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The Permanent Mission of India to the Office of the United Nations and Other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Human Rights Council and has the honour to refer to the Communication Nos. (i) UA IND 22/2018 dated 02/10/2018 from the Working Group on Arbitrary Detention; the Special Rapporteur on the human rights of migrants; and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (ii) AL IND 5/2019 dated 27 March 2019 from the Working Group on Arbitrary Detention; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on minority issues; the Special Rapporteur on the situation of human rights in Myanmar and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance as well as to the Press Release dated 02 April 2019 issued jointly by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on the human rights of migrants, the Chair Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the situation of human rights in Myanmar and the Special Rapporteur on minority issues.

The Permanent Mission of India would request the Special Procedures Branch of the Human Rights Council to bring the following to the kind attention of the above mentioned Special Rapporteurs:

The interpretation in the statement issued by UN independent experts on 2nd April 2019 to condemn "Rohingya deportations" is misleading and incorrect. It may be noted that the repatriation of illegal foreigners to their country of origin is in accordance with Indian laws.

The repatriation of Myanmar nationals is mandated by Indian Courts. The repatriation of five Myanmar nationals in January 2019 and the earlier repatriation of seven Myanmar nationals in October 2018 were in response to legal processes, at the end of which their repatriation was mandated by Court Orders. In fact, the earlier group of seven Myanmar

nationals was detained in India six years earlier for violation of the Foreigners' Act of India following their unlawful entry into India from a third country. Their repatriation was arranged in accordance with established procedures and laws after due process of nationality verification and upon reconfirming their willingness to be repatriated with the full concurrence of the Government of Myanmar. Thus, the mention of 'forced returns' and 'forced deportation' in the Joint Communication of 27 March, 2019 from Special Rapporteurs is misleading and incorrect.

As a democratic sovereign country with an independent judiciary, India will continue to take forward the orders of its Judiciary as mandated by its Constitution.

India fully recognizes that violence against or persecution of any group of people anywhere is inexcusable. In recognition of the complex humanitarian challenges arising out of the situation in Rakhine State [and the displacement of people as a result of conflict], India is focussed on humanitarian actions to ameliorate the condition of displaced people, including in Bangladesh, and in preparing socio-economic infrastructure for people to return to their home towns in Rakhine State of Myanmar. India has also been working closely with Myanmar to ensure that returnees are assured of basic security, freedom of movement and opportunity of earning a livelihood.

The Permanent Mission of India to the Office of the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Human Rights Council, the assurances of its highest consideration.

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