After Human Rights Council President Cites Stigmatization of Jews, Jewish Groups Urge Removal of “Prejudiced” U.N. Commissioners

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B’nai B’rith International

<https://www.bnaibrith.org/after-human-rights-council-president-cites-stigmatization-of-jews-jewish-groups-urge-removal-of-prejudiced-u-n-commissioners/>

Jewish organizations on multiple continents have written to the United Nations Human Rights Council president, urging him to remove members of a Commission of Inquiry on Israel found to have made offensive statements on Jews and the Jewish state.

In a July 29 letter to the chair of the Commission of Inquiry, Navi Pillay, the president of the Council, Argentine Ambassador Federico Villegas, acknowledged that public comments by commission member Miloon Kothari—which included a suggestion that “social media” are largely controlled by “the Jewish lobby”—“could reasonably be interpreted as stigmatization of the Jewish people, which… is at the heart of any expression of antisemitism.”

However, the Jewish groups wrote, Villegas’s “suggestion that Mr. Kothari ‘consider the possibility of publicly clarifying his unfortunate comments’ is sorely insufficient as a remedy to the situation at hand.”

Earlier, rather than renouncing offensive or partisan sentiment that she and her fellow commissioners had expressed, Pillay asserted impartiality and condemned what she described as “personal attacks” on commission members whose words she said had “deliberately been taken out of context.” She failed to substantiate that charge. Another commissioner, Christopher Sidoti, had said that “accusations of anti-Semitism are thrown around like rice at a wedding.”

While the U.N. is expected to operate according to the principle of equal treatment, each of the members of the commission held public, preexisting positions on issues they have been charged with investigating. The commission’s first report, in May, dedicated focus to wrongs allegedly committed against Palestinian women and children, but not wrongs committed against Israeli women and children.

Additionally, the report exceeded the commission’s unprecedented mandate—with an open-ended term—by addressing the Syrian-claimed Golan Heights, territory not in the probe’s purview as set by the Human Rights Council.

In the letter, copies of which were sent to U.N. Secretary-General António Guterres, U.N. focal point on anti-Semitism Under-Secretary-General Miguel Moratinos and U.N. High Commissioner for Human Rights Michelle Bachelet, the Council president was urged to dismiss the commission’s three members.

In addition to B’nai B’rith International, whose Office of United Nations Affairs coordinated the correspondence, the letter was signed by organizations including the American Jewish International Relations Institute-BBI; the Combat Antisemitism Movement; the Conference of European Rabbis; the European Union of Jewish Students; Hadassah, the Women’s Zionist Organization of America; Jewish Women International; NGO Monitor; OneFamily; the Rabbinical Council of America; the World Jewish Congress North America; the World Union of Jewish Students; and the Women’s International Zionist Organization

The letter’s full text follows:

We write with regard to your letter of July 29, 2022, to Navanethem Pillay, Chair of the Commission of Inquiry established by the United Nations Human Rights Council following hostilities between Israel and Hamas, the Palestinian terrorist organization that controls the Gaza Strip, in May of last year.

As you know, one of the members of that Commission, Miloon Kothari, amplified multiple anti-Jewish tropes in an interview publicized last week. Disparaging a frequently marginalized community in a way that would not be tolerated if directed toward others, he not only invoked a so-called “Jewish lobby” – saying it is dispensing “a lot of money” to undermine the Commission’s work in support of human rights – but absurdly attributed to it control over “social media.” Of all the 193 member states of the United Nations, he also singled out Israel, the subject of his Commission’s work, for implication as unworthy of UN membership.

We commend you for importantly acknowledging, in your letter to Ms. Pillay, that Mr. Kothari’s comments “could reasonably be interpreted as stigmatization of the Jewish people, which… is at the heart of any expression of antisemitism.”

However, we wish to submit that your suggestion that Mr. Kothari “consider the possibility of publicly clarifying his unfortunate comments” is sorely insufficient as a remedy to the situation at hand.

While the United Nations itself, and especially a Commission of Inquiry established by the Human Rights Council, is charged to operate according to the principles of non-selectivity, impartiality and objectivity – and without even the appearance of bias – each of the three individuals appointed to the aforementioned Commission has been characterized by public, preexisting positions against Israel on issues they have been tasked with investigating. Not least disturbingly, each of the Commission members has already been tied to sentiment singling out Israel, the Middle East’s only democratic state, for association with racial “apartheid,” an inflammatory charge that the Commission is expected to explore. Nonetheless, Ms. Pillay and her fellow Commission members have professed impartiality.

Now, Ms. Pillay has responded to well-founded criticism of the Commission’s members – including by the United States, the United Kingdom, Canada, Germany, France, the Netherlands, the Czech Republic, Austria and other member states – by falsely characterizing that criticism as “personal attacks” based on statements that have “deliberately been taken out of context.” The objectionable statements include Commission member Christopher Sidoti’s having said – again, in a manner that would not be accepted if applied to another form of prevalent and often violent bigotry – that “accusations of antisemitism are thrown around like rice at a wedding.” Ms. Pillay has completely failed to substantiate her claim of decontextualization or of ad hominem attacks.

Leaders of the United Nations, including Secretary-General António Guterres, have recognized the pervasive, ongoing problem of global antisemitism – and successive secretaries-general have also recognized the challenge of unequal, disproportionate treatment of one member state, Israel, within the UN system. Like a growing number of international authorities, your country, Argentina, is among the many that have adopted the intergovernmental International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, which encompasses myths and conspiracy theories such as Jewish control of the media. At a time when the Secretary-General and his appointed focal point to monitor antisemitism, High Representative for the UN Alliance of Civilizations Miguel Moratinos, have committed to actively opposing antisemitism, the retaining of Commission of Inquiry members compromised by prejudice toward the Jewish community, and toward a member state being examined by it, is profoundly damaging.

Indeed, in its first report released on May 9, the Commission of Inquiry only confirmed fears that its members harbor bias against Israel – and do not extend equal concern to the human rights of Israeli civilians as they do to the rights of Palestinian civilians. Among other signs of fundamental partisanship, the Commission’s report referred to hostilities that took place not only in the Gaza Strip but across much of Israel – upending the lives of millions of Israel’s citizens – only as “Gaza conflicts.” Additionally, the report dedicated focus to harm allegedly done by Israel to Palestinian women and girls, including unsupported insinuation of violence on the basis of gender, but none to Palestinian harm done to Israeli women and girls. Similarly, the report dedicated focus to harm done to Palestinian children, but none to harm done to Israeli children. This explicit dereliction simply cannot be reconciled with the Commissioners’ profession of impartiality.

Finally, it must be urgently emphasized that even with a mandate of unprecedented scope and duration, the Commission of Inquiry has already expressly exceeded that mandate with repeated consideration in its first report of the “occupied Syrian Golan,” including stated intention to continue addressing that subject. Since the Golan, in United Nations resolutions, is not recognized as included in “the Occupied Palestinian Territory, including East Jerusalem, and Israel” – which is the sole authorized focus of the Commission of Inquiry – this breach of the Human Rights Council’s instructions is patently unacceptable.

For these serious, multiple infractions – in violation of the terms of members’ service on a United Nations “Commission of Inquiry” – Ms. Pillay, Mr. Kothari and Mr. Sidoti must immediately be removed from their positions.