Why Israel Refuses to Cooperate with the UN Commission of Inquiry

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On February 17, 2022, Israel’s Ambassador Meirav Eilon-Shahar, Permanent Representative to the UN and International Organizations in Geneva, officially rejected the request by the UN Human Rights Council’s Commission of Inquiry (COI) Chair, Navi Pillay, to cooperate. The Council is a fundamentally anti-Israel body and the Commission members have consistently expressed anti-Israel views.

On February 24, 2022, Amb. Dore Gold, President of the Jerusalem Center for Public Affairs, wrote an open letter to Navi Pillay in support of Israel’s refusal to cooperate with the Commission, noting that previous UN Human Rights Council investigations displayed a clear bias and hostile predisposition towards Israel. His letter follows.

To Commission of Inquiry (COI) Chair, Navi Pillay:

As President of the Jerusalem Center for Public Affairs in Israel, I feel it is incumbent on me to express my bitter disappointment with the UN Human Rights Council in Geneva for establishing a Commission of Inquiry against Israel.

This is not the first time I have encountered the biased work of the Human Rights Council. In 2009, I was invited to Brandeis University to debate Justice Richard Goldstone about the report that was issued by a body created by the Human Rights Council concerning Israeli military action against Hamas in Operation Cast Lead in 2009. Goldstone headed the investigation.

The most distasteful statement made in the conclusion to that report was that Israel engaged in “deliberate attacks on civilians.” In preparing for the debate, I reviewed material from the Israeli Army. The more I read, the more enraged I became at the UN Human Rights Council, for it was apparent that the IDF took unprecedented precautions to avoid civilian casualties on the Palestinian side.

This was a repetition of what went on in the Jenin refugee camp in 2002, which was known among the Palestinians themselves as the “Capital of Suicide Warriors.” To limit any possible civilian casualties, Israel sent in its ground troops and lost 23 of its own soldiers. The concern among the Israeli military to avoid causing Palestinian civilian losses led to a decision to risk Israeli soldiers in battle.

These considerations were part of Israel’s preparations for counter-insurgency wars, but the UN appeared oblivious to this fact. The Chairman of the U.S. Joint Chiefs of Staff, General Martin Dempsey, in fact, commented in 2014 that the IDF went to “extraordinary lengths” to limit attacks on civilians. How a UN Fact-Finding Commission could reach conclusions that were diametrically opposed to what the highest-ranking U.S. military officer would declare raised serious questions.

The answer that became apparent had to do with the hostile predisposition towards Israel that was to be found among the experts that the UN chose for their Fact-Finding Commission. Professor Christine Chinkin published a letter in the Times of London even before she began her work stating, “Israel’s action amounted to aggression and not self-defense.”

Despite the fact that the IDF had indisputable photographic evidence that Hamas was using mosques to store munitions, Desmond Travers, another member of the Fact-Finding Commission, remained convinced that there was no evidence of this. He attributed the Israeli position to the “Western perception in some quarters that Islam is a violent religion.” This was a ridiculous charge and did not address the material Israel had gathered.

Finally, I must conclude by saying that the UN Human Rights Council should have been an ally of Israel. As a state, we emerged in the aftermath of the Holocaust, the worst war crime in human history. It comes as no surprise that many of the founders of the human rights movement came from Jewish origins. Sullying the Jewish people as a whole flies in the face of what we have represented since the Second World War and feeds into the regeneration of anti-Semitism that we are witnessing in recent decades.

We cannot cooperate with a UN initiative that is so deeply flawed in an area which we hold so closely to our own self-definition. It is for this reason that both the Jewish state and the Jewish NGOs will not stand for the process you have undertaken.