

Secretary-General Antonio Guterres
The United Nations
New York, NY 10027
United States

April 3, 2025

**Re: Willful Breach of Council Procedure and Obstruction of
Review Regarding the Reappointment of Ms. Francesca Albanese**

Your Excellency,

I am writing to express grave concerns about the UN's handling of credible allegations of persistent misconduct by Special Rapporteur Francesca Albanese, and the serious procedural violations now being carried out under the leadership of Amb. Jürg Lauber as President of the Human Rights Council.

As you are well aware, [Presidential Statement 8/PRST/2](#), adopted by consensus in 2008 and reaffirmed in the [Manual of Operations of the Special Procedures](#), imposes a clear and binding obligation: "The President of the Human Rights Council will convey to the Council information brought to his or her attention... concerning cases of persistent non-compliance by a mandate-holder," particularly in advance of reappointments. This text is not an obscure guideline, but rather has been [described](#) by international law experts as one of the Council's core "institution building texts."

Yet, instead of respecting this solemn obligation, the President has chosen to circumvent the Council entirely. As evidenced in the minutes of the April 1, 2025 Bureau meeting, attached here together with the March 28th letter from the Coordination Committee, he and other members of the Bureau have decided that, rather than transmit the complaints and supporting documentation to the Council as required, he would instead forward them to the Coordination Committee—a body with no mandate to replace the Council's specific role in reviewing misconduct or deciding reappointments, and which is composed of Ms. Albanese's friends.

This is not a misunderstanding. It is a deliberate misrepresentation of the President's duty under [8/PRST/2](#), which explicitly names the Council—not the Coordination Committee—as the body to which such allegations must be conveyed.

The President has received multiple formal communications from Member States and NGOs, including a detailed [60-page submission from UN Watch](#), outlining repeated, public, and documented breaches by Ms. Albanese of the Code of Conduct. He is obliged to convey all this to the Council before it can take action for or against the reappointment of Ms. Albanese.

You are hereby advised of the following: This dereliction of duty severely undermines the legal and procedural validity of any reappointment. Should Ms. Albanese be tacitly renewed without the Council ever having received and considered the complaints, that

reappointment would be carried out in flagrant violation of Council rules and may be considered ultra vires and a legal nullity, with all associated legal consequences.

Moreover, the implications go beyond internal UN process. In jurisdictions such as the United States, where legal immunity may be challenged, courts may rightly question whether a mandate extended through procedural fraud can still convey the protections of the Convention on the Privileges and Immunities of the United Nations. Your refusal to follow the Council's own procedures risks exposing both Ms. Albanese and the institution to civil liability.

The truth is stark: 8/PRST/2 remains valid, binding, and in force. No amount of creative bureaucracy or backdoor diplomacy will change that. The current course of action—hiding behind the Coordination Committee to avoid Council scrutiny—strips the reappointment process of all transparency and legitimacy.

We therefore urge the UN to reverse course and ensure that the President immediately convey to the Council all communications and complaints received concerning Ms. Albanese, as explicitly required. To do anything less is to flout the UN's obligations, distort institutional procedures, and make a mockery of accountability within the Special Procedures system.

I remain at your disposal to provide any further documentation necessary.

Sincerely,



Hillel C. Neuer
Executive Director

CC: U.S. Secretary of State Marco Rubio
French Foreign Minister Jean-Noël Barrot
German Foreign Minister Annalena Baerbock
UK Foreign Minister David Lammy
Canadian Foreign Minister Mélanie Joly
Human Rights Council President Jürg Lauber

Minutes of the Human Rights Council Bureau
1 April 2025

On 1 April 2025, the Bureau held a meeting with the following agenda:

- (1) Discuss correspondence concerning the Special Rapporteur on the Palestinian territories occupied since 1967; and
- (2) any other business.

1. Correspondence concerning the Special Rapporteur on the Palestinian territories occupied since 1967

The President informed the Bureau that he had received a letter dated 24 March 2025 from the Permanent Representative of Israel, which alleged persistent non-compliance of the Special Rapporteur on the Palestinian territories occupied since 1967 (OPT), Ms Francesca Albanese, with the provisions of the Code of Conduct of the Special Procedures, as outlined in Council resolution 5/2. The letter further referred to Council PRST/8/2 on the terms of office of special procedure mandate holders and requested that the President convey to the Council the information provided in the letter. The President had also received a Note Verbale dated 28 March 2025 from the Permanent Mission of Argentina, which supported the concerns raised by the Permanent Mission of Israel. Similar letters from other stakeholders were also received.

Moreover, on 28 March 2025, the President had received a letter from the 2023/2024 and 2024/2025 Chairs of the Coordination Committee (Mr. Isha Dyfan and Mr. Surya Deva, respectively), through which they had transmitted the Committee's conclusions regarding the allegations of violations of the Code of Conduct of the Special Rapporteur on the OPT that had been raised by the Permanent Mission of Israel and UN Watch through their letters dated 31 July 2024 and 3 June 2024, respectively. With regard to the allegations raised in those letters, the Coordination Committee did not identify violations of the Code of Conduct by the Special Rapporteur.

The President informed the Bureau that on 31 March 2025, in follow-up to the letter received from the 2023/2024 and 2024/2025 Chairs of the Coordination Committee of Special Procedures, he had spoken by phone to the current Chair, Mr. Surya Deva. The President had acknowledged the concerns expressed by the Coordination Committee regarding the personal attacks faced by the Special Rapporteur and the negative consequences on her family and those working with her. He had further emphasized the role of each mandate holder in ensuring the integrity and independence of the system of special procedures, which is a key mechanism of the Council and therefore an integral part of the United Nations organization. He also had recalled the Coordination Committee's role regarding the implementation of the code of conduct for special procedure mandate-holders. Finally, the President had encouraged the Coordination Committee to conclude their ongoing work on internal guidance for social media use by mandate holders.

Mr. Deva had agreed that, in the interest of transparency, the President would inform the Bureau of the content of their telephone conversation and that the letter of the Coordination

Committee dated 28 March 2025 should be shared with the members and observers of the Human Rights Council as an appendix to the minutes of this meeting of the Bureau.

Also on 31 March 2025, the President had spoken by phone to the Special Rapporteur on the OPT. The President had expressed his concern regarding the personal attacks she faced and the negative consequences on her family and those working with her. He had stressed that mandate holders shall bear in mind the need to ensure that their personal political opinions are without prejudice to the execution of their mission, base their conclusions and recommendations on objective assessments of human rights situations, and that they shall in implementing their mandate, therefore, show restraint, moderation and discretion so as not to undermine the recognition of the independent nature of their mandate or the environment necessary to properly discharge the said mandate. The Special Rapporteur acknowledged the President's considerations and agreed that, in the interest of transparency, the President would inform the Bureau of the content of their telephone conversation.

In light of the foregoing, the Bureau agreed that the letter of the Coordination Committee dated 28 March 2025, concerning the allegations of violations of the Code of Conduct raised in 2024, shall be shared with the members and observers of the Human Rights Council as an appendix to the minutes of this meeting of the Bureau. Moreover, the letter from the Permanent Representative of Israel dated 24 March 2025, alleging persistent non-compliance with the provisions of the Code of Conduct, as well as additional similar correspondence addressed to the President of the Council, will be promptly forwarded to the Coordination Committee for its timely consideration.

2. Any other business

Updated information note on Programme budget implications (PBIs)

The Bureau welcomed that the Office of the High Commissioner for Human Rights had updated its information note on "*Resource requirements for Human Rights Council mandates*", which provides useful information on the financial implications of new and extended mandates requested by the Council, including detailed examples of past financial implications and the process for issuing statements of programme budget implications (PBIs). The note was disseminated to all delegations from the Council secretariat on 27 March 2025, and is attached to these Bureau meeting minutes for ease of reference. It can also be found on the HRC Extranet for each regular Council session, under the link to the draft resolutions, decision and President's statements.

28 March 2025

Mr. President,

We are writing to you concerning the allegations of violations of the Code of Conduct against Ms. Francesca Albanese, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, raised by the Permanent Mission of Israel and UN Watch through their letters dated 31 July 2024 and 3 June 2024, respectively.

The Coordination Committee (Committee) examined thoroughly the allegations raised in these letters and was in contact with the mandate holder concerned in accordance with its Internal Advisory Procedure, whose process and related correspondence are confidential.

The Committee has carefully considered the complaint that certain social media posts of the Special Rapporteur on X (Twitter) are allegedly in breach of the Code of Conduct (A/HRC/RES/5/2, Annex 1) and/or other relevant standards applicable to the UN special procedures. The Committee reiterates that the use of social media by mandate holders should be in line with the Code of Conduct, the Manual of Operations and the country visit terms of reference. In that context, the Committee notes that it is not competent to assess actions and positions taken by mandate holders, including on social media, before their appointment. Mandate holders are appointed through a rigorous selection process that examines in detail the work experience and public expression of opinion by candidates in light of the criteria stipulated by the Council and by appointing Ms. Albanese, the Council had found that she met all these criteria. The Committee also recalls that the Special Rapporteur has provided explanations about the posts issued before entering her mandate on 1 May 2022 and notes that she did not issue similar tweets since she became a mandate holder.

Regarding the tweet issued by the Special Rapporteur during her term, having considered the terms of the mandate,¹ the context in which they were issued and the detailed explanations provided by the Special Rapporteur, the Committee found that these tweets were generally in accordance with the Code of the Conduct and other

To: H.E. Ambassador Jürg Lauber
President of the Human Rights Council

¹ The mandate calls on the Special Rapporteur, among others, “To investigate Israel’s violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967”.

relevant standards. The Committee is of the view that while some of her tweets may appear as not being in line with the Code of Conduct and may have been interpreted by some as antisemitic, the Committee was reassured by the detailed explanations provided by Ms. Albanese, in particular her confirmation that she fully adheres to the principles of impartiality, independence and integrity outlined in the Code of Conduct and rejects antisemitism and other forms of racism.

The Committee stresses that mandate holders should exercise sound judgement to express their views on social media to preserve integrity, independence and impartiality and to promote constructive dialogue among all relevant stakeholders. The Committee is also currently developing internal guidance for social media use by mandate holders. The development of this guidance is reflective of the Committee's approach to addressing some of the concerns raised in this complaint in a systemic and proactive way.

Regarding the allegations related to the Special Rapporteur's trip to Australia, the Committee recalls the crucial importance of avoiding real or perceived conflicts of interest. In that context, the Committee received confirmation from the Office of the High Commissioner for Human Rights (OHCHR) that the travel to Australia was covered by the UN regular budget and was done in line with applicable rules and regulations. It is common practice for mandate holders, who do not have access to the country or territory they are mandated to monitor, to use the entitlements for country visits for other official travels related to the implementation of the mandate. As the travel to Australia was not aimed at assessing the situation in that country and therefore not a country visit to Australia, it was not included in the public database of country visits.

In relation to partial external funding for internal trips within Australia and New Zealand, the Committee concludes that this is not a breach of the Code as it is common practice for organizers of conferences to cover the costs of mandate holders' participation, noting also that mandate holders do not receive sufficient resources from the United Nations to implement their mandates. The Committee emphasizes that mandates holders should exercise due diligence in assessing potential sponsorships from any organizations in a way that does not result in real or perceived conflict of interest, taking into account the specificities of each mandate.

Concerning the issues related to the honorarium, the Committee recognizes that it was inappropriate to suggest that the honorarium be transferred toward the fellowship of Ms. Albanese's assistant, even if the reply was sent by an external assistant and not by the Special Rapporteur herself. In this regard, the Committee calls on the cautious use of external assistants to avoid perception of conflict of interest. The Committee was also satisfied by the confirmation from the Special Rapporteur that she has not and will not accept payment or honoraria of any kind for work done in her official UN capacity.

The Committee also recalls that there is full disclosure about the resources received by mandate holders. In addition to the reporting about the funding received by OHCHR to support special procedures mandates, special procedures have established a system of mandatory disclosure of funds received outside the OHCHR framework. The information is made public annually in the Annual Report of Special Procedures presented every March to the Council (see the latest report A/HRC/58/70 and Add.1).

The Committee also stresses that the Special Rapporteur has strongly and consistently condemned the 7 October heinous attacks as war crimes, which cannot be justified in any way. Following the attacks, Ms. Albanese led a press release in which several UN human rights observed: “We strongly condemn the horrific crimes committed by Hamas, the deliberate and widespread killing and hostage-taking of innocent civilians, including older persons and children. These actions constitute heinous violations of international law and international crimes, for which there must be urgent accountability”.²

Regarding allegations of lack of objectivity and impartiality and antisemitic views expressed by the Special Rapporteur, the Committee has received confirmation from the mandate holder that she bases her comments on information corroborated by UN bodies, including human rights mechanisms, verified news reports and information from the ground from reputable sources, victims and individuals. Her views concern the extent to which conduct of Israel abides by international human rights and humanitarian law. In that context, the Committee recalls that criticism of the policies and actions taken by the Government of Israel should not be equated to antisemitism.

The Committee also notes with concern that while the Special Rapporteur, since the early days of her mandate, has sought to establish formal relations with the State of Israel that would enable her to fulfil the task entrusted to her by the Human Rights Council, Israel never accepted to engage and cooperate with her mandate.

The Committee would like to take this opportunity to put on record that it is deeply concerned by the intimidation and personal attacks faced by the Special Rapporteur, which have escalated in severity and scope recently. The Committee condemns in the strongest terms the coordinated campaign against the Special Rapporteur and the negative consequences on her families and those working with her as well as the attempt to undermine her work and reputation.

We are sending this letter to you jointly due to the transition between two successive Committees. As the decisions on these complaints were taken at the end of

² See <https://www.ohchr.org/en/press-releases/2023/10/israeloccupied-palestinian-territory-un-experts-deplore-attacks-civilians>



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the term of the previous Committee, we worked together to finalize and communicate this letter.

Although the Internal Advisory Procedure's process and related correspondence are confidential, we are open to discuss with you the opportunity to share this letter with the members and observers of the Human Rights Council, considering the exceptional circumstances in which the allegations against the Special Rapporteur have been made.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Dyfan".

Isha Dyfan
Chair of the Coordination Committee of Special Procedures (2023/2024)

A handwritten signature in black ink, appearing to read "Deva".

Surya Deva
Chair of the Coordination Committee of Special Procedures (2024/2025)