

Honourable President Justice Yuji Iwasawa
President of the International Court of Justice
International Court of Justice
Peace Palace
Carnegieplein 2
2517 KJ The Hague
The Netherlands

22 August 2025

Dear President Iwasawa,

I am writing on behalf of the International Commission of Jurists, an international non-governmental organization of leading judges and lawyers from around the world working to advance the rule of law and realization of human rights for all. The ICJ advocates for the protection of judges and lawyers from undue interference or reprisals for duly discharging their duties, and for their accountability when they breach their duties.

I am writing to you in your capacity as President of the International Court of Justice to express the International Commission of Jurists' concern in connection with recent statements apparently made by the Vice-President of the Court Justice Sebutinde. We consider that these statements are reflective of a lack of impartiality, or the appearance of impartiality, on the part of Vice-President, at least in respect of her participation in the deliberations concerning Israel and the State of Palestine, and in particular the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel). According to an article published in the Ugandan Newspaper the Daily Monitor on 13 August 2025, entitled "My country disowned me after Israel-Gaza ruling- Sebutinde", Vice-President Sebutinde spoke on 10 August, at Watoto Church in Kampala, Uganda on the subject of her Dissenting Opinion delivered on 26 January 2024, in the South Africa v. Israel case. In that context, she was reported to have said, "*There are now about 30 countries against Israel... the Lord is counting on me to stand on the side of Israel. The whole world was against Israel, including my country.*" According to the article, Vice President Sebutinde also stated that, "*the current crisis in Gaza was a sign of the 'End Times' foretold in the Bible.*" She reportedly went on to say, "*There is something I want to share. I have a very strong conviction that we are in the End Times. The signs are being shown in the Middle East. I want to be on the right side of history. I am convinced that time is running out. I would encourage you to follow developments in Israel. I am humbled that God has allowed me to be part of the last days.*"

Should it be confirmed that these are accurate quotes of her remarks, the International Commission of Jurists considers that Vice-President Sebutinde's continued role in the context of ongoing proceedings before the Court, such as *South Africa v. Israel*, and at least any other proceedings concerning Israel or the State of Palestine, would be profoundly damaging to the Court's impartiality, propriety and integrity, or to perceptions thereof, as well as to the public confidence in the Court.

As you are aware, Principle 2 of the UN Basic Principles on the Independence of the Judiciary affirms the principle that "The judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any...improper influences...from any quarter and for any reason." This prescription is echoed in Principle 1.1 of the Burgh House Principles on the Independence of the International Judiciary.

The words attributed to Vice-President Sebutinde are inconsistent with these principles. These remarks raise serious concerns as to whether her decisions were taken solely on the basis of facts and in accordance with the law, but rather may have also been taken under "improper influences", specifically her religious and political beliefs regarding Israel and the purported approaching of "end times." While the Vice-President certainly enjoys the right to freedom of expression, this right is not absolute, and there are certain limitations on the right that are particularly applicable to members of the judiciary.

Principle 8 of the UN Basic Principles recognizes that "members of the judiciary are like other citizens entitled to freedom of expression, belief, association and assembly; provided, however, that in exercising such rights, judges shall always conduct themselves in such a manner as to preserve the dignity of their office and the impartiality and independence of the judiciary. Principle 7.2 of the Burgh House Principles similarly affirms that "Judges shall enjoy freedom of expression and association while in office. These freedoms must be exercised in a manner that is compatible with the judicial function and that may not affect or reasonably appear to affect judicial independence or impartiality."

In addition to the UN Basic Principles and the Burgh House Principles, the purported words of the Vice-President would be directly contrary to:

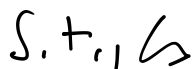
- The principle that justice must not merely be done but must also be seen to be done;
- Article 20 of the Statute of the Court, according to which, "Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously";
- The Bangalore Principles of Judicial Conduct;¹

¹ See, in particular, preambular paragraphs five and 6; Value 2 Impartiality, "2.2. A judge shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the judiciary.", "2.5. A judge shall disqualify himself or herself from participating in any proceedings in which the judge is unable to decide the matter impartially or in which it may appear to a reasonable observer that the judge is unable to decide the matter impartially."; Value 3 Integrity "Integrity is essential to the proper discharge of the judicial office. *Application* 3.1. A judge shall ensure that his or her conduct is above reproach in the view of a reasonable observer. 3.2. The behaviour and conduct of a judge must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done." and Value 4 Propriety "Propriety, and the appearance of propriety, are essential to the performance of all of the activities of a judge.", *Application* 4.1. A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities." "4.6. A judge, like any other citizen, is entitled to freedom of expression, belief, association and assembly, but, in exercising such rights, a judge shall always conduct himself or herself in such a manner as to preserve the dignity of the judicial office and the impartiality and independence of the judiciary."

- Article 4(1) of the Rules of Court "I solemnly declare that I will perform my duties and exercise my powers as judge honourably, faithfully, impartially and conscientiously."

I therefore respectfully urge you and the Court to conduct an investigation into these allegations, and if substantiated, undertake remedial actions consistent with Principles 17-20 of the UN Basic Principles. In the interim, I would request that you act to immediately remove Vice-President Sebutinde from participating further in proceedings in the South Africa v. Israel case.

I would be grateful for your acknowledgment of receipt by return, and I thank you in advance for your consideration of the contents of this letter.



Yours sincerely,

Santiago Canton

Secretary General
