

OPEN LETTER TO PM JACINDA ARDERN AND HON MINITA NANAIA MAHUTA

14 August 2022

In a media interview, on 25 July 2022, Miloon Kothari, a member of the ‘Independent International Commission of Inquiry (COI) on the Occupied Palestinian Territory, including East Jerusalem, and Israel’, questioned Israel’s legitimacy as a state and its commitment to the UN. He also employed a well-known antisemitic slur, accusing the “Jewish lobby” of controlling social media.

Kothari’s comments were immediately condemned by several countries, including [Australia](#), [Austria](#), [Canada](#), [France](#), [Germany](#), the [Netherlands](#), the [UK](#) and the [US](#), amongst others. In addition, other high level observers, including the [US](#) and [Canadian](#) special envoys on antisemitism spoke out. Sadly, New Zealand was silent.

Unfortunately, the UN has a long record of bias against Israel, with a disproportionate level of antagonism toward the Jewish state. Indeed, Israel is the only country subject to a separate, stand-alone agenda item (HRC Council agenda Item 7). The UN’s credibility is severely undermined by this history of unfair treatment.

However, on this occasion, the HRC President Villegas responded with a [strongly worded statement](#) reminding the COI chair of the need for impartiality. He acknowledged that Kothari’s words ‘could reasonably be interpreted as stigmatization of the Jewish people’ – which is ‘at the heart of any expression of antisemitism.’

Kothari’s statement not only meets the [UN human rights definition of antisemitism](#) but also IHRA’s definition on antisemitism. New Zealand has recently joined IHRA as an observer.

The IHRA working definition of antisemitism gives as one of its examples of contemporary antisemitism:

“Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.”

Equally problematic is the fact that fellow commissioner Navi Pillay defended Kothari’s comments and turned the blame back on Israel. However, Kothari seems to have had a change of mind and on 4 August 2022 issued an apology, stating:

“It was completely wrong for me to describe the social media as ‘being controlled largely by the Jewish lobby’. This choice of words was incorrect, inappropriate, and insensitive”.

While an apology was welcome, it came rather late and did not go far enough. Anything less would have entirely discredited the HRC which purports to stand against discrimination of all kinds.

From the beginning of the COI, concerns have also been raised about the nature of the inquiry being unprecedented in [scope](#) and [budget](#), and steeped in [anti-Israel](#) bias. Its

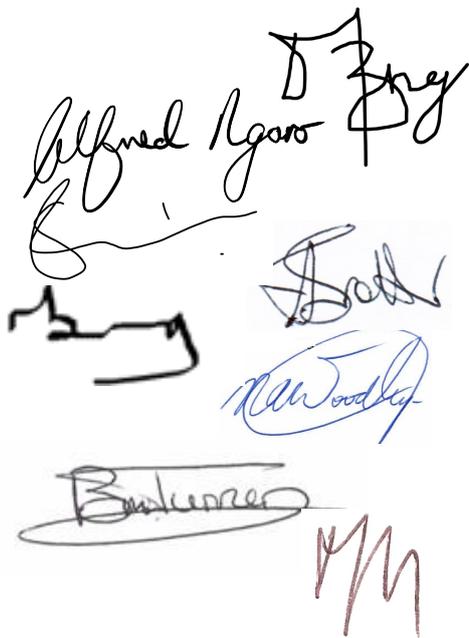
parameters presuppose Israel's guilt. The other commissioners of the Inquiry, Navi Pillay and Chris Sidoti, have been found to be far from impartial, a crucial requirement for any investigation. Indeed, Navi Pillay, who heads the commission has displayed a consistent, [well-documented](#) animus toward Israel. The Israel Institute of NZ wrote to Minister Mahuta on 10 January 2022 and 24 June 2022, raising these concerns and has to date received no reply. The call is growing for the HRC to disband this deeply problematic inquiry.

We the undersigned, call on the New Zealand government to:

- stand against the ongoing imbalance and unfair censure of Israel at the UN
- respond appropriately when members of a body that purportedly supports human rights transgress its rules and guidelines
- become educated about what constitutes antisemitism and consider carefully the examples established by IHRA, an organisation for which NZ has recently become an observer
- join the chorus of voices calling for the disbanding of the COI
- stand up for human rights for all and against the persistent manifestation of Jew hatred

We implore this government to not remain silent on these matters of concern to many New Zealanders. New Zealand should not be a bystander.

Sincerely,



Emeritus Professor Dov Bing, **Anti-Defamation League**

Hon Alfred Ngaro, **Former Cabinet Minister**

Dr David Cumin, **Israel Institute of New Zealand**

Dr Sheree Trotter, **Indigenous Coalition For Israel**

Rob Berg, **Zionist Federation of New Zealand**

Pastor Nigel Woodley, **Flaxmere Christian Fellowship**

Bryce Turner, **Christian Friends of Israel**

Derek McDowell, **International Christian Embassy Jerusalem**

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