

His Excellency Mr. Antonio Guterres  
Secretary-General  
The United Nations  
New York, NY 10017  
United States

21 February 2019

Dear Secretary-General Guterres,

United Nations Watch is deeply concerned by the actions of Michael Lynk, the UN Special Rapporteur on Palestine, which violate the Code of Conduct for Special Procedures (HRC Res 5/1). We urge you to speak out just as your predecessors did against comparable misconduct by rapporteurs such as Richard Falk and Jean Ziegler.

Mr. Lynk has repeatedly acted to legitimize notorious antisemites. Last month, on January 31<sup>st</sup>, Mr. Lynk addressed an event in Hamilton, Ontario, co-organized by the extremist group CJPME, whose racist leader Dimitri Lascaris was condemned by Canadian Prime Minister Justin Trudeau for making “vile antisemitic smears.”

Mr. Lynk has been closely associated in the past with Lascaris, who acted as Lynk’s surrogate during the controversy surrounding Mr. Lynk’s nomination to the UNHRC in 2016, an appointment that was challenged by Canada’s then Foreign Minister Stéphane Dion. In addition, Mr. Lynk [shared a stage](#) with Lascaris this past October, only one month after the latter was condemned for his antisemitism by Canada’s New Democratic Party leader Jagmeet Singh as well as by Conservative Party leader Andrew Scheer. In 2017, Lynk [met in London](#) and posed for photos with the  [Hamas front group](#) known as [PRC](#), and with the [virulent antisemite Sameh Habeeb](#), who posts antisemitic videos by former KKK grand wizard David Duke, [publishes stories](#) accusing Israelis of stealing organs in Haiti and articles claiming that World Wars I and II were Jewish plots. [Complaints](#) to Lynk on his legitimizing of antisemites have gone ignored.

By legitimizing antisemites, and by speaking for an extremist group led by a condemned racist, Mr. Lynk is in violation of Article 3 of the Code of Conduct for Special Procedures, which requires that mandate holders should uphold the highest standards of “integrity,” “probity” and “impartiality.”

Moreover, we are deeply concerned that Mr. Lynk’s latest report to the Human Rights Council, for the fifth consecutive time, fails to address human rights violations committed by the Palestinian Authority and Hamas. Mr. Lynk acknowledges these omissions at par. 4, stating that the report only “focuses on Israel’s obligations under international human rights law and international humanitarian law.” While he notes that violations “by any actor are deplorable

and will only hinder the prospects for peace,” at Footnote 1 he seeks to justify his 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 that regard, the title of his mandate—“Special Rapporteur *on the situation of human rights in the Palestinian Territory*”—is deliberately misleading. If the title were a true reflection of the mandate, 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. As implied by his title, the mandate would be of universal application to all actors, be they Israeli or Palestinian. As it actually is, and as he acknowledges in his reports, however, the mandate applies only to Israeli actions—leaving a troubling protection gap—and with Israel’s violations prejudged, and its guilt presumed. There is a substantial difference between the two.

Clearly, Mr. Lynk is aware of the inherent discrimination in his mandate as he notes it in each of his reports. Moreover, we have brought this issue directly to his attention at least twice over the last two years, asking him to expand the mandate:

- At a UN meeting with special rapporteurs in June 2017, UN Watch representative Dan Smith asked Mr. Lynk whether he was still “open to expanding the job” to Palestinian violations in light of the protection gap, as he had [indicated](#) to *The Globe and Mail* in March 2016. Although in that article the newspaper had specifically asked him about this, at the UN meeting he responded: “no one has ever asked me that question before, but my mind remains open.”
- In October 2017, we raised this issue again in a letter calling on him to expand the mandate, and noting that one of his predecessors, John Dugard, had done so. Mr. Lynk ignored this letter, and when confronted about it at a [UN press conference](#), he disingenuously stated that he was “unaware” that John Dugard had spoken out against PA torture. He also stated: “I am actively considering whether or not, when I make my next report, which will be in March [2018] to the Human Rights Council, that I will ask for my mandate to be expanded.”

Notwithstanding these statements, Mr. Lynk has never called for the mandate to be expanded, and he continues to ignore PA and Hamas violations.

In addition to ignoring all PA and Hamas violations, the mandate is inherently flawed for “[prejudging the outcome of the findings](#)” because, in the words of former Special Rapporteur Hannu Halinen, it “takes for granted that there were violations” and that “they were committed by Israel.” As a law professor committed to the rule of law, it is disturbing that Mr. Lynk continues to serve this overtly discriminatory and legally flawed mandate without making any effort to remedy it.

In 2018 alone, Mr. Lynk issued 16 press releases. Seven of these concerned the situation in Gaza or the violence at the Gaza border. Yet none of his statements condemned Hamas's numerous violations of international human rights law and international humanitarian law, including Hamas use of civilians as human shields, Hamas sending children to the front lines, Hamas combatants committing armed attacks under the cover of "civilian protests," Hamas rocket attacks on Israeli civilians, or Hamas incitement to murder Israelis.

Likewise, while he condemned Israel's detention of terrorism supporter Ahd Tamimi for assaulting an Israeli soldier, he did not once condemn [PA or Hamas arbitrary detention and torture](#) of prisoners.

Following is a non-exhaustive list of human rights violations perpetrated by the Palestinian Authority and Hamas in the past year, from January to December 2018, which Mr. Lynk has ignored. If he were truly the Special Rapporteur for "the situation of human rights in Palestinian Territories" then he must address these.

### **Palestinian Authority Violations in West Bank Ignored by Michael Lynk**

- **Arbitrary Arrest and Prosecution, Antisemitic Laws:** [PA court sentences](#) East Jerusalem man, Issam Akel, to life in prison and hard labor for attempting to sell Old City property to Jew, in violation of PA law prohibiting land sales to Israeli Jews. *(December 2018)*
- **Arbitrary Arrest, Torture:** PA forces [arrest and torture activist Suha Ibara](#), beating her, depriving her of water and use of the toilet, and threatening to harm her family. *(December 2018)*
- **Suppression of Freedom of Assembly:** [PA police use excessive force](#) to break-up Ramallah protest opposing PA policies in Gaza, violently beat protesters, arresting wounded from the hospital, and smashing and confiscating phones and cameras. *(June 2018)*
- **Arbitrary Arrest, Suppression of Freedom of Thought, Conscience, and Religion:** [PA police arrest 31](#) for eating, drinking, and allegedly gambling in a café during Ramadan. *(June 2018)*

### **Hamas Violations in Gaza Ignored by Michael Lynk**

- **Fair Trial and Due Process Violations:** Hamas military court [sentences six Gazans to death](#) for collaborating with Israel. *(December 2018)*.
- **Arbitrary Arrest, Suppression of Freedom of Expression:** [Hamas arrests Gazans Salah Jadallah and Khader Mihjez](#), after they made statements critical of Hamas. *(December 2018)*
- **Torture of Children:** Hamas fighters in Gaza [beat and torture 13-year-old Gazan boy](#) because he got into a fight with the son of a Hamas military commander. *(August 2018)*

- **Suppression of Freedom of Assembly:** Armed Hamas operatives [use violence to suppress peaceful protest](#) against Hamas in Gaza, assaulting and threatening protesters and stealing phones. *(June 2018)*
- **Arbitrary Arrest, Torture:** [Hamas jails Palestinian mother of six](#) for 23 days in unspeakable conditions without family visits or access to a lawyer, and without any criminal charges. *(May 2018)*

### **Palestinian Terrorism Against Israelis Ignored by Michael Lynk**

- **Explosive Balloons:** [Explosive balloons launched from Gaza](#) land near Israeli kindergarten. *(December 2018)*
- **Shootings, Praising Terrorism:** [Hamas terrorists shoot at Israeli civilians](#) standing at a bus stop, wounding 7, including a pregnant women whose baby was delivered by emergency Caesarean section and later died. Hamas praised the perpetrator, Salih Omar Barghouti, calling the attack “heroic.” *(December 2018)*
- **Shootings:** [Hamas terrorist shoots at Israeli soldiers and civilians](#) at bus stop, killing two soldiers, and wounding another soldier and a civilian. *(December 2018)*
- **Praising Terrorism:** [Hamas and Islamic Jihad praise terrorist shooting](#) of Israelis Kim Levengrond Yehezkel and Ziv Hajbi, who were killed at the Barkan Industrial Park in October, as “heroic.” Similarly, Hamas, Islamic Jihad and Al-Aqsa Martyrs Brigades, Fatah’s military wing, all [praise terrorist stabbing and murder](#) of Israeli Ari Fuld a few weeks earlier. *(September and October 2018)*
- **Incendiary Kites Burn Forests & Fields:** Hundreds of incendiary balloons and kites are catapulted into Israel, [sparking an average of 12 fires per day](#) in the Israeli forests and fields near Gaza. The fires have [burned over 7,000 acres of Israeli land](#) and caused millions of shekels in damage. One explosive balloon [lands in Israeli kindergarten](#) in July while children play outside. *(March to October 2018)*
- **Attempt to breach Gaza border fence:** Since March 2018, Hamas affiliated terrorists have made numerous attempts to [violently breach the border fence](#) separating Israel from Gaza with the express intention of [invading Israeli communities](#) and murdering Israelis. *(March to October 2018)*
- **Inciting Terrorism:** Hamas leaders incited March of Return protesters to violence and murder with statements like: [“We will tear down the border and we will tear out their hearts from their bodies,”](#) and [“Death to Israel.”](#) *(May 2018)*
- **Building Terror Tunnels:** Islamic Jihad tunnel stretching from Gaza into Israel is blown up by the Israeli army in October. [Islamic Jihad leader admits](#) purpose of tunnel was to kidnap Israeli soldiers and use them as bargaining chips in negotiations. In June the [IDF destroys a](#)

[tunnel](#) extending into the sea off the Gaza coast for infiltrating Israel by sea (*June – October 2018*)

- **Rockets at Civilians:** Barrage of [45 rockets fired into Israel](#) from Hamas-controlled Gaza Strip in June land in Israeli towns, including next to a community center and a kindergarten. In August, [rocket fire from Gaza](#) injures three in the Israeli town of Sderot. [Gaza Rockets](#) fired into Israel in October land in Israeli city of Be'er Sheva and off the coast in Central Israel, damaging two homes and terrorizing civilians. (*June – October 2018*)
- **Training Children as Terrorists:** Islamic Jihad affiliated terrorists in Gaza [train kindergarteners in terrorism](#), having 5-year olds dressed in uniform with fake weapons simulate military attack and hostage-taking against Israelis at kindergarten graduation ceremony. (*May 2018*)
- **Shooting at Civilians:** [Hamas terror cell responsible for murder](#) of Rabbi Razel Shevach in drive-by shooting. (*January 2018*)

All human rights victims deserve protection and a voice at the United Nations—regardless of the perpetrator. UN Special Rapporteur Michael Lynk's 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.

Excellency, we are aware that Special Rapporteurs such as Mr. Lynk are appointed by the Council, not by the Secretary-General. Their continuance in their jobs is thus for the Council to decide. That said, the spokesman of your predecessor Secretary-General Ban Ki-moon [stated](#): "I feel very strongly that these representatives, however eminent they may be in their fields, have a clear responsibility to uphold the high standards of the United Nations and the Council." Therefore, we urge you to follow your predecessor's example and condemn Mr. Lynk's support for racists, breach of his Code of Conduct and betrayal of the founding principles of the UN Charter.

Sincerely,



Hillel C. Neuer  
Executive Director

cc: Michael Lynk, Special Rapporteur on Palestine  
High Commissioner for Human Rights Michelle Bachelet  
President of the Human Rights Council Coly Seck