125 countries back open-ended UNHRC war crimes probe against Israel

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The United Nations General Assembly (UNGA) has voted to fund an unprecedented open-ended war crimes probe against Israel, with the backing of 125 countries.

The probe, called a Commission of Inquiry (COI), had initially been approved in May by the 47-member UN Human Rights Council in the aftermath of the 11-day Gaza war, known as [Operation Guardian of the Walls.](https://www.jpost.com/arab-israeli-conflict/gaza-news/op-guardian-of-the-walls-behind-the-scenes-of-targeting-hamas-terror-669989)

Its broad mandate – approved 24-9 with 14 abstentions in May – allows for an investigation into any alleged Israeli human rights violations on either side of the Green Line. This would include both sovereign Israel, as well as the West Bank and Gaza.

Israeli actions during the Gaza war in May as well as its alleged human rights violations against Palestinians, would be part of the investigation.

No such open-ended investigation has ever been leveled against any other UN member state.

Late Thursday night the matter moved to the General Assembly’S Fifth Committee in New York, which was tasked with approving funding for that investigation, as part of a larger overall budgetary allocation to the UNHRC.

“Establishing a novel, permanent standing committee rather than a limited, temporary and well-defined Commission of Inquiry is unprecedented and dangerous in terms of the long-term budgetary implications for the UN organization as a whole,” Israel representative Sherry Zilbergeld told the UNGA.

Zilbergeld accused the General Assembly of funding a “mock court” against Israel.

Israel asked to amend the UNGA’s resolution to allocate a UNHRC budget for special projects, so that the money for the probe would be excluded.

It was a move that effectively put the issue of a permanent war crimes probe against Israel before the larger 193-member General Assembly.

“Countries who opposed the formation of the COI will be asked to fund a commission [probe] indefinitely,” Zilbergeld said.

“This means that you will have to pay for this mechanism next year, you will have to pay for this mechanism in 10 years and you will have to pay for it in 100 years,” she said.

“Since its establishment in 2006, the UNHRC has set up 32 investigative bodies, with nine – nearly a third – of these focused exclusively on Israel.”

SHE NOTED that no Commission of Inquiry was created to investigate Hamas, an “internationally designated terror group” that has [launched thousands of rockets](https://www.jpost.com/opinion/how-to-make-sure-the-next-gaza-operation-isnt-pointless-opinion-684887) against Israeli civilians.

The UNGA did not heed her words: The amendment to defund the probe was rejected 125-8, with 34 abstentions.

China and the G77 – a UN coalition now including 134 developing countries – called for a recorded vote and urged all countries to reject Israel’s amendment. Nations besides Israel that supported the amendment put forward by the Jewish state were Hungary, the Marshall Islands, Micronesia, Nauru, Palau, Papua New Guinea and the United States.

The United States took the floor to explain its vote.

The probe “perpetuates a practice of unfairly singling out Israel in the UN and, like prior US administrations, we strongly oppose such treatment of Israel,” the US representative said.

“The US will continue to oppose this [probe] and to look for opportunities in Geneva to revisit its mandate, which unfortunately was passed when the US did not have a seat on the UNHRC,” he said.

“Moving forward, the US will work in Geneva, where the debate over the [probe’s] mandate belongs to persuade more member states that it is inherently biased,” the US representative said.

“Israel can continue to count on the US to do everything possible to shield it from discriminatory and unbalanced criticism – whether at the UNHRC or elsewhere in the UN system.”

The 34 countries that abstained were Albania, Australia, Austria, Brazil, Bulgaria, Burundi, Canada, Central African Republic, Colombia, Croatia, Czech Republic, Ecuador, Fiji, Germany, Guatemala, Haiti, Honduras, India, Italy, Lithuania, Madagascar, Montenegro, Netherlands, North Macedonia, Republic of Korea, Rwanda, Slovakia, Slovenia, Solomon Islands, Tonga, Ukraine, United Kingdom, Uruguay and Zambia.

AUSTRALIA AND Canada, who have a strong record of supporting Israel, explained their decision to abstain, noting that they often strove to support funding for UNHRC commissions of inquiry even when they opposed them, but could not do so in this case.

Australia said that it was not a member of the UNHRC and could not vote against the resolution when it was approved in May.

“We oppose anti-Israel bias,” its representative said.

“Australia supports human rights resourcing even for mandates we do not support,” he said. But he explained that the mandate for this particular probe “is excessively broad” and “over-resourced,” adding that Australia affirms “Israel’s right to self-defense in accordance with international law.”

Canada said that at this point in the process, the UNGA should be looking at funding and not revisiting the UNHRC decisions with regard to investigations.

But he said this probe was a particularly “unacceptable outlier” and that the resources needed were “significantly larger than” those allocated for “all of the investigations we approved resources for today.”

The Jordanian representative spoke in support of the probe, noting that Israel has an obligation to support international human rights law and to not discriminate against the Palestinians. “Israeli human rights are not superior to Palestinian human rights,” he said.

After the vote, Israeli’s Ambassador to the UN Gilad Erdan said that the UNGA “descended to a new low when it approved a budget for this despicable and biased commission [probe].”