

THE ARCHITECTURE OF BIAS:

ASSESSING U.N. FACT-
FINDING COMPLIANCE IN
THE PERMANENT
COMMISSION OF INQUIRY



**Jerusalem
Institute of Justice**



Ludovic Courtès/Wikimedia Commons

TABLE OF CONTENTS

Executive Summary	4
Introduction	6
The Mandate	6
The Commissioners	13
Budget and Personnel	18
Double Standards	20
Who Is Blamed	20
What Evidence Is Accepted	28
How the Law Is Twisted	33
Source Selection and Verification	40
Conclusion	41
Recommendations to Member States	42

EXECUTIVE SUMMARY

This report evaluates the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory and Israel (COI)'s adherence with UN standards of **independence, impartiality, objectivity, and equal treatment**. We conclude that this apparatus is structurally defective, compromised by blatant bias, and systematically misapplies international law. It functions not as an impartial fact-finding mechanism, but as a unique and unprecedented apparatus for perpetual scrutiny of a single UN member state.

Key Findings

Structural Illegitimacy: Unlike traditional U.N. fact-finding missions—which are bound by defined timelines and discrete scopes—Resolution S-30/1 grants the COI an unprecedented, indefinite mandate to investigate "root causes." Backed by an annual budget exceeding \$4 million and a permanent staff of 18, the COI operates as a standing institution devoted exclusively to the continuous scrutiny of a single U.N. Member State.

Numerical Proof of Bias: Lexical analysis of the COI's own reports exposes a severe attributional asymmetry. Across the analyzed corpus, the COI references "**Israel**" or "**Israeli**" **1,557** times, compared to just **155** mentions of "**Hamas**"—a stark **10:1** ratio. The COI systematically individualizes Israeli responsibility by naming officials and military units, while deliberately obscuring Palestinian culpability.

Its reliance on terminology like "armed

groups" or "militants" effectively absolves Hamas and other Palestinian militants of the consequences of attribution. The COI mathematically engineers its legal conclusions by erasing Hamas's tactics. Its reports mention "Occupation" and "Settlements" 803 times, yet reference "Hostages" only 96 times and "Human Shields" a mere 6 times. By minimizing Hamas' intentional violations of international law as a matter of strategic advantage, the COI falsely attributes all resulting civilian harm to Israeli intent.

Evidentiary Double Standards: The COI routinely subjects Israeli intelligence and security justifications to heightened skepticism, rejecting or discounting them as unsupported or insufficiently substantiated in at least four reports. Simultaneously, the COI ingests data from Palestinian governmental sources, unverified social media, and partisan advocacy NGOs at face value, without comparable scrutiny, authentication, or corroboration.

Compromised Personnel: Multiple COI Commissioners—including Miloon Kothari, Chris Sidoti, and Chair Navanethem Pillay—have made public statements demonstrating overt prejudgment and anti-Israel bias. No disciplinary action, recusal, or suspension has ever been enforced by the U.N. Human Rights Council.

The COI and its adjacent U.N. mandates are weaponizing international humanitarian and human rights law to concentrate legal responsibility entirely on Israel. Member States must immediately scrutinize the COI's funding, reform its unprecedented mandate, and demand the enforcement of U.N. impartiality standards.



Sailko/Wikimedia Commons

INTRODUCTION

The Mandate: Resolution S-30/1 and the Structural Problem of Open-Ended Inquiry

The COI's first structural defect lies in its establishing mandate, Human Rights Council Resolution S-30/1. Unlike traditional U.N. fact-finding missions, which are generally limited by a defined temporal scope, reporting cycle, and factual mandate, Resolution S-30/1 established an investigative body of exceptional breadth and duration.

The following analysis examines five features of the mandate: (1) temporal scope; (2) duration; (3) subject-matter jurisdiction; (4) institutional character; and (5) the structural implications arising from those features. Collectively, these characteristics demonstrate that Resolution S-30/1 established a uniquely broad and materially more expansive investigative framework than those traditionally assigned to U.N. COIs (see Figures 1-3).



Temporal Scope

The COI's temporal breadth marks a significant departure from the limited-duration mandates traditionally granted to Human Rights Council commissions of inquiry.^[1] Resolution S-30/1, adopted on 27 May 2021, did not establish a conventional, time-limited fact-finding mission directed at a discrete incident, defined conflict, or closed factual record, as is typically the case for such commissions.^[2]

Instead, Resolution S-30/1 created an “ongoing independent, international commission of inquiry” empowered to investigate alleged violations “leading up to and since 13 April 2021,” as well as “all underlying root causes of recurrent tensions, instability and protraction of conflict.”^[3] This language grants the COI authority to investigate both ongoing events and the broadly defined historical and structural causes of the Israeli–Palestinian conflict without a defined endpoint or meaningful subject-matter limitations.^[4]

This approach differs markedly from traditional Human Rights Council commissions of inquiry, which are ordinarily established to investigate discrete events occurring during a defined period. For example, the 2009 Gaza Fact-Finding Mission examined military operations conducted between 27 December 2008 and 18 January 2009, while the 2014 Gaza Commission of Inquiry focused on alleged violations occurring between 13 June and 26 August 2014.^[5]

By contrast, Resolution S-30/1 authorizes investigation of both ongoing events and the conflict's broader historical and structural causes without a defined endpoint.^[6] Additional examples of the temporal limitations imposed on comparable U.N. investigative mechanisms are provided in Figures 1 and 3.^[8]

[1]: Office of the United Nations High Commissioner for Human Rights (OHCHR), *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice* 11–15, U.N. Doc. HR/PUB/15/1 (2015) (describing commissions of inquiry as mechanisms typically established to investigate defined factual situations within specified mandates).

[2]: A/HRC/RES/S-30/1 (May 27, 2021), ¶¶ 1–2.

[3]: Id. ¶ 19(a).

[4]: A/HRC/RES/S-30/1 (May 27, 2021).

[5]: A/HRC/12/48 (Sept. 25, 2009), ¶¶ 1, 252.

[6]: A/HRC/29/52 (June 24, 2015), ¶ 6.

[7]: A/HRC/RES/S-30/1 (May 27, 2021), ¶¶ 1–2(e), (h).

[8]: Compare id. ¶ 19(a), with Office of the United Nations High Commissioner for Human Rights (OHCHR), *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice*, supra note 1, at 11–15.

Duration

The mandate's temporal breadth is reinforced by its indefinite duration. Standard U.N. investigative mechanisms are generally tied to a specific conflict, event, atrocity, or defined reporting cycle.^[9] For example, the 2009 Gaza Fact-Finding Mission examined alleged violations connected to military operations conducted in Gaza between 27 December 2008 and 18 January 2009.^[10]

Similarly, the 2014 Gaza Commission of Inquiry interpreted its mandate as covering alleged violations occurring between 13 June and 26 August 2014.^[11] Other Human Rights Council investigative mechanisms, including the Commissions of Inquiry on Libya and Eritrea and the Fact-Finding Mission on Myanmar, were likewise established to investigate defined factual situations and report on specified periods or subject matters rather than operate indefinitely.^[12]

By contrast, Resolution S-30/1 contains no sunset clause, no terminal reporting date, and no defined endpoint at which the COI's work must conclude.^[13] Instead, the Resolution directs the Commission to submit reports to both the Human Rights Council and the General Assembly on a recurring basis, without specifying when those reporting obligations will cease. As a result, the Commission is structured to continue operating and reporting indefinitely unless its mandate is modified or terminated by the Human Rights Council.

The absence of a sunset provision, coupled with these ongoing reporting obligations, distinguishes the COI from traditional U.N. commissions of inquiry.^[14] Additional comparative examples are summarized in Figures 2 and 3.

[9]: HR/PUB/15/1 (2015) (describing commissions of inquiry as mechanisms ordinarily established to investigate defined factual situations within specified mandates).

[10]: A/HRC/12/48 (Sept. 25, 2009) ¶¶ 14–18 (describing the mission's mandate as examining military operations conducted between 27 December 2008 and 18 January 2009).

[11]: A/HRC/29/CRP.4 (June 24, 2015) ¶¶ 23–27 (interpreting the Commission's mandate as covering events between 13 June and 26 August 2014).

[12]: See Human Rights Council Res. S-15/1, ¶¶ 11–12, *Situation of Human Rights in the Libyan Arab Jamahiriya*, A/HRC/RES/S-15/1 (Feb. 25, 2011); Human Rights Council Res. 26/24, ¶¶ 7–8, 12, *Situation of Human Rights in Eritrea*, A/HRC/RES/26/24 (June 27, 2014); Human Rights Council Res. 34/22, ¶ 11, *Situation of Human Rights in Myanmar*, A/HRC/RES/34/22 (Mar. 24, 2017).

[13]: A/HRC/RES/S-30/1 (May 27, 2021) ¶ 19.

[14]: A/HRC/RES/S-30/1 (May 27, 2021) ¶ 19.

Scope and Investigative Authority

The COI's mandate is expansive not only in its temporal scope but also in the authority it confers. Resolution S-30/1 authorizes the COI to (1) investigate events “leading up to” 13 April 2021 without a defined temporal limit, (2) operate on an ongoing basis without a predetermined end date, and (3) investigate undefined “root causes,” permitting inquiry into political, historical, legal, social, and institutional issues beyond the events that prompted the May 2021 special session.^{[15][16][17]}
[18]

Collectively, these features establish a scope of authority broader than that traditionally assigned to U.N. commissions of inquiry.

Most investigative mechanisms are directed toward examining alleged violations arising from a particular conflict, incident, or defined factual situation. For example, the Commissions of Inquiry on Syria and Libya were established to investigate alleged violations committed during specified conflicts rather than to examine the broader historical or political origins of those conflicts. By contrast, Resolution S-30/1 extends beyond investigating specific alleged violations, authorizing continued examination of the broader Israeli-Palestinian conflict. Further comparisons appear in Figure 1.

Institutional Character

Resolution S-30/1 does more than authorize a broad investigation; it establishes a continuing investigative structure.^[19] The COI is empowered to collect and preserve evidence, identify patterns over time, make accountability recommendations, and report annually to U.N. bodies.^[20]



[15]: Id. ¶ 19(a) (authorizing investigation of events “leading up to and since 13 April 2021”).

[16]: Id. (establishing an “ongoing independent, international commission of inquiry”).

[17]: Id. (authorizing investigation of “all underlying root causes of recurrent tensions, instability and protraction of conflict”).

[18]: See id. ¶ 19(a).

[19]: Id. ¶¶ 19–20.

[20]: Id. ¶ 19(a)–(f).

Structural Implications

The mandate's design raises inherent impartiality concerns. Unlike traditional Human Rights Council investigative mechanisms, which are established to investigate defined events and conclude upon completion of their mandate, the Resolution S-30/1 directs the COI to examine “root causes,” “patterns,” “systematic discrimination,” and “repression” on an ongoing basis.^[21]

By comparison, investigative mechanisms such as the 2009 Gaza Fact-Finding Mission, the 2014 Gaza Commission of Inquiry, and the Commissions of Inquiry on Libya and Syria were established to investigate discrete factual situations arising from specific conflicts or time periods before completing their reporting mandates.^[22] Accordingly, the Resolution S-30/1 encourages continuing assessments of the conflict as a whole rather than discrete factual determinations and creates institutional incentives for recurring investigations, repeated reporting, and continuing scrutiny.^[23] Collectively, these characteristics distinguish the COI from traditional Human Rights Council investigative mechanisms (See Figures 1-3).

U.N. commissions of inquiry and fact-finding missions are expected to operate in accordance with the principles of independence, impartiality, and objectivity.^[24] Under U.N. fact-finding standards, independence requires investigators to remain free from actual or perceived external influence; impartiality requires investigators to approach their work without preconceived conclusions and to apply the same standards to all parties; and objectivity requires findings and conclusions to be based solely on the available evidence.^[25]

Recurring patterns in the COI's outputs should be assessed not only on their own terms, but also in light of the institutional framework established by Resolution S-30/1. If those outputs reflect persistent departures from the standards of independence, impartiality, and objectivity, those departures should be considered in the context of the COI's underlying mandate and institutional design rather than as isolated deficiencies.

[21]: Id. ¶ 19(a).

[22]: A/HRC/12/48 (Sept. 25, 2009); A/HRC/29/52 (June 24, 2015); A/HRC/RES/S-15/1 (Feb. 25, 2011) (Libya); A/HRC/RES/S-17/1 (Aug. 23, 2011) (Syria).

[23]: See id.

[24]: Office of the U.N. High Comm'r for Human Rights (OHCHR), *United Nations Manual on Human Rights Monitoring* ch. 6 (rev. ed. 2021); OHCHR, *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice*, supra note 17, at 23–29.

[25]: OHCHR, *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice*, supra note 17, at 23–29.

Figure 1. Resolution S-30/1 Compared with Other U.N. Commissions of Inquiry

Feature	Standard U.N. COIs	OPT/Israel COI (Resolution S-30/1)
Mandate	Investigates defined incident/ conflict	Investigates ongoing violations and undefined “root causes”
Duration	Time-limited; past events only	No sunset clause; indefinite authority over future events
Subject-Matter	Specific alleged violations	Open-ended political, historical, legal, and institutional inquiry
Reporting	Limited reporting cycle	Annual reports to both Human Rights Council & General Assembly
Evidence Collection	For a discrete investigation	Continuing evidence collection and preservation
Institutional Structure	Temporary investigative mechanism; terminates upon completion	Standing investigative institution; no defined endpoint
Practical Effect	Resolves a specific factual inquiry	Creates a permanent mechanism for continuing scrutiny

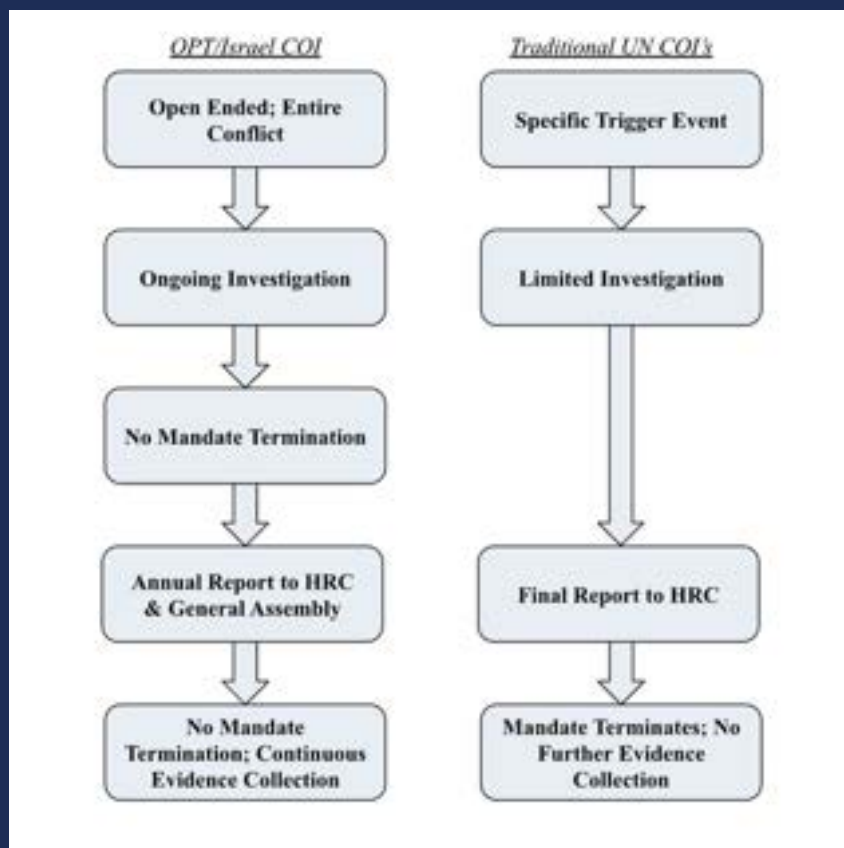


Figure 2. Comparative Flowchart

Figure 3. Comparison of Human Rights Council Investigative Mechanisms

Investigative Mechanism	Mandate	Duration / Renewal
<i>Israel/OPT COI(2021)[26]</i>	Investigates all violations “leading up to and since 13 April 2021” and all “underlying root causes.”	Ongoing; no sunset clause or periodic renewal required.
<i>Ukraine COI (2022)[27]</i>	Investigates violations arising from Russia’s aggression against Ukraine.	One-year mandate; periodically renewed by the Human Rights Council.
<i>Syria COI (2011)[28]</i>	Investigates violations committed in Syria since March 2011.	One-year mandate; periodically renewed by the Human Rights Council.
<i>South Sudan Commission (2016)[29]</i>	Investigates violations arising from the conflict in South Sudan.	One-year mandate; periodically renewed by the Human Rights Council.
<i>Sudan Fact-Finding Mission (2023)[30]</i>	Investigates violations arising from the conflict in Sudan.	One-year mandate; periodically renewed by the Human Rights Council.
<i>Ethiopia ICHREE (2021)[31]</i>	Investigates violations arising from the conflict in northern Ethiopia.	Temporary mandate; expired following non-renewal.
<i>Venezuela FFM (2019)[32]</i>	Investigates alleged violations committed since 2014.	One-year mandate; periodically renewed by the Human Rights Council
<i>Myanmar IIMM* (2018)[33]</i>	Collects and preserves evidence of the most serious international crimes.	Continuing mechanism with a specialized evidence-preservation mandate.

[26]: A/HRC/RES/S-30/1 (May 27, 2021).

[27]: A/HRC/RES/49/1 (Mar. 4, 2022) (Ukraine/Russia).

[28]: A/HRC/RES/S-17/1 (Aug. 23, 2011) (Syria).

[29]: A/HRC/RES/31/20 (Mar. 23, 2016) (South Sudan).

[30]: A/HRC/RES/54/2 (Oct. 11, 2023) (Sudan).

[31]: A/HRC/RES/S-33/1 (Dec. 17, 2021) (Ethiopia).

[32]: A/HRC/RES/42/25 (Sept. 27, 2019) (Venezuela).

[33]: A/HRC/RES/39/2 (Sept. 27, 2018) (Myanmar).

The Commissioners: Questions of Impartiality

Under established U.N. fact-finding standards, investigators must:

- (1) conduct their work independently,**
- (2) approach matters without preconceived conclusions, and**
- (3) base their findings exclusively on the evidence gathered during the investigation.**^[34]

These principles safeguard not only the actual fairness of an investigation, but also public confidence in its legitimacy. Accordingly, commissioners must avoid conduct that creates a reasonable appearance of prejudgment regarding matters they are later tasked with investigating.^[35] Public statements made before or during a commissioner's tenure are therefore directly relevant to assessing compliance with the U.N. principles of *independence, impartiality, and objectivity*.^[36]

The COI's institutional legitimacy depends not only on its mandate but also on whether its commissioners appear capable of approaching their work with an open mind.

Unlike commissions established to investigate discrete events, the COI is a continuing mechanism that repeatedly assesses the same parties and many of the same legal and factual issues.^[37] Its commissioners therefore shape an accumulating body of findings, making their actual and apparent impartiality especially important.

Since the COI's establishment in 2021, several commissioners have made public statements, or maintained affiliations concerning Israel, antisemitism, or issues within the mandate, that prompted allegations of bias from Member States, civil-society organizations, legal scholars, and others.^[38] Although the incidents differ, they collectively raise the concern that commissioners expressed views on matters they were responsible for investigating. That concern bears directly on whether the COI satisfied U.N. standards of independence, impartiality, and objectivity.^[39]

[34]: Manual on Human Rights Monitoring, ch. 2, at 9–10, U.N. Doc. HR/P/PT/7/Rev.1 (rev. ed. 2011); Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice 20–22, U.N. Doc. HR/PUB/14/7 (2015).

[35]: *Id.*

[36]: Manual on Human Rights Monitoring, ch. 2, at 9–10, U.N. Doc. HR/P/PT/7/Rev.1 (rev. ed. 2011).

[37]: A/HRC/RES/S-30/1 (May 27, 2021) ¶¶ 1–2(e), (h).

[38]: See the discussions of Miloon Kothari, Chris Sidoti, Navanethem Pillay, and Florence Mumba below and the accompanying sources.

[39]: Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice 20–22, U.N. Doc. HR/PUB/14/7 (2015).

Selection, Appointment, and Tenure of Commissioners

Responsibility for selecting commissioners ordinarily rests with the President of the Human Rights Council. The President generally consults Member States, nongovernmental organizations, and OHCHR concerning possible candidates, while OHCHR reviews candidates against the requirements of the particular inquiry.^[40] A commissioner should possess relevant legal, human-rights, and investigative expertise, as well as integrity and a demonstrated record of **independence and impartiality**.

The selection process should also consider whether a candidate's background, prior public statements, or political and organizational affiliations could impair impartiality or create a reasonable perception of bias.^[41] The Council President ultimately makes the appointments without a public confirmation vote of the Council. Commissioners serve in their individual capacities on a voluntary, unpaid basis and are supported by a professional OHCHR secretariat.^[42]

Resolution S-30/1 uniquely authorized the Human Rights Council President to appoint

the members of this COI but established **no fixed term for the Commission or its individual commissioners**. Because the COI was created as an “ongoing” mechanism, its institutional mandate continues in perpetuity. Individual commissioners generally remain in office until they resign, are replaced, or the mandate ends; the resolution does not require periodic reappointment, confirmation, or review at fixed intervals.^[43]

In July 2021, the Council President appointed Navanethem Pillay of South Africa, Miloon Kothari of India, and Chris Sidoti of Australia, with Pillay serving as Chair.^[44] Following the departures of Pillay and Kothari in 2025, the President appointed Srinivasan Muralidhar of India and Florence Mumba of Zambia and reappointed Sidoti in November 2025, with Muralidhar selected as Chair.^[45]

U.N. standards require commissioners to approach their investigations without preconceived conclusions and to avoid statements or affiliations creating a reasonable appearance of bias. The COI's commissioners have repeatedly failed to meet that standard.

[40]: OHCHR COI Guidance 18 (2015).

[41]: *Id.* at 19.

[42]: ohchr.org/sites/default/files/2022-02/FAQ_COIOPTEJI.pdf.

[43]: A/HRC/RES/S-30/1 (May 27, 2021) ¶¶ 1, 2(h), 6.

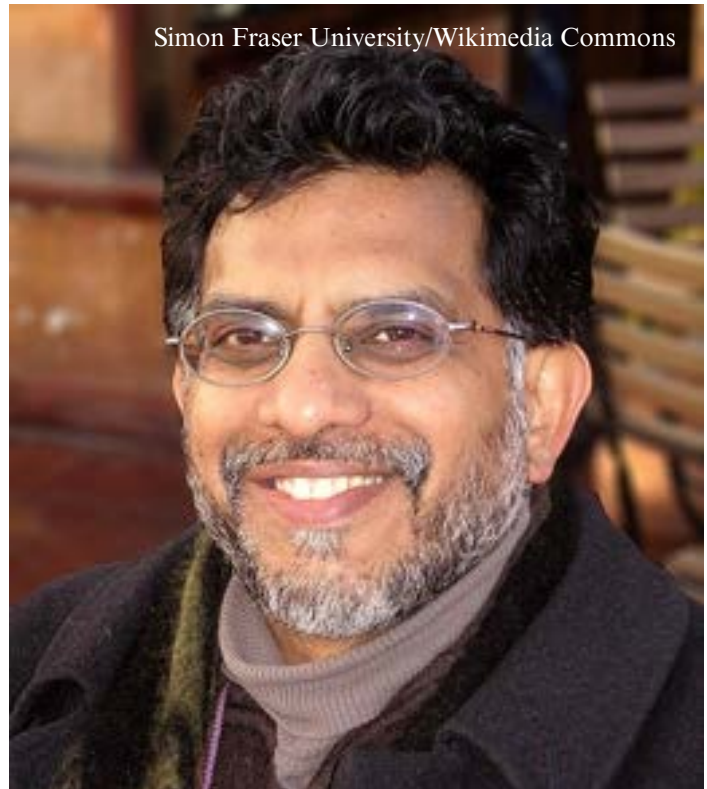
[44]: Press Release, Human Rights Council (July 22, 2021) un.org/unispal/document/president-of-human-rights-council-appoints-members-of-commission-of-inquiry-on-the-opt-and-israel-press-release/.

[45]: Press Release, Human Rights Council (Nov. 27, 2025) un.org/unispal/document/new-coi-opt-press-release-27nov25/.

Miloon Kothari

During a July 2022 interview, Kothari referred to a purported “Jewish lobby” that allegedly controlled social media and questioned why Israel should remain a member of the United Nations.^[46] The U.N. Secretary-General responded that “there is no room for antisemitism in the work of the United Nations” and affirmed that Israel is “unquestionably a Member State of the United Nations.”

The President of the Human Rights Council condemned the comments as stigmatizing the Jewish people. The United States, United Kingdom, France, Germany, Canada, Australia, the Netherlands, Italy, Austria, and the Czech Republic also condemned the remarks and called for accountability.^[47] Kothari subsequently apologized, but no publicly reported disciplinary action, suspension, or recusal followed.^[48]



Simon Fraser University/Wikimedia Commons

Chris Sidoti

Commissioner Chris Sidoti generated controversy during a July 2022 interview, when he dismissed allegations of antisemitism against the COI as being thrown around “like rice at a wedding.”^[49] He remained a commissioner and continued to participate in the COI’s investigations, legal analyses, evidentiary assessments, and reports.

[46]: graduateinstitute.ch/discover-institute/miloon-kothari (last visited Aug. 23, 2026).

[47]: A/HRC/7/16, ¶ 1 (Feb. 13, 2008) (Report by Miloon Kothari in a previous mandate position).

[48]: Letter from Miloon Kothari to Jürg Lauber (July 10, 2025) hrvoices.org/assets/attachments/documents/7.10.2025.kothari.resignation.pdf.

[49]: David Kattenburg, *Apartheid Is Not Sufficient: An Interview with UN Human Rights Commissioner Miloon Kothari*, Mondoweiss (July 25, 2022).

Sidoti previously served on the Advisory Council of the Australian Centre for International Justice, which characterized Israel as maintaining a settler-colonial apartheid regime and advocated sanctions and an arms embargo.^[51] Critics also highlighted his longstanding advisory and consultative relationship with the Palestinian Independent Commission for Human Rights. No publicly reported disciplinary action, suspension, or recusal followed. Instead, Sidoti continued participating in the COI's work and was reappointed to the COI in November 2025.^[52]

Navanethem Pillay

Chair Navanethem Pillay likewise attracted controversy before and during her tenure. Before her appointment, Pillay endorsed calls to “Sanction Apartheid Israel” and repeatedly characterized Israel as practicing apartheid, one of the central legal and factual issues the COI would later investigate. Her anti-apartheid background and pre-appointment statements raise a direct concern of projecting the South African model onto a distinct conflict, minimizing actors, tactics, and historical facts that did not fit that framework.

Pillay also defended Kothari following his July 2022 comments about a purported “Jewish lobby” and Israel’s U.N. membership, maintaining that his statements had been taken out of context.^[53] She remained Chair through the conclusion of her tenure, without any publicly reported disciplinary action, recusal, formal review, or other corrective response.



Eric Bridiers/Wikimedia Commons

[51]: Austl. Ctr. for Int’l Just., Annual Report 2021 17 (2021), <https://acij.org.au/wp-content/uploads/2022/01/ACIJ-2021-Report.pdf>; Austl. Ctr. for Int’l Just. & Palestinian Hum. Rts. Orgs. Council, Australia’s International Obligations Relating to Trade with Israel 4–5, 32–33 (2021), https://acij.org.au/wp-content/uploads/2021/05/ACIJ-and-PHROC-Submission-DFAT-Trade-with-Israel-FINAL_Fix1.pdf.

[52]: Press Release, Human Rights Council (Nov. 27, 2025) [ohchr.org/en/press-releases/2025/11/human-rights-council-president-appoints-members-commission-inquiry-occupied](https://www.ohchr.org/en/press-releases/2025/11/human-rights-council-president-appoints-members-commission-inquiry-occupied).

[53]: Letter from Navanethem Pillay, *supra* note 5, at 1–2.

Florence Mumba

Commissioner Florence Mumba generated similar concern when, during a May 2022 press conference concerning the killing of a journalist, Mumba stated that Israel targeted journalists because it had “something to hide.”^[54] The statement attributed motive and responsibility before the COI had completed its investigation or presented its findings, creating the appearance that a conclusion preceded the evidentiary process. Mumba was reappointed in November 2025 and continues to serve. No publicly reported disciplinary action, suspension, recusal, formal review, or other corrective response followed.^[55]

Taken together, these incidents present a cumulative institutional concern. Multiple commissioners publicly expressed views on matters they were responsible for investigating or maintained affiliations with organizations that had adopted positions on those matters. Each remained involved in the COI’s work without any publicly reported disciplinary action, recusal, or comparable institutional response.

The recurring nature of these controversies bears directly on whether the Commission consistently maintained the actual and apparent independence, impartiality, and objectivity required of U.N. investigative mechanisms. Considered alongside the COI’s permanent structure, open-ended mandate, and continuing investigative authority, its composition constitutes a second component of its flawed institutional foundation and informs the evaluation of its methodology, evidentiary assessments, legal analysis, and findings throughout this report.

[54]: Press Conference: Commission of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, and Israel (Jan. 22, 2026) unognewsroom.org/teleprompter/en/2975/press-conference-commission-of-inquiry-on-the-occupied-palestinian-territory-including-east-jerusalem-and-israel/8864.

[55]: Press Release, Human Rights Council (Nov. 27, 2025) ohchr.org/en/press-releases/2025/11/human-rights-council-president-appoints-members-commission-inquiry-occupied.

Budget and Personnel

U.N. commissions of inquiry ordinarily investigate defined factual situations through finite staffing, limited budgets, and reporting obligations calibrated to a discrete mandate. Their institutional resources generally terminate when the investigation concludes.

The COI departs from that model.

The Commission of Inquiry on Human Rights in the **Democratic People's Republic of Korea** investigated widespread and systematic violations, including crimes against humanity affecting an entire civilian population, yet completed its work approximately one year after issuing its final report and employed roughly half the staff allocated to the COI.

The Independent International Fact-Finding Mission on **Myanmar** investigated allegations of genocide, crimes against humanity, and war crimes under a defined mandate before submitting its final reports and concluding its work.

Although the Commission of Inquiry on the **Syrian Arab Republic** remains active because of the continuing conflict, the Human Rights Council periodically renews its mandate, allowing recurring consideration of its necessity, scope, staffing, and funding.

Resolution S-30/1 established a continuing commission, while the U.N. budget process supplied the resources necessary to sustain its operations indefinitely. Rather than depend on periodic mandate renewal, the COI is funded through the regular budget of the Office of the United Nations High Commissioner for Human Rights.

The General Assembly has approved annual resources exceeding **\$4 million**, including **18 dedicated personnel** performing investigative, legal, human rights, analytical, administrative, security, translation, and reporting functions. Its resources are not tied to completing a defined investigative task, nor does its continued existence require comparable periodic reconsideration.

These features transform the COI from a temporary fact-finding mechanism into a continuing investigative institution. It has an open-ended mandate and permanent funding and staffing. Its commissioners are appointed behind closed doors after demonstrating clear bias. Its unprecedented composition demands an evaluation of its methodology, reporting practices, legal analysis, evidentiary assessments, and findings.

Purpose & Methodology of this Study

Unsplash/Siavosh Hosseini



This study provides a systematic, evidence-based assessment of the COI's work from its establishment in 2021 to the present. It evaluates the Commission's mandate, methodologies, reporting practices, legal analysis, and institutional outputs to determine whether they comply with the U.N. principles of independence, impartiality, objectivity, and equal treatment governing investigative mechanisms.^[56]

The analysis relies primarily on the Commission's own reports, statements, and public outputs, supplemented by official U.N. documents, budget records, commissioner statements, and comparative data from other Human Rights Council investigative mechanisms.

Through quantitative and qualitative analysis, it examines recurring patterns in the COI's treatment of parties, legal frameworks, terminology, evidentiary practices, and attribution of responsibility to determine whether its methodologies and findings are consistent with the standards governing U.N. investigative mechanisms.

The COI's reports exhibit recurring disparities in how Israeli and Palestinian actors are identified, how their conduct is contextualized, and how legal responsibility is attributed. We examine how the COI handles:

- (1) attribution of agency,
- (2) assessment of evidence, and
- (3) selection and analytical weighting of facts.

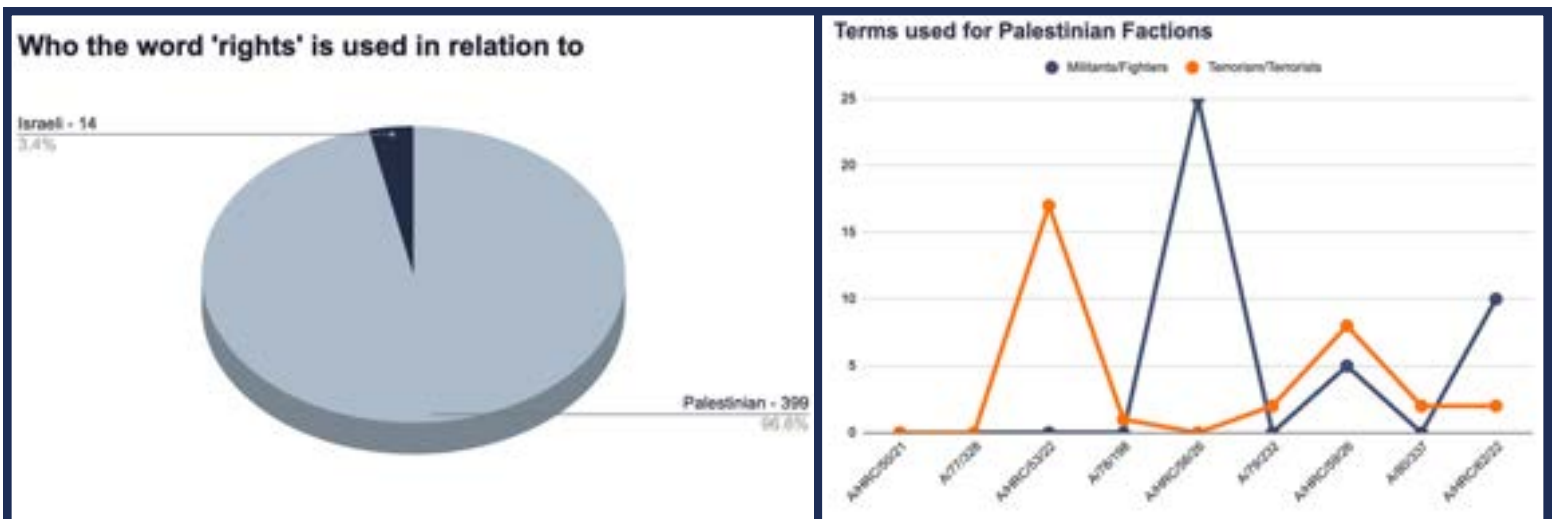
[56]: OHCHR COI Guidance , HR/PUB/15/1 (2015) 11–18; Human Rights Council Res. S-30/1, *supra* note 1, ¶ 19.

The Asymmetry of Agency: Who Is Blamed

Across the corpus, Israeli conduct is attributed through direct and active constructions. The COI repeatedly identifies “Israel,” “Israeli authorities,” or “Israeli security forces” as responsible actors and frequently identifies Israeli ministries, military units, officials, and decision-makers by name. Legal conclusions consequently connect alleged violations directly to identifiable Israeli State institutions and individuals, including findings of war crimes, crimes against humanity, forcible transfer, and genocide.^[60]

These legal characterizations translate into findings of State and individual responsibility, international legal proceedings, diplomatic measures, and reputational consequences that shape the global assessment of Israel’s conduct.

By contrast, Palestinian conduct is more frequently described through collective terminology, including “Palestinian armed groups,” “militants,” “fighters,” or “de facto authorities.” Although Hamas and other organizations are identified throughout the corpus, the repeated use of generalized terminology provides comparatively less specificity regarding organizational structure, leadership responsibility, and individual decision-makers. The resulting asymmetry is that Israeli responsibility is frequently individualized and institutionally connected, while Palestinian responsibility is more often generalized or detached from identifiable leadership.^[61]



[60]: See, e.g., A/HRC/56/26 (May 27, 2024) ¶¶ 73–93 (finding war crimes, crimes against humanity, and forcible transfer); A/77/328 (Sept. 14, 2022) ¶¶ 75–77 (concluding that the occupation is unlawful); A/HRC/60/CRP.3 (Sept. 16, 2025) ¶¶ 252–55, (finding genocide and attributing responsibility to Israeli authorities, security forces, and named officials).

[61]: See, e.g., A/HRC/56/26; supra note 51, ¶¶ 73–76, U.N. Doc. A/78/198 (Sept. 5, 2023) ¶¶ 48–64.

Asymmetrical Causal Framing

The COI describes Israeli conduct as the product of deliberate policy, institutional decisions, or criminal intent. Palestinian violence, by contrast, is *contextualized* as a response to occupation, retaliation, political grievances, institutional collapse, or humanitarian conditions. This framing diminishes the independent agency and responsibility of Palestinian perpetrators while increasing the perceived intentionality of Israeli conduct.^[62]

These patterns recur throughout the corpus. Firstly, **A/HRC/50/21** designates Israel as the “primary duty bearer” and structures its root-cause analysis principally around Israeli policies, while Palestinian armed-group violence is frequently discussed within conditions attributed to Israel.^[63]

Similarly, **A/77/328** links Israeli settlement activity and security measures to a deliberate strategy of permanent territorial control, while providing comparatively less analysis of Hamas, Palestinian Islamic Jihad, and other armed groups’ role in Israel’s stated security rationale.^[64]

A/79/232 finds that Hamas and other armed groups committed abduction, rape, torture, enforced disappearance, war crimes, and crimes against humanity, but does not connect those violations to identifiable commanders or political leaders. By contrast, alleged Israeli abuses are attributed to an “intentional policy” and identified officials.^[65]



[62]: OHCHR COI Guidance (2015); A/77/328 (2023) ¶¶ 32–35 (characterizing Israeli policies and practices as deliberate strategies while addressing Palestinian armed-group violence within broader contextual conditions).

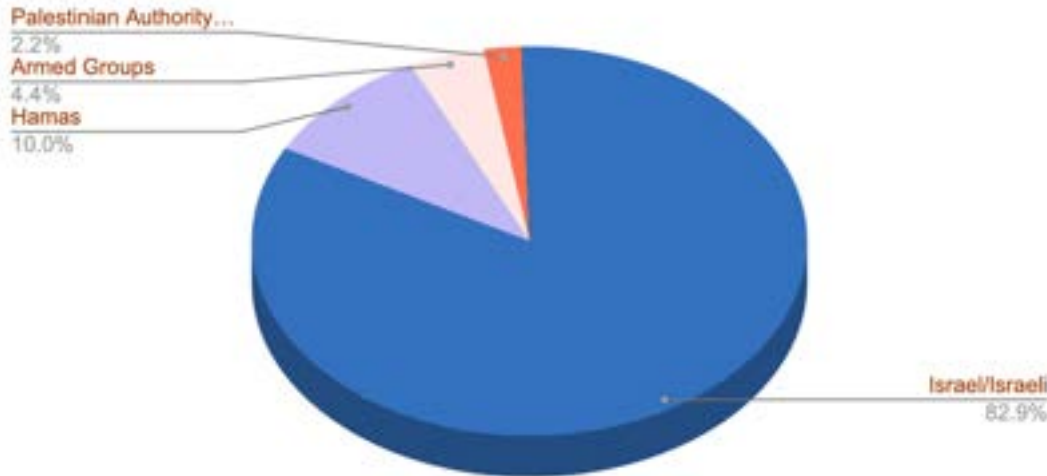
[63]: A/HRC/50/21 (2022) ¶¶ 22, 28, 36.

[64]: A/77/328 (2022) ¶¶ 75–76.

[65]: A/79/232 (2024) ¶¶ 2–3, 8.

Fragmentation of Hamas's Responsibility in A/HRC/56/26

Total Mentions



A/HRC/56/26 illustrates the same disparity in the COI's treatment of October 7 and Israel's resulting military response. Although the reporting period began with Hamas' coordinated invasion of Israeli territory, the report shifts its analytical focus from the October 7 attacks to Israel's subsequent military operations. It instead constructs different models of responsibility for each actor: Israel is treated as a unified institutional actor, while Hamas is presented as one participant among diffuse and unidentified armed groups, military wings, attackers, and civilians.^[66]

For example, paragraph 73 in **A/HRC/56/26** attributes the October 7 crimes collectively to "members of the Hamas military wing and the military wings of other Palestinian armed groups and Palestinian civilians."^[67] This language divides responsibility among broad categories without comparably examining Hamas's political leadership, command structure, operational planning, or organizational policy. Israel receives no equivalent linguistic insulation. Paragraph 80 concludes that "Israeli authorities and members of the Israeli security forces" committed war crimes, crimes against humanity, and violations of IHL and IHRL.^[68] Israeli conduct is traced vertically from individual soldiers to military institutions, government officials, State policies, and the State itself. The COI thereby institutionalizes wrongdoing while fragmenting Hamas's responsibility among immediate perpetrators.

[66]: A/HRC/56/26 (2024) ¶¶ 90–98, 107.

[67]: A/HRC/56/26 (2024) ¶ 73.

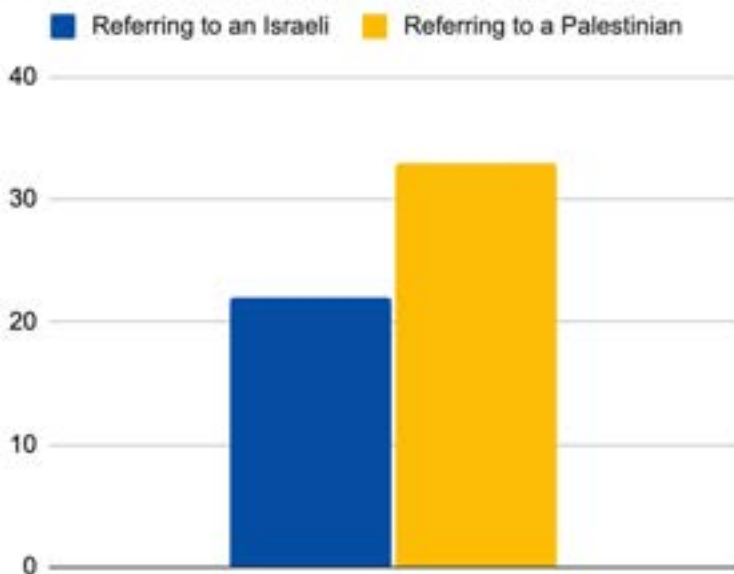
[68]: A/HRC/56/26 (2024) ¶ 80.

Unequal Weight Given to Israeli Victims

The same disparity appears in the treatment of victims. A/HRC/56/26 presents the murder, mutilation, abduction, mistreatment, and sexual violence against Israelis as discrete incidents.^[69] Palestinian suffering is contrastingly situated within a broad framework of displacement, family separation, food, water, health care, education, gendered injury, and long-term psychological harm. Palestinian victimization is therefore presented as systematic and continuing, while Israeli trauma is treated primarily as a collection of isolated events occurring on October 7, despite the clearly patterned and systematic nature of the abuses perpetrated by Hamas and its allies on that day and against hostages they held in captivity for multiple years.^[70]

The report similarly gives greater contextual depth to Palestinian children and victims of sexual violence. It discusses cultural, religious, social, and digital consequences experienced by Palestinian victims and considers whether incidents involving Israeli personnel reflect institutionalized practice. It does not apply equivalent analysis to recurring sexual violence and mistreatment during Hamas' coordinated attack on October 7 or to Israeli children who witnessed murders, were burned alive in their homes, displaced, or taken hostage.^[71]

A/HRC/56/26 "Child/ children/ childhood" mentioned



Paragraph 50 states:

“The Commission notes that the measures amount to the collective punishment of the entire population for the actions of a minority in a clear violation of international humanitarian law.”

This principle is offered in support of Gazan civilians. At no point in the report is the same principle applied to Israeli children or foreign nationals harmed by the actions of Hamas on October 7th.

[69]: A/HRC/56/26 (2024) ¶¶ 48–50, 60, 71, 82, 85, 99.

[70]: A/HRC/56/26 (2024) ¶¶ 19, 73–77, 81, 90.

[71]: A/HRC/56/26 (2024) ¶¶ 68–69, 77, 81, 103.

Institutional Treatment of Sexual and Gender-Based Violence

This disparity is particularly clear in the treatment of sexual and gender-based violence. The COI found patterns indicative of sexual violence against Israelis at multiple locations, concluded that Israeli women were disproportionately subjected to those crimes, and documented sexual violence and mistreatment against Israeli hostages.^[72] Despite this, the report attributes these acts broadly to members of Hamas’s military wing, other armed groups, and unidentified perpetrators without examining whether the coordinated pattern reflected Hamas policy, command responsibility, or operational planning.^[73]

By contrast, the report uses individual allegations against Israeli personnel to support conclusions concerning institutional practice.^[74] As such, the documented violence against Israeli women in the report does not produce equivalent scrutiny of the organization that planned and carried out the October 7 attack.^[75]

Selective Historical and Institutional Context in A/80/337

A/80/337 reproduces these attributional disparities while extending its historical discussion to the 1948 Arab-Israeli War. Through its selection of historical context, identification of responsible actors, treatment of political statements, and evaluation of security justifications, the report constructs an account in which Israeli policy is the principal cause of Palestinian suffering. Hamas’s governance, military infrastructure, and role in initiating and prolonging the conflict receive substantially less attention.^[76] The report begins its historical account with the Palestinian Nakba, which it describes as a “catastrophe” affecting Palestinians “in all areas of life,” including through the loss of land and housing. It also states that Palestinians who remained in Israel were treated as security threats.^[77]

[72]: A/HRC/56/26 (June 14, 2024) ¶¶ 25–30, 90, 94–95, digitallibrary.un.org/record/4051243/files/A_HRC_56_26-EN.pdf.

[73]: Id. ¶¶ 90, 94–95. The Commission stated that it lacked credible evidence that Hamas militants had received orders to commit sexual violence. Id. ¶ 95.

[74]: Id. ¶ 103 (concluding that certain forms of sexual and gender-based violence were part of the “operating procedures of the Israeli security forces” and were ordered or condoned by Israeli authorities).

[75]: Id. ¶ 91 (finding that the October 7 attack was premeditated, reflected a high degree of organization and coordination, and was “led and coordinated by Hamas”).

[76]: A/80/337 (2025).

[77]: A/80/337 (2025) ¶ 7.

The report gives little attention, however, to the U.N. Partition Plan and its rejection by Arab leaders, the invasion of the newly declared State of Israel by neighboring Arab armies, the forced expulsion and displacement of Jews from Arab countries, or the Jewish people's historical connection to the land.^[78] By beginning with Palestinian loss while minimizing the conflict accompanying Israel's creation, the COI presents the consequences of 1948 principally as the product of unilateral Israeli conduct.

The same selectivity affects its treatment of Gaza. The report provides little background concerning Hamas's coup d'état in 2007, its subsequent military buildup, tunnel network, weapons production, or organization of military activity in civilian areas.^[79] Omitting this context places responsibility for Gaza's conditions overwhelmingly on Israel.

The report also does not meaningfully address Hamas's October 7 invasion of Israeli communities, the murder and sexual assault of civilians, the abduction of hostages, or their continued captivity. Nor does it identify Hamas as the institutional actor whose attack precipitated the military campaign under examination.

This is not merely a disagreement about terminology. Naming institutions is essential to assigning responsibility. Israeli conduct is traced through the State, government ministers, military forces, settlers, policies, and named officials. Palestinian violence is separated from the organizations that plan, finance, and direct it. References to "militants" and "armed groups" create an anonymous model of responsibility, while the report attributes Israeli conduct from individual soldiers and officials through the State itself.^[80]

Unequal Use of Political Rhetoric

This asymmetry extends to political rhetoric. **A/80/337** relies heavily on statements by Israeli politicians in evaluating state policy and intent. It highlights MK Amichai Eliyahu's statement that "Gaza belongs to the Jewish people," statements by Limor Son Har-Melech and Almog Cohen advocating "occupation, expulsion and settlements," and Finance Minister Bezalel Smotrich's statement that Israel would capture Gaza and make it an "indispensable part" of the State.^[81]

[78]: G.A. Res. 181 (II), ¶¶ 1–3 (Nov. 29, 1947).

[79]: Cong. Rsch. Serv., IF12549, Hamas: Background, Current Status, and U.S. Policy 1–3 (2024), crsreports.congress.gov/product/pdf/IF/IF12549; U.S. Dep't of State, Bureau of Counterterrorism, Country Reports on Terrorism 2023: Hamas (2024), state.gov/reports/country-reports-on-terrorism-2023/; see also A/80/337, supra note 1, ¶¶ 15–19 (acknowledging Israel's stated objectives of destroying tunnels and other armed-group infrastructure and preventing weapons smuggling but providing limited analysis of Hamas's wider military system).

[80]: See A/80/337, supra note 1, ¶¶ 15–35, 81–100

[81]: A/80/337 (Aug. 14, 2025) ¶ 23 & nn.18–21, digitallibrary.un.org/record/4088766/files/A_80_337-EN.pdf.

A/80/337 does not adequately distinguish inflammatory political rhetoric from official governmental or military policy. Statements by individual politicians do not automatically establish the intent of the State or its armed forces. The COI nevertheless uses them to infer broader Israeli objectives without demonstrating that they were adopted or implemented as operative policy.^[82]

Additionally, A/80/337 gives no comparable examination of statements by Hamas leaders or Hamas's declared political and military objectives. Less than three weeks after October 7, Hamas Political Bureau member Ghazi Hamad stated that the attack was only the first and that there would be a "second, a third, a fourth."^[83] In January 2025, senior Hamas leader Khalil al-Hayya described October 7 as a "military accomplishment" and "a source of pride" to be passed to future generations.^[84]

Other Hamas leaders made statements directly relevant to organizational policy and intent. Former Hamas leader Khaled Mashel stated that Hamas had "what it needs" to empty Israeli prisons, indicating that the abducted Israelis were intended to and would be used as leverage to obtain the release of Palestinian prisoners, including those convicted of terrorism and attacks that killed Israeli civilians.^[85] By contrast, the Israeli hostages consisted largely of civilian children, women, and elderly people, and foreign nationals - kidnapped from civilian homes, roadside bomb shelters, agricultural fields, and the Nova music festival.^[86]

Also in 2023, then-Hamas chairman Ismail Haniyeh declared that Hamas needed "the blood of children, women, and elderly" in Gaza to awaken the "spirit of revolution" and continued resistance.^[87] Hamas Political Bureau member Mousa Abu Marzouk likewise stated that Hamas built its tunnels to protect its fighters, not Gaza's civilians.^[88]

[82]: Id. ¶¶ 23–24.

[83]: Hamas Official Ghazi Hamad: "We Will Repeat the October 7 Attack Time and Again Until Israel Is Annihilated" (Oct. 24, 2023) memri.org/tv/hamas-official-ghazi-hamad-we-will-repeat-october-seven-until-israel-annihilated-victims-everything-we-do-justified.

[84]: *Hamas Leader Touts Ceasefire as a Defeat for Israel While Hailing Oct. 7 Atrocities*, Times of Israel (Jan. 16, 2025), timesofisrael.com/hamas-leader-touts-ceasefire-as-a-defeat-for-israel-while-hailing-oct-7-atrocities/.

[85]: Hamas Seeks Palestinian Prisoners' Release, Calls Non-Israeli Captives "Guests," Reuters (Oct. 16, 2023), yahoo.com/news/former-hamas-chief-meshaal-says-191110145.html.

[86]: A/HRC/56/26 (June 14, 2024) ¶¶ 21, 28, 33, 42, 90–92, digitallibrary.un.org/record/4051243/files/A_HRC_56_26-EN.pdf.

[87]: Hamas Leader Ismail Haniyeh: "We Need the Blood of the Children, Women, and Elderly" to "Ignite Within Us the Spirit of Revolution," (Oct. 26, 2023) palwatch.org/page/34834.

[88]: Hamas Official Mousa Abu Marzouk: "Gaza Tunnels Were Built to Protect Hamas Fighters, Not Civilians" (Oct. 30, 2023) youtube.com/watch?v=Yg4VqiW0dyo.

These statements are clear evidence of Hamas's organizational policy, its planning of the October 7 attacks, and its intent to commit further violence against Israel. They also provide evidence that Hamas treats Israeli civilians as political instruments and Palestinian civilian deaths as a means of sustaining its military campaign against Israel. By excluding them from the reports' analysis, the COI minimizes Hamas's stated objectives. Israeli rhetoric becomes evidence of institutional intent, while Hamas rhetoric largely disappears from the analysis.



Hamas leadership's 25th anniversary in 2012. Hamas has a clear organizational structure and identifiable leadership.

Collectively, these examples demonstrate a recurring attributional disparity. The COI consistently fails to identify Hamas or other Palestinian militias, including Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine (PLFP), the Mujahideen Brigades, and the Al-Aqsa Martyr's Brigades. Furthermore, when documenting alleged violations by each side, the COI applies materially different levels of attributional specificity. Israeli conduct is repeatedly linked to named officials, institutions, policies, and chains of command, while Palestinian armed-group conduct is more frequently generalized, contextualized, or disconnected from identifiable leadership.^[89]

This distinction is not merely stylistic. Attribution determines whose conduct shapes the legal record, who bears responsibility for alleged violations, and which actors become the focus of international scrutiny. A methodology that consistently individualizes Israeli responsibility while comparatively diffusing Palestinian responsibility risks producing an incomplete account of agency and accountability, inconsistent with the COI's obligation to investigate all parties with equal objectivity, impartiality, thoroughness, and vigour. [90] By minimizing Hamas's institutional identity, leadership, and command responsibility, the COI reduces its culpability within the broader account of the conflict and places responsibility disproportionately on Israel. Other U.N. bodies and international institutions then rely on the COI's findings, carrying this unequal attribution into subsequent legal assessments, reports, and diplomatic action.

[89]: OHCHR COI Guidance (2015); A/HRC/50/21 (2022) ¶¶ 29–35; A/80/337 (2025) ¶¶ 6–8.

[90]: HR/PUB/14/7 (2015) (requiring alleged violations by all parties to be investigated with “equal thoroughness and vigour”).

EVIDENTIARY DISCREPANCIES: WHAT EVIDENCE IS ACCEPTED

The second disparity concerns the COI's assessment of evidence: which facts are accepted, what level of corroboration is required, how competing explanations are evaluated, and whether uncertainty is resolved consistently across parties. Because the COI's mandate requires investigation of alleged violations by all parties, impartiality requires comparable evidence to be evaluated according to consistent standards.^[91] Specifically, OHCHR COI Guidance requires findings to be based on verified information, objective assessment, transparent source evaluation, meaningful corroboration, and consistent application of the applicable standard of proof.^[92]

The COI applies a “reasonable grounds to conclude” standard when making factual and legal findings.^[93] Although this standard permits evaluative judgment, the legitimacy of the COI's conclusions depends on whether competing evidence receives equivalent scrutiny based on reliability, credibility, and probative value rather than the identity of the source.^[94]

Unequal Scrutiny and Resolution of Uncertainty

Across the corpus, Israeli governmental and military explanations are frequently subjected to heightened evidentiary scrutiny. Security assessments, military justifications, intelligence-based explanations, and factual assertions are often characterized as *unsupported*, insufficiently verified, speculative, disproportionate, or pretextual.^[95] Where the COI determines that Israel has not provided sufficient corroborating evidence, it frequently treats the absence of supporting material as a basis for rejecting Israel's explanation rather than as a limitation on the available record due to military classification.^[96]

[91]: A/HRC/RES/S-30/1 (2021) (mandating investigation of alleged violations committed by “all parties”).

[92]: HR/PUB/14/7 (2015) paras. 44–47, 59–63.

[93]: *Id.*, paras. 44–47, 59–63.

[94]: See, e.g., A/HRC/50/21 (2022) ¶ 6, (describing the COI's evidentiary standard); Off. of the U.N. High Comm'r for Hum. Rts., *supra* note 62, at 59–63 (discussing standards of proof used by COIs).

[95]: For example, the Commission stated that it was “not aware of any credible evidence” supporting Israel's designation of six Palestinian civil-society organizations and elsewhere characterized Israeli explanations as unsupported or insufficiently substantiated. A/HRC/53/22 (2023) ¶¶ 14–15, 70; A/78/198 (2023) ¶¶ 17–20; A/HRC/59/26 (2025) ¶¶ 36–42.

[96]: The Commission rejected Israel's asserted military justification for attacks on university facilities. A/HRC/59/26 (2025) ¶¶ 36–42.

By contrast, the COI frequently relies on information provided by Palestinian authorities, the State of Palestine, the Hamas-controlled Gaza Ministry of Health, local witnesses, civil-society organizations, and humanitarian organizations, with less discussion of source limitations, competing explanations, methodological uncertainty, or corroboration.^[97]

When evidence concerns alleged Israeli violations, evidentiary gaps are frequently resolved against Israel. By contrast, when uncertainty concerns Palestinian actors or Palestinian-supplied information, the COI more often acknowledges limitations or accepts available accounts without comparable analysis. The absence of corroboration does not establish that Israel's explanation was false or unlawful, just as insufficient evidence supporting a military justification does not affirmatively disprove that justification. A consistent methodology would require uncertainty to be evaluated according to the same standard regardless of the actor involved.^[98]

Recurring Disparities Across the Reports

This pattern appears in multiple reports. **A/HRC/50/21** discounts multiple Israeli security justifications because the available evidence was insufficient, while incorporating factual assertions from Palestinian institutions with comparatively less discussion of competing evidence or corroboration.^[99] **A/HRC/53/22** concludes that it was “not aware of any credible evidence” supporting Israel's designation of six Palestinian civil-society organizations as terrorist organizations, but does not meaningfully analyze the intelligence underlying Israel's determination. The report treats the COI's lack of access to evidence as proof that no credible basis existed.^[100]

A/HRC/56/26 relies heavily on witness testimony, humanitarian reporting, and Palestinian institutional sources while repeatedly concluding that Israeli explanations lacked sufficient evidentiary support, with comparatively limited discussion of corroboration requirements or source limitations.^[101] **A/HRC/79/232** relies on information supplied by Palestinian authorities and the Gaza Ministry of Health concerning casualties and conflict effects while providing limited discussion of methodology, verification, or competing information.^[102] **A/HRC/59/26** concludes that destruction of educational facilities lacked military necessity because available evidence did not substantiate Israel's explanation. The analysis risks converting the absence of evidence before the COI into affirmative evidence disproving Israel's justification.^[103]

[97]: Id.

[98]: OHCHR COI Guidance (2015) (requiring objective assessment of facts, transparent evaluation of sources, and consistent application of evidentiary standards); **A/HRC/53/22** (2023) ¶¶ 54–57; **A/HRC/56/26** (2024) ¶¶ 32–36.

[99]: **A/HRC/50/21** (2022) ¶¶ 22, 28, 36.

[100]: **A/HRC/53/22** (2023) ¶¶ 94–96.

[101]: **A/HRC/56/26** (2024) ¶¶ 33–38.

[102]: **A/HRC/79/232** (2024) ¶¶ 23–27.

[103]: **A/HRC/59/26** (2025) ¶¶ 36–42.

Institutional Inferences in A/HRC/56/26

An in-depth analysis of **A/HRC/56/26** illustrates how this disparity affects institutional differences. The COI draws broad conclusions concerning Israeli policy and intent from individual testimony, official statements, social-media material, and observed patterns. It relies on reported testimony in evaluating whether the “Hannibal Directive” was applied and on statements and destruction patterns in considering Israel’s military doctrines.^[104] It further concludes that Israeli conduct indicated the prioritization of “vengeance and collective punishment” and that certain forms of sexual and gender-based violence formed part of the operating procedures of Israeli security forces.^[105]

The report does not apply comparable reasoning to Hamas with the same rigor. Although the COI recognizes that Hamas led and coordinated the October 7 attack, coordinated assaults across numerous communities involving murder, hostage-taking, mutilation, sexual violence, and destruction do not produce an equivalent inquiry into Hamas’s command decisions, operational directives, or institutional policy.^[106] The COI readily infers Israeli policy from inflammatory political rhetoric of leaders outside the defense apparatus, while declining to draw similarly developed institutional conclusions from Hamas’s organized attack.

This imbalance extends to source scrutiny. **A/HRC/56/26** criticizes deficiencies in Israel’s preservation of evidence and discusses how prioritizing victim identification, family notification, and burial complicated forensic examination.^[107] It does not subject Palestinian casualty records, forensic procedures, or information supplied by Gaza authorities to comparably scrutiny. The report also relies on governmental figures, advocacy material, social-media posts, and Telegram content without consistently explaining their authentication or corroboration.^[108]

[104]: A/HRC/56/26 (June 14, 2024) ¶¶ 35–36, 98, 101.

[105]: *Id.* ¶¶ 101, 103.

[106]: *Id.* ¶¶ 21–33, 73, 90–95. The Commission expressly finds that the attack was premeditated, reflected a high degree of organization and coordination, and was “led and coordinated by Hamas,” but avoids examining Hamas’ command decisions and institutional policy.

[107]: *Id.* ¶¶ 37, 96.

[108]: See, e.g., *id.* ¶¶ 5, 10–12, 21–23, 39–43 & accompanying notes. See also OHCHR COI Guidance HR/PUB/14/7 (2015), digitallibrary.un.org/record/3949729/files/HR-PUB-14-7.pdf (requiring reported incidents and events to be adequately corroborated).

Rejecting Israel's Security Justifications

A/80/337 repeatedly rejects Israel's security explanations while providing limited analysis of the military conditions underlying them. In discussing the Philadelphi and Netzarim corridors, it acknowledges Israel's explanation that the corridors facilitate the destruction of tunnels and other military infrastructure, prevent weapons smuggling, protect Israeli territory, and provide a basis for military operations.^[109] It nevertheless concludes that it “could not find reasonable military justification for the consistent and extensive expansion of the two corridors.”^[110]

Objectivity requires more than acknowledging Israel's explanations before dismissing them. The report does not sufficiently explain why tunnel destruction, interdiction of weapons smuggling, territorial security, and operational access were inadequate military justifications. Nor does it meaningfully assess Hamas's infrastructure, continuing military capacity, weapons-smuggling operations, or attacks near the corridors.^[111] Israel's security claims are treated as presumptively insufficient rather than evaluated against the military conditions confronting the State.

[109]: A/80/337 (Aug. 14, 2025) ¶¶ 15–16 digitallibrary.un.org/record/4088766/files/A_80_337-EN.pdf.

[110]: *Id.* ¶ 19.

[111]: *Id.* ¶¶ 16, 19. Paragraph 19 acknowledges “regular attacks by Palestinian armed groups on Israeli forces in the corridors and their vicinity” but does not develop their operational significance before rejecting the asserted military justification.

[106]: *Id.* ¶¶ 21–33, 73, 90–95. The Commission expressly finds that the attack was premeditated, reflected a high degree of organization and coordination, and was “led and coordinated by Hamas.” *Id.* ¶ 91 while avoided a comparably developed examination of Hamas's command decisions and institutional policy.

Selection and Verification Transparency

A/HRC/80/337 also relies extensively on posts from X, YouTube, Facebook, and other online platforms to evaluate Israeli rhetoric and infer institutional intent.^[112] A public statement by an individual politician does not establish State or military policy without analysis of the speaker's authority, the statement's context, its connection to governmental decision-making, and evidence that it was adopted or implemented. The COI nevertheless uses such material to support grave institutional conclusions without consistently performing that analysis.

The COI also relies on advocacy organizations without disclosing their sources of funding, institutional perspectives, methodologies, or evidentiary limitations. Advocacy materials require scrutiny of their definitions, sources, methods, and potential selection biases. The reports do not consistently explain how those materials were authenticated, independently corroborated, tested against official investigations and government records, or reconciled with contrary evidence.^[113]

Many findings also rely on confidential witnesses and nonpublic information.

A/HRC/80/337 states that “[a]ll information contained in factual findings is based on confidential information on file documented by the Commission from victims, witnesses and other reliable sources, unless specifically annotated.”^[114] Confidentiality prevents independent examination of a witness's knowledge, consistency, credibility, and corroboration. Merely designating a source as “reliable” does not establish how the COI assessed their reliability.

Citations to deleted social-media posts, dynamic webpages, and reports lacking precise supporting references further impede independent verification. Collectively, these practices prevent meaningful assessment of whether the COI applied consistent standards when authenticating, corroborating, and weighing evidence concerning Israeli and Palestinian actors.^[115]

SOURCE ≠ VERIFIED

SOURCE

*Authentication and
corroboration must be
transparent*

[112]: See, e.g., *id.* ¶¶ 14, 17, 23–24 & nn.7–8, 13, 17–22. The cited notes include posts and videos drawn from social-media and other online platforms in support of findings concerning territorial objectives, destruction, displacement, and institutional intent.

[113]: See *id.* ¶ 6 (stating that a complete list of sources is held on file rather than disclosed in the report); see also OHCHR COI Guidance, HR/PUB/14/7 (2015) (requiring adequate corroboration and concurring information from independent and reliable sources).

[114]: A/HRC/80/337, *supra* note 1, ¶ 4 n.4.

[115]: See *id.* ¶¶ 14, 17, 23–24 & accompanying notes; OHCHR COI Guidance (2015) *supra* note 5, at 59.

How the Law is Twisted

International humanitarian law imposes obligations on every party to an armed conflict. Its rules concerning distinction, proportionality, precautions, civilian protection, hostage-taking, indiscriminate attacks, and human shields apply to both State forces and organized non-State armed groups.^[116] Equal application therefore requires the COI to assess not only Israel's targeting decisions but also whether Hamas's military conduct increased civilian exposure, affected the identification of military objectives, or contributed to the conflict's humanitarian consequences.

Instead, the COI subject Israel's stated military justifications to heightened corroboration requirements and rejects supporting evidence as insufficient, while Palestinian-supplied information is incorporated with less analysis of methodological limitations or competing accounts. Although investigative bodies may properly distinguish evidence based on reliability and credibility, comparable evidence must be evaluated according to a consistent and transparent methodology.^[117]

When findings concern war crimes, crimes against humanity, forcible transfer, apartheid, or genocide, evidentiary methodology is not a procedural issue but a substantive determinant of legal conclusions. By repeatedly resolving uncertainty against Israeli explanations while applying less visible scrutiny to Palestinian-supplied information, the COI shifts evidentiary uncertainty disproportionately onto Israel in tension with the requirements of objectivity, impartiality, transparency, and investigative rigor.^[118]

[116]: Geneva Convention Relative to the Protection of Civilian Persons in Time of War arts. 3, 28, 33–34, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts arts. 48, 51–52, 57–58, June 8, 1977, 1125 U.N.T.S. 3; 1 Int'l Comm. of the Red Cross, *Customary International Humanitarian Law* rules 1, 7, 11–24, 96–97. Israel is not a party to Additional Protocol I; the cited customary rules provide the controlling basis for those principles to the extent they reflect customary international law.

[117]: OHCHR COI Guidance (2015) (requiring commissions to apply objective methodologies, evaluate evidence according to reliability and credibility, and assess relevant facts consistently); A/HRC/56/26 (2024) ¶¶ 33–38; A/79/232 (2024) ¶¶ 23–27.

[118]: OHCHR COI Guidance (2015) ¶¶ 44–47, 59–63.



Terrorists Under the Guise of Journalists Who Operated in the Al-Ahli Arab Hospital

Source: IDF Website/Spokesperson Unit Press Release



Suleiman Hani Saliman Hajaj

Terrorist operating as deputy commander of an engineering cell in the Islamic Jihad terrorist organization



Samir al-Rifai

Terrorist in the Islamic Jihad terrorist organization

Pictured: The IDF alleges that numerous Palestinian journalists, health care workers, and humanitarian workers moonlight as militants within terrorist organizations. The COI's tendency to rely on Palestinian sources with minimal verification or corroboration clouds the credibility of its mandate and outputs.

Source: IDF Website/Spokesperson Unit Press Release



Source: IDF Website/Spokesperson Unit Press Release



Pictured: Hamas terrorists eating food stolen from humanitarian aid trucks inside a tactical tunnel in Gaza. The frequent diversion of humanitarian aid to supply and sustain militants is often downplayed by the COI or not evaluated for its humanitarian consequences.

Ignoring the Battlefield Context

The COI extensively analyzes Israel's obligations concerning distinction, proportionality, precautions, military necessity, and humanitarian access, but ignores the battlefield conditions deliberately created by Hamas. Hamas's placement of military objectives in densely populated areas, use of civilian infrastructure, tunnel network, and failure to separate its forces from civilians directly affect the precautions reasonably available to Israel, the identification of military objectives, the proportionality analysis, and the attribution of responsibility for civilian harm.^[119] By excluding Hamas's conduct from that analysis, the COI applies IHL in a manner that predetermines Israeli responsibility while minimizing the armed group's role in creating civilian risk.

Across the corpus, Palestinian attacks, indiscriminate rocket fire, hostage-taking, use of civilian infrastructure, and violence by Palestinian armed groups receive little causal or legal integration.^[120] The COI presents Hamas' violations as discrete events rather than incorporating them into its principal analysis of military necessity, civilian exposure, or responsibility for initiating and prolonging the hostilities. **The COI portrays Israeli conduct as systematic and intentional while treating Hamas's organized military strategy as peripheral**, thereby obscuring Hamas's responsibility for creating civilian danger and distorting the legal assessment of Israel's response.

Ignoring Hamas's Military Strategy

A/HRC/56/26 exemplifies these recurring patterns. The report extensively evaluates Israel's military operations under the rules governing distinction, proportionality, precautions, and humanitarian access, but fails to apply those rules within the battlefield conditions created by Hamas.^[121] Equal application of IHL requires examination of Hamas's placement of military objectives in populated areas, construction of tunnels beneath civilian communities, use of civilian infrastructure for military purposes, and failure to separate military activities from civilians.^[122]

[119]: Int'l Comm. of the Red Cross, *Customary International Humanitarian Law*, supra note 1, rules 10, 14–24, 97; A/HRC/59/26 (May 6, 2025) ¶¶ 22–23, 81 (recording Israeli allegations of Hamas military activity in schools and verifying one instance in which Hamas used a school to prepare and detonate explosive devices).

[120]: A/HRC/56/26 (June 14, 2024) ¶¶ 21–33, 73, 90–95, 109(a)–(e) (documenting murder, hostage-taking, indiscriminate rocket fire, sexual and gender-based violence, and other violations by Hamas and Palestinian armed groups); A/HRC/59/26, supra note 2, ¶¶ 22–23, 81.

[121]: A/HRC/56/26 (June 14, 2024) ¶¶ 38–88, 97–103.

[122]: Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts arts. 51(7), 52(2), 57–58, June 8, 1977, 1125 U.N.T.S. 3; 1 Int'l Comm. of the Red Cross, *Customary International Humanitarian Law* rules 10, 14–24, 97; A/HRC/59/26 (May 6, 2025) ¶¶ 22–23, 81 (recording allegations of Hamas military activity in schools and verifying one instance in which Hamas used a school to prepare and detonate explosive devices). Israel is not a party to Additional Protocol I; the cited customary rules provide the applicable basis to the extent those treaty provisions reflect customary law.

The COI treats evidence concerning these practices as secondary or requiring further investigation while reaching considerably firmer conclusions about Israel's motivations and policies. The result is a one-sided causal analysis that assigns Israel responsibility for the conflict's humanitarian consequences while failing to examine Hamas as the governing and military organization whose strategy deliberately increased civilian exposure and prolonged the conflict.

Military Use of Protected Facilities

A/HRC/62/22 examines Hamas' use of the Nasser Medical Complex and documents Hamas militants beating, torturing, and shooting Palestinian civilians on or inside the hospital premises; Hamas counterfire from inside the hospital, the presence of armed and masked men, and suspected movement of weapons within the complex.^[123] The Commission nevertheless concludes (with minimal justification) that this conduct did not constitute "acts harmful to the enemy," namely Israel, and therefore did not affect the hospital's protected status.^[124]

The COI's analysis does not give comparable factual or legal weight to the full military significance of Hamas's activities at the complex before attributing unlawful conduct to Israeli forces. By compartmentalizing Hamas' use of the facility while reaching firm conclusions against Israel, the COI excludes essential battlefield context and produces a legally incomplete assessment.



Source: IDF Website/Spokesperson Unit Press Release

[123]: A/HRC/62/22 (May 8, 2026) ¶¶ 55–60 (testimony of Hamas members beating victims inside the hospital, a shooting in a hospital cafeteria tent, and Hamas counterfire from inside the hospital; observations of armed and masked men, intimidation, arbitrary arrests, and suspected movement of weapons within the complex).

[124]: *Id.* ¶¶ 61, 87.

The Philadelphi and Netzarim Corridors

A/HRC/80/337 evaluates Israel’s control and expansion of the Philadelphi and Netzarim corridors without adequately integrating the battlefield context. Israel explained that the corridors were used to destroy tunnels and military infrastructure, prevent weapons smuggling, protect Israeli territory, and support military operations.^[126] The COI nevertheless concluded that it could not find reasonable military justification for their consistent and extensive expansion, while declining to analyze Hamas’s tunnel network, weapons-smuggling routes, continuing military capacity, or the operational purposes identified by Israel.^{[127]F}

The COI was required to evaluate Israel’s security explanations under the applicable rules of armed conflict and the military circumstances confronting the State.^[128] **A/HRC/80/337** exemplifies the COI’s habit of rejecting Israel’s explanations, relying on an incomplete factual record, and avoiding a thorough assessment of Hamas’ infrastructure and operations to arrive at a predetermined conclusion of “no military necessity.”

Ignoring Hamas’ Role in Civilian Exposure

The COI frequently treats Palestinian civilian harm as evidence of Israeli intent without giving comparable legal significance to Hamas’ intentional placement of military assets in densely populated areas, use of civilian infrastructure, tunnel construction, or indiscriminate rocket fire.^[129] These practices directly affect the identification of military objectives, the precautions reasonably available, the proportionality analysis, and the allocation of responsibility for civilian exposure.^[130]



Pictured: Hamas tunnel located in child’s room in Northern Gazan city of Jabalya. Source: IDF Spokesperson Unit Press Release

[126]: A/80/337 (Aug. 14, 2025) ¶¶ 15–16.

[127]: *Id.* ¶ 19.

[128]: Int’l Comm. of the Red Cross, *Customary International Humanitarian Law* rules 8, 14–21; OHCHR COI Guidance HR/PUB/14/7 (2015) 33–34, 59, 90.

[129]: A/HRC/56/26 (June 14, 2024) ¶¶ 90–92, 109(b), (e) (documenting indiscriminate attacks and hostage-taking and directing Gaza’s de facto authorities to avoid using civilian property for military purposes and to separate military activities from civilian areas); A/HRC/59/26 (May 6, 2025) ¶¶ 22–23, 81 (recording allegations of Hamas military activity in schools and verifying one instance in which Hamas used a school to prepare and detonate explosive devices); A/HRC/80/337 (Aug. 14, 2025) ¶¶ 16, 19 (acknowledging tunnels, weapons-smuggling concerns, and attacks by Palestinian armed groups near the military corridors).

[130]: Hamas’s violations do not release Israel from its own obligations of distinction, proportionality, and precautions, but they remain relevant to identifying military objectives, assessing feasible precautions, and determining which actor caused or increased civilian exposure.

The Legal Significance of Hostage-Taking

Hostage-taking receives similarly limited legal integration. The corpus acknowledges that Hamas and other Palestinian armed groups abducted and continued to hold Israeli civilians.^[131] Yet it treats the hostage crisis primarily as a discrete violation or recommendation rather than as a continuing war crime that shaped Israel's military objectives, negotiations, operational decisions, and the duration of the conflict.^[132] By minimizing the continuing legal significance of the hostages, the COI removes a central military and humanitarian objective from the context in which Israel's decisions are evaluated.

Contextualization of Palestinian Violations

The disparity also appears in the treatment of internal Palestinian violations. **A/HRC/62/22** documents Hamas-affiliated executions, torture, and repression against Palestinian civilians but frequently frames these abuses through institutional collapse or a security vacuum.^[133] This framing obscures Hamas' governance and coercive authority by presenting its organized abuses as consequences of deteriorating conditions rather than examining them with the institutional focus applied to Israeli officials and policies.^[134]

[131]: A/HRC/56/26 (June 14, 2024) ¶¶ 21, 28, 33, 42, 90–92 (finding that at least 252 people were abducted to Gaza, primarily as hostages for use in negotiations, and that the conduct constituted war crimes).

[132]: 1 Int'l Comm. of the Red Cross, *Customary International Humanitarian Law* rule 96; A/HRC/56/26, supra note 1, ¶¶ 38, 101, 109(a).

[133]: A/HRC/62/22 (May 8, 2026) ¶¶ 44–61, 82–87 (identifying 249 cases of executions and severe physical violence against Palestinians, resulting in at least 108 deaths and 384 injuries, and finds that Hamas used such punishment to eliminate opposition and control Gaza).

[134]: See id. ¶¶ 44–46, 82. Paragraph 46 frames lawlessness, killings, looting, theft, and social disorder as consequences of the governmental and security vacuum created by Israeli operations, while paragraph 44 acknowledges that Hamas committed summary executions and torture during earlier periods without active Israeli military operations. The report's factual findings of Hamas' organized coercive practices are at odds with its contextual framing as a byproduct of "occupation."

Unequal Remedial Burdens

Although the COI directs Palestinian authorities and Gaza’s de facto authorities (Hamas) to investigate violations, release the hostages, cease indiscriminate attacks, prosecute sexual violence, and separate military activities from civilian areas, it does not develop comparable demands concerning Hamas’s command accountability, reparations for destroyed Israeli communities, assistance to displaced Israelis, disclosure regarding missing or deceased hostages, or accountability for exposing Palestinian civilians to military danger.^[135] **Israel is assigned responsibility for addressing the conflict’s broader consequences; Hamas is not subjected to an equivalent remedial framework.**

This is not an equal application of humanitarian law. The COI’s failure to address Hamas’ military strategy and command structure^[136] produces a narrative that concentrates responsibility on Israel and obscures the conduct of the armed organization that initiated the war, embedded its military operations among civilians, and continued to hold Israeli hostages.
[137]

[135]: Compare A/HRC/56/26 (June 14, 2024) ¶ 108(a)–(j) (directing detailed operational, humanitarian, detention, reconstruction, accountability, and remedial demands to Israel), with id. ¶ 109(a)–(e) (directing the Palestinian authorities and Gaza’s de facto authorities to release hostages, cease indiscriminate attacks, investigate violations, prosecute sexual violence, and separate military activities from civilian areas).

[136]: Id.

[137]: A/HRC/56/26 (2024), supra note 3, ¶¶ 21, 38, 90–92 (finding that the October 7 attack was led and coordinated by Hamas, documenting hostage-taking, and identifying destruction of Hamas and release of the hostages as Israel’s stated military objectives); A/HRC/62/22, supra note 1, ¶¶ 55–61, 82–87 (documenting Hamas’s coercive authority, violence against Palestinian civilians, and use of the Nasser Medical Complex).

Source Selection and Verification

Across its reports, the COI relies heavily on social-media material from platforms including X, YouTube, Facebook, and Telegram.^[138] The reliability of such information depends on authentication, contextual review, and independent corroboration. The reports do not consistently explain how these safeguards were applied, even when online material contributes to findings of war crimes, genocide, or institutional intent.^[139]

The COI also relies extensively on advocacy organizations with established positions concerning the conflict. Their research should not be rejected solely because they engage in advocacy, but it requires scrutiny of their sources of funding, methodologies, definitions, sources, and potential selection biases. The reports do not always explain how these materials were evaluated against official investigations, government records, judicial findings, or contrary evidence.^[140]

In addition, many findings rely on confidential witnesses and nonpublic information. **A/HRC/80/337** states that “[a]ll information contained in factual findings is based on confidential information on file documented by the Commission from victims, witnesses and other reliable sources, unless specifically annotated.”^[141] Confidentiality may be necessary to protect witnesses, but it prevents independent assessment of their knowledge, consistency, and corroboration. Merely describing a source as “reliable” does not disclose how that reliability was established.

Finally, citations to deleted social-media posts, dynamic webpages, or other reports without precise supporting references can impede independent verification.^[142] Collectively, these practices make it difficult to determine whether the COI applied consistent standards when authenticating, corroborating, and weighing evidence concerning Israeli and Palestinian actors.

[138]: A/HRC/80/337 (Aug. 14, 2025) ¶¶ 7–10, ¶¶ 17–22.

[139]: *Berkeley Protocol on Digital Open Source Investigations: A Practical Guide on the Effective Use of Digital Open Source Information in Investigating Violations of International Criminal, Human Rights and Humanitarian Law* 8–10, 47–68, U.N. Sales No. E.22.XIV.4 (2022).

[140]: OHCHR COI Guidance HR/PUB/14/7 (2015) ¶¶ 33–34, 39.

[141]: A/HRC/80/337 (Aug. 14, 2025) ¶5 n.4.

[142]: A/80/337 (Aug. 14, 2025) ¶¶ 7–10, 17–22, 23–24.

Conclusion

The COI's corpus of reports, statements, and press releases reveals the architecture of its bias. The COI attributes most civilian harm to Israel. It links alleged Israeli violations to named officials and military units, rejects Israel's analysis of battlefield conditions, and characterizes IDF soldiers' alleged misconduct as a product of institutional intent.

Hamas' attacks on Israeli civilians are treated as discrete incidents. Hamas' weaponization of Gaza's civilian infrastructure, its intentional targeting of Israeli civilians, and its abuse of Palestinian dissidents under its de facto control should shape the COI's principal findings and legal conclusions. Instead, the COI generalizes, contextualizes, and treats Hamas' crimes as peripheral.

These are not isolated drafting choices or reasonable differences in emphasis. They constitute a persistent, directional pattern that materially distorts the allocation of agency, responsibility, and legal scrutiny. This formulation produces a one-sided account of the conflict by design.

These directional patterns constitute a fundamental departure from the U.N.'s foundational requirements of **independence, impartiality, objectivity, and equal treatment**. By systematically magnifying Israeli responsibility while minimizing the independent agency of Palestinian armed groups, the COI fundamentally compromises its own credibility. Because these findings influence international legal proceedings, diplomatic action, and sanctions, immediate corrective action is necessary to prevent further prejudice to Israel and to restore the legitimacy of U.N. investigative mechanisms.

Recommendations to Member States

Member States should terminate the COI's mandate because its current structure and practices undermine both credibility and the efficient use of U.N. resources. This necessary action is based on three fundamental systemic flaws:

Unjustified Mandate and Budget: The COI's indefinite duration, continuing funding, and permanent staffing have transformed a temporary fact-finding mechanism into a standing institution of scrutiny without comparable periodic reconsideration of its necessity, scope, or performance.

Lack of Accountability and Impartiality: The U.N. currently fails to enforce its investigative standards through transparent review procedures, lacking corrective action, recusal, suspension, or discipline even when commissioners create a reasonable appearance of bias or prejudgment.

Absence of Methodological Equality: The COI fails to evaluate state forces and non-state armed groups under consistent evidentiary standards or apply humanitarian law according to their respective legal functions. Reports do not consistently identify institutional and command responsibility, assess competing evidence, or disclose the methodology used to authenticate and corroborate confidential, digital, governmental, and advocacy sources.

Due to its open-ended structure, permanent staffing, recurring multimillion-dollar budget, and the documented methodological deficiencies outlined above, Member States must terminate the COI. Its resources should instead support time-limited, event-specific investigations with periodic review, transparent evidentiary standards, and enforceable impartiality requirements.

Submitted by the Jerusalem Institute of Justice (JIJ) in September, 2026



Jerusalem Institute of Justice
King George 16,
9101301 Jerusalem, Israel
Tel: +972 5375545
jjj.org

