



For Immediate Release
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**COTLER ADDRESSES UN HUMAN RIGHTS COUNCIL IN GENEVA:
REVEALS FOR THE FIRST TIME WHY HE DID NOT TAKE PART IN UN MISSION**

Professor Irwin Cotler, Opposition Critic for Human Rights, told the UN Human Rights Council today – and made public for the first time – that he declined the invitation of the President of the Human Rights Council to join the UN investigative mission into Beit Hanoun in Gaza because, “[I] could not accept a mandate to hear only one side of a dispute [...] which denied the other side the right to a hearing [...] and which denied the presumption of innocence.”

Cotler made these remarks in the context of a report to the UN Human Rights Council today by the head of the mission, Archbishop Desmond Tutu, where he added: “How could one accept a mandate that violated the right to a fair hearing and fundamental due process? The mandate also violated the presumption of innocence. The resolution began by condemning, and I quote, ‘the Israeli wilful killing of Palestinian civilians.’ How could one accept a fact-finding mission, a kind of Alice-in-Wonderland inquiry, where the conviction was secured and the sentence passed even before the inquiry began?”

Cotler said that “Regrettably, this discriminatory and one-sided approach has become not the exception, but the norm [...], where the UN Human Rights Council has systematically singled out a member state for selective and discriminatory treatment, while granting the violators exculpatory immunity.”

Cotler noted that all nine of the Council’s condemnations of the past year indicted only one state, Israel, and no resolutions of condemnation were passed against any of the other 191 members of the international community – not against, amongst others, the genocide in Sudan, nor against Iran’s genocidal incitement and massive violations of human rights.

Cotler concluded his remarks by saying that “The tragedy [...] is that all of this is taking place under the protective cover of the UN, undermining thereby the cause of the UN, the authority of international law, and the cause human rights.

Cotler hopes that the Council will return to the founding ideals that inspired the establishment of the UN, and the UN human rights system.

The following is the statement as delivered by Professor Cotler to the UN Human Rights Council in Geneva today:

Thank you, Mr. President.

I come from a country, Canada, that has regarded the United Nations as an organizing idiom of Canadian foreign policy, and that has made a substantial contribution to the development of UN law and the cause of human rights.

I regret, therefore, that I could not accept your invitation to join the investigative mission into Beit Hanoun headed by Archbishop Tutu. May I explain.

First, as a law professor and international lawyer, I could not accept a mandate to hear only one side of a dispute. The terms of reference deliberately ignored the Palestinian rocket attacks on the Israeli city of Sderot that preceded Israel's actions, and which continue as we speak.

How could one accept a mandate that violated the right to a fair hearing and fundamental due process?

The mandate also violated the presumption of innocence. The resolution began by condemning, and I quote, "the Israeli wilful killing of Palestinian civilians." How could one accept a fact-finding mission, a kind of Alice-in-Wonderland inquiry, where the conviction was secured and the sentence passed even before the inquiry began?

It is not surprising, therefore, that the Council members that most consistently support the human rights mechanisms of this body—including my country, Canada—all refused to support this mandate.

Regrettably, this discriminatory and one-sided approach has become not the exception but the norm. For the earlier sessions against Israel reflected not only the same contempt for the rule of law, but systematically singled out a member state for selective and discriminatory treatment, while granting the violators exculpatory immunity.

As the former Canadian Justice Minister, I can tell you that the Canadian people supported the changes establishing this Council because we genuinely believed it would herald reform, organized around the principles of universality, equality and fairness.

It appears that the Council is about to institutionalize the condemnation of Israel as a standing item on the agenda — the permanent singling-out of a member state for differential and discriminatory treatment.

The tragedy, Mr. President, is that all of this is taking place under the protective cover of the UN, undermining thereby the cause of the UN, international law and human rights. I trust that this Council will restore in process and substance the founding ideals that inspired the establishment of the UN, and the UN human rights system.