



# General Assembly

Sixtieth session

**26**<sup>th</sup> plenary meeting

Tuesday, 4 October 2005, 3 p.m.

New York

Official Records

*President:* Mr. Eliasson ..... (Sweden)

*The meeting was called to order at 3.15 p.m.*

## Bombing in Bali

**The President:** Before turning to the business of the day, I would like to take a moment to pay tribute to those affected by the abhorrent terrorist attacks that occurred on the Indonesian island of Bali on Saturday. On behalf of the Assembly I offer our deepest sympathy to the people and Government of Indonesia and to the friends and families of those affected, of all nationalities. I should also take this opportunity to extend our sympathy to the victims of other recent terrorist attacks, wherever they have been committed.

## Agenda item 7 (continued)

### Organization of work, adoption of the agenda and allocation of items: request for the inclusion of an additional item

#### Note by the Secretary-General (A/60/231)

**The President:** The General Assembly will now take up a request submitted by the Secretary-General in document A/60/231 relating to the election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

In his note the Secretary-General informs the General Assembly that he has requested both the Security Council and the Assembly to authorize the assignment of Judge Christine Van Den Wyngaert to

serve as of 3 October 2005 on the Mrksic case before the International Tribunal.

Consequently, it will be necessary at the current session to take a decision to allow Judge Van Den Wyngaert to serve as of 3 October 2005 on the Mrksic case.

In this connection, the Secretary-General has the honour to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the sixtieth session of the Assembly of an additional item entitled "Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991".

Owing to the important and urgent nature of the item, and in the absence of objection, may I take it that the General Assembly agrees that the relevant provision of rule 40 of the rules of procedure, which would require a meeting of the General Committee on the question of the inclusion of this item in the agenda, could be waived?

*It was so decided.*

**The President:** May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of the current session an additional item entitled "Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

Former Yugoslavia since 1991” under heading I, “Organizational, administrative and other matters”?

*It was so decided.*

**The President:** The item is therefore included in the agenda as item 157.

In his note, the Secretary-General further requests that the item be considered directly in plenary meeting. May I take it that the General Assembly, as requested by the Secretary-General, wishes to consider this item directly in plenary meeting?

*It was so decided.*

**The President:** I should now like to consult members with regard to proceeding immediately to the consideration of agenda item 157. In this connection, I draw the Assembly’s attention to the relevant provision of rule 15 of the rules of procedure of the General Assembly, which reads as follows:

“No additional item may, unless the General Assembly decides otherwise by a two-thirds majority of the members present and voting, be considered until seven days have elapsed since it was placed on the agenda and until a committee has reported upon the question concerned.”

In the absence of an objection, I shall take it that the Assembly agrees to proceed immediately to the consideration of agenda item 157.

*It was so decided.*

## **Agenda item 157**

### **Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**

#### **Letter from the Secretary-General (A/60/362)**

#### **Letter from the President of the Security Council (A/60/402)**

**The President:** As indicated in the note by the Secretary-General contained in document A/60/231, the Secretary-General informs the Assembly that Judge Van Den Wyngaert’s term of office as a member of the pool of ad litem judges had come to an end on 11 June 2005. She was authorized, however, by Security Council resolution 1581 (2005) and by a decision of the General Assembly taken at its 80th plenary

meeting, on 20 January 2005, to continue her functions as an ad litem judge in the Limaj case beyond that date. On 19 November 2004, Judge Van Den Wyngaert had been elected a permanent judge of the International Tribunal with a term beginning on 17 November 2005.

Consequently, the approval of the Security Council and the General Assembly is needed to allow Judge Van Den Wyngaert to serve as of 3 October 2005 on the Mrksic case, given that she has been authorized to continue her functions only as an ad litem judge in the Limaj case and that she will begin her elected four-year term as a permanent judge of the International Tribunal only on 17 November 2005. The Secretary-General therefore proposes that the General Assembly and the Security Council authorize the assignment of Judge Van Den Wyngaert to serve as of 3 October 2005 on the Mrksic case before the International Tribunal.

In the letter addressed to the President of the General Assembly contained in document A/60/402, the President of the Security Council transmits the text of Council resolution 1629 (2005) of 30 September 2005, whereby the Council, inter alia:

“Decides that notwithstanding Article 12 of the Statute of the International Tribunal for the Former Yugoslavia and notwithstanding that Judge Christine Van Den Wyngaert’s elected term as a permanent judge of the Tribunal will in accordance with Article 13 bis of the Tribunal’s Statute only begin on 17 November 2005, she be assigned as a permanent judge to the Mrksic et al. case which is due to commence on 3 October 2005.”

If there is no objection, I propose that the Assembly decide to endorse the recommendation of the Secretary-General that was endorsed by the Security Council in its resolution 1629 (2005) of 30 September 2005.

*It was so decided.*

**The President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 157?

*It was so decided.*

**The President:** I invite members to remain seated, as immediately following the adjournment of this meeting the General Assembly will hold its first informal meeting of the plenary to discuss the follow-up and implementation of the 2005 World Summit Outcome.

*The meeting rose at 3.20 p.m.*