



OPEN LETTER TO HIS EXCELLENCY MR ANTÓNIO GUTERRES
SECRETARY-GENERAL OF THE UNITED NATIONS – 17 February 2026, Paris

Protection of the Independence of a Mandate Holder – Request for Institutional Intervention

Mr. Secretary-General,

The Association of **Lawyers for the Respect of International Law (JURDI)** respectfully wishes to draw your attention to official statements made on 11 February 2026 by the Minister for Europe and Foreign Affairs of the French Republic, publicly calling for the resignation of Ms Francesca Albanese, Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967.

The statements referred to in those declarations, the transcription of which was presented in a truncated manner by UN Watch and by Ms. Caroline Yadan, Member of Parliament representing French citizens abroad, were made on 7 February 2026 at the 17th Al Jazeera Forum (“*The Palestinian Cause*”) and were delivered in the exercise of the mandate entrusted by the Human Rights Council.

The statements in question form part of a legal analysis addressing serious violations of international law and fall within the official functions attached to that mandate.

The explicit call for resignation made by a member of the government of a Member State raises, beyond political debate, an institutional issue relating to the protection of the independence of the Special Procedures.

The consistent jurisprudence of the International Court of Justice, notably in the Advisory Opinions *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations* (1989) and *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights* (1999), establishes that mandate holders must be regarded as “experts on mission” within the meaning of the 1946 Convention.

The Court specifies, *inter alia*, that:

- statements made in the exercise of official functions are covered by functional immunity;
- such immunity protects the function, not the individual;
- the Secretary-General is the competent authority to determine whether an act falls within the exercise of official functions;
- such determination must be accorded the greatest weight by Member States.

Functional immunity is intended precisely to safeguard the institutional independence of United Nations mechanisms against direct or indirect pressures liable to hinder the exercise of mandates.

In this context, a public call for resignation based on statements made in the exercise of the mandate calls, in our view, for particular institutional vigilance.



In light of the framework established by Human Rights Council resolutions concerning acts of intimidation and reprisals, the present situation presents characteristics of pressure liable to have a chilling effect on the independent exercise of functions.

We respectfully request:

1. The public reaffirmation of the principle of independence of mandate holders under the Special Procedures;
2. A reminder of the obligations of Member States under the 1946 Convention on the Privileges and Immunities of the United Nations;
3. Consideration, as appropriate, of measures necessary to ensure that the exercise of the functions of mandate holders is not hindered by political pressure.

Our initiative does not seek to intervene in a political debate, but rather to contribute to the protection of the institutional integrity of the United Nations system.

The credibility of international human rights protection mechanisms depends on the guarantee that their mandate holders can exercise their functions without fear of external pressure.

We thank you for the attention you may give to this communication and remain at the disposal of your services for any further information.

Please accept, Mr. Secretary-General, the assurances of our highest consideration.

Patrick ZAHND
President, JURDI Association

A handwritten signature in black ink, appearing to read 'P. Zahnd', is positioned below the typed name and title.

Annexes :

Annex 1 – Full transcript of the remarks made by Ms Albanese on 7 February 2026 at the 17th Al Jazeera Forum (“The Palestinian Cause”)

Annex 2 – Official statement of the Minister for Europe and Foreign Affairs

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Annex 2 – Official statement of the Minister for Europe and Foreign Affairs



Déclaration de M. Jean-Noël Barrot, ministre de l'Europe et des affaires étrangères, en réponse à une question au Gouvernement sur les propos tenus par Francesca Albanese concernant les Israéliens, à l'Assemblée nationale le 11 février 2026.

Prononcé le 11 février 2026

Intervenant(s) :

- Jean-Noël Barrot - Ministre de l'Europe et des affaires étrangères

Circonstance : Question au Gouvernement, en séance publique, à l'Assemblée nationale

Texte intégral

Madame la Présidente, Mesdames et Messieurs les députés, Madame la députée [Caroline Yadan],

La France condamne sans aucune réserve les propos outranciers et coupables de Mme Francesca Albanese, qui vise non pas le gouvernement Organe collégial composé du Premier ministre, des ministres et des secrétaires d'État, chargé de l'exécution des lois et de la direction de la politique nationale israélien, dont il est permis de critiquer la politique, mais Israël en tant que peuple et en tant que nation, ce qui est absolument inacceptable.

Des propos qui ont été tenus, vous l'avez rappelé, en présence d'un représentant du Hamas et en présence d'un représentant du gouvernement Organe collégial composé du Premier ministre, des ministres et des secrétaires d'État, chargé de l'exécution des lois et de la direction de la politique nationale iranien, alors que se poursuit la répression. Des propos qui s'ajoutent à une longue liste de prises de positions scandaleuses, justifiant le 7 octobre, pire massacre antisémite de notre Histoire depuis la Shoah, évoquant le " lobby juif ", ou encore comparant Israël au Troisième Reich.

Mme Francesca Albanese s'avance et se présente comme une experte indépendante des Nations unies. Elle n'est ni experte ni indépendante : c'est une militante politique qui agite des discours de haine qui desservent la cause du peuple palestinien, qu'elle entend pourtant défendre, et des Nations unies. En aucun cas et d'aucune manière, Mme Albanese ne peut s'exprimer en leur nom. Elle trahit leur esprit. En réalité, ses provocations n'appellent qu'une seule réponse : sa démission. Et c'est en ces termes et avec cette fermeté, Madame la députée, que la France s'exprimera le 23 février prochain, lors de la session du Conseil des droits de l'Homme des Nations unies.

Source <https://www.diplomatie.gouv.fr>, le 12 février 2026