## Anne Bayefsky: William Schabas’ Appointment Was Testament to the Corruption at the UN Human Rights Council

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## By Anne Bayefsky

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Canadian lawyer William Schabas was forced to resign as chair of the UN Human Rights Council’s “independent” inquiry on the Gaza war Monday after it was discovered  he had been paid to provide legal advice to the PLO as recently as 2012. In one fell swoop, Schabas has managed to embarrass and disgrace not only himself, but the whole UN apparatus that appointed and promoted him.

During the Gaza War last summer, Palestinian rockets deliberately targeted Israel’s civilian population,  in many cases having been launched from Palestinian civilian sites – both archetypal war crimes. The response of the UN Human Rights Council was to pursue Israel for war crimes for protecting its citizens from Palestinian war crimes.

Though the Human Rights Council is the UN’s top human rights body, it has no human rights conditions for membership. So the vote in favour of creating the “inquiry” on July 23, 2014 saw the likes of China, Russia, Saudi Arabia and the United Arab Emirates vote in favour, and the United States and European Union states either vote against or abstain.

Schabas apparently considered  this  an auspicious sign of a desirable human rights job. He agreed to Chair a three-person team appointed by the Council President, in consultation with Council members and the Palestinians.

Schabas also failed to discern any red flags in the mandate given the “independent” inquiry by the Council. The inquiry was “…to investigate all violations… *in* the Occupied Palestinian Territory…in the context of the military operations conducted since 13 June 2014…” Violations of law “in” Israeli territory – like 3,659 impact sites of rockets and mortars in Israel over a mere 50 days, and 14 terror tunnels built from Gaza with openings into Israel – were somehow omitted.

June 13, 2014 was highlighted by the Council because Palestinian terrorists kidnapped (and later murdered) three Israeli teenagers on June 12, 2014 – in a blatant effort to invert cause and effect. Though the Council resolution had no trouble detailing and “deploring” Israel’s “grave violations of the human rights of the Palestinian civilian population,” it made no mention at all of “Hamas” or the terror tunnels.

In other words, the mandate for the inquiry alone should have been toxic for any self-respecting international lawyer. But not Schabas.

There are, of course, official requirements for the job of UN Human Rights Council “expert” or “mandate-holder,” including “independence, impartiality, personal integrity, and objectivity.”  Yet in his letter of resignation on February 2, Schabas defends himself against charges of conflict of interest  on the novel grounds that he had clearly been partial from the start: his political views, he complains, were “well-known” prior to his appointment. For this lawyer, evidently, two wrongs do make a right.

Among those “views” was this statement from 2012: “Crimes against humanity, war crimes and the crime of aggression, all of which I think it can be shown have been perpetrated at various times during the history of the State of Israel…” Moreover, the job description assigned to the inquiry by the Council specifically asked it “to identify those responsible” for “the crimes perpetrated” and “to make recommendations…on accountability measures…” Hence,  the outcome of any Schabas-run inquiry was “well-known.” He had already said back in 2012: “my favorite would be Netanyahu in the dock at the International Criminal Court.”

It is a testament to the corruption at the Human Rights Council that none of this disqualified Schabas in the first place.  Perhaps that explains how he might have dreamt that taking money from one of the sides to a dispute – to provide advice directly related to the subject he was now called upon to consider – would not be a problem for the UN.

As he tells the Council  in his resignation letter, he imagined his “legal opinion” to the PLO on how to capitalize on the International Criminal Court “was a tiny part” of his “enormous body of scholarly work.” (Non-lawyers and the less erudite might call this being a tiny bit pregnant.) He rants, further : “when I was asked if I would accept nomination to the Commission of Inquiry, I was not requested to provide any details of my past statements and other activities concerning Palestine and Israel.”

In a final stunning display of hubris, Schabas claims that none of this should affect the legitimacy of the inquiry’s forthcoming report, to be presented to the Council in March and then being sent to the ICC. According to Schabas, the research and evidence-gathering phase he had conducted, managed and directed for five months – which will form the basis of the entire report – was “largely completed.”  Indeed, “the work on the drafting of the report is beginning.”

Obviously, the credibility of the final product is irrevocably discredited — to all but the Human Rights Council, which is simply reassigning the job of Chair to one of the two remaining inquiry members (both  also chosen on the basis of their prior displays of anti-Israel bias).

It is no accident that a Council notorious for applying double-standards to Israel embraced Schabas, or that a lawyer like Schabas embraced the Council. But there is no excuse for the the free world not to  shun both of them and renounce their legal pogrom.