

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 mandate 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 "Isha Dyfan".

Isha Dyfan

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

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

Surya Deva

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