

Ms. Navi Pillay
UN High Commissioner
for Human Rights
Palais des Nations
1211 Geneva 10

6 July 2011

Dear Madam High Commissioner,

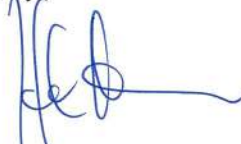
We write to convey our grave concern over the publication of an overtly anti-Semitic cartoon by Richard Falk, an expert of the UN Human Rights Council. We urge you—as the highest moral authority of the UN human rights system—to condemn Mr. Falk's actions, which constitute incitement to hatred and racial discrimination as defined under Articles 1 and 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.

Mr. Falk published the attached cartoon in his blog post of June 29. As you can see, it depicts a dog urinating on a woman symbolizing justice, and devouring a dead body with blood and bones spewing out of its mouth. The dog is shown in a garment marked "USA" and wearing a *Kipa*, the Jewish religious head covering, which is marked by a Star of David. The cartoon is manifestly anti-Semitic and, before a worldwide Internet audience, incites hatred against Jews as well as against Americans.

We are aware that mandate-holders are answerable only to the Council, and that Mr. Falk and his supporters will claim that the cartoon was published in his "personal capacity." As you know, however, Secretary-General Ban Ki-moon, in identical circumstances, unequivocally ruled that Mr. Falk has "a clear responsibility to uphold the high standards of the United Nations and the Council." Accordingly, the Secretary-General twice condemned Mr. Falk for having propagated the 9/11 conspiracy theory and insulting the memory of the 3,000 victims of that attack. Likewise, in 2005, your predecessor, High Commissioner Louise Arbour did not hesitate to condemn expert Jean Ziegler for what she described as his "inflammatory" and "highly irresponsible" remarks.

For the UN human rights system to be credible in the fight against racism, its own representatives must not be allowed to incite hatred and racial discrimination with impunity. We urge you to speak out.

Sincerely,



Hillel C. Neuer
Executive Director

Encls.



(As published on Richard Falk's
attached blog post, June 29, 2011.)

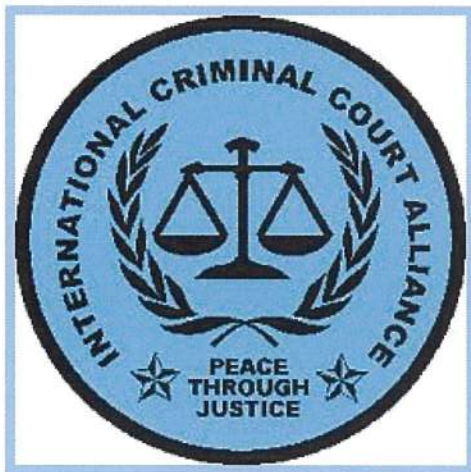
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The International Criminal Court Plays Politics? the Qaddafi Arrest Warrants

29 Jun



The [International Criminal Court](#) has formally agreed that warrants should be issued for the arrest of Col. [Muammar Qaddafi](#), as well as his son, [Seif al-Islam](#), who has been acting as Prime Minister along with Libya's intelligence chief, Abdullah Senussi. These three [Libyan](#) leaders are charged with crimes against humanity involving the murder, injuring, and imprisoning of Libyan civilians between February 10-18, 2011, the first days of the uprising and prior to [NATO's](#) military involvement. The ICC judge speaking on behalf of a three-judge panel authorized the issuance of the arrest warrants, Sanji Monogeng of Botswana, on the basis of the evidence presented by the prosecutor that 'reasonable grounds' existed to support the charges contained in the outstanding indictments against these three individuals. Judge Monogeng clarified the ruling by explaining that issuing an arrest warrant was meant to convey the conclusion that sufficient evidence of criminality existed to proceed with the prosecution, but it is not intended to imply guilt, which must be determined by the outcome of a trial. The ICC assessment is likely to withstand scrutiny so far as the substance of the accusations directed at the Qaddafi leadership are concerned. Qaddafi clearly responded with extreme violence, reinforced by genocidal rhetoric, to the popular challenges directed against the Libyan government, which certainly seems to qualify as crimes against humanity. But I am led to question why such an effort to arrest and indict was pushed so hard at this time.



The timing of the indictment, and now the arrest warrants, arouses strong suspicions, and not just of bad judgment! It is relevant to recall that in the course of NATO's Kosovo War in 1999 against Serbia, the Serbian president, [Slobodan Milosevic](#), was indicted by another European-based international tribunal—the special ad hoc [International Criminal Tribunal for Former Yugoslavia](#). Are we now to expect that whenever NATO has recourse to war the political leader heading its opposition will be charged with international crimes while the fighting ensues? How convenient! *Lawfare* in the service of *warfare*!

Rather than a matter of convenience, the motivation seems more sinister. Criticism is deflected from NATO's own lawlessness. In both of these instances, NATO had itself resorting to war unlawfully, engaging in what was designated at Nuremberg as a 'crime against peace,' and held by that tribunal to be the greatest of war crimes embracing within itself both crimes against humanity and gross violations of the laws of war (war crimes). In the Kosovo War NATO acted without a mandate from the UN, thereby violating the UN Charter's core principle prohibiting non-defensive uses of force unless authorized by the Security Council. In Libya there was such an initial authorization to protect civilians by establishing a no fly zone (Security Council Resolution 1973, 17 May 2011), but the NATO mission as executed almost immediately grossly exceeded the original mandate, and did little to hide its unmandated goal of regime change in Tripoli by way of ending Qaddafi's role as ruler and thereby achieving victory for opposition forces in a civil war. It is certainly worthy of comment that in both of these wars initiated by NATO the leader of a country attacked was targeted for criminal prosecution before hostilities had ended. Even the [Allies in World War II](#) waited until after the end of combat before trying to impose their version of '[victors justice](#)' on surviving defeated German and Japanese leaders.



A somewhat similar manipulation of criminal accountability occurred in Iraq a few years ago. There the American led aggressive war waged against Iraq in 2003 was quickly followed by a carefully planned and orchestrated criminal prosecution, stage managed behind the scenes by the US occupation commanders), followed by the execution of Saddam Hussein (and his close associates). The Iraqi trial was politically circumscribed so as to exclude any evidence bearing on the close and discrediting strategic relationship maintained between the [United States](#) and Iraq during the period of Saddam Hussein's most serious instances of criminality (genocidal operations against Kurdish villages), as well as by disallowing any inquiry into American criminality associated with the attack on Iraq and subsequent allegations of criminal wrongdoing in response to Iraqi resistance to military occupation. This American potential criminality was never discussed, much less investigated in a responsible manner.