



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

UNITED NATIONS
PEACE OPERATIONS

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22 May 2008

Excellency,

I wish to bring to your attention a matter relating to the election by the General Assembly of 15 members of the Human Rights Council that took place during the 98th plenary meeting yesterday, 21 May 2008.

With regard to the results of the balloting for the two seats from among the Western European and other States, I have been informed by the Secretariat that there were two recording errors by the Secretariat: one in the number of abstention ballots and the other in the number of Members voting.

The registration for abstention should have been 1 (one) instead of 10 and the number of Members voting should have been 189 (192 ballots received, minus two invalid ballots, minus one abstention ballot) instead of 182. The Secretariat has expressed its deep regrets for the two inadvertent errors.

Notwithstanding those two errors, the actual counting by Tellers of the votes for each of the three candidates was based on the 189 valid ballots of Members who voted. I therefore wish to reaffirm for Members that the result of the votes for each of the three candidates remains unchanged, after having been tallied twice and verified by the Tellers.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Srjgan Kerim'.

Srjgan Kerim

All Permanent Representatives to
the United Nations

**General Assembly**

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Agenda item 113 (d)

Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council**Letter dated 23 May 2008 from the Permanent Representative of Spain to the United Nations addressed to the President of the General Assembly**

I have the honour to refer to your letter of 22 May providing notification of errors made by the Secretariat in establishing the voting record of the election to fill the two seats on the Human Rights Council allocated to the Group of Western European and other States, which had taken place in the General Assembly on 21 May 2008, as read out at the plenary meeting of the General Assembly on the same day. According to the information now received from the Secretariat, the number of abstentions had been reported as only one, instead of ten, and the number of States voting had been reported as 182 rather than 189.

Despite the errors indicated and the procedure by which they were detected, Spain has no intention of challenging the results of the vote, having already expressed, and wishing to reiterate, its congratulations to its friends and partners France and the United Kingdom of Great Britain and Northern Ireland on their election, and firmly believing that they will work constructively in the Council to promote and protect human rights. In pursuit of that aim, Spain will lend them, and the members of the Council as a whole, its full support.

These comments notwithstanding, and in order to give the General Assembly the respect due to it, Spain, as a Member State, wishes to express its deep concern at the manner in which the votes of the Member States were counted and the relevant voting record was established.

It is surprising that errors as significant as those acknowledged in your letter of 22 May should have been made in preparing the record of such an important election. Moreover, it does not appear from that letter that the representatives of the various regional groups were present during the process of tracing the errors and validating the figures for the number of abstentions recorded and the number of States voting, as would be appropriate in any election with the appropriate guarantees.



Lastly, Spain believes that what occurred makes it appropriate for the General Assembly to reflect on which aspects of the electoral procedures could be improved to benefit its own credibility as a main body of the Organization. We trust that the Office of the President, together with the Bureau and with the assistance of the Secretariat, will take the immediate action needed to correct the shortcomings detected in the electoral procedures.

I should be grateful if you would have the present letter circulated as a document of the General Assembly.

(Signed) Juan Antonio Yáñez-Barnuevo



Asamblea General

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Original: español

Sexagésimo segundo período de sesiones

Tema 113 d) del programa

**Elecciones para llenar vacantes en órganos subsidiarios
y otras elecciones: elección de quince miembros del
Consejo de Derechos Humanos**

Carta de fecha 23 de mayo de 2008 dirigida al Presidente de la Asamblea General por el Representante Permanente de España ante las Naciones Unidas

Me complace referirme a su carta de 22 de mayo en la que informa de los errores cometidos por la Secretaría en la elaboración del acta del escrutinio relativo a la elección de los dos asientos correspondientes al Grupo de Europa Occidental y otros Estados en el Consejo de Derechos Humanos, celebrada el pasado 21 de mayo en la Asamblea General, tal como fue leída en la sesión plenaria de la Asamblea ese mismo día. Aparentemente, según informa ahora la Secretaría, se habría registrado una sola abstención, en vez de diez, y el número de Estados efectivamente votantes habría sido de 189 y no de 182 como se indicó en el anuncio de los resultados.

A pesar de los errores señalados y del procedimiento seguido para su identificación, España no tiene intención de poner en cuestión los resultados de la votación y ha felicitado por su elección, y lo hace de nuevo, a Francia y al Reino Unido de Gran Bretaña e Irlanda del Norte, dos Estados amigos y socios, y está convencida de que trabajarán de manera constructiva en la promoción y protección de los derechos humanos en el seno del Consejo. España les brindará toda su colaboración, como al conjunto de los miembros del Consejo, en la consecución de ese objetivo.

No obstante lo anterior, y en aras del respeto que merece la Asamblea General, España, como Estado Miembro, desea manifestar su profunda preocupación por la manera en que se ha actuado en el proceso de recuento de los votos emitidos por los Estados Miembros y en la elaboración del correspondiente acta.

En efecto, resulta sorprendente que en la redacción del acta de una elección tan importante hayan podido deslizarse unos errores de la trascendencia de los reconocidos en su carta de 22 de mayo. De dicha carta, por otro lado, no se deduce que en el procedimiento seguido en la determinación de esos errores y la validación de los datos respecto del número de abstenciones registradas y Estados votantes se haya contado con la presencia de los interventores pertenecientes a los distintos



grupos regionales, como corresponde en todo proceso electoral con las debidas garantías.

Finalmente, España considera que lo sucedido invita a una reflexión por parte de la Asamblea General acerca de los aspectos susceptibles de mejora en los procedimientos electorales, en beneficio de la credibilidad de la propia Asamblea General como órgano principal de las Naciones Unidas. Confiamos en que la Presidencia, juntamente con la Mesa, y con la asistencia de la Secretaría, procederá a dar los pasos inmediatos necesarios para corregir las deficiencias detectadas en los procedimientos electorales.

Le ruego, señor Presidente, que esta carta sea distribuida como documento de la Asamblea General.

(Firmado) Juan Antonio Yáñez-Barnuevo