



## Gaza Inquiry appointments raise questions

Hemaya Center for Human Rights is deeply concerned about the events leading to the resignation of Professor William Schabas as Chair of the Independent Commission of Inquiry on the 2014 Gaza Conflict, and his replacement by Ms Mary McGowan Davis.

We consider that best practice requires that potential conflicts of interest are explored PRIOR to appointment to such inquiries, and we are most concerned that this appears not to have been the case in regard to Professor Schabas. We remain concerned that it has also not been the case re Ms McGowan Davis, given her hasty appointment.

Mere appearance of conflict of interest is not sufficient for Schabas' departure. Actual conflict of interest, or a high probability of it, must be demonstrated.

The issue is whether a previous professional relationship compromises the commissioner's ability to investigate and deliberate in the new case without bias. The nature of the services previously provided to the client in question, and the commissioner's prior record in similar circumstances, are the best way to establish this probability.

We consider the Bureau of the Human Rights Council's decision to examine a complaint by Israel and to request a legal opinion from United Nations Headquarters in New York to have been the appropriate, if belated, course of action, and await publication of the opinion.

We consider accepting Professor Schabas' resignation before this opinion was received implies the HRC accepts the allegations of bias, contrary to due process. We consider this denigrates Professor Schabas in the eyes of the world, regardless of whether Israel's allegation is upheld or not.

We find Professor Schabas' own decision to resign before receipt of this opinion to be both regrettable, and likely taken under duress.



We note similar pressure was put on Richard Goldstone following publication of the Goldstone Report into the 2008-9 Israeli offensive against Gaza recommending investigation of possible war crimes and crimes against humanity, ultimately leading to his recanting of these recommendations.

We also note the role of Mary McGowan Davis' report in Goldstone's retraction, as described in an [article](#) he penned in the Washington Post, and the warm reception in the Israeli [press](#) of the appointment of Mary McGowan Davis.

In light of these concerns, Hemaya calls on the United Nations Human Rights Council to:

1. Utilize professional and transparent appointment processes to UN commissions, including pre-appointment declaration/investigation of potential conflicts of interest, and publishing reasons for appointments where potential conflicts have been identified;
2. Assure the international public that the appointment of Mary McGowan Davis has been found to be free of conflict of interest, and why, particularly given her role in past reports on Israeli offensives against Gaza;
3. Publish the UN Headquarters legal opinion on whether or not the alleged conflict of interest of Dr Schabas would have compromised his ability to serve as an unbiased chair of the Gaza Inquiry;
4. Assure the international community that Israeli pressure is not determining appointments to, or the deliberations and findings of, the ongoing Gaza inquiry.

Hemaya Center For Human Rights  
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