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# FIXED INQUIRY

## The Biased UN Commission Against Israel



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# **FIXED INQUIRY**

**The Biased UN Commission Against Israel**

May, 2022

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Authored by:



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ILI - I Like Israel



IMPAC - International Movement for Peace and Coexistence



IIA - Ireland Israel Alliance



IAM - Israel Advocacy Movement



IAF - Israel Allies Foundation



ICN - Israel Christian Nexus



IINZ - Israel Institute of NZ



MIFF - Med Israel for fred



PMW - Palestinian Media Watch



Simon Wiesenthal Center



SAZF - South African Zionist Federation



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The Lawfare Project



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High Commissioner for Human Rights Pillay Speaks at Opening of Dignity: Tribes in Transition, on July 11, 2011. Photo by Eric Bridiers via Flickr, licensed under [CC BY-ND 2.0](#). modified

Palestinian Hamas militants take part in an anti-Israel military show in the southern Gaza Strip, on November 11, 2019. Photo by Abed Rahim Khatib via [Shutterstock.com](#). modified.

Palestinian supporters of the Ezz-Al Din Al-Qassam Brigades, the armed wing of the Hamas movement, attend a military parade in Khan Yunis, in the southern Gaza Strip, on May 27, 2021. Photo via [Shutterstock.com](#). modified.

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Group of children classmates running to school bus back view late. Photo via [Shutterstock.com](#). modified.

SDEROT, ISRAEL - JULY 10, 2019: Small bomb shelter in a park. Photo via [Shutterstock.com](#). modified.

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# PREFACE

**By Ambassador Dore Gold**

The UN Human Rights Council in Geneva has a history of sponsoring extremely biased resolutions against the State of Israel. In 2006, the UN General Assembly, voted to replace what had been its predecessor organization, the UN Commission on Human Rights, which had existed since 1946. However, even the reborn UN Human Rights Council is still deeply flawed.

In fact, in November of the very same year of its inception, the UN Secretary, General Kofi Annan, strongly criticized how it still functioned, noting “since the beginning of their work, they have focused almost entirely on Israel.” Annan added “...there are other crisis situations, like Sudan, where they have not been able to say a word.”

At the UN, hostile policies are a function of the people the UN bureaucracy appoints and no official has been more ubiquitous when it comes to unfairly attacking Israel, than Navi Pillay, who, among other things, charged that Israel was practicing Apartheid. She became an advocate of BDS (Boycott, Divestment and Sanctions) against Israel. She referred to the Hamas-controlled Gaza Strip as “occupied” territory even though Israel unilaterally had withdrawn from Gaza in 2005.

Pillay, in her capacity as UN High Commissioner for Human Rights between 2008 and 2014, helped assemble four fact finding missions aimed at Israel – that was more than any other country; references to Israel as an “apartheid regime” have appeared in statements to which Pillay has adhered, even recently.

The malign intent of the UN Human Rights Council with respect to Israel was demonstrated in its infamous Gaza Report issued after the Hamas war against Israel in 2008-2009. Here the UN Human Rights Council adopted a resolution characterizing Israel’s operation as “military aggression in Gaza”. The fact that it was preceded by salvos of Hamas rockets on Israeli civilian targets was completely ignored by the UN.

The UN also chose so-called experts to analyze aspects of Israel’s situation and its policies towards its Arab population. One of its experts, Miloon Kothari, described the Bedouin in southern Israel as living in a “Bantustan-type situation”, adopting a narrative taken from Apartheid South Africa. The UN, thus, set the stage for repeated attacks on Israel by virtue of the language adopted through its work and some of the careless procedures its panel members approved.

Thus, when the UN Human Rights Council appointed a new “Commission of Inquiry” against Israel in July 2021, and place Navi Pillay as its head, it is no wonder that we could only expect that the new body would become yet another entity based on foul play and not on strict international legality with some modicum of fairness.

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Ambassador Dore Gold served as Israel's Permanent Representative to the UN (1997-1999), and as the Director General of the Israel Ministry of Foreign Affairs (2005-2006). He is currently the President of the Jerusalem Center for Public Affairs (JCPA).

# EXECUTIVE SUMMARY

On May 27, 2021, the UN Human Rights Council adopted a resolution to “urgently establish an ongoing, independent, international commission of inquiry (Col) to investigate, in the occupied Palestinian territory, including East Jerusalem, and in Israel, all alleged violations and abuses of international human rights law leading up and since 13 April 2021.”<sup>1</sup>

Purportedly created in the wake of Israel’s self-defensive campaign against Palestinian Hamas terror group in May 2021, which fired approximately 4,500 rockets at Israeli civilians, the resolution establishing the Col makes no mention of Hamas. Indeed, this Council is yet to ever condemn Hamas.

Instead, the Council has established a new open-ended commission to effectively investigate “all underlying root causes”<sup>2</sup> of the conflict, meaning in practice – an investigation against Israel in perpetuity, since the Jewish state’s inception in May 1948, and prior.

In essence, this Col is unprecedented in scope and brazen in anti-Israel bias, where the Jewish state’s guilt has already been pre-determined before the ink on the mandate was even dry. Like every commission, resolution and fact-finding mission against Israel that preceded it, it only further underscores this Council’s systematic and pathological obsession, bias and demonization of the State of Israel, hijacking international law and repeatedly denying Israel equal treatment, as ought to be afforded to every Member State under the UN Charter.

This is the ninth such investigative commission established against Israel, nearly a third of all such bodies created by this Council, where Israel remains the only country with a stand-alone item on the Council’s agenda, is subject to continuous investigation by a permanent Special Rapporteur and has been condemned almost more times than all the other countries of the world combined.

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1 United Nations Human Rights Council, [The United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel](#), published 05/2021, accessed 02/2022

2 Ibid.

Instead of holding to account the world's most egregious human rights abusers, the Council continues its relentless obsession with singling out Israel for opprobrium and double standards. Indeed, some of the Council's current members include gross abusers like Russia, China and Venezuela, while the budget establishing the Col, far exceeds that of any other commission of inquiry, including Syria, where an estimated 500,000 people have been killed and millions displaced.

Nowhere though is the systematic bias of the Council more evident, than in the make-up of those appointed to ostensibly judge Israel in an 'independent and impartial' manner.

On July 22, 2021, it was announced that former UN High Commissioner for Human Rights Navanethem (Navi) Pillay (South Africa), who has a long-standing and fervent hostility against the State of Israel, would chair this Col, along with Miloon Kothari (India) and Chris Sidoti (Australia).<sup>3</sup> Both Sidoti and Kothari also have well-documented biases against Israel.

An examination of some of Pillay's past remarks and actions only underscores her extreme bias and inability to act in a fair and impartial manner concerning Israel. Pillay has previously:

- Referred to Israel as an "apartheid regime" and has accused the Jewish state of "war crimes" and "crimes against humanity."
- Openly supports the anti-Israel Boycott, Divestment, and Sanctions (BDS) movement and has called for military embargoes.
- Has been one of the most ardent supporters of the Durban Conference, an event that has become synonymous with unhinged Jew hatred, antisemitism, Holocaust distortion and demonization of Israel. Thirty-eight democratic nations withdrew from the 20th anniversary of the Durban Conference at the United Nations, in September 2021.
- Repeatedly adopted flagrant double standards when applying international law to Israel.
- Met with organizations and individuals affiliated with the Popular Front for the Liberation of Palestine (PFLP), an internationally designated terror group, including a convicted PFLP terrorist.
- Hired a senior staff member who was previously employed by Israel-designated terror organization and PFLP-affiliated group Al-Haq.

3 Ibid.

As outlined in the report below, Pillay's fellow Col members, Miloon Kothari and Chris Sidoti, likewise have very problematic and biased histories concerning Israel, including having previously made various incendiary statement and charges against the Jewish state, while also showing support for Palestinian terror groups.

In summary, the appointment of these individuals is a complete and unequivocal betrayal of the UN Human Rights Council's own rules and guidance on Commissions of Inquiry and Fact-Finding Missions, which clearly state that:

***“Members should, in all cases, have a proven record of independence and impartiality. It is also important to ensure that the background of candidates, prior public statements or political or other affiliations do not affect their independence or impartiality, or create perceptions of bias.”<sup>4</sup>***

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4 United Nations Human Rights Office of the High Commissioner, [Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law, Guidance and Practice](#), published 2015, accessed 02/2022

# BACKGROUND TO ESTABLISHMENT OF COMMISSION OF INQUIRY

On July 22, 2021, it was announced that former UN High Commissioner for Human Rights Navanethem (Navi) Pillay (South Africa) would chair the UN Human Rights Council (UNHRC)'s Commission of Inquiry "on the Occupied Palestinian Territory, including East Jerusalem, and Israel."<sup>5</sup> The UNHRC also announced that Miloon Kothari (India) and Chris Sidoti (Australia) would serve as committee members.<sup>6</sup>

The formation of the Commission of Inquiry was decided during a May 27, 2021 UN Human Rights Council (UNHRC) session, ostensibly in the wake of Israel's self-defensive campaign against Palestinian Hamas terror group in May 2021.

The Col was tasked "to investigate in the Occupied Palestinian Territory, including East Jerusalem, and in Israel all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law leading up to and since 13 April 2021." It was also charged with investigating "all underlying root causes of recurrent tensions, instability and protraction of conflict, including systematic discrimination and repression based on national, ethnic, racial or religious identity."<sup>7</sup>

However, nowhere in the resolution establishing the Col makes no mention of Hamas, which fired approximately 4,500 rockets at Israeli civilians<sup>8</sup>.

5 United Nations Human Rights Council, [President of Human Rights Council appoints Members of Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel](#), published 07/22/2021, accessed 01/2022

6 Ibid.

7 Ibid.

8 Israel Defense Force, [Operation Guardian of the Walls](#), published 15/06/2021, accessed 02/2022.

Operation 'Guardian of the Walls' commenced by the Israel Defense Forces (IDF) in response to a sustained period of Palestinian terror, violence, firing of incendiary balloons and mass riots, culminating in Hamas launching 6 rockets at Jerusalem from the Gaza Strip, on 10th May, 2021<sup>9</sup>.

Although the Palestinian leadership and some in the international community sought to deflect attention from the real cause of this conflict by blaming Israel for a legal dispute regarding property in Sheikh Jarrah, these were all a pretext for the orchestrated Palestinian wave of terror and incitement, including diverting attention from the Palestinian Authority decision to postpone elections and the internal PA-Hamas tension.

In response to this unprovoked aggression, Israel launched a defensive campaign against Hamas, which targeted the terror group's rocket arsenal, terror tunnels, command centers, and infrastructure in Gaza used to fire rockets at Israeli civilian communities.<sup>10</sup>

International law recognizes the inalienable right of states to use force in self-defense, both in conventional and customary international law. Article 51 of the UN Charter also clearly states: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations."<sup>11</sup>

Israel exercised this right in a manner fully compliant with international law, including the principles of necessity and proportionality.<sup>12</sup>

The ensuing Israeli operation, which lasted 12 days, succeeded in destroying over 1,500 Hamas and Islamic Jihad terror targets in Gaza, including launch sites, command and control centers, and weapons storage sites.<sup>13</sup> Israel also destroyed kilometers of Hamas' vast terror tunnel network, while minimizing harm to civilians in the densely-populated Gaza enclave.<sup>14</sup>

Hamas, in the meantime, by using Palestinian civilians in Gaza as human shields, while indiscriminately firing at civilians in Israel, was guilty of a double war crime, in flagrant violation of international law, including the Law

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9 Ibid.

10 IDF, [Operation Guardian of the Walls](#), published 06/2021, accessed 01/2022

11 United Nation, [UN Charter](#), Article 51, accessed 02/2022

12 For further discussion, see: The International Legal Forum, [International Law and Operation Guardian of the Walls](#), published 06/2021, accessed 02/2022

13 Ibid.

14 Ibid.

of Armed Conflict, Article 51 of the First Additional Protocol to the Geneva Convention (1949 and 1977) and the Rome Statute of the International Criminal Court<sup>15</sup>.

In a May 24, 2021, interview with British Sky News, shortly after a cease-fire between Israel and Hamas began to take hold, Hamas founder Mahmoud al-Zahar openly admitted the terror group indiscriminately targeted civilians in Israel, saying the group attacked “Israeli targets at very important points, including most of the overcrowded area in the civilian society”, while reiterating that Israel “does not have a right to exist.”<sup>16</sup>

Given the Col’s failure to acknowledge Hamas in the resolution establishing the Commission, the glaringly one-sided nature of the mandate, and the open, undeniable and vehement bias of Col chair Navi Pillay and her co-panelists, it is clear that these aspects will not be discussed and that Israel will, again, be denied the opportunity of a fair and impartial hearing before the UN Human Right Council.

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15 For further discussion, see: The International Legal Forum, [International Law and Operation Guardian of the Walls](#), published 06/2021, accessed 02/2022

16 Sky News [interview](#) with Mahmoud al-Zahar, published 24/05/21, accessed 02/2022

# NAVI PILLAY

Pillay is a South African national,<sup>17</sup> who is a practicing lawyer by profession.<sup>18</sup>

In 1995, Pillay was appointed acting judge on the South African High Court, and the same year she was elected by the UN General Assembly to be a judge on the International Criminal Tribunal for Rwanda, where she served a total of eight years, the last four (1999-2003) as president.<sup>19</sup>

In 2008 she was appointed High Commissioner for Human Rights at the United Nations, a position in which she served two terms until her 2014 retirement.<sup>20</sup>



Photo Credit: High Commissioner Navi Pillay on June 10, 2014. Photo by Eric Brielers via Flickr, modified. CC BY-ND 2.0

## Pillay's support for BDS, UNHRC's Blacklist and accusing Israel of Apartheid

On November 29, 2017, Navi Pillay gave a keynote speech to the South African Department of International Relations and Cooperation's seminar "The Year of Oliver Tambo and The Palestinian Struggle under Apartheid Rule, Pretoria, South Africa," held in honor of the UN International Day of Solidarity with Palestine.

17 United Nations Human Rights Office of the High Commissioner, [Navanethem Pillay](#), accessed 01/2022; United Nations Human Rights Office of the High Commissioner, [Opening remarks by UN High Commissioner for Human Rights Navi Pillay at a press conference during her mission to Sri Lanka Colombo, 31 August 2013](#), published 2013, accessed 01/2022

18 United Nations Human Rights Office of the High Commissioner, [Navanethem Pillay](#), accessed 01/2022

19 Ibid.

20 International Nuremberg Principles Academy, [Dr. Navi Pillay is elected as new President of the Advisory Council](#), accessed 01/2022

In her speech, Pillay openly accused Israel of apartheid, when she said: “Apartheid is now being declared a crime against humanity in the Rome Statute, and it means the enforced segregation of people on racial lines, and that is what is happening in Israel.”<sup>21</sup>

At the same event, Pillay noted that she was “very pleased” to meet with members of the BDS campaign and that she hoped this “Palestinian struggle to end colonization”<sup>22</sup> will “catch on, as did the anti-apartheid movement.”<sup>23</sup>

In her 2017 speech, Pillay also called the UNHRC “Blacklist”<sup>24</sup> of Israeli businesses in the West Bank “a huge victory.”<sup>25</sup>

In June 2020, Pillay signed “The Global South Statement,” which calls on the UN General Assembly to sanction Israel, including a military embargo, to promote “the activation of the UN Special Committee on Apartheid to address Israel’s regime over the indigenous people of Palestine,” update the UN blacklist of companies which operate in Israeli settlements, and support the International Criminal Court’s probe into “Israel’s war crimes and crimes against humanity perpetrated in the occupied Palestinian territories.”<sup>26</sup>

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21 Africa4Palestine: [Navi Pillay on Israel Being an Apartheid State](#), published 29/01/18, accessed 02/2022

22 Africa4Palestine: [Navi Pillay on Israel Being an Apartheid State](#), published 29/01/18, accessed 02/2022

23 YouTube, [Judge Navi Pillay; Former UN High Commissioner on Human Rights](#), published 12/14/2017, accessed 01/2022.

24 I24, [UN releases 'blacklist' of companies with ties to Israeli West Bank settlements](#), published 02/12/2020, accessed 01/2022; United Nations Human Rights Council, [UN rights office issues report on business activities related to settlements in the Occupied Palestinian Territory](#), accessed 01/2022; YouTube, [Navi Pillay 2017 Speech - UN International Day of Solidarity with Palestine](#), published 01/18/2018, accessed 01/2022

25 Ibid.

26 MCusercontent, [STOP THE TRUMP-NETANYAHU STEAL OF THE CENTURY, SANCTION APARTHEID ISRAEL](#), accessed 01/2022, Facebook, [SA BDS Coalition](#), published 06/16/2020, accessed 01/2022

We demand that our governments fulfil their obligations under international law by:

### 1. Adopting

a resolution at the United Nations General Assembly which renews the call for, and provides the means to implement, targeted and lawful sanctions on Israel, including a military embargo, as a countermeasure to stop its de facto and de jure annexation of occupied Palestinian territories and its other egregious violations of international law.

### 2. Promoting

the activation of the UN Special Committee on Apartheid to address Israel's regime over the indigenous people of Palestine.

### 3. Guaranteeing

the effectiveness and regular updating of the UN database of companies involved in business with Israel's illegal settlement enterprise.

### 4. Supporting

the International Criminal Court's probe into Israel's war crimes and crimes against humanity perpetrated in the occupied Palestinian territories.

[Screenshot from the Global South Statement](#), accessed 01/2022

Navi Pillay

Former UN High Commissioner Human Rights.

[Pillay's signature on the Global South Statement](#), accessed 02/2022

## Connections to the PFLP Terror Group

Pillay has met over the years with individuals affiliated with the Popular Front for the Liberation of Palestine (PFLP) terror group, including a convicted PFLP terrorist.<sup>27</sup> She also employed Mona Rishmawi, a former employee of PFLP-affiliated NGO Al-Haq, in her office at the UN.<sup>28</sup> Pillay's ties to the PFLP may provide insight into the roots of her anti-Israel bias and whitewashing of Palestinian terror.

27 YouTube, [Umm Jaber Wishah, a Palestinian mother, mourns her son with moving words - Hajar Harb - Al-Masira](#), published 12/22/2015, accessed 01/2022; Addameer, [QUARTERLY UPDATE ON PALESTINIAN PRISONERS \(15 JANUARY - 15 APRIL 2011\)](#), published 04/20/2011, accessed 01/2022; PCHR, [As Part of Its Efforts to Internationalize the Cause of Palestinian Prisoners in Israeli Jails, PCHR Organizes Activities for Families of Prisoners in Egypt, Switzerland and France](#), published 02/26/2013, accessed 01/2022; Cosmos Journal, University College Cork, [Jaber Wishah \(archived\)](#), accessed 01/2022

28 Reuters, [UN's Pillay suggests Snowden should not face trial](#), published 07/16/2014, accessed 01/2022

Formed in 1967 by George Habash, the PFLP is founded on Marxist-Leninist ideology.<sup>29</sup> It is dedicated to the destruction of the State of Israel and the removal of “Western imperialism” and capitalism from the Middle East.<sup>30</sup> The PFLP gained international notoriety in the 1960s and '70s for a succession of international plane hijackings.<sup>31</sup> However, PFLP activity was not limited to plane hijackings and since its inception, it has routinely carried out terrorist bombing operations, the assassination of an Israeli cabinet minister, suicide bombings targeting civilians, and brutal attacks using axes, knives, and guns.<sup>32</sup> The PFLP has been widely designated as a terrorist organization, including by the United States,<sup>33</sup> European Union,<sup>34</sup> Israel,<sup>35</sup> and Canada.<sup>36</sup>

Numerous investigations have found that several Palestinian NGOs share staff, funding, and resources with the PFLP, sometimes using these organizations, many disguised as human rights groups, as bases to stage violent attacks against Israelis. In October 2021, NGOs Al-Haq and Addameer were among the groups designated as terror organization by Israel due to their numerous ties to the PFLP.<sup>37</sup> Though these groups were not designated as terror entities by Israel prior to Pillay’s interactions with them, their connections to the PFLP terrorist organization were already well-documented.<sup>38</sup>

29 The Marxist-Leninist, [42 years of the PFLP: Time for a new political era of resistance and national liberation](#), published 12/11/2009, accessed 02/2021

30 Popular Front for the Liberation of Palestine (PFLP), [Two Military Operations in the Heart of the Beast](#), p.2, published 05/1984, accessed 02/2021

31 Popular Front for the Liberation of Palestine, [Leila Khaled: The women of Palestine are stronger than the conspiracy of normalization](#), published 10/11/2017, accessed 02/2021 (archived)

32 Global Terrorism Database (GTD), [SEARCH RESULTS: 186 INCIDENTS](#), accessed 02/2021

33 US Department of State, [Foreign Terrorist Organizations](#), listed as of 10/08/1997, accessed 06/19

34 European Council, [COUNCIL DECISION \(CFSP\) 2019/25](#), published 01/08/19, accessed 06/19

35 Israel Ministry of Justice, [List of Terrorist Organizations and Individuals](#), accessed 02.2022 (Hebrew) list must be downloaded from Israeli Ministry of Justice link

36 Government of Canada, [Currently listed entities](#), listed as of 11/13/03, accessed 06/19

37 INSS, [מימון אירופי לארגונים לא-ממשלתיים פלסטיניים כקבלנות משנה פוליטית](#), published 11/2021, accessed 02/2022 (Hebrew)

38 Washington Report on Mideast Affairs, [A Matter of Principle: Gaza Human Rights Lawyer Raji Sourani](#), published 09/1995, accessed 01/2022; Front Line Defenders, Palestine- [Jaber Wishah](#), published 10/2005, accessed 01/2022 (archived); NGO Monitor, [HRW Board Member by Day, Al Haq Founder and PLO Adviser by Night](#), published 05/06/2009, accessed 01/2022; The Jerusalem Post, [Khalida Jarrar sets her agenda for the PA opposition](#), published 03/01/2007, accessed 01/2022

In February 2011, Pillay conducted a visit to Israel and the Palestinian Authority (PA) which included a meeting with the Israel-terror designated PFLP-affiliated prisoner's rights organization Addameer.<sup>39</sup> Moreover, according to the Palestinian Center for Human Rights (PCHR) website, Pillay scheduled a meeting in March 2013 with the center's Deputy Director for Branches Affairs Jaber Wishah, a former head of the PFLP, who spent 14 years in prison for his terror actions.<sup>40</sup>



Arch-terrorist Samir Kuntar (left), Jaber Wishah's Mother, and Jaber Wishah, YouTube, [Umm Jabr Wishah, a Palestinian mother, mourns her son with moving words - Hajar Harb - Al-Masira](#), published 12/22/2015, accessed 01/2022

39 Addameer, [QUARTERLY UPDATE ON PALESTINIAN PRISONERS \(15 JANUARY - 15 APRIL 2011\)](#), published 04/20/2011, accessed 01/2022

40 PCHR, As Part of Its Efforts to Internationalize the Cause of Palestinian Prisoners in Israeli Jails, [PCHR Organizes Activities for Families of Prisoners in Egypt, Switzerland and France](#), published 02/26/2013, accessed 01/2022; Front Line Defenders, Palestine- [Jaber Wishah](#), published 10/2005, accessed 01/2022 (archived)

## Employment of Mona Rishmawi



Navi Pillay (center) and Mona Rishmawi (second from right) at an OHCHR Press Conference, Flickr UN Geneva, [OHCHR Press Conference on Tunisia & Egypt](#), published 04/02/2011, accessed 01/2022

Mona Rishmawi, a Palestinian UN employee and currently Chief of the Rule of Law, Equality and Non-Discrimination Branch in the Office of the High Commissioner for Human Rights (OHCHR), served as head of the rule of law branch of Pillay's office during Pillay's tenure as the UN High Commissioner on Human Rights.<sup>41</sup> Rishmawi is a former senior attorney at Al-Haq, where she served from 1990-1991.<sup>42</sup> Al-Haq staff members, including its general director Shawan Jabarin, have strong ties to the PFLP.<sup>43</sup>

Rishmawi began her relationship with Al-Haq in the 1980s, when she authored the 1986 book "Introductions about Palestinian Women Between the Historical Experience and the Legal Text," which was published by Al-Haq. Additionally, in 1983, Rishmawi translated a book published by Al-Haq.<sup>44</sup>

41 Reuters, [U.N.'s Pillay suggests Snowden should not face trial](#), published 07/16/2014, accessed 01/2022

42 Idio, [Mona Rishmawi, Chief, Rule of Law, Equality and Non-Discrimination Branch Office of the High Commissioner for Human Rights \(OHCHR\)](#), accessed 01/2022.

43 Al-Haq, [30 Years of Defending Human Rights in Palestinian Territories](#) (p.109), published 2009, accessed 04/19; Google groups, [Daouarawi Update](#), published 09/17/01, accessed 05/19; Al-Haq, [IN NEED OF PROTECTION](#), published 2002, accessed 05/19

44 Beirut Arab University, [The Civil Administration in the Occupied West Bank: An Analytical Study of Military Order 947/ Written by Attorneys Atallah Kitab and Raja Shehadeh; Translated by Mona Rishmawi from English](#), accessed 01/2022; Beirut Arab University, [Introductions about Palestinian women between the historical experience and the legal text / Mona Rishmawi](#), accessed 01/2022

Al-Haq claims<sup>45</sup> to be “an independent Palestinian non-governmental human rights organization based in Ramallah” to “protect and promote human rights and the rule of law in the Occupied Palestinian Territory.” In actual fact, Al-Haq became an arm of the PFLP terror group, operating at its behest, as part of PFLP terror campaign against Israel. In October 2021, Israel designated Al-Haq as a terrorist organization, on the basis that it constituted an “inseparable arm” of PFLP.<sup>46</sup>

Between September 2017 and April 2018, Visa, Mastercard, and American Express shut down online credit card donations to Al-Haq due to the group’s ties to the PFLP<sup>47</sup>. In addition, Al-Haq has also been a leading force in the Palestinian lawfare campaign against Israel and in the promotion of BDS Movement<sup>48</sup>.

## Support for Antisemitic Durban Process

In September 2001, a coalition of Islamic countries and allied NGOs used the UN World Conference Against Racism, Racial Discrimination, Xenophobia, and Religious Intolerance, held in Durban, South Africa, as a platform to disseminate hateful antisemitic and anti-Israel rhetoric.<sup>49</sup>

The conference, held under the auspices of the United Nations – descended into a hotbed of Jew hatred, Antisemitism, vilification of Israel and even outright Holocaust distortion.

In reviving the ‘Zionism is Racism’ slur, the Durban conference also became the birthplace and catalyst of the attempt to portray Israel and an ‘apartheid’ state and the modern Boycott, Divestment & Sanctions (BDS) Movement, which seeks the destruction of the State of Israel as its ultimate goal.

In September 2021, over 30 democratic nations boycotted the 20th anniversary celebration of the Durban Conference at the United Nations, on the basis of its antisemitic roots, and the singling out and demonizing of Israel<sup>50</sup>.

45 Al-Haq [website](#), published 16/10/10, accessed 02/2021

46 [Designation No. 373](#) of the Minister of Defense in accordance with the Anti-Terrorism Law, 2016, Published 10/2021, accessed 02/2021

47 NGO Monitor - [Israel Designates 6 PFLP-linked NGOs as Terrorist Organizations](#), Published 24/10/21, accessed 02/2022; UK Lawyers for Israel - [Credit Card Donations to Terrorist linked NGOs terminated](#), published 05/2018, accessed 02/2022

48 Ibid.

49 The International Legal Forum, Durban: [20 Years of Hate, Lies and Antisemitism](#), Published 09/2021, accessed 02/2022

50 The Jerusalem Post, [34 Countries Boycott Durban IV Conference](#), published 22/09/21, accessed 02/2022

While serving as UN High Commissioner, Pillay gave a speech to the 2009 Durban Review Conference, reiterating that “since day one of my new job as High Commissioner, I was committed to the Durban Review Conference.”<sup>51</sup>

Pillay has accused Jewish groups and critics of the Durban Process of “gross exaggeration”<sup>52</sup>, an “organized campaign of disinformation.”<sup>53</sup> And of being “lobby groups focused on single issues.”<sup>54</sup>

In her 2009 speech, Pillay even applauded Iran for signing the 2001 Durban Declaration.<sup>55</sup> That same conference, dozens of EU nations walked out in protest, after an incendiary and antisemitic speech by Iranian President and Holocaust denier Mahmoud Ahmadinejad<sup>56</sup>.

## Excusing Palestinian Men for Beating Women due to the “Israeli Occupation”

A January 13, 2014 report by Pillay supports claims found in a 2005 UN report that excuses Palestinian men for beating their wives, arguing they do it to regain macho pride taken away by Israel:<sup>57</sup> “they have lost their ability to provide and protect - two essential elements of manhood in a traditional patriarchal society.”<sup>58</sup> The report also refers to Palestinian terrorists as “martyrs.”<sup>59</sup>

## Frequent Defense of the Retracted Goldstone Report

Pillay has repeatedly defended the UNHRC’s 2010 fact-finding mission on Israel’s 2008-2009 Operation Cast Lead in Hamas-controlled Gaza, and its

51 United Nations, [Opening remarks by the High Commissioner for Human Rights, Navi Pillay, at the closing press conference of the Durban Review Conference](#), published 04/24/2009, accessed 01/2022

52 Ibid, [Durban Conference on Racism produced comprehensive document to end racism and related intolerance](#), published 09/21/2021, accessed 04/2022

53 Ibid.

54 United Nations, [High Commissioner for Human Rights stresses need to tackle discrimination and inequality, and prevent genocide](#), published 08/09/08, accessed 02/2021

55 United Nations, [Opening remarks by the High Commissioner for Human Rights, Navi Pillay, at the closing press conference of the Durban Review Conference](#), published 04/24/2009, accessed 01/2022

56 Reuters, [Ahmadinejad prompts walkout from U.N. racism summit](#), published 20/04/2009, accessed 02/2022

57 United Nations General Assembly, [Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12](#), published 01/13/2014, accessed 01/2022; United Nations Economic and Social Council, [INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN](#), published 02/05/2005, accessed 01/2022

58 United Nations Economic and Social Council, [INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN](#), published 02/05/2005, accessed 01/2022

59 Ibid.

ensuing report. The mission, led by South African justice Richard Goldstone, and its ensuing report, known as the Goldstone Report, are considered by many to be extremely biased against Israel.

As the High Commissioner for Human Rights at the time of the Goldstone Commission, Pillay bears responsibility for the report's findings. Specifically, she may have influenced much of the report's bias by hiring and retaining Grietje Baars as the lead researcher and writer of the Goldstone Report.<sup>60</sup> Shortly after Baars was hired by the UNHRC, she was chosen as the lead contact person for the May 2010 Gaza flotilla organized by terror-linked Turkish organization IHH.<sup>61</sup> Prior to being hired by the UNHRC, Baars worked for a pro-BDS Swedish NGO and founded a legal clinic at Al-Quds University in East Jerusalem.<sup>62</sup>

Goldstone has since retracted the key findings of his own report, stating, "If I had known then what I know now, the Goldstone Report would have been a different document," and that he regretted writing that Israel intentionally targeted civilians in Gaza, which was a conclusion made without sufficient evidence.<sup>63</sup>

Unlike Goldstone, Pillay has consistently defended the conclusions of the Goldstone Report. In February 2010, Pillay stated in response to criticisms of the report's inaccuracies, "These vehement arguments tried to shift the focus away from the soundness of the methodology and findings of the mission to plunge the debate into the quicksand of the highly partisan politics of the Middle East conflict."<sup>64</sup>

Pillay defended the Goldstone Report yet again during 2014's Operation Protective Edge in Gaza, three years after Goldstone issued his retraction.<sup>65</sup> "A huge, orchestrated effort was made to denigrate the report and its authors to the point where its findings are being shamefully ignored. It's

60 The JC, [Revealed: the anti-Israel network behind UN's Gaza investigation](#), published 03/13/2015, accessed 01/2022

61 UN Watch, [Request for Investigation into OHCHR Breaches of Neutrality and Conflict of Interest Obligations in Hiring Staff for Goldstone Probe](#), published 05/25/2017, accessed 01/2022; Stan Van Houcke, [Gaza Freedom Flotilla 2](#), published 05/22/2010, accessed 01/2022

62 Grietje Baars, [LinkedIn](#), accessed 01/2022

63 The Washington Post, [Reconsidering the Goldstone Report on Israel and war crimes](#), published 04/01/2011, accessed 01/2022

64 United Nations Human Rights Office of the High Commissioner, [Human Rights Investigations and their Methodology: Lecture by Ms. Navanethem Pillay United Nations High Commissioner for Human Rights](#), published 02/24/2010, accessed 01/2022

65 United Nations Human Rights Office of the High Commissioner, [Pillay condemns continuing attacks on civilians in Gaza](#), published 07/31/2014, accessed 01/2022

unforgivable that the international community could not find the political resolve to take the practical steps that the report said were essential,” she said. “These were designed to deter future violations, by ending the longstanding impunity that has been such a feature of this situation.”<sup>66</sup>

## Israel’s Interception of the Mavi Marmara Flotilla

On May 31, 2010, Pillay issued a statement against the Israel Navy’s interception of the Mavi Marmara terrorist flotilla to Gaza, where Israeli commandos had to defend themselves against violent attacks by flotilla activists.<sup>67</sup> In a press release the day of the incident, Pillay stated, “I unequivocally condemn what appears to be disproportionate use of force, resulting in the killing and wounding of so many people attempting to bring much-needed aid to the people of Gaza, who have now been enduring a blockade for more than three years.”<sup>68</sup>

Pillay continued “The blockade lies at the heart of so many of the problems plaguing the Israel-Palestine situation, as does the impression that the Israeli Government treats international law with perpetual disdain,” adding, “If the blockade had been lifted, there would be no need for flotillas like this.”<sup>69</sup>

Pillay ignored in her statement Israel’s right to defend itself, and its legal blockade of Hamas-controlled Gaza, which was implemented to stop the terror group from receiving arms from abroad,<sup>70</sup> while still permitting the entry of humanitarian assistance and aid into the Gaza Strip.

## 2014 Operation Protective Edge

Pillay has also distorted international law in numerous statements where she displayed moral equivalence between the State of Israel and the Hamas and Islamic Jihad terror groups, including during 2014’s Operation Protective Edge in Gaza, when the Palestinian terror groups launched a massive rocket bombardment on Israeli civilian areas.

66 Ibid.

67 Congressional Research Service, [Israel’s Blockade of Gaza, the Mavi Marmara Incident, and Its Aftermath](#), published 06/23/2010, accessed 01/2022

68 United Nations High Commissioner for Human Rights (UNHCHR), [UN human rights chief condemns violent interception of Gaza aid flotilla](#)

69 Ibid.

70 The Lawfare Project, [Hezbollah declares Lawfare against Israel](#), published 06/15/2010, accessed 01/2022

Multiple condemnations of Israeli actions during the 2014 Gaza conflict by Pillay also wrongly accused Israel of intentionally targeting civilians in Gaza, and omitted details including Hamas' kidnapping and murder of three Israeli teenagers.<sup>71</sup> Pillay also accused Israel of "war crimes" and "crimes against humanity" over its self-defensive actions during this campaign<sup>72</sup>.

Although Pillay in her 2014 remarks described in detail Israeli strikes on what were perceived to be civilian areas, she neglected to mention that Hamas' infrastructure is intentionally placed in these areas.<sup>73</sup> Hamas' use of civilian areas for military purposes is in direct violation of several international treaties including the Geneva Conventions' Additional Protocol I, which states that the parties to a conflict shall, to the maximum extent feasible, "avoid locating military objectives within or near densely populated areas," and the Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, according to which "The Parties to the conflict shall, to the maximum extent feasible: ... b) avoid locating military objectives near cultural property."<sup>74</sup>

Pillay's August 6, 2014, comments on the situation in Gaza erroneously referred to the Hamas-controlled Gaza Strip as "occupied" by Israel, claiming "The current conflict in Gaza cannot accurately be viewed in isolation from repeated Israeli military operations in Gaza, or from the protracted occupation... The severe effects of the occupation in Gaza and the West Bank, including East Jerusalem, on human rights, including the right to self-determination, must be addressed."<sup>75</sup>

Pillay's remarks not only disregarded international law, but also the political realities in Gaza, by incorrectly blaming Israel for "occupying" Gaza even though it unilaterally withdrew from the Strip in 2005, nine years before Pillay's remarks.<sup>76</sup>

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- 71 United Nations Human Rights Office of the High Commissioner, [Pillay condemns continuing attacks on civilians in Gaza](#), published 07/31/2014, accessed 01/2022; United Nations, The Question of Palestine, [Statement by UNHCHR Navi Pillay at GA's informal meeting on Gaza – OHCHR press release](#), published 08/06/2014, accessed 01/2022
- 72 United Nations Human Rights Office of the High Commissioner: [Statement by Navi Pillay, UN High Commissioner for Human Rights at the Human Rights Council 21st Special Session: Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem](#), published 23/07/13, accessed 02/2022
- 73 United Nations Human Rights Office of the High Commissioner, [Pillay condemns continuing attacks on civilians in Gaza](#), published 07/31/2014, accessed 01/2022
- 74 International Committee of the Red Cross, [Practice Relating to Rule 23. Location of Military Objectives outside Densely Populated Areas](#), accessed 01/2022
- 75 United Nations, The Question of Palestine, [Statement by UNHCHR Navi Pillay at GA's informal meeting on Gaza – OHCHR press release](#), published 08/06/2014, accessed 01/2022
- 76 United Nations, The Question of Palestine, [Statement by UNHCHR Navi Pillay at GA's informal meeting on Gaza – OHCHR press release](#), published 08/06/2014, accessed 01/2022; Israel Ministry of Foreign Affairs, [Israel's Disengagement from Gaza and North Samaria \(2005\)](#), accessed 07/2021

# BIAS AGAINST ISRAEL BY THE OTHER MEMBERS OF THE COMMISSION

## MILOON KOTHARI AND CHRIS SIDOTI

Like Pillay, Sidoti and Kothari have also recorded biases against Israel, and have collaborated with anti-Israel delegitimization organizations.

### Miloon Kothari

Commission member Kothari (India) served as the first UN Special Rapporteur on adequate housing from 2000-2008 and has since served as a scholar and consultant on human rights.<sup>77</sup>

Kothari has previously accused Israel of “ethnic cleansing” and committing “massacres.”<sup>78</sup>

Kothari has also already demonstrated a bias against Israel specifically regarding Operation Guardians of the Wall, the very conflict he is presumed to be impartial about. On October 28, 2021, Kothari gave a lecture on the topic, where he blamed Israeli actions for Hamas firing rockets at Israeli civilian communities, stating “There were incidents in Palestine and Israel, there was a community called Sheikh Jarrah in East-Jerusalem which was threatened with evictions by Israel, and the community of Palestinians, there was, you know, there was a warning actually by Hamas in Gaza that the Israeli government, that you



Photo Credit: Miloon Kothari, on February 15, 2008. Photo by SFU via Flickr. CC BY 2.0

77 United Nations Human Rights Council, [Commissions of the Col](#), accessed 02/2022

78 Report of the Special Rapporteur on Adequate Housing, [Visit to the Occupied Palestinian Territories](#), published 01/2002, accessed 02/2022

have to stop threatening people and stop evicting and if you don't then there could be a conflict and of course they didn't so there were rockets fired.”<sup>79</sup>

In 2003, while serving as the Special Rapporteur on human rights in charge of the right to adequate housing, Kothari condemned Israel for its “policy of collective punishment pursued by Israel, the policy of house demolitions and property wreckage, and the extensive confiscation of land.”<sup>80</sup>

## Chris Sidoti

Sidoti is an Australian human rights consultant and purported human rights law expert.

He has previously worked closely with Palestinian NGOs, one of whom, the ‘Independent Commission for Human Rights’, which was established by Yasser Arafat, has been providing formal legal advice to the Palestinian Authority<sup>81</sup>.



Sidoti sits on the Advisory board of the “Australian Centre for International Justice (ACIJ),”<sup>82</sup> which has referred to Israel as “settler-colonial and apartheid regime.”<sup>83</sup>

In May 2021, the ACIJ called on the Australian government to endorse sanctions against Israel and the criminal prosecution of Israeli leaders, in a submission to the Department of Foreign Affairs and Trade prepared and presented in collaboration with the Palestinian Human Rights Organization Council (PHROC). PHROC has member organizations including PFLP-affiliated NGOs Al-Haq, Addameer, Defense for Children International.<sup>84</sup>

79 YouTube, [On the Right to Adequate Housing - EVICT Talk by Mr. Miloon Kothari](#), published 10/28/21, accessed 04/2022

80 Swissinfo.ch, [Condemning Israel's policy of home demolitions](#), published 2003, accessed 02/2022 (Arabic)

81 Chris Sidoti, [The Importance of a National Human Rights Institute for Palestine](#), published 14/11/2018, accessed 02/2022

82 ACIJ Website, [“Advisory Council”](#), accessed 02/22

83 ACIJ Website, [“Australia’s international obligations relating to trade with Israel”](#), published 05/07/2021, accessed 02/22

84 ACIJ Website, [“Australia’s international obligations relating to trade with Israel”](#), published 05/07/2021, accessed 02/22 ; ACIJ Website, [“Joint NGO Submission: Australia’s international obligations relating to trade with Israel”](#), published 05/13/2021, accessed 02/22

See also: [“Joint Letter: Sheikh Jarrah Families Urge ICC Prosecutor to Investigate Forced Evictions in East Jerusalem”](#), published 04/26/2021, accessed 02/22 ; ACIJ Website, [“Policy Brief: Australia’s obligation to actively oppose Israel’s annexation of the West Bank”](#), published 06/2020, accessed 02/22, page 2.

In 2004, Sidoti led a workshop “Mapping of Human Rights, Good Governance and Public Participation Sector NGO’s Relating to the OPT” sponsored by Palestinian Academic Society for the Study of International Affairs (PASSIA).<sup>85</sup> PASSIA is a member of the Palestinian NGO Network (PNGO), which in 2007 announced it was boycotting US government because it was required to sign an anti-terror clause.<sup>86</sup>

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85 Passia, [PASSIA Meetings Dialogue Program 2004](#), published 2004, accessed 02/2022

86 Ynet, [American image overhaul in PA](#), published 01/15/2007, accessed 02/2022 PNGO, [Our Members](#), accessed 02/2022

# CONCLUSION

This Commission of Inquiry, singularly unprecedented in scope and unabashed in its anti-Israel bias, betrays the UNHRC's own guiding requirements of "independence and impartiality", where the Jewish state's guilt has already been pre-determined from the outset.

From the Col's very mandate to the appointment of Navi Pillay as Chair, with Chris Sidoti and Miloon Kothari by her side, the State of Israel does not stand a chance of a fair hearing.

Each three of the individuals tasked with investigating this matter, have long-standing and undeniable histories of anti-Israel bias and whitewashing of Palestinian terror, as well as use of antisemitic tropes and distortion of international law.

Instead of focusing its attention on real human rights abuses around the world, such as China's ethnic cleaning and genocide of Uyghurs, Russia's invasion of Ukraine or state-sponsoring of terror by Iran, the UNHRC is, yet again, squandering millions of UN dollars and resources on engaging in its relentless and pathological obsession with and vilification of Israel.

This Commission of Inquiry, which makes a complete mockery of the UN's own charter and demand for equality, is only further evidence of the UNHRC's systematic bias against Israel and complete lack of any kind of moral authority.

All those who truly care about peace, human rights and the rule of law, should call out this Commission of Inquiry for the sham that it is, and refuse to afford it any kind of legitimacy or credence.

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