

S. Michael Lynk  
Special Rapporteur on Palestine  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland

October 26, 2017

Dear Mr. Lynk,

United Nations Watch is deeply concerned by [your latest report](#), which, for the third consecutive time, fails to address human rights violations committed by the Palestinian Authority and Hamas. You acknowledge these omissions at par. 4, saying that it only “focuses. . . on the violations committed by Israel.” While you note that human rights violations by “any State party” or “non-State actor” are “deplorable,” at Footnote 1 you seek to justify your neglect of abuses committed by the PA and Hamas by citing the mandate of the Special Rapporteur set out in [resolution 1993/2](#), which indeed is “to investigate Israel’s violations of the principles and bases of international law.”

In this regard, we ask:

1. Given that one of your predecessors, John Dugard, already [set a precedent](#) in addressing certain Palestinian human rights violations—on the grounds that “it would. . . be irresponsible for a human rights special rapporteur” to allow certain abuses to “go unnoticed”—why do you refuse to do the same? The United Nations stands for the ideal of universal human rights for all human beings, without discrimination. Accordingly, is it not irresponsible for you, as a human rights special rapporteur, to selectively ignore victims of violations committed in the territory for which you claim jurisdiction?
2. If you blame the mandate for your refusal to address violations suffered by victims of the PA and Hamas, why have you not asked the Human Rights Council to change it and end the protection gaps, as even Richard Falk did on the first day of his term? This is exactly what you suggested you would do when you were first appointed last year, in remarks to the Canadian press. As you know, another of your predecessors, Special Rapporteur Hannu Halinen, tried to visit Palestinian prisons, and [repeatedly called](#) for the mandate to be changed. Why have you instead been silent, and continued to implement injustice?
3. As a law professor committed to the rule of law, do you agree with former Special Rapporteur Halinen that your mandate is, in addition, inherently flawed for “[prejudging the outcome of the findings](#)” in that it “take[s] for granted that there were violations” and that “they were committed by Israel”?

4. So long as the mandate remains unchanged, will you stop using the deceptive title of “Special Rapporteur *on the situation of human rights in the Palestinian Territory*?” This is deliberately misleading. If the title were honest, it ought to read “Special Rapporteur *on Israel’s Violations*.” Instead, the current title is designed to mask the mandate’s discriminatory and prejudicial nature. The mandate as implied by your title would be of universal application to all actors, be they Israeli or Palestinian. The mandate as it actually is, however, applies only to Israeli actions—and with violations prejudged, and guilt presumed. There is a substantial difference between the two. In that regard, we note that you allowed the University of Ottawa recently to [misleadingly describe](#) your job as “reporting on human rights trends in the OPT.”

Following is a non-exhaustive list of human rights violations perpetrated by the Palestinian Authority and Hamas since your UN appointment which you have ignored, and which we urge you to address.

### **Palestinian Authority Violations Ignored by Your Reports**

- **Arbitrary Arrest, Censorship:** Palestinian Authority arrests at least [five journalists](#) and a prominent [human rights defender](#), as part of a crackdown on journalists which also included passage of the draconian Electronic Crimes Law curbing free speech on the internet. Magdalena Mughrabi of Amnesty International [calls this](#) “a chilling setback for freedom of expression in Palestine.” (*August-September 2017*)
- **Arbitrary Arrest, Censorship:** Palestinian Authority [detains journalist](#) for filming PA prime minister’s motorcade passing through Israeli checkpoint, and holds him incommunicado for three days prior to releasing him on bail. (*July 2017*)
- **Suppression of Freedom of Assembly:** Palestinian security forces use [excessive force](#) to violently suppress peaceful protest outside the Ramallah District Court. (*March 2017*)
- **Torture:** Palestinian Authority security forces [arrest and severely beat](#) Ahmad Izzat Halaweh who dies shortly thereafter in Jeneid prison in Nablus. (*August 2016*)
- **Torture:** Three Palestinians allege they were [held incommunicado and tortured](#) by Palestinian Authority intelligence officers for almost three weeks following their April 9, 2016 arrest. (*April 2016*)

### **Hamas Violations Ignored by Your Reports**

- **Torture of Juveniles:** Hamas imprisons Mustafa Salman, 16, for injuring a young man’s hand in a fight. Salman is detained in a cell with other adults and [subjected to torture and abuse](#) by the other prisoners and by police, leading him to commit suicide. (*September 2017*)
- **Torture, Arbitrary Arrest:** Hamas agents [arrest and torture](#) internet cafe owner, Mohammed Sufian al-Qassas, due to complaints that victim was “insulting God”; victim suffers severe injuries and remains in coma for two and a half days. (*September 2017*)

- **Arbitrary Arrest, Censorship:** Hamas [detains](#) journalists Fouad Jaradeh and Amr Balousha for “collaborating with Ramallah and misusing technology.” *(June and July 2017)*
- **Extrajudicial Killing:** Hamas [hangs](#) three Palestinians convicted in unfair military trial for collaborating with Israel. Amnesty’s Magdalena Mughrabi [calls](#) the executions “outrageous.” *(April 2017)*
- **Torture, Censorship:** Hamas [detains and tortures](#) journalist Mohamed Ahmed Othman, seeking the source of a government document he had published. *(September 2016)*
- **Torture, Denial of Due Process:** Hamas [executes](#) three Palestinians convicted of murder in proceedings which lacked due process and involved torture. *(May 2016)*

### **Palestinian Terrorism Against Israelis Ignored by Your Reports**

- **Calling for Israel’s Destruction:** Following Palestinian unity deal, Hamas leader Salah Arouri rejects any possibility of recognizing Israel, [stating](#) “we are now in the stage of preparing to eliminate the Zionist entity.” The statement is condemned by Nickolay Mladenov, UN Special Coordinator for Middle East Peace. You say nothing. *(October 2017)*
- **Stabbing Civilians; Inciting Terrorism:** Hamas affiliated terrorist [murders](#) three members of Salomon family at Friday night Shabbat dinner in their home, following vicious incitement by Palestinian leaders in Fatah and Hamas and mass Palestinian rioting over Temple Mount security measures. *(July 2017)*
- **Praising Terrorism:** Hamas [praises](#) terror attack in which Israeli border police officer Hadas Malka is killed. The attack is [condemned](#) by Nickolay Mladenov, UN Special Coordinator for Middle East Peace. You say nothing. *(June 2017)*
- **Rockets at Civilians:** [Rocket fired into Israel](#) from Hamas-controlled Gaza Strip shatters windows and damages car in the Israeli town of Sderot. *(October 2016)*
- **Shooting Civilians:** Palestinian terrorists [kill two Israelis](#) in separate terrorist attacks —13 year-old girl Hallel Ariel in her home in Kiryat Arba and 48 year-old Rabbi Michael Mark in a drive-by shooting in which his wife and two of his children are also injured. *(June & July 2016)*
- **Suicide Bombing:** Hamas carries out [suicide bombing](#) on Israeli bus injuring at least 19 Israelis. *(April 2016)*
- **Kidnapping:** In violation of international humanitarian law, Hamas [holds three Israelis](#) who entered the Gaza Strip between 2014 and 2016, as well as the remains of two Israeli soldiers killed in Operation Protective Edge. *(2014 to today)*

Mr. Lynk, all human rights victims deserve protection and a voice at the United Nations—regardless of the perpetrator. Your refusal to speak out on behalf of the victims of the Palestinian Authority and Hamas is antithetical to the universal values of the United Nations. We urge you to rectify this injustice.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Hillel C. Neuer', with a wavy line extending to the right.

Hillel C. Neuer  
Executive Director

cc: Secretary-General Antonio Guterres  
High Commissioner for Human Rights Zeid Hussein  
President of the Human Rights Council Joaquin Alexander Maza Martelli  
U.S. Ambassador Nikki Haley  
UK Ambassador Matthew Rykroft