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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Jerusalem Institute of Justice, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

Stop the Apartheid Lie!

We, the Jerusalem Institute of Justice, an Israeli NGO fighting to promote human rights, defend democracy, and improve the overall quality of life for Israelis and Palestinians alike, find it of the utmost importance to reject the so-called independent commission of inquiry named “The United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel (COI)”.

Israel-UN relations have known many lows throughout the years. From General Assembly resolution 3379 equating Zionism with racism, through the anti-Israel 2001 Durban World Conference against Racism which devolved into a vicious forum for Israel bashing and antisemitism, the United Nations have proven they hold an anti-Israel agenda. Through resolution upon resolution and condemnation after condemnation, the UN has shown time and time again that its founding values of universality, impartiality, objectivity, and non-selectivity, are disregarded when it comes to condemning Israel. Let us be clear, this systematic campaign is done with the intention of delegitimizing the only democracy in the middle east.

The COI was formed in the wake of the 2021 Gaza Conflict, a conflict which erupted as a result of the indiscriminate firing of rockets and mortars by the Palestinian terrorist organizations in Gaza. The formation of this COI constitutes an escalation in the UN’s hostile approach towards Israel. If up until today the UN’s resolutions had more of a declarative nature, this COI was formed to prepare the ground for operative steps against Israel. This commission goes as far as to call upon third states to ignore Israel’s sovereignty and take action in regard to the Israeli-Palestinian conflict. Furthermore, the COI was tailor-made to enable the International Criminal Court to take legal action against Israel on the basis of the alleged Israeli breach of the Rome Statute.

It is enough to look at the COI’s mandate to grasp its prejudice towards Israel. The biasness of the COI is especially evident in the terminology used in the text of the mandate, which designates the commission to “Investigate 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”. This kind of terminology has been put forth to prepare the ground for the commission’s expected false conclusion that Israel is an apartheid state. In addition, this terminology shows the commission will try to assign all the responsibility on the continuation of the conflict on Israel.

Furthermore, this commission of inquiry was assigned an extremely wide scope to investigate. Although the inquiry was formed as a response to the 2021 Gaza conflict, the scope of the investigation, as designated by its mandate, permits it to focus on issues related to the conflict since 1948. If this commission was formed as a response to the conflict in Gaza last year, why is it investigating the history of the conflict since 1948? Moreover, the terrorist organization Hamas is not mentioned even once in the resolution or the text of the mandate. This goes to show, once more, the minor role Hamas will be given in this commission’s report.

This commission is of unprecedented measures. It has received an extremely large budget of millions of dollars, an unusually large staff of 18 permanent workers, and is also one of only 2 UN bodies ever created with an open-ended mandate. No other commission of inquiry has ever received a continuing mandate. Additionally, like any other “objective” UN inquiry on Israel, the choice of the inquisitors is intended to pre-determine the answer – even though this is in clear violation of UN rules. The Code of Conduct for Special Procedures Mandate-holders states very clearly that members of inquiries are required to follow to a specific code of conduct - they are supposed to uphold the highest standards of impartiality. “The work of the Council shall be guided by the principles of universality, impartiality, objectivity, and non-selectivity”.

The three members of this Commission are anything but independent. The head of the Commission, Navi Pillay, was a key leader of the 2001 UN Durban World Conference against Racism which called Israel a racist state. Additionally, as United Nations High Commissioner for Human Rights during the 2008-9 and 2014 Gaza wars, Pillay played a pivotal role in promoting the Goldstone report and the outrageous slander that Israel targeted and murdered children. Since leaving office, she's made a habit of promoting BDS and accusing Israel of apartheid. In a 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," Pillay stated the following: "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." At the same event, Pillay also noted that she has met with members of the BDS campaign and that she hoped this "Palestinian struggle to end colonization" will "catch on, as did the anti-apartheid movement." Is having an individual who has already accused Israel numerous times of being an apartheid state, and who has publicly endorsed the BDS campaign, lead this commission consistent with the UN's own standard of impartiality?

In addition, the two other members of the committee, Miloon Kothari and Chris Sidoti, both hold anti-Israel extremism and Palestinian partisanship records. In 2002 Khotari issued a report claiming Israel was guilty of "ethnic cleansing" during the Second Intifada. In 2006 he claimed in a UN press release that the factors underlying the ongoing conflict between Israel and the Palestinians are the World Zionist Organization and Jewish National Fund's colonization activities in the Jordan Valley. Chris Sidoti provides strategic guidance and advice to the Australian Centre for International Justice which works in partnership with the Palestinian Human Rights Organization Council. This Australian Centre issued a report in 2021 that calls on the Australian government to endorse BDS and the criminal prosecution of Israelis. In conclusion, none of the three members of this so-called independent Inquiry meet the UN's own rules of independence, impartiality, and objectivity.

The result of this witch hunt is a foregone conclusion. This unfair commission of inquiry is expected to accuse Israel of being an apartheid state, and thus target its legitimacy as a state. Therefore, we call upon the United Nations Human Rights Council to revoke the resolution forming this commission. Alternatively, we ask to amend the mandate and recommend the removal of the three prejudiced judges heading the commission and that impartial judges be instated in their place.

Let us finish with, none other than, former Secretary General, Mr. Ban Ki-moon, who in a talk with Israeli students admitted the UN's biasness towards Israel saying the following:

"Unfortunately, because of the [Israeli-Palestinian] conflict, Israel's been weighed down by criticism and suffered from bias — and sometimes even discrimination."

1 <https://www.ohchr.org/en/hr-bodies/hrc/co-israel/index>

2 https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/5/2

3

https://www.youtube.com/watch?v=6sIEfCf1Dhs&ab_channel=NTUInstituteofScience%26TechnologyforHumanity

4

https://www.youtube.com/watch?v=6sIEfCf1Dhs&ab_channel=NTUInstituteofScience%26TechnologyforHumanity

5 https://www.youtube.com/watch?v=nF61qfb5J-k&ab_channel=Africa4Palestine

6 https://www.youtube.com/watch?v=nF61qfb5J-k&ab_channel=Africa4Palestine

7 https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/5/2

8 <https://www.timesofisrael.com/israel-faces-bias-at-un-ban-says/>