



The Sabra Report

UN Court Hears South Africa Genocide Case Against Israel

BBC, January 11th, 2024

Recap:

The United Nations International Court of Justice (ICJ) is hearing a case brought by South Africa that accuses Israel of committing genocide against Palestinians in Gaza. The US called the lawsuit “counterproductive and completely without any basis in fact” [1].

The Context:

- ✦ On October 7th, thousands of Hamas-led terrorists burst into Israel from Gaza, killing 1,200 people, and taking 240 hostages, of whom 132 remain in captivity. Israel subsequently declared war on Hamas to destroy the terrorist organization. 23,350 Gazans have died since the start of the war, 8,500 of whom are Hamas terrorists [2].
- ✦ The Genocide Convention, which was signed in 1948 following the Holocaust, describes genocide as “acts committed with intent to destroy, in whole, or in part, a national, ethnical, racial or religious group”. The South African case is based on the extent of Gaza’s devastation and quotes from Israeli officials that show intent to massacre Palestinians [3]. Israeli Prime Minister Benjamin Netanyahu responded, saying that “Israel has no intention of permanently occupying Gaza or displacing its civilian population [4],” and that Israel is fighting a war with Hamas, not the Palestinian people.
- ✦ Unlike the International Criminal Court, the ICJ does not have the authority to prosecute however, its opinions carry weight in international forums. The ICJ could quickly rule on South Africa's request for Israel to suspend its military campaign - but a final ruling on whether Israel is committing genocide could take years. Should Israel refuse to comply with ICJ orders, the case could be referred to the United Nations Security Council, which can impose punitive measures such as trade sanctions and an arms embargo [5].

Conversation Points:

- ✦ Why do critics specifically employ the term "genocide" against Israel, a word historically associated with the suffering of the Jewish people?
- ✦ Does a high civilian death toll during wartime indicate genocidal intent?
- ✦ Whose actions more closely align with the Genocide Convention standards? Hamas or Israel?
- ✦ Would an ICJ decision against Israel significantly weaken international support for its battle against Hamas?

Notes:

1. [U.S. slams 'meritless' Israel genocide suit, reigniting tensions with South Africa](#), Elliot Smith, CNBC, January 11, 2024
2. ['We should be worried': Israel faces peril at The Hague in Gaza 'genocide' case](#), JEREMY SHARON, Times of Israel, 10 January 2024
3. [South Africa vs Israel: ICJ hearings to begin Thursday in The Hague](#), RINA BASSIST, Jerusalem Post, JANUARY 10, 2024
4. [Hearings to begin at The Hague in case claiming Israel's Gaza war is genocide](#), The Guardian, 10 Jan 2024
5. ['We should be worried': Israel faces peril at The Hague in Gaza 'genocide' case](#), JEREMY SHARON, Times of Israel, 10 January 2024

DON'T MISS AN ISSUE!
SUBSCRIBE TO OUR NEWSLETTER AT
www.sabrareport.com