

TO: Distinguished Recipients

FM: John Whitbeck

Transmitted below is the record of the votes of the 15 judges of the International Court of Justice on the two jurisdictional issues and the seven substantive opinions of its advisory opinion delivered today.

Unsurprisingly, Ugandan Judge Julia Sebutinde, who stood alone in voting against all the ICJ's orders in the Genocide Case against Israel, even voted against complying with the UN General Assembly's request for an advisory opinion.

Notably, she was the only judge who voted against the court's opinions that Israel is under an obligation to evacuate all settlers from the Occupied Palestinian Territory and an obligation to make reparation for the damage caused by Israel's unlawful occupation to all natural or legal persons concerned in the Occupied Palestinian Territory.

The three judges who voted against some of the court's opinions are Judge Ronny Abraham of France, Judge Bogdan-Lucian Aurescu of Romania and Judge Peter Tomka of Slovakia.

The American, Australian and German judges, notwithstanding the fervently pro-Israel positions of their governments, voted in favor of all the court's opinions.

For these reasons,
THE COURT,

(1) Unanimously,
Finds that it has jurisdiction to give the advisory opinion requested;

(2) By fourteen votes to one,
Decides to comply with the request for an advisory opinion;
IN FAVOUR: President Salam; Judges Tomka, Abraham, Yusuf, Xue, Bhandari,
Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;
AGAINST: Vice-President Sebutinde;

(3) By eleven votes to four,

Is of the opinion that the State of Israel's continued presence in the Occupied Palestinian Territory is unlawful;

IN FAVOUR: President Salam; Judges Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

AGAINST: Vice-President Sebutinde; Judges Tomka, Abraham, Aurescu;

(4) By eleven votes to four,

Is of the opinion that the State of Israel is under an obligation to bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible;

IN FAVOUR: President Salam; Judges Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

AGAINST: Vice-President Sebutinde; Judges Tomka, Abraham, Aurescu;

(5) By fourteen votes to one,

Is of the opinion that the State of Israel is under an obligation to cease immediately all new settlement activities, and to evacuate all settlers from the Occupied Palestinian Territory;

IN FAVOUR: President Salam; Judges Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;

AGAINST: Vice-President Sebutinde;

(6) By fourteen votes to one,

Is of the opinion that the State of Israel has the obligation to make reparation for the damage caused to all the natural or legal persons concerned in the Occupied Palestinian Territory;

IN FAVOUR: President Salam; Judges Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;

AGAINST: Vice-President Sebutinde;

(7) By twelve votes to three,

Is of the opinion that all States are under an obligation not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory and not to render aid or assistance in maintaining the situation created by the continued presence of the State of Israel in the Occupied Palestinian Territory;

IN FAVOUR: President Salam; Judges Tomka, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

AGAINST: Vice-President Sebutinde; Judges Abraham, Aurescu;

(8) By twelve votes to three,

Is of the opinion that international organizations, including the United Nations, are under an obligation not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory;

IN FAVOUR: President Salam; Judges Tomka, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

AGAINST: Vice-President Sebutinde; Judges Abraham, Aurescu;

(9) By twelve votes to three,

Is of the opinion that the United Nations, and especially the General Assembly, which requested this opinion, and the Security Council, should consider the precise modalities and further action required to bring to an end as rapidly as possible the unlawful presence of the State of Israel in the Occupied Palestinian Territory.

IN FAVOUR: President Salam; Judges Tomka, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

AGAINST: Vice-President Sebutinde; Judges Abraham, Aurescu.

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