohchr.org/PresidencyBureau/BureauRegionalGroupsCorrespondence/Correspondence/Letter%20from%20Chair%20of%20the%20COI%20on%20the%20OPT,%20including%20East%20Jerusalem,%20and%20Israel%20to%20HRC%20President.pdf](https://hrcmeetings.ohchr.org/PresidencyBureau/BureauRegionalGroupsCorrespondence/Correspondence/Letter%20from%20Chair%20of%20the%20COI%20on%20the%20OPT%2C%20including%20East%20Jerusalem%2C%20and%20Israel%20to%20HRC%20President.pdf)

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