



# South Africa's Complaint Against Israel at the International Court of Justice

## The learner will:

1. Understand when, how, and why the **International Court of Justice** was created.
2. Understand the basic history and tenets of the **Genocide Convention**.
3. Know the convention's definition of the term "**genocide**".
4. Know the content of **South Africa's accusations** against Israel.
5. Become familiar with the **responses** of the US, Germany, and Israel to South Africa's complaint.
6. Analyze **political cartoons** that point out hypocrisy in the ICJ case.
7. Know and understand the implications of the ICJ's **provisional measures**.

## Introduction for teacher:

The PowerPoint slide presentation can be used solely for teacher background or for instruction in the classroom. The slide presentation can also be edited by the teacher or students.

[To the presentation](#)

## The history and definition of the term "Genocide"

**Active Learning Suggestion:** Write a provocative statement on the board such as "49% of Americans aged 18-29 think that Israel is committing genocide in Gaza." In order to assess student knowledge about the term "genocide," have students try to answer the following questions in a black pen:

- 💡 When was the term coined?
- 💡 What is the etymology of the word?
- 💡 Who created the term? In response to what event?
- 💡 What is required for an act to be considered genocide?
- 💡 What are historical examples of genocide?

As you present the historical development and definition of the term "genocide," have students add to or correct their original answers with a red pen.



## South Africa's Complaint of Genocide

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It is beyond the scope of this lesson to analyze South Africa's history of apartheid, their identification with Palestinians, or their complex relationship with the State of Israel. Instead, we will only focus on the content of the claim and Israel's response.

**Active Learning Suggestion:** Assign (preferably in advance) one student to act as South African President Cyril Ramaphosa using quotes from various statements:

"The collective punishment of Palestinian civilians through the unlawful use of force by Israel is a war crime...The deliberate denial of medicine, fuel, food and water to the residents of Gaza is tantamount to genocide....South Africa is appalled by the cruel tragedy that is underway in Gaza. The war against the innocent people of Palestine is a war crime that must be ended now"

Explain that South Africa filed a complaint with the International Court of Justice accusing Israel of genocidal actions (mass civilian killing) and genocidal intent (citing statements by Israeli leaders calling for total destruction of Gaza). South Africa requested that the court demand an immediate ceasefire.

## Israel's Defense

Israel (and the US and Germany) reject the accusation of genocide as baseless and absurd, comparing it to a blood libel or the Dreyfus Affair. Nonetheless, they sent a legal team to represent their case at the ICJ.

**Active Learning Suggestion:** Divide your class into four. Each group will focus on just one of Israel's defense arguments. You can give them the statement written below and time permits, students can further back up their claim using Israel's [closing arguments](#) at the ICJ. Two students from each group will meet with two students from another group to present their argument and allow listening students to ask questions or challenge them. Students will rotate in teams until all arguments are heard and discussed.

- 1. Statements of Genocidal Intent:** Arguments of genocidal intent based on statements by Israeli politicians were taken out of context or misunderstood. When Israeli leaders call for the total elimination of all of Gaza, it is just rhetoric and their intent is only to eliminate all of Hamas, not the entire Palestinian people. Individuals who made particularly problematic statements are not a part of Israel's military decision-making.
- 2. Israel's Right to Self-Defense:** Hamas started this war by killing, raping, and kidnapping on October 7th, Israel's military activity is self-defense and any country would do the same, especially when there are still 136 hostages held in Gaza. The goals of the war - to root out Hamas and return the hostages - have not yet been achieved.

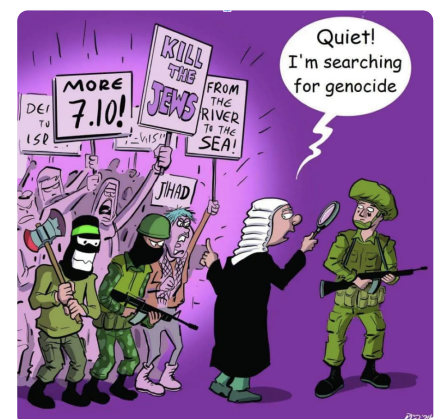
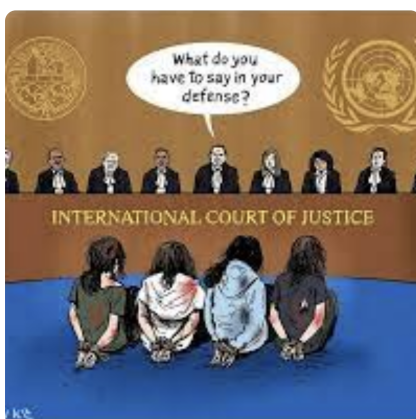
3. **Humanitarian Aid and Civilian Deaths:** Israel provides humanitarian aid and works to prevent civilian casualties, Hamas is responsible for the civilian deaths in Gaza because instead of protecting their people, they use them as human shields in homes, hospitals, and mosques. Israel is constantly taking concrete steps to address the humanitarian situation in Gaza and has an extensive military justice system.
4. **Hamas' Genocidal Charter:** If anyone is committing genocide, it is Hamas who explicitly state their intent to destroy all of Israel and the Jewish people and boast that they will commit the atrocities of October 7th over and over again.

### Analysis of Israeli Political Cartoons

Political cartoons are vivid primary sources that can offer important insights into current events.

**Active Learning Suggestion:** Divide class into three and each group will receive one cartoon to analyze and to present to the rest of the class. Students should consider the following questions when analyzing their cartoon:

- 💡 1. What point of view is the cartoon presenting?
- 💡 2. How would the cartoon be different if it had been created by a cartoonist with a different point of view?
- 💡 3. What is your emotional response to the cartoon?
- 💡 4. Is the cartoon persuasive? Do you agree with its message?





### Understanding the ICJ's Provisional Measures

The ICJ did not approve the request to stop military action in Gaza nor did they order a cease-fire. Although they did not rule that Israel was guilty of actively committing genocide, they did assert that some Israeli actions in the war against Hamas may violate the Genocide Convention and that South Africa's charge of genocide was "plausible." They therefore ordered provisional measures to ensure prevention of a genocide and ordered Israel to submit a report within 30 days. Israeli judge Aaron Barak voted in favor of two of the provisional measures - preventing and punishing incitement and providing humanitarian aid. The court's rulings are legally binding in theory, but in practice, it has no mechanism to enforce its judgments and a final ruling could take years.

**Active Learning:** Either in class or at home, ask students to write a personal journal entry about what they think are the implications of the ICJ case and ruling for the State of Israel and the Jewish community. The teacher might consider conducting a second lesson based on these student journal entries.

### Addendum:

#### Additional Educational Exercise:

Linked here is the YouTube response of Rabbi Warren Goldstein, Chief Rabbi of South Africa, in response to the provisional ruling of the ICJ. The teacher may find this response compelling and worth time spent with students unpacking:

[See the response on YouTube](#)

#### In pairs or small groups ask students to:

- 💡 Identify each of Rabbi Goldstein's major points.
- 💡 Rate the strength of each point on a 1-10 scale (10 being the highest). Ask students to consider what points they find most compelling and others less so.
- 💡 Consider why is it significant that this statement be made by the Chief Rabbi of South Africa?

#### In full classroom format:

Have each group share one overall take-away from Rabbi Goldstein's presentation. Follow that with a whole group discussion on how they feel Jews around the world should respond to the ICJ provisional rulings.