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PERMANENT MISSION OF INDIA TO THE UN, GENEVA

HUMAN RIGHTS COUNCIL

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General Debate on UNHCHR's Statement

(4 June 2009)

Statement by India

Mr. President,

We thank the UN High Commissioner for Human Rights, Ms. Navanethem Pillay, for her statement this afternoon that provides useful updates on human rights themes and on situations of particular concern.

Mr. President,

We wish to raise a matter of some concern to our delegation with regard to the remarks made by the High Commissioner on Sri Lanka and the recently concluded special session, in her statement. The High Commissioner has welcomed the special session, and consequently, we consider it safe to assume that she also accepts its concomitant outcome. The High Commissioner and her Office would be fully aware of the discussions and negotiations on the different elements of the outcome and on the positions adopted by different member states and groupings on these elements. It is important to recall and reaffirm that the outcome of the special session reflects an inter-governmental decision adopted according to the Rules of Procedure of the Council. What is more, it endorses the joint communiqué issued at the end of the recent visit to Sri Lanka by the UN Secretary-General, which, among other things, reaffirms the willingness of the Government of Sri Lanka to address the issues of accountability in response to the concerns expressed by the UN Secretary-General in this regard. We feel that

in these circumstances, it would be prudent to adhere to the outcome of the special session and be sensitive to the concerns expressed already, rather than take a position on contested proposals, or controversial issues and ideas, which did not find eventual acceptance in the outcome of the special session. It would be extremely unfortunate if inter-governmental decisions adopted by the Human Rights Council were to be ignored, or set aside, and the High Commissioner and/or Office were to mis-interpret them, or willfully neglect them, or supercede them, according to their convenience, or in accordance with the agenda of some states, or unrepresentative or unaccountable organizations, or to pursue their own agenda. In this regard, we would like to remind all concerned that the independence of the High Commissioner cannot be presumed to exceed that of the UN Secretary-General.

Thank you, Mr. President.