

---- Advisory Opinion on questioning the legality of ISIS airstrikes under international law ----
Requested by the United Nations Security Council

THE COURT,

(1) Unanimously,

Finds that it has jurisdiction to give the advisory opinion requested;

(2) By (in favor) to (against),

Decides to comply with the request for an advisory opinion;

IN FAVOR: Judge Yeonwoo Koo, Judge Sein Kim, Judge Abdulqawi Ahmed Yusuf, Judge Christopher Greenwood, Judge Dalveer Bhandari, Judge Hisashi Owada, Judge Joan E. Donoghue, Judge Julia Sebutinde, Judge Kenneth Keith, Judge Leonid Skotnikov, Judge Mohammed Bennouna, Judge Ronny Abraham, Judge Xue Hanqin, Judge Antonio Augusto Cancado Trindade, Judge Bernardo Sepulveda Amor (15)

AGAINST: 0

(3) Replies in the following manner to the question by the Security Council:

A. By (in favor) to (against)

(Clause 1)

The Court believes that in accordance with the United Nations Charter of Human Rights Article 2, Responsibility to Protect, and related UN Security Council resolutions, if there is an “imminent and recognizable” threat posed to a nation including crimes against humanity, genocide, manslaughter and ethnic cleansing, actions taken by the individual state with “reasonable, clear and legitimate” reasons for it is acceptable, under the circumstances that are further elaborated in the following clauses.

IN FAVOR: Judge Yeonwoo Koo, Judge Sein Kim, Judge Abdulqawi Ahmed Yusuf, Judge Christopher Greenwood, Judge Dalveer Bhandari, Judge Hisashi Owada, Judge Joan E. Donoghue, Judge Julia Sebutinde, Judge Kenneth Keith, Judge Leonid Skotnikov, Judge Mohammed Bennouna, Judge Ronny Abraham, Judge Xue Hanqin, Judge Antonio Augusto Cancado Trindade, Judge Bernardo Sepulveda Amor (15)

AGAINST: 0

B. By to

(Clause 2)

The Court recommends member states of the UN Security Council to file an immediate report, after the action is deployed if there is a possibility of “legal dispute” regarding international laws, conventions etc. that are under the jurisdiction of the ICJ Statute Article 38.

IN FAVOR: Judge Yeonwoo Koo, Judge Sein Kim, Judge Abdulqawi Ahmed Yusuf, Judge Christopher Greenwood, Judge Dalveer Bhandari, Judge Hisashi Owada, Judge Joan E. Donoghue, Judge Julia Sebutinde, Judge Kenneth Keith, Judge Leonid Skotnikov, Judge Ronny Abraham, Judge Xue Hanqin, Judge Antonio Augusto Cancado Trindade, Judge Bernardo Sepulveda Amor (14)

AGAINST: Judge Mohammed Bennouna (1)

C. By to

(Clause 3)

The International Court of Justice recognizes the source of the “legal dispute,” stated in Clause 2 of the following advisory opinion, to be if any one of the sovereign state of the

UNSC deems the action reported, but not await for the approval beforehand of the action.

IN FAVOR: Judge Yeonwoo Koo, Judge Abdulqawi Ahmed Yusuf, Judge Christopher Greenwood, Judge Dalveer Bhandari, Judge Julia Sebutinde, Judge Kenneth Keith, Judge Xue Hanqin, Judge Antonio Augusto Cancado Trindade (8)

AGAINST: Judge Hisashi Owada, Judge Joan E. Donoghue, Judge Leonid Skotnikov, Judge Mohammed Bennouna, Judge Ronny Abraham, Judge Bernardo Sepulveda Amor, Judge Sein Kim (7)

D. By to

(Clause 4)

The Court recognizes the right to collective self-defense. However, if the deployed action exceeds the degree of self-defense and violates other international rights, the Court asserts that the Security Council condemn those actions under their discretion, which includes deploying Peacekeeping Operations (PKO), and working under the three pillars of Targeted Killing and the Law of Armed Conflict, that will be further specified in the following clauses.

IN FAVOR: : Judge Yeonwoo Koo, Judge Sein Kim, Judge Christopher Greenwood, Judge Dalveer Bhandari, Judge Joan E. Donoghue, Judge Leonid Skotnikov, Judge Ronny Abraham, Judge Xue Hanqin, Judge Antonio Augusto Cancado Trindade, Judge Bernardo Sepulveda Amor (10)

AGAINST: Judge Abdulqawi Ahmed Yusuf, Judge Hisashi Owada, Judge Julia Sebutinde, Judge Kenneth Keith, Judge Mohammed Bennouna (5)

E. By to

(Clause 5)

The ICJ reaffirms the explicit terminology and interpretation of the three principles of Targeted Killing and the Law of Armed Conflict. First, the principle of humanity shall forbid action that can cause unnecessary suffering of civilians. Second, the principle of proportionality shall prohibit that the loss of lives does not exceed the advantage expected by the opposing party. Third, the principle of discrimination precisely specifies to use the state's force only against combatants.

IN FAVOR: Judge Yeonwoo Koo, Judge Sein Kim, Judge Abdulqawi Ahmed Yusuf, Judge Christopher Greenwood, Judge Dalveer Bhandari, Judge Hisashi Owada, Judge Joan E. Donoghue, Judge Julia Sebutinde, Judge Kenneth Keith, Judge Leonid Skotnikov, Judge Mohammed Bennouna, Judge Ronny Abraham, Judge Xue Hanqin, Judge Antonio Augusto Cancado Trindade, Judge Bernardo Sepulveda Amor (15)

AGAINST: 0

F. By to

(Clause 6)

The Court recognizes the UN Charter, Article 2 regarding sovereignty and the territorial integrity of a nation, thus requiring consent from the related states in order to have any military intervention. However, in an urgent situation that falls under Clause 1 and 2 of the following advisory opinion, the right of self-defense shall take precedence under the Security Council's authorization as stated in Clause 2 and 3 of the same paper, for the purpose of international peace and security.

IN FAVOR: Judge Yeonwoo Koo, Judge Sein Kim, Judge Abdulqawi Ahmed Yusuf, Judge Christopher Greenwood, Judge Dalveer Bhandari, Judge Hisashi Owada, Judge Joan E. Donoghue, Judge Julia Sebutinde, Judge Kenneth Keith, Judge Leonid Skotnikov, Judge Mohammed Bennouna, Judge Ronny Abraham, Judge Xue Hanqin, Judge Antonio Augusto

Cancado Trindade, Judge Bernardo Sepulveda Amor (15)
AGAINST: 0