NGO: Pillay is biased against Israel, must be ousted from UNHRC probe

February 14, 2022

By Tovah Lazaroff

The Jerusalem Post

<https://www.jpost.com/arab-israeli-conflict/article-696436>

Legal expert Navi Pillay has a long history of bias against the Jewish state and should be removed from her position as chairwoman of the United Nations Human Rights Council’s commission of inquiry [against Israel](https://www.jpost.com/middle-east/un-poised-to-approve-war-crimes-probe-into-israel-on-gaza-jerusalem-669166), UN Watch said Monday.

The Geneva-based nongovernmental group sent a letter to Pillay and to the president of the UNHRC, asking for her recusal. It also requested a legal opinion on the matter from the UN’s legal counsel, Under-Secretary-General for Legal Affairs Miguel de Serpa Soares.

UN Watch asked that Pillay’s application to become a member of the probe be made public.

In its 30-page petition, it said: “UN Watch (petitioner) requests that Navi Pillay recuse herself from the Commission of Inquiry (COI)... on grounds that her numerous prior public statements... evince demonstrable bias against Israel including on issues specifically related to the case and controversy that is the object of this inquiry.”

Pillay “cannot impartially investigate Israel for alleged war crimes, human rights abuse and racism, when she has a long record of one-sided statements that single out Israel for condemnation over alleged war crimes, human rights abuses and racism,” UN Watch said.

[Pillay](https://www.jpost.com/arab-israeli-conflict/navi-pillay-to-head-unhrcs-permanent-war-crimes-probe-against-israel-674632) is a native of South Africa and has served as the high commissioner of human rights, as a judge on the International Criminal Court and as president of the International Criminal Tribunal for Rwanda.

Last year, she was appointed to head a three-person commission of inquiry, an open-ended probe, into alleged Israeli human-rights violations and possible war crimes.

The first report is due out this July, during the UNHRC’s 50th session. Israel is concerned the COI will charge it with the crime of apartheid.

UN Watch has argued that Pillay has already said she believes Israel is guilty of apartheid, and therefore, she cannot head the probe.

In 2017, Pillay spoke publicly in an interview that can be found on YouTube about her belief that Israel was an apartheid state, UN Watch 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,” she said.

In 2020, Pillay signed a petition titled “Sanction Apartheid Israel,” which called for a boycott of the Jewish state.

UN Watch examined Pillay’s actions and statements as far back as 2008 to demonstrate she had a history of condemning Israel. Such examples run counter to the requirement of impartiality set by UN probes, it said.
UN Watch asked that “Pillay recuse herself on account of bias or else be removed by the president of the council.”

UNHRC President Federico Villegas, Argentina’s permanent representative to the UN in Geneva, said in response: “When selecting members of investigative bodies, the President of the Human Rights Council places the utmost importance on examining the independence and impartiality of each member in order to ensure the objectivity of the body.

“Additionally, the President places special emphasis on the qualifications, skills, expertise and experience of the candidates when making his/her appointment.

“While there were differing views during the negotiations and voting on the resolution that created the Independent International Commission of Inquiry on the occupied Palestinian territory, including East Jerusalem, and Israel, once the Council adopted that resolution, the Commission became a mechanism of the Council that deserves the full respect and cooperation of all Council stakeholders,” Villegas said.