**Cotler: UNHRC 'tainted at its core'**

Canadian justice minister: Problem with UN panel isn't Tomuschat.

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The problem with the new UN committee following up the findings of the Goldstone Report on Operation Cast Lead is not its chairman, Christian Tomuschat, but that the committee has its mandate from the UN Human Rights Council, which is “tainted at its core,” former Canadian justice minister Irwin Cotler said Monday.

Cotler was responding to a Jerusalem Post report that Tomuschat’s objectivity was tainted: The German jurist was part of an international team of experts that prepared a legal brief for Palestinian leader Yasser Arafat in 1996, and he wrote a study in 2002 that concluded that states were incapable of effectively conducting investigations into alleged excesses by their military forces.

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Despite that study, Tomuschat was asked to head a panel mandated by the UN Human Rights Council to “monitor and assess any domestic, legal or other proceedings undertaken by both the government of Israel and the Palestinian side... including the independence, effectiveness, genuineness of these investigations and their conformity with international standards.”

Israel is increasingly concerned about the committee, set up last month and expected to issue its report in October, fearing that an unprecedented UN investigation into the effectiveness of both the Israeli civilian and military hierarchies could badly undermine the credibility of the Israeli judiciary internationally and have far-reaching ramifications.

Cotler said the issue was not the make-up of the committee, but that “The UN Human Rights Council is itself in need of reform, and instead of setting up more fact-finding missions which have one-sided mandates and are prejudicial, we need to reform the UN Human Rights Council.” Cotler was asked – but refused – to be a member of a Human Rights Council committee that investigated errant IDF shelling in Bet Hanoun that killed 19 Palestinians in 2006.

The Canadian jurist declined to say whether he thought Tomuschat should recuse himself as chairman of the new committee due to his previous writings. “If I say that he should recuse himself, I am saying that I believe that these fact-finding missions under the UN Human Rights Council have validity. I don’t.” The issue, Cotler said, is not the German law professor. “It’s not as if you replace him with someone else and therefore it is better. I know Professor Tomuschat. As far as I know he is a very good international lawyer. But that is not the point. The point is that the mandates from the Human Rights Council, whatever it establishes, are tainted at the core.”

Israel, which did not cooperate with the original Goldstone committee, has not yet decided how to handle the follow-up team, although it seems extremely unlikely that it would cooperate. The issue was raised at Sunday’s cabinet meeting, with the general consensus being that the panel, which also includes Malaysian jurist Param Cumaraswamy and former New York Supreme Court judge Mary Davis, was – as a result of Toschumat’s record – one-sided.

Cotler sidestepped a question about whether he would recommend that Israel cooperate with the Tomuschat committee, saying, “I don’t like to advise Israel. It is a sovereign state that makes its own decisions.” At the same time, he did say he did not believe in “indulging and acquiescing biased bodies, because that has a corruptive effect at the end of the day – not just for the fact-finding mission but for the UN Human Rights Council as a whole.”

If Canada was singled out with 80 percent condemnations by the Human Rights Council, and major human rights violators such as Iran, Sudan and China enjoyed immunity, continued Cotler, “I would say, look guys, there is no reason to acquiesce to this because basically we are validating something that should not be validated.”