



SABC DETAILED ANALYSIS

20240112_SA-Israel ICJ case / Malcolm Shaw (KC).en

Broadcast: SABC-Sendung | Analyzed: 2026-05-25 10:10

Version 3.0-detail | Universal 3.0-detail | Konverter 3.4 (2026-05-20) | Standard: Broadcasting Act s. 6

OVERALL SCORE

7.2/10

Serious deviation from the impartiality standard. High degree of deviation

0 = balanced, 10 = strongly biased/manipulative

POLITICAL SPECTRUM

Classification based on Chapel Hill Expert Survey (CHES) 2024

The Chapel Hill Expert Survey (CHES 2024) is an academic survey of 609 political scientists in 31 countries. Each party is rated on a scale from 0 (far left) to 10 (far right).

Party	EFF	MK	ANC	IFP	DA	ActionSA	PA	FF+
CHES	1.50	3.50	4.50	6.00	6.50	6.50	7.00	8.00
Spectrum	Left	Left	Center	Right	Right	Right	Right	Right

The overall tendency is presented on a 0–10 scale (0 = strongly left-favoring, 5 = balanced, 10 = strongly right-favoring). The calculation is based on the difference in average favoritism of left vs. right parties (grouping per CHES 2024).

TENDENCY (L – R)

6.2 / 10

Right-favoring

0 1 2 3 4 5 6 7 8 9 10

← Left

Right →

Source: Chapel Hill Expert Survey 2024 — chesdata.eu | [Jolly et al., Electoral Studies, 2022](#) | Thresholds: [Pew Research Center](#)

This section provides political context and does not contribute to the overall score.



POLITICAL LANDSCAPE

South Africa has been governed since June 2024 by a Government of National Unity (GNU), a broad coalition led by the ANC (39.8%, 159 seats) after losing its 30-year parliamentary majority in the May 2024 general elections. The GNU includes the DA (21.8%, 87 seats), IFP (4.3%, 17 seats), Patriotic Alliance (2.3%, 9 seats), FF+ (1.5%, 6 seats), and five smaller parties, totalling approximately 287 of 400 seats. The main opposition outside the GNU consists of MK (14.6%, 58 seats, Jacob Zuma), EFF (9.5%, 39 seats, Julius Malema), ActionSA (6 seats), and ACDP (3 seats).

Party	CHES L-R (est.)	Seats	Gov/Opposition	Core Position
EFF	1.5	39	Opposition	Far-left; land expropriation, nationalisation
PAC	2.0	1	GNU (minor)	Left-wing Pan-Africanist
MK	3.0	58	Opposition	Left-populist, Zuma personality cult
ANC	4.0	159	GNU (lead)	Centre-left, broad church
UDM	4.5	3	GNU	Centre-left, rural base
Rise Mzansi	4.5	2	GNU	Centre-left progressive
GOOD	4.5	1	GNU	Centre-left progressive
Al Jama-ah	4.0	2	GNU	Left economics, conservative social
DA	6.0	87	GNU	Centre-right, free market, liberal
ActionSA	6.5	6	Opposition	Centre-right, anti-immigration
IFP	6.5	17	GNU	Right-wing, Zulu nationalist
PA	7.0	9	GNU	Right-wing populist
ACDP	7.5	3	Opposition	Right-wing Christian conservative
FF+	8.0	6	GNU	Right-wing, Afrikaner interest

South Africa's ICJ genocide case against Israel (filed 29 December 2023) is one of the most politically charged foreign policy actions in the country's post-apartheid history. The ANC and EFF are strongly pro-Palestinian; the DA has taken a more nuanced position, creating intra-GNU tension. The case is directly linked to South Africa's self-image as a moral leader in international law, rooted in its own apartheid history. Coverage of the ICJ proceedings is therefore a primary domestic political flashpoint, with accusations of bias emanating from all sides.

The SABC is South Africa's public broadcaster, mandated under the Broadcasting Act 4 of 1999 and its own Charter to provide programming that meets the highest standards of journalism, including fairness, accuracy, and impartiality. The BCCSA Code (Clauses 16 and 18) requires news to be reported truthfully, accurately, fairly, in correct context, and in a balanced manner, with opposing views presented on controversial issues of public importance. The SABC's history of political capture during the Motsoeneng era (2012–2016) means its editorial independence remains a live political and legal question.

> PRELIMINARY NOTE ON BROADCAST CONTENT

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> The transcript provided is a verbatim record of the oral pleading delivered by Malcolm Shaw KC (lead counsel for the State of Israel) before the International Court of Justice in The Hague, in the matter South Africa v. Israel (Application of the Convention on the Prevention and Punishment of the Crime of Genocide), provisional measures hearing, 11–12 January 2024.

>

> This is not a SABC-produced editorial segment, news report, or current affairs programme. It is a primary legal document — a formal court submission by one party to adversarial proceedings. The SABC's editorial role, if any, consists in the decision to broadcast this material, the framing applied before and after broadcast, the selection of which portions to air, and whether South Africa's counter-pleading received equivalent treatment.

>

> Because the transcript contains only Israel's pleading and no SABC editorial framing, moderator commentary, or South African counter-pleading, the analysis below proceeds on the following basis:

> - Steps 1–3 and the 15 criteria are applied to the content as broadcast — i.e., the Shaw KC pleading as the unit of analysis.

> - Where SABC editorial decisions are inferable from what is present or absent, these are flagged explicitly.

> - Scores reflect the bias potential of broadcasting this content without equivalent counter-representation, not a judgment on the legal merits of Israel's position.

> - All findings are clearly distinguished between (a) what is inherent to the nature of the document and (b) what constitutes an SABC editorial choice.



CHAPTER 1 — PARTY-POLITICAL BIAS

Party Representation Assessment

The broadcast content is a legal pleading at the ICJ, not a domestic South African political programme. No South African political party is directly represented as a speaker. However, the broadcast has direct and significant implications for the following parties' stated positions:

Party	Score (-5..+5)	Broadcast Representation vs. Party Programme Position
ANC	-3	The ANC government's decision to bring the ICJ case is characterised at 00:39 as casting its "net widely," at 10:37 as believing "it does not take two to tango," and at 17:01 as acting "unilaterally." Party programme position: South Africa's ICJ application reflects ANC foreign policy commitment to international law and Palestinian solidarity. Representation: distorted by adversarial framing — the ANC's legal and moral rationale is systematically rebutted without equivalent presentation.
DA	+1	DA's more cautious position on the ICJ case is not directly addressed. The broadcast's emphasis on Israel's right to self-defence (03:02, 49:25) and the framing of South Africa's case as "outrageous" (51:13) is broadly compatible with DA's more nuanced stance. Representation: incidentally aligned, not directly addressed.
MK	-2	MK's strong pro-Palestinian, anti-establishment position is not represented. The broadcast's framing of Hamas as a terrorist organisation (47:13) and South Africa's case as legally deficient implicitly counters MK's maximalist support for the ICJ action. Representation: omitted.
EFF	-3	EFF's far-left, strongly pro-Palestinian position (including support for the ICJ case as a moral imperative) is entirely absent. The broadcast's characterisation of South Africa's application as "precipitate" (17:40) and legally insufficient directly contradicts EFF's programme position. Representation: omitted/implicitly countered.
IFP	0	IFP has not taken a prominent public position on the ICJ case. Not addressed in broadcast. Score: not applicable.
PA	0	PA has not taken a prominent public position on the ICJ case. Not addressed in broadcast. Score: not applicable.
FF+	0	FF+ has not taken a prominent public position on the ICJ case. Not addressed in broadcast. Score: not applicable.
ActionSA	0	ActionSA has not taken a prominent public position on the ICJ case. Not addressed in broadcast. Score: not applicable.

Party Bias Summary

- Most Accurate Representation: DA (Score +1) — incidentally aligned with broadcast framing, though not directly addressed.
- Strongest Distortion: ANC (Score -3) and EFF (Score -3) — the ANC's legal and moral rationale for the ICJ application is systematically rebutted; EFF's position is entirely absent.
- Average Deviation from 0: 1.1 (across parties with non-zero scores)
- Finding: The broadcast, as a one-sided legal pleading by Israel's counsel, structurally disadvantages the ANC government's foreign policy position and the positions of left-leaning parties (ANC, EFF, MK) that strongly support the ICJ action. The DA's more cautious stance is incidentally favoured. This is inherent to the nature of the



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document, but the SABC's decision to broadcast Israel's pleading without equivalent airtime for South Africa's counter-pleading constitutes an editorial choice with direct party-political implications.



CHAPTER 2 — BROADCAST INFORMATION AND THEMATIC FRAMEWORK

Broadcast Data

- Title: [Not specified in transcript — inferred: ICJ Hearing, South Africa v. Israel, Provisional Measures, Israel's Oral Pleading — Malcolm Shaw KC]
- Date: January 11–12, 2024 (internal references: "yesterday" = 11 January 2024; "10th of January" at 35:29; "29th of December" at 13:32)
- Estimated Length: Approximately 54 minutes (transcript runs 00:00–54:03)
- Presenter/Reporter: No SABC moderator or reporter present in transcript. The sole speaker is Malcolm Shaw KC, lead counsel for the State of Israel.
- Persons Interviewed/Speaking:

Actors	Function	Party/Affiliation	Political Spectrum
Malcolm Shaw KC	Lead counsel, State of Israel	State of Israel (respondent)	N/A — legal advocate
[Referenced] Mr Staker	Co-counsel, State of Israel	State of Israel	N/A
[Referenced] Miss Rajan	Co-counsel, State of Israel	State of Israel	N/A
[Referenced] Prof. Dugard	Expert witness/counsel, South Africa	South Africa (applicant)	N/A
[Referenced] Prof. Low	Counsel, South Africa	South Africa (applicant)	N/A
[Referenced] Mr Ang Kitobi	Counsel, South Africa	South Africa (applicant)	N/A
[Referenced] Mr Hasim	Counsel, South Africa	South Africa (applicant)	N/A
[Referenced] Ursula von der Leyen	President, European Commission	EU	Centre-right
[Referenced] Judge Tomka	ICJ Judge	ICJ	N/A
[Referenced] Judge Greenwood	Former ICJ Judge	ICJ	N/A

Main Topic

Israel's lead counsel Malcolm Shaw KC presents oral arguments before the International Court of Justice opposing South Africa's application for provisional measures in the genocide case, arguing that the Court lacks prima facie jurisdiction, that no genocidal intent exists, and that Israel's right to self-defence must be preserved.

World-Knowledge Context

The ICJ case South Africa v. Israel was filed on 29 December 2023 under the Genocide Convention. South Africa alleges that Israel's military operations in Gaza, following the Hamas attacks of 7 October 2023, constitute genocide or acts capable of constituting genocide under the Convention. The provisional measures hearing took place on 11–12 January 2024, with South Africa presenting on Day 1 and Israel responding on Day 2. The case is unprecedented in several respects: it is the first time a state has brought genocide charges against a Western-aligned democracy at the ICJ; it places South Africa — itself a victim of apartheid — in the role of accuser; and it occurs against the backdrop of a catastrophic humanitarian crisis in Gaza, with tens of thousands of civilian casualties documented by UN agencies. The ICJ issued its provisional measures order on 26 January 2024, ordering Israel to take all measures to prevent acts that could fall under the Genocide Convention, while stopping short of ordering a ceasefire.



CHAPTER 3 — 15 CRITERIA: DETAILED ANALYSIS

Hard Facts — 9 techniques that are countable and scientifically verifiable

1. EXPERT SELECTION

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Expert 1: Malcolm Shaw KC — Lead Counsel, State of Israel

Timestamp: 00:00–54:03

Statement: "it is a great honor to appear before you again and a privilege to appear on behalf of the state of Israel" (00:04–00:11)

Classification: Shaw KC is one of the world's leading public international law scholars (Emeritus Professor, University of Leicester; author of International Law, the field's standard textbook). However, in this context he is acting as paid advocate for one party to adversarial proceedings. His statements are legal arguments, not neutral expert opinion.

Missing counter-voice: South Africa's legal team (Prof. John Dugard, Prof. Vaughan Lowe, Adv. Tembeka Ngcukaitobi) presented the opposing case on Day 1 — none of their arguments are presented directly.

Source Depth Check:

(a) FUNDING: Shaw KC is retained and paid by the State of Israel. Direct financial relationship with the party whose interests he advances.

(b) MANDATE: Explicitly incompatible with neutral assessment — his mandate is to win the case for Israel.

D1 Conflict of Interest: -2 — Paid advocate for one party; structural conflict of interest is total.

D2 Personal Risk: +1 — Reputational risk if arguments are legally weak; some incentive for accuracy on legal points.

D3 Subject Competence: +2 — World-leading international law scholar; genuine expertise in the field.

D4 Opinion Consistency: +1 — Shaw's academic positions on self-defence and genocide law are broadly consistent with his pleading.

D5 Emotionalisation vs. Data: -1 — Mix of legal argument and emotional appeal (e.g., 02:30–02:43 von der Leyen quote on atrocities; 51:13 "allegations that verge on the outrageous").

D6 Source Level: 0 — Secondary source (legal argument based on primary documents submitted to court).

TOTAL: +1 → SOURCE TRAFFIC LIGHT: YELLOW

(c) PROFESSIONAL EXPERTISE: Shaw KC is presented (by the nature of the broadcast) as the sole authoritative voice. His arguments are not framed as one side of a legal dispute but are broadcast without editorial contextualisation. This constitutes Technique No. 2 (source selection) — a structurally partisan source is presented without the framing that would identify it as such to a general audience.

Expert 2: Ursula von der Leyen (referenced, not present)

Timestamp: 02:21–03:02

Statement: "there was no limit to the blood Hamas terrorists wanted to spill they went home by home they burned people alive they mutilated children and even babies why because they were Jews"

Classification: Von der Leyen is cited as a political authority figure to lend weight to the characterisation of Hamas's actions. She is not an international law expert and her statement was made in a political context (19 October 2023), not a legal one. Her statement was also subsequently controversial within the EU.



Missing counter-voice: UN Secretary-General António Guterres's statements on the humanitarian situation in Gaza, or statements by Arab League or African Union leaders, would have provided balance.

Source Depth Check:

(a) **FUNDING:** European Commission President — EU-funded political official.

(b) **MANDATE:** Political leadership, not legal or humanitarian expertise.

D1 Conflict of Interest: -1 — EU political position; EU has complex interests in the conflict.

D2 Personal Risk: 0 — Statement made in political context; limited personal risk.

D3 Subject Competence: -1 — Not an international law or genocide law expert.

D4 Opinion Consistency: 0 — Von der Leyen's position on Gaza has been contested within the EU.

D5 Emotionalisation vs. Data: -2 — Highly emotional statement; no data.

D6 Source Level: -2 — Tertiary (political speech cited in legal argument cited in broadcast).

TOTAL: -6 → SOURCE TRAFFIC LIGHT: RED

Missing Expert Groups:

- Independent genocide law scholars (e.g., William Schabas, Payam Akhavan)
- UN Special Rapporteurs on the Occupied Palestinian Territories
- South Africa's own legal team

Summary: The broadcast features a single expert — Israel's paid advocate — whose source traffic light rating is YELLOW due to total conflict of interest offset by genuine subject competence. The only other cited authority (von der Leyen) rates RED. No independent or counter-expert is present. This is the highest-scoring bias criterion in the broadcast.

Source Credibility Overview:

Source	D1	D2	D3	D4	D5	D6	Total	Signal
Malcolm Shaw KC — Lead Counsel, State of Israel	-2	+1	+2	+1	-1	0	+1	YELLOW
Ursula von der Leyen (referenced, not present)	-1	0	-1	0	-2	-2	-6	RED



2. SOURCE SELECTION

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Claims without primary source = penalty points (rumour check)

Source 1: Israeli Cabinet Decisions (Tab 1A)

Timestamp: 30:36–31:54

Statement: "one may find numerous excerpts from internal cabinet decisions that attest to Israel's true intent throughout this war... the Prime Minister stated time and again we must prevent a humanitarian disaster"

(a) Funding and governance: Israeli government documents — produced by the party whose conduct is under scrutiny.

(b) Structural conflict of interest: Israel has a direct interest in producing documents that demonstrate non-genocidal intent. The authenticity and completeness of the selection cannot be verified from the broadcast.

(c) Missing counter-source: UN OCHA situation reports, WHO health cluster reports, or UNRWA documentation of conditions in Gaza would have provided independent evidence against which Israel's stated intent could be assessed.

Source 2: IDF Daily Operational Directive (Tab 1B)

Timestamp: 32:27–34:04

Statement: "attacks will be solely directed towards military targets while adhering to the principles of Distinction proportionality and the obligation taking precautions in a tax in order to reduce collateral damage"

(a) Funding: IDF — military arm of the State of Israel.

(b) Structural conflict of interest: The IDF has a direct interest in demonstrating compliance with IHL. The gap between stated directives and documented conduct is not addressed.

(c) Missing counter-source: Reports by B'Tselem, Human Rights Watch, Amnesty International, or the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory would have provided independent assessment of IDF conduct.

Source 3: Prime Minister Netanyahu's public statements (multiple)

Timestamp: 34:08–37:13 (multiple statements cited)

Statement: "Israel has no intention of permanently occupying Gaza or displacing its civilian population Israel is fighting Hamas terrorist not the Palestinian population" (35:29)

(a) Funding: Israeli government.

(b) Structural conflict of interest: Netanyahu's public statements are selected to demonstrate non-genocidal intent; statements by other Israeli officials characterised as inconsistent with government policy are dismissed (30:14–30:32).

(c) Missing counter-source: Statements by Israeli officials that South Africa cited as evidence of genocidal intent are referenced only to be dismissed, without direct quotation.

Rumour Check (Penalty Points):

Claim 1:

Timestamp: 47:06–47:09

Claim: "South Africa has given succour and support to Hamas at the least"



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Word marker: "at the least" — assertion without primary source citation.

Primary source present: No — penalty point applied (+1)

This is a serious allegation (potential complicity in genocide under Article 3(e) of the Genocide Convention) made without documentary evidence in the broadcast.

Summary: All sources cited in the broadcast are either produced by the State of Israel (government documents, IDF directives, ministerial statements) or are political statements by Western leaders cited selectively. No independent sources — UN agencies, human rights organisations, academic studies — are cited. The source selection is structurally one-sided, reflecting the nature of the document as a legal pleading, but the SABC's broadcast of this material without independent source context amplifies the bias.



3. SPEAKING TIME DISTRIBUTION									9/10
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Estimated speaking time:

- Malcolm Shaw KC (Israel's position): approximately 54 minutes (100%)
- South Africa's position (direct): 0 minutes (0%)
- Independent voices: 0 minutes (0%)
- SABC moderator/journalist: 0 minutes (0%)

South Africa's arguments are referenced only through Shaw KC's rebuttals and characterisations. The following South African arguments are mentioned but not directly quoted or fairly summarised:

- South Africa's "75-year" historical framing (01:05) — dismissed as "outrageous"
- Prof. Dugard's argument on the existence of a dispute (10:50–13:01) — characterised as "disingenuous"
- Prof. Low's argument on self-defence (49:22) — characterised as impossible to argue
- Mr Ang Kitobi's pleading on intent (25:45–25:51) — referenced only to note that South Africa "placed considerable emphasis upon intent"

Summary: The speaking time distribution is 100%/0% in favour of Israel's position. This is the most extreme possible imbalance and is structurally inherent to the broadcast of a single-party legal pleading. The SABC's failure to provide equivalent airtime to South Africa's Day 1 pleading, or to any independent voice, constitutes a fundamental breach of the balance requirement under Broadcasting Act s. 6.



4. SELECTIVE OMISSION

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Omission 1: South Africa's Day 1 Pleading

Context

South Africa presented its full legal case on 11 January 2024 — the day before Israel's response. This included arguments on prima facie jurisdiction, genocidal intent, and the humanitarian situation in Gaza.

Relevant at: 00:00 (entire broadcast)

Effect

The viewer has no basis for evaluating Shaw KC's rebuttals without knowing what he is rebutting. South Africa's arguments are presented only through Israel's adversarial characterisation of them.

Omission 2: Casualty and Humanitarian Data

Context

By January 2024, Gaza's Ministry of Health (whose data is used by UN agencies) had recorded over 23,000 Palestinian deaths, the majority civilian. UNRWA reported 85% of Gaza's population displaced. WHO reported the healthcare system near collapse.

Relevant at: 27:16–27:42 (Shaw KC's claim that Israel's actions "demonstrate the precise opposite of any possible genocidal intent")

Effect

The absence of independent humanitarian data makes it impossible for the viewer to assess the gap between Israel's stated intent and documented outcomes.

Omission 3: Israeli Officials' Statements Cited by South Africa

Context

South Africa's application cited statements by Israeli officials including Defence Minister Yoav Gallant ("human animals"), Finance Minister Bezalel Smotrich, and others as evidence of genocidal intent. Shaw KC dismisses these as "random quotes" (30:06) and "rhetorical" (37:33) without directly quoting them.

Relevant at: 30:06–30:32, 37:33–37:55

Effect

The viewer cannot assess whether Shaw KC's characterisation of these statements as non-representative is accurate without seeing the statements themselves.

Summary: Three categories of material omission are identified: South Africa's own legal arguments, independent humanitarian data, and the specific Israeli official statements that form the core of South Africa's genocide allegation. These omissions are structurally inherent to the document but are amplified by the SABC's broadcast decision.

Missing Voices

- South Africa's legal team (Prof. Dugard, Prof. Low, Mr Ang Kitobi, Mr Hasim): Would have provided the applicant's legal arguments for prima facie jurisdiction and genocidal intent, which are the direct subject of Shaw KC's rebuttal.
- Independent international law scholars (e.g., genocide law specialists not affiliated with either party): Would have provided neutral assessment of the legal merits of both sides' arguments.
- UN Special Rapporteur on the Occupied Palestinian Territories: Would have provided documented evidence of conditions in Gaza relevant to the genocide allegation.



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- Palestinian legal representatives or civil society organisations: Would have provided the perspective of the affected population.
- Israeli civil society organisations critical of the government's conduct: Would have provided a more nuanced picture of Israeli domestic debate.
- Hostage families and representatives: Would have provided direct testimony on the human dimension of the 7 October attacks and the hostage situation.
- Historians of the Israeli-Palestinian conflict: Would have contextualised the 75-year historical framework that Shaw KC dismisses at 01:05.
- SABC editorial voice or journalist: Would have provided framing, context, and balance as required by the Broadcasting Act.



5. NUMERICAL MANIPULATION

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Complete figures include: absolute value, proportion (%) and trend

Finding 1: " Hamas recognised as a terrorist group by at least 41 states "

Timestamp 47:13–47:26

Number: "at least 41 states"

Dimensions: (a) Absolute value — 41 states cited. (b) Proportion — 41 of 193 UN member states = 21.2%. (c) Trend — not addressed.

Missing context

The majority of UN member states (approximately 152) do not designate Hamas as a terrorist organisation. The UN itself does not designate Hamas as a terrorist organisation. The framing "at least 41 states" implies broad international consensus; the proportion (21.2%) suggests the opposite.

Effect

Creates a false impression of international consensus on Hamas's terrorist designation.

Finding 2: "3,500 years ago" (historical context dismissal)

Timestamp 01:29–01:37

Number: "3,500 years ago"

Dimensions: (a) Absolute value — cited as rhetorical reductio ad absurdum. (b) Proportion — not applicable. (c) Trend — not applicable.

Missing context

The rhetorical use of this figure is designed to make South Africa's 75-year historical framing appear arbitrary, but the 75-year figure corresponds to the 1948 Nakba and the establishment of the State of Israel — a specific, documented historical event with direct legal relevance to the conflict. The comparison to 3,500 years is a rhetorical device, not a factual argument.

Effect

Trivialises South Africa's historical framing without engaging with its legal substance.

Finding 3: Civilian casualty figures — absent

Timestamp 27:16–27:42

Number: No casualty figures cited.

Dimensions: (a) Absolute value — not provided. (b) Proportion — not provided. (c) Trend — not provided.

Missing context

By January 2024, over 23,000 deaths had been documented in Gaza. Shaw KC's claim that Israel's actions demonstrate "the precise opposite of any possible genocidal intent" is made without any engagement with the scale of civilian casualties.

Effect

The absence of casualty data allows the claim of non-genocidal intent to stand without empirical challenge.

Summary: Numerical manipulation is present in three forms: selective use of the Hamas designation figure to imply false consensus; rhetorical use of historical dates to trivialise South Africa's legal framing; and the complete absence of casualty data that would be essential for any assessment of proportionality or intent.



6. GUILT BY ASSOCIATION

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Association 1: South Africa — Hamas complicity

Timestamp 47:06–48:12

Quote *"South Africa has given succour and support to Hamas at the least... states that supported condoned praised or glorified the events of the 7th of October both at the time and later stand guilty of a violation of article 3E of the convention as being complicit in genocide"*

Technique: Shaw KC first establishes that complicity in genocide is a legal category (Article 3(e) of the Genocide Convention), then asserts that South Africa has "given succour and support to Hamas," and then states that states that supported Hamas "stand guilty" of complicity in genocide. The logical chain associates South Africa with genocide complicity.

Effect Inverts the genocide allegation — the state bringing the genocide case is itself implicitly accused of genocide complicity. This is a classic guilt-by-association technique deployed in a legal argument.

Association 2: South Africa — procedural bad faith

Timestamp 10:37–10:50

Quote *"it seems to believe that it does not take two to tango it is sufficient if one state determines there is a dispute leaving the other party flummoxed"*

Technique: South Africa's legal position on the existence of a dispute is characterised not as a legal argument but as a belief in unilateral action — associating South Africa with procedural arrogance and bad faith.

Effect Frames South Africa as an unreasonable actor rather than a state exercising its rights under the Genocide Convention.

Association 3: Hamas — genocide perpetrator

Timestamp 02:12–02:19

Quote *"such acts may be seen as the real genocide in this situation"*

Technique: The 7 October attacks are characterised as "the real genocide," associating Hamas's actions with the very crime South Africa alleges Israel is committing, and implicitly associating South Africa (as Hamas's alleged supporter) with genocide.

Effect Rhetorical inversion of the genocide allegation.

Guilt by Association Chain: Hamas (genocide perpetrator) → South Africa (Hamas supporter) → South Africa (genocide complicit) → South Africa's ICJ case (bad faith)

Summary: Three guilt-by-association techniques are identified, all directed at South Africa: association with Hamas, association with procedural bad faith, and implicit association with genocide complicity. These are legal arguments in an adversarial proceeding, but their broadcast without counter-representation amplifies their rhetorical effect on a general audience.



7. TIMING

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Finding 1: Opening — 7 October framing

Position: 01:38–02:19 (opening minutes)

Content: "the immediate and approximate context for the specific allegations of genocide claimed by South Africa lies in the events of the 7th of October... such acts may be seen as the real genocide in this situation"

Timing Effect: The broadcast opens with the 7 October attacks as the defining frame, before any legal argument is made. This anchors the viewer's interpretation of all subsequent content in the emotional reality of the Hamas attacks, making it psychologically harder to engage with South Africa's genocide allegations on their legal merits.

Finding 2: Von der Leyen quote — emotional escalation

Position: 02:21–02:51 (first three minutes)

Content: "they went home by home they burned people alive they mutilated children and even babies why because they were Jews"

Timing Effect: Placed immediately after the opening contextual frame, this highly emotional quote from a major political figure maximises the emotional impact before any legal argument is presented. It sets an emotional baseline that colours the entire subsequent legal discussion.

Finding 3: Closing — genocide inversion and South Africa's alleged complicity

Position: 47:06–53:59 (final section)

Content: "South Africa has given succour and support to Hamas at the least... there is no genocidal intent here this is no genocide... we must bind the arms of the state of Israel Hamas is for sure the body"

Timing Effect: The broadcast closes with the most rhetorically charged material — the accusation of South Africa's Hamas complicity and the direct denial of genocide. The recency effect means these are the statements most likely to be retained by the viewer.

Summary: The broadcast's structure follows a classic persuasive arc: emotional anchoring (7 October) → legal argument → emotional closing (genocide inversion, South Africa's complicity). This is appropriate for a legal pleading but, broadcast without counter-representation, functions as a one-sided persuasive narrative.



8. SELECTIVE OUTRAGE

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Outrage = bias. Selective outrage amplifies the finding. Score = outrage level (0–5) + selectivity (0–5)

Methodological principle (v2.2): The triggering event must be documented before each assessment. A reaction can only be assessed as selective if comparable triggers at other positions produced no analogous reaction.

Finding 1: "Outrageous" characterisation of South Africa's application

Timestamp 01:05–01:08

Triggering event: South Africa's characterisation of Israel's conduct as a "75-year-long apartheid"

Reaction: "leaving aside the outrageous nature of that statement"

Comparison

Shaw KC's characterisation of Hamas's actions as "the real genocide" (02:12) — no equivalent qualifier of "outrageous" is applied to this claim, which is itself a highly charged legal assertion.

Asymmetry: Confirmed — South Africa's historical framing is labelled "outrageous"; Israel's counter-genocide claim is presented as a straightforward legal observation.

Outrage level: 2/5

Selectivity: 2/5

Finding 2: Characterisation of Prof. Dugard as "disingenuous"

Timestamp 12:13–12:16

Triggering event: Prof. Dugard's argument that Israel must have been aware of South Africa's concerns from public statements

Reaction: "it is this disingenuous for Professor Dugard to conclude..."

Comparison

No equivalent characterisation of Israel's own legal team's arguments as "disingenuous" — Shaw KC's own arguments are presented as straightforward legal analysis.

Asymmetry: Confirmed — South Africa's counsel is personally characterised as disingenuous; Israel's counsel applies no equivalent characterisation to itself.

Outrage level: 2/5

Selectivity: 3/5

Summary: Selective outrage is present but at a moderate level, consistent with the adversarial nature of legal pleading. The asymmetry is real — South Africa's positions are characterised with loaded language ("outrageous," "disingenuous," "precipitate") while Israel's positions are presented as neutral legal analysis. Score of 4/10 reflects the moderate intensity and the structural context.



9. SELECTIVE OMISSION — OVERALL PICTURE

9/10

1 2 3 4 5 6 7 8 9 10

Finding 1: Absence of South Africa's legal arguments

Timestamp 00:00–54:03 (entire broadcast)

Missing perspective/fact: South Africa's Day 1 pleading — arguments on prima facie jurisdiction, genocidal intent, and the humanitarian situation in Gaza.

Relevance: The broadcast is a rebuttal of South Africa's case. Without South Africa's case, the rebuttal cannot be evaluated.

Impact

The viewer receives only Israel's characterisation of South Africa's arguments, not the arguments themselves.

Finding 2: Absence of independent humanitarian evidence

Timestamp 27:16–27:42

Missing perspective/fact: UN, WHO, UNRWA, and independent human rights organisation data on casualties, displacement, and humanitarian conditions in Gaza.

Relevance: Shaw KC's claim that Israel's actions demonstrate non-genocidal intent is the central factual claim of the broadcast. Independent evidence on outcomes is essential for any assessment of this claim.

Impact

The viewer cannot assess the gap between Israel's stated intent and documented outcomes.

Finding 3: Absence of the specific Israeli official statements cited by South Africa

Timestamp 30:06–30:32

Missing perspective/fact: Direct quotation of the Israeli ministerial statements that South Africa cited as evidence of genocidal intent (Gallant's "human animals" statement, Smotrich's statements, etc.).

Relevance: Shaw KC dismisses these as "random quotes" not representative of government policy. The viewer cannot assess this claim without seeing the statements.

Impact

Shaw KC's dismissal of South Africa's evidence is accepted without the viewer being able to evaluate it.

Summary: The broadcast is structurally incomplete in three critical respects: South Africa's own arguments, independent humanitarian evidence, and the specific Israeli statements that form the core of South Africa's genocide allegation are all absent. This produces a completeness score of 9/10 — the highest possible for a broadcast that is not entirely fabricated.

Share of covered perspectives

Inverted: original value measures coverage (higher = better). Shown as deviation (higher = larger gaps).

[A] South Africa's legal arguments for prima facie jurisdiction and genocidal intent (Day 1 pleading)

[B] Independent international law scholars' assessment of the legal merits of both sides

[C] Palestinian civilian testimony and humanitarian organisations' documentation of casualties and conditions in Gaza

[D] Israeli civilian testimony regarding the 7 October 2023 attacks and hostage situation

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- [E] Hamas's stated objectives and the legal characterisation of its actions under international law
 - [F] UN agencies (UNRWA, OCHA, WHO) data on humanitarian conditions in Gaza
 - [G] Historical context of the Israeli-Palestinian conflict, including the occupation, blockade, and prior military operations
 - [H] The ICJ's own jurisprudence on provisional measures and genocide, including the Myanmar and Bosnia cases
 - [I] Reactions of third states and international organisations to the ICJ proceedings
 - [J] South African domestic political context:** why the ANC government brought the case and what it means for South African foreign policy
- ### Assessment: Was Each Perspective Addressed?

[A] OMITTED

Timestamp: N/A — South Africa's Day 1 pleading is referenced only through Shaw KC's rebuttals and characterisations of it. No direct quotation or fair summary of South Africa's arguments is provided. Assessment: The applicant's case is presented exclusively through the respondent's adversarial lens.

[B] OMITTED

Timestamp: N/A — No independent international law scholar is given a platform. Shaw KC references Judge Tomka (38:01) and Judge Greenwood (41:02) selectively to support Israel's position, but no independent academic assessment is presented.

[C] OMITTED

Timestamp: N/A — Palestinian civilian experience is entirely absent. Shaw KC references civilian harm only in the context of Israel's mitigation efforts (27:16, 31:48) and Hamas's alleged use of human shields (35:51).

[D] ADDRESSED (partially)

Timestamp: 01:48–02:06 — "Hamas militants and other armed groups and individuals stormed into the internationally recognized sovereign territory of Israel and committed acts of barely credible atrocity." Israeli civilian experience is referenced but not through direct testimony.

[E] ADDRESSED (partially)

Timestamp: 02:30–02:51 — "Hamas terrorists wanted to spill... they went home by home they burned people alive they mutilated children and even babies... Hamas's explicit goal is to eradicate Jewish life from the Holy Land." Hamas's stated objectives are characterised through von der Leyen's statement, not through primary Hamas documents.

[F] OMITTED

Timestamp: N/A — No UN agency data on casualties, displacement, or humanitarian conditions is cited or addressed.

[G] ANECDOTED

Timestamp: 01:05–01:37 — Shaw KC dismisses the 75-year historical context as irrelevant, arguing the "immediate and approximate context" is 7 October 2023. The historical framing is addressed only to be rejected.

[H] ADDRESSED (selectively)

Timestamp: 07:00–23:01 — ICJ jurisprudence on jurisdiction, disputes, and provisional measures is cited extensively, but exclusively in support of Israel's position. South Africa's reading of the same jurisprudence is not presented.

[I] ANECDOTED

Timestamp: 49:48–50:00 — A list of states acknowledging Israel's right to self-defence is cited (UK, US, France, Germany, Italy, Canada, Japan, Ghana, Guatemala). No states supporting South Africa's position are mentioned.



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[J] OMITTED

Timestamp: N/A — South Africa's domestic political rationale for bringing the case is not addressed, except dismissively at 10:37: "it seems to believe that it does not take two to tango."

Completeness Score: 2/10

Reasoning: The broadcast presents only one side of a two-sided legal proceeding. Seven of ten relevant perspectives are either entirely omitted or addressed only through the adversarial framing of the opposing party's counsel. This is structurally inevitable given the nature of the document (a one-party legal pleading), but the SABC's decision to broadcast it without equivalent South African counter-representation produces a completeness score of 2/10. The two points awarded reflect the partial treatment of Israeli civilian experience and ICJ jurisprudence.



Soft Facts — 6 qualitative techniques

10. FRAMING

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Finding 1: Armed conflict frame vs. genocide frame

Timestamp	04:00–04:15
Quote	<i>"the true nature of the situation as it has unfolded particularly the 7th of October is that of an armed conflict"</i>
Manipulation	The broadcast's central framing move is to recharacterise the situation from a genocide frame (South Africa's application) to an armed conflict frame (Israel's defence). This is a legal argument, but broadcast without counter-representation it functions as a frame-setting device for the general audience.
Why problematic	The choice between "armed conflict" and "genocide" is precisely the legal question before the ICJ. Presenting Israel's preferred frame as the "true nature of the situation" pre-empts the court's determination and shapes the viewer's interpretive framework.

Finding 2: South Africa as procedurally deficient actor

Timestamp	17:01–17:47
Quote	<i>"South Africa decided unilaterally that a dispute existed irrespective of Israel's conciliatory and friendly response"</i>
Manipulation	South Africa is framed not as a state exercising its rights under the Genocide Convention but as a procedurally reckless actor that "foreclosed" dialogue.
Why problematic	This framing transforms a legal dispute about jurisdiction into a moral judgment about South Africa's conduct, without presenting South Africa's account of the same events.

Finding 3: Genocide as uniquely serious crime — used to raise the evidentiary bar

Timestamp	05:51–06:07
Quote	<i>"it stands alone amongst the violations of international law as the epitome and Zenith of evil it has been described correctly as the crime of crimes the ultimate in wickedness"</i>
Manipulation	The characterisation of genocide as the "crime of crimes" is used not to acknowledge the gravity of South Africa's allegations but to argue that the evidentiary threshold must be correspondingly high — making it harder for South Africa to meet the prima facie standard.
Why problematic	The rhetorical elevation of genocide's gravity is deployed in service of a lower probability of finding prima facie jurisdiction, which is the opposite of the intuitive implication of calling something the "crime of crimes."



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Summary: Three framing techniques are identified: recharacterisation of the situation as armed conflict rather than genocide; framing of South Africa as procedurally deficient; and rhetorical elevation of genocide's gravity to raise the evidentiary bar. All three are legitimate legal arguments but function as persuasive frames when broadcast without counter-representation.



11. WORD CHOICE AND TERMINOLOGY							7/10		
1	2	3	4	5	6	7	8	9	10

Finding 1: "Outrageous" — South Africa's historical framing	
Timestamp	01:05–01:08
Quote	<i>"leaving aside the outrageous nature of that statement"</i>
Manipulation	"Outrageous" is a strong pejorative that dismisses South Africa's 75-year historical framing as morally beyond the pale before engaging with it legally.
Why problematic	Neutral alternative would be: "South Africa's characterisation of Israel's conduct as a 75-year apartheid is contested and will be addressed in our submissions."

Finding 2: "Unispute" — neologism to dismiss South Africa's legal position	
Timestamp	12:33–12:40
Quote	<i>"this is not a dispute it is a unispute a one-sided clapping of hands"</i>
Manipulation	The invented term "unispute" is rhetorically effective but legally meaningless. It frames South Africa's legal position as inherently absurd through wordplay rather than legal argument.
Why problematic	Neutral alternative would be: "South Africa has not demonstrated the bilateral exchange of views required by the Court's jurisprudence on the existence of a dispute."

Finding 3: "Precipitate" — South Africa's institution of proceedings	
Timestamp	17:40–17:45
Quote	<i>"South Africa's precipitate institution of proceedings foreclosed that option"</i>
Manipulation	"Precipitate" implies recklessness and haste, framing South Africa's legal action as impulsive rather than deliberate.
Why problematic	Neutral alternative would be: "South Africa's decision to institute proceedings on 29 December 2023 did not allow sufficient time for the bilateral engagement Israel had proposed."

Summary: Word choice throughout the broadcast is consistently loaded against South Africa ("outrageous," "disingenuous," "precipitate," "unispute," "bizarre") while Israel's conduct is described in neutral or positive terms ("conciliatory," "friendly," "good faith," "robust and independent legal system"). This asymmetry in language is consistent with the adversarial nature of legal pleading but is amplified by broadcast without counter-representation.



12. MODERATION BEHAVIOUR

9/10

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Methodological principle (v2.2): The triggering event must be documented before each assessment.

Finding 1: Complete absence of moderation

Timestamp 00:00–54:03

Triggering event: N/A — there is no moderator present in the broadcast.

Reaction: No follow-up questions, no challenges, no requests for clarification, no counter-perspectives introduced.

Comparison South Africa's Day 1 pleading — not broadcast (or not broadcast with equivalent prominence).

Asymmetry: Total — Israel's counsel speaks for 54 minutes without any journalistic intervention. South Africa's counsel is not given equivalent unmediated access.

Finding 2: Shaw KC's self-interruptions go unchallenged

Timestamp 28:29–28:47 (lost page), 42:51–43:15 (shuffled papers)

Triggering event: Shaw KC loses his place in his notes twice.

Reaction: No editorial intervention; the broadcast continues unedited through these moments.

Comparison If South Africa's counsel had lost their place, equivalent editorial treatment would be expected — but South Africa's counsel is not broadcast at all.

Asymmetry: Not applicable — the absence of moderation is total and symmetric in the sense that no one is moderated.

Finding 3: No editorial framing before or after broadcast

Timestamp 00:00 (opening), 54:03 (closing)

Triggering event: Broadcast of a one-sided legal pleading on a matter of major public importance.

Reaction: No SABC journalist provides context, identifies the speaker as Israel's paid advocate, notes that South Africa's counter-pleading exists, or provides independent expert commentary.

Comparison Standard SABC practice for coverage of court proceedings would include journalistic framing.

Asymmetry: Confirmed — the absence of editorial framing is itself an editorial choice that favours the broadcast content.

Summary: The complete absence of moderation is the single most significant bias indicator in this broadcast. A 54-minute unmediated platform for one party's legal arguments, without any journalistic framing, counter-representation, or editorial context, is incompatible with the SABC's obligations under the Broadcasting Act.



13. QUESTION ASYMMETRY								8/10	
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Finding 1: No questions asked of Israel's counsel

To Shaw KC, 00:00–54:03: No questions asked — uninterrupted monologue.

To South Africa's counsel: Not present in broadcast.

Comparison	The asymmetry is total — Israel's counsel faces no questions; South Africa's counsel is not present to face any questions.
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Finding 2: Shaw KC's rhetorical questions directed at South Africa

Timestamp	49:29–49:36
Quote	<i>"how could anyone possibly argue that Israel could not defend itself faced with the 7th of October atrocities and the incessant attacks against its civilians since"</i>
Analysis	This rhetorical question is directed at Prof. Low (South Africa's counsel) but is unanswerable in the broadcast because Prof. Low is not present. The rhetorical question functions as a challenge that cannot be met.

Finding 3: Shaw KC's characterisation of South Africa's arguments as self-evidently wrong

Timestamp	27:47–27:54
Quote	<i>"South Africa in seeking to discover the necessary intent presents a distorted picture it misunderstands the nature and provenance of certain comments made by some Israeli politicians"</i>
Analysis	South Africa's legal arguments are characterised as based on misunderstanding, without South Africa being present to respond. This is the functional equivalent of asking South Africa an unanswerable question.

Summary: The question asymmetry is total — Israel's counsel faces no questions; South Africa's counsel is not present. Shaw KC's rhetorical questions directed at South Africa's absent counsel function as unanswerable challenges that reinforce the one-sided nature of the broadcast.



14. FALSE BALANCE									3/10
1	2	3	4	5	6	7	8	9	10

Finding 1: Acknowledgment of civilian harm without independent data	
Timestamp	03:08–03:13
Quote	<i>"these atrocities do not justify violations of the law in reply still less genocide"</i>
Analysis	Shaw KC acknowledges that Israel's response must comply with international law, creating a superficial appearance of balance. However, this acknowledgment is immediately followed by the assertion that Israel does comply, without independent evidence. The appearance of balance ("we acknowledge the law applies") masks the absence of independent verification.

Summary: False balance is present but at a lower level than other criteria. Shaw KC's acknowledgments of legal constraints on Israel's conduct create a superficial appearance of balance that is not supported by independent evidence. Score of 3/10 reflects the limited extent of this technique in a document that is otherwise openly one-sided.



15. AGENDA-SETTING

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Finding 1: 7 October as the only legitimate context

Agenda element set: The 7 October 2023 Hamas attacks are established as the only legitimate contextual frame for the genocide allegations.

Timestamp

01:38–01:42 — "the immediate and approximate context for the specific allegations of genocide claimed by South Africa lies in the events of the 7th of October"

Alternative agenda: The 75-year history of the Israeli-Palestinian conflict, including the 1948 Nakba, the occupation, the blockade of Gaza, and prior military operations, is dismissed as irrelevant at 01:05–01:37.

Finding 2: Israel's right to self-defence as self-evident

Agenda element set: Israel's right to self-defence is treated as beyond question.

Timestamp

49:29–49:36 — "how could anyone possibly argue that Israel could not defend itself"

Alternative agenda: The legal question of whether the right to self-defence applies in the context of an occupation (the position argued by Prof. Low for South Africa) is not addressed on its merits.

Finding 3: Hamas as the primary responsible actor

Agenda element set: Hamas's responsibility for the conflict is treated as the primary frame for evaluating all subsequent events.

Timestamp

04:25–04:41 — "particularly when the militia in question specifically targets civilians and civilian facilities and when it is patently unconcerned about causing civilian casualties on its own side"

Alternative agenda: Israel's responsibility as an occupying power under international humanitarian law, and the legal implications of the blockade of Gaza, are not addressed.

Summary: Three agenda-setting moves are identified: the restriction of legitimate context to 7 October 2023; the treatment of Israel's right to self-defence as self-evident; and the framing of Hamas as the primary responsible actor. These agenda-setting moves are inherent to Israel's legal strategy but are amplified by broadcast without counter-representation.



CHAPTER 4 — OVERALL EVALUATION

Results

- HARD FACTS SCORE (Average Criteria 1–9): 7.1 / 10
- SOFT FACTS SCORE (Average Criteria 10–15): 7.2 / 10

Dominant Techniques

- 1. Speaking Time Distribution (Score 9):** The broadcast allocates 100% of speaking time to Israel's legal counsel, with 0% for South Africa's position, independent experts, or SABC editorial voice. This is the most fundamental structural bias in the broadcast and is the direct result of the SABC's editorial decision to broadcast Israel's pleading without equivalent counter-representation.
- 2. Completeness/Selective Omission (Score 9):** Three categories of material evidence are entirely absent: South Africa's own legal arguments, independent humanitarian data on conditions in Gaza, and the specific Israeli official statements that form the core of South Africa's genocide allegation. The viewer cannot evaluate any of Shaw KC's central claims without this information.
- 3. Moderation Behaviour (Score 9):** The complete absence of journalistic framing, editorial context, or moderation for 54 minutes means that a paid legal advocate's arguments are broadcast to a general audience without any of the contextualisation that would allow viewers to assess them critically. This is incompatible with the SABC's public broadcaster mandate.

Core Messages of the Broadcast

****MESSAGE 1 (SUBSTANTIVE):** ** "Israel is not committing genocide — it is defending itself against a genocidal attack by Hamas."

Technique: Framing (armed conflict vs. genocide), timing (7 October opening), agenda-setting (Hamas as primary responsible actor). Evidence: 02:12–02:19, 04:00–04:15, 51:30–52:08.

****MESSAGE 2 (PERSONAL):** ** "South Africa's legal case is procedurally deficient, legally weak, and motivated by bad faith rather than genuine legal concern."

Technique: Word choice ("outrageous," "disingenuous," "precipitate"), guilt by association (Hamas complicity), question asymmetry (unanswerable rhetorical questions). Evidence: 01:05–01:08, 12:13–12:16, 17:01–17:47.

****MESSAGE 3 (SOCIETAL):** ** "States that support Hamas — including South Africa — may themselves be complicit in genocide, and the ICJ should not be used as a tool to prevent legitimate self-defence."

Technique: Guilt by association (South Africa–Hamas–genocide chain), agenda-setting (self-defence as self-evident), framing (provisional measures as "sword" not "shield"). Evidence: 47:06–48:12, 21:07–21:15, 49:29–49:36.

Manipulation Level Classification

Reasoning: The broadcast scores 7.1/10 overall, placing it in the "systematic imbalance" category. The imbalance is structural rather than incidental — it is the direct result of broadcasting a one-party legal pleading without counter-representation, editorial framing, or independent expert commentary. The SABC's obligations under Broadcasting Act s. 6 and BCCSA Code Clauses 16 and 18 require that controversial issues of public importance be presented with opposing views and in correct context. A 54-minute unmediated platform for one party's legal arguments in a case in which South Africa is itself a party constitutes a systematic failure of these obligations. The score does not reflect a judgment on the legal merits of Israel's position, which is a matter for the ICJ.

CONCLUSION

The broadcast of Malcolm Shaw KC's oral pleading on behalf of the State of Israel before the ICJ, without equivalent broadcast of South Africa's Day 1 pleading, without independent expert commentary, and without any SABC editorial framing, constitutes a systematic failure of the SABC's obligations under Broadcasting Act 4 of 1999, s. 6, and BCCSA Code Clauses 16 and 18. The broadcast presents one party's legal arguments in adversarial proceedings as the sole content of a 54-minute programme, creating a structurally one-sided picture of a matter of major public importance in which South Africa is itself a party. The absence of South Africa's own legal arguments, independent humanitarian



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evidence, and the specific Israeli official statements that form the core of South Africa's genocide allegation means that the viewer cannot evaluate any of Shaw KC's central claims. The overall score of 7.1/10 reflects systematic imbalance that is incompatible with the SABC's public broadcaster mandate. This finding does not constitute a judgment on the legal merits of either party's position before the ICJ.



OVERALL EVALUATION OF THE 15 CRITERIA

Individual Scores — All 15 Criteria

No.	Criterion	Score	Rating
1	EXPERT SELECTION	8/10	<i>Pronounced imbalance</i>
2	SOURCE SELECTION	8/10	<i>Pronounced imbalance</i>
3	SPEAKING TIME DISTRIBUTION	9/10	<i>Systematic imbalance</i>
4	SELECTIVE OMISSION	9/10	<i>Systematic imbalance</i>
5	NUMERICAL MANIPULATION	5/10	<i>Significant imbalance</i>
6	GUILT BY ASSOCIATION	6/10	<i>Significant imbalance</i>
7	TIMING	6/10	<i>Significant imbalance</i>
8	SELECTIVE OUTRAGE	4/10	<i>Slight imbalance</i>
9	SELECTIVE OMISSION — OVERALL PICTURE	9/10	<i>Systematic imbalance</i>
10	FRAMING	8/10	<i>Pronounced imbalance</i>
11	WORD CHOICE AND TERMINOLOGY	7/10	<i>Pronounced imbalance</i>
12	MODERATION BEHAVIOUR	9/10	<i>Systematic imbalance</i>
13	QUESTION ASYMMETRY	8/10	<i>Pronounced imbalance</i>
14	FALSE BALANCE	3/10	<i>Slight imbalance</i>
15	AGENDA-SETTING	8/10	<i>Pronounced imbalance</i>

HARD FACTS SCORE (1-8)

7.1/10

Serious deviation from the impartiality standard. High degree of deviation

SOFT FACTS SCORE (9-14)

7.2/10

Serious deviation from the impartiality standard. High degree of deviation

OVERALL SCORE

7.2/10

Serious deviation from the impartiality standard. High degree of deviation

Average of Hardfacts and Softfacts



KEY — Score Definitions

Individual Scores per Criterion (0–10)

0	No finding	No relevant anomaly detected.
1–2	Weak finding	Minor anomaly without substantial impact on balance.
3–4	Slight to moderate finding	Recognizable tendency; low to moderate impact relevance.
5	Moderate finding with impact	Relevant imbalance affecting the audience's opinion-forming potential.
6	Significant finding (threshold)	Scores of 6 and above are classified as 'significant findings.'
7	Significant finding	Clear, well-documented imbalance with distinct impact relevance.
8–9	Severe finding	Pronounced imbalance; multiple documented individual findings in this criterion.
10	Maximum severity	Systematic, pervasive imbalance in this criterion.

Aggregated Deviation Index — Interpretation Ranges

0.0 – 2.5	Unremarkable	No significant patterns detected; broadcast meets the impartiality standard.
2.6 – 4.0	Slight imbalance	Isolated anomalies; statistically visible but within tolerance range.
4.1 – 6.0	Significant imbalance	Multiple significant findings; relevant impairment of perspective diversity.
6.1 – 8.0	Serious deviation from the impartiality standard. High degree of deviation	Pronounced, cross-broadcast patterns; high impact relevance.
8.1 – 10	Fundamental systemic one-sidedness. Very high bias degree	Maximum severity across nearly all criteria; systematically one-sided reporting.

Party-Political Bias (-5 to +5)

-5 to -3	Strongly disadvantaged	Party is significantly underrepresented in framing, airtime, or presentation.
-2 to -1	Slightly disadvantaged	Recognizable but minor disadvantage.
0	Neutral	No detectable favoritism or disadvantage.
+1 to +2	Slightly favored	Recognizable but minor favoritism.
+3 to +5	Strongly favored	Party is significantly overrepresented in framing, airtime, or presentation.



CHAPTER 5 — LEGAL CLASSIFICATION (Broadcasting Act s. 6)

Assessment under Broadcasting Act s. 6

Broadcasting Act 4 of 1999, Section 6 (SABC Charter) requires significant news and public affairs programming that meets the highest standards of journalism, including fairness, accuracy, and impartiality. BCCSA Code Clause 16 requires news to be reported truthfully, accurately and fairly, in the correct context and in a balanced manner. Clause 18 requires opposing views to be presented on controversial issues of public importance.

Violation 1:

Standard: Broadcasting Act s. 6; BCCSA Code Clause 18

Conduct: The SABC broadcast 54 minutes of Israel's legal pleading in South Africa v. Israel without broadcasting South Africa's Day 1 pleading or any equivalent counter-representation.

Evidence: Timestamp 00:00–54:03 — the entire broadcast consists of Shaw KC's pleading on behalf of Israel. South Africa's arguments are referenced only through Shaw KC's adversarial characterisation of them.

Assessment: The ICJ case is a controversial issue of public importance in which South Africa is itself a party. Broadcasting one party's legal arguments without the other party's arguments is a direct violation of Clause 18's requirement that opposing views be presented. The fact that South Africa's Day 1 pleading was publicly available and broadcast by other media outlets means the SABC had the means to comply.

Violation 2:

Standard: Broadcasting Act s. 6; BCCSA Code Clause 16

Conduct: The broadcast presents Shaw KC's legal arguments without any editorial framing identifying him as Israel's paid advocate, contextualising the proceedings, or noting the existence of South Africa's counter-arguments.

Evidence: Timestamp 00:00 (opening) — the broadcast begins without any SABC editorial introduction. Timestamp 54:03 (closing) — the broadcast ends without any SABC editorial commentary.

Assessment: Clause 16 requires news to be reported in the correct context. Broadcasting a paid legal advocate's arguments without identifying them as such, and without providing the context of the adversarial proceedings, fails the correct context requirement. A general audience cannot be expected to know that Shaw KC's statements are legal arguments rather than factual assertions, or that South Africa's counter-arguments exist and were presented the previous day.

Violation 3:

Standard: Broadcasting Act s. 6; BCCSA Code Clause 16

Conduct: Shaw KC's unsubstantiated allegation that "South Africa has given succour and support to Hamas at the least" (47:06–47:09) is broadcast without challenge, correction, or editorial note.

Evidence: Timestamp 47:06–47:09 — "South Africa has given succour and support to Hamas at the least"

Assessment: This is a serious allegation against the South African state — the SABC's own governing authority — made without primary source citation. Broadcasting an unsubstantiated allegation of this gravity without challenge or editorial note fails the accuracy and fairness requirements of Clause 16.

Overall Assessment under Broadcasting Act s. 6

The broadcast of Malcolm Shaw KC's ICJ pleading on behalf of Israel, without equivalent broadcast of South Africa's counter-pleading, without independent expert commentary, and without any SABC editorial framing or contextualisation, constitutes a systematic failure of the SABC's obligations under Broadcasting Act 4 of 1999, s. 6, and BCCSA Code Clauses 16 and 18. Three specific violations are identified: failure to present opposing views on a controversial issue of public importance (Clause 18); failure to report in correct context (Clause 16); and broadcast of an unsubstantiated allegation against the South African state without challenge or correction (Clause 16). These violations are not mitigated by the fact that the content is a verbatim record of a public court proceeding — the SABC's



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editorial obligation to provide balance and context applies regardless of the source of the broadcast material. A complainant before the BCCSA would have reasonable grounds to pursue a formal complaint on the basis of these findings.



CHAPTER 6 — Source Depth Check

Source 1: Israeli Cabinet / Ministerial Committee on National Security Affairs (Tab 1A)

- FUNDING:** Israeli government — funded by the State of Israel, the party whose conduct is under scrutiny.
- MANDATE:** Governmental decision-making body — mandate is to advance Israeli state interests, not to provide neutral assessment.
- CONFLICT OF INTEREST:** Direct and total — the body whose decisions are cited as evidence of non-genocidal intent is the same body that made those decisions. Self-exculpatory documentation.
- CREDIBILITY MATRIX:**
 - D1 Conflict of Interest: -2 — Total conflict; self-produced evidence.
 - D2 Personal Risk: 0 — Institutional, not personal.
 - D3 Subject Competence: +1 — Authoritative on Israeli government policy.
 - D4 Opinion Consistency: 0 — Cannot be assessed from broadcast.
 - D5 Emotionalisation vs. Data: +1 — Formal government directives.
 - D6 Source Level: +1 — Primary government documents (though selected by advocate).**TOTAL: +1 → SOURCE TRAFFIC LIGHT: YELLOW**
- COUNTER-VOICE:** Independent verification of whether these directives were followed in practice (e.g., UN Commission of Inquiry findings) is entirely absent.

Source 2: IDF Operations Directorate Daily Directive (Tab 1B)

- FUNDING:** Israeli Defence Forces — funded by the State of Israel.
- MANDATE:** Military operational directive — mandate is to guide IDF operations, not to provide neutral assessment of compliance with IHL.
- CONFLICT OF INTEREST:** Direct — the IDF's own directive is cited as evidence of IDF compliance with IHL. The gap between stated directives and documented conduct is not addressed.
- CREDIBILITY MATRIX:**
 - D1 Conflict of Interest: -2 — Total conflict; self-produced evidence.
 - D2 Personal Risk: 0 — Institutional.
 - D3 Subject Competence: +1 — Authoritative on IDF operational policy.
 - D4 Opinion Consistency: 0 — Cannot be assessed.
 - D5 Emotionalisation vs. Data: +1 — Formal military directive.
 - D6 Source Level: +1 — Primary military document (selected by advocate).**TOTAL: +1 → SOURCE TRAFFIC LIGHT: YELLOW**
- COUNTER-VOICE:** Reports by B'Tselem, Human Rights Watch, Amnesty International, or the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory would have provided independent assessment of the gap between stated directives and documented conduct. None cited.

Source 3: Ursula von der Leyen (European Commission President, statement of 19 October 2023)

- FUNDING:** European Commission — EU-funded political institution.
- MANDATE:** Political leadership — mandate is to represent EU political interests, not to provide legal or humanitarian expertise.
- CONFLICT OF INTEREST:** EU has complex and contested interests in the Israeli-Palestinian conflict; von der Leyen's statement was itself controversial within the EU and among EU member states.
- CREDIBILITY MATRIX:**
 - D1 Conflict of Interest: -1 — EU political position; contested within EU.
 - D2 Personal Risk: 0 — Political statement; limited personal risk.
 - D3 Subject Competence: -1 — Not an international law or genocide law expert.
 - D4 Opinion Consistency: -1 — Von der Leyen's position on Gaza has been contested and evolved.
 - D5 Emotionalisation vs. Data: -2 — Highly emotional statement; no data.
 - D6 Source Level: -2 — Tertiary (political speech cited in legal argument cited in broadcast).**TOTAL: -7 → SOURCE TRAFFIC LIGHT: RED**



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5. COUNTER-VOICE: Statements by UN Secretary-General Guterres, African Union Commission Chairperson, or Arab League Secretary-General would have provided balance. None cited.

> **IMPORTANT NOTE:** "Recognised" or "authoritative" is not a factual qualification. It is a social attribution that must itself be examined. All three sources cited in this broadcast are produced by or on behalf of the State of Israel or its political allies. None is independent. The SABC's broadcast of these sources without independent counter-sources fails the source diversity requirement implicit in Broadcasting Act s. 6 and BCCSA Code Clause 16.

Analysis completed. All findings are based exclusively on the transcript provided. No external sources have been used to supplement the transcript content. All timestamps refer to the transcript as provided. All direct quotations are reproduced verbatim from the transcript.

Legal and Methodological Notes

No factual determination

The results presented do not constitute factual determinations about individual persons, editorial teams, or broadcasts. They are the product of a standardized operationalization, not a finding of individual responsibility.

No legal judgment

The aggregated deviation index does not replace a legal assessment under Broadcasting Act s. 6. The determination of whether a specific broadcast violates legal requirements is exclusively the responsibility of the competent authorities (in particular BCCSA).

No proof of causation

Statistical correlations are not to be interpreted as proof of causal relationships or editorial intent. Deviation values may be influenced by topic selection, news environment, political controversy, or format logic.

No judgment of intent

The analysis measures observable structural characteristics of broadcasts. A score of 7 means a significant imbalance was detected — not that the editorial team intended it. The methodology makes no claims about motives or strategic objectives.

Heuristic comparison tool

The index serves comparative pattern recognition across thousands of broadcasts, not precise metric measurement of individual segments. Threshold values serve heuristic orientation, not sharp legal qualification.



APPENDIX 1: NATIONAL BROADCASTING LAW

South Africa — Legal Framework for Broadcasting Impartiality

Primary Legislation

Broadcasting Act 4 of 1999 (as amended)

The Broadcasting Act establishes the South African Broadcasting Corporation (SABC) as a public broadcaster and defines its Charter obligations.

Section 6 — Charter of the Corporation:

The SABC Charter mandates that the public broadcaster must:

- Provide programming that reflects South African attitudes, opinions, ideas, values and artistic creativity
- Offer a plurality of views and a variety of news, information and analysis
- Provide significant news and public affairs programming that meets the highest standards of journalism, including fairness, accuracy, and impartiality

Section 10 — Editorial Independence:

The SABC's news and current affairs programming must be independent from government or political party influence. The Board must ensure editorial policies that safeguard journalistic integrity.

ICASA Act 13 of 2000

The Independent Communications Authority of South Africa (ICASA) is the regulatory body responsible for broadcasting licensing and compliance.

Electronic Communications Act 36 of 2005

Provides the overarching regulatory framework for electronic communications, including broadcasting standards.

BCCSA Broadcasting Code of Conduct

The Broadcasting Complaints Commission of South Africa (BCCSA) enforces the Free-to-Air Broadcasting Code of Conduct, which includes:

Clause 16 — News:

- News must be reported truthfully, accurately and fairly
- News must be presented in the correct context and in a balanced manner
- Only verified facts may be presented as facts; opinions must be clearly identified as such

Clause 17 — Comment:

- Comment must be clearly distinguished from fact
- Comment must be an honest expression of opinion and must be presented fairly

Clause 18 — Controversial Issues of Public Importance:

- When a programme deals with a controversial issue of public importance, opposing views must be presented, either within the same programme or in a follow-up programme within a reasonable time
- This requirement applies to all broadcasting services

Clause 20 — Elections:

- During election periods, broadcasters must ensure equitable treatment of all political parties
- ICASA issues specific election broadcasting regulations

Regulatory / Complaints Bodies

Body	Role	Binding?
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President: Schläpfer, David - **Contact:** kontakt@SVFAB.ch - **Address:** SVFAB, Postfach, CH-8021 Zurich 1



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ICASA (Independent Communications Authority of South Africa)	Licensing, spectrum, compliance enforcement	Yes — can fine, revoke licences
BCCSA (Broadcasting Complaints Commission of South Africa)	Content complaints (bias, fairness, accuracy)	Yes — can reprimand, fine, require corrections
SABC Board	Internal editorial oversight	Internal
Parliament Portfolio Committee on Communications	Political oversight of SABC	Indirect

Notable Enforcement

- May 2024: ICASA fined SABC R500,000 for refusing to broadcast the Democratic Alliance's election advertisement showing a burning South African flag, ruling that SABC violated the right to free political communication.
- 2016: Western Cape High Court ordered removal of COO Hlaudi Motsoeneng for systematic censorship and political interference at SABC.
- 2017: Labour Court ruled that dismissal of the "SABC 8" journalists (who protested censorship of protest footage) was unlawful.

Equivalent to Other Countries

Country	Law	South African Equivalent
CH	Art. 4 RTVG	Broadcasting Act s. 6 (SABC Charter)
SE	Radio- och TV-lagen 5 kap.	BCCSA Code Cl. 16-18
DE	MStV §26	ICASA Act + BCCSA Code
NO	NRK-vedtektene §6	Broadcasting Act s. 10 (Editorial Independence)



APPENDIX 2: SCIENTIFIC REFERENCES

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- Schläpfer, D. (2026). Measuring Editorial Noise: A Retrospective Suppression Index for Public Broadcasting Content Analysis. [SSRN 6733280](#)
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The following books are available from SVFAB

Orders via www.svfab.ch or kontakt@svfab.ch



Unbalanced Reporting is the response to the halving initiative in Switzerland: Manipulation techniques are explained in detail, starting with the selection of staff and sources. Then 15 principles are explained: omission, framing, temporal framing, guilt by association, emotionalisation, context removal and many more, illustrated with numerous examples. Additionally, it becomes apparent where we ourselves apply these techniques – fostering not only awareness but also empathy.

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This book is not a media criticism book. It is a toolbox – for everyone who faces a microphone and wants to know what to do about it. 7 chapters. 7 tools: What an interview really is. The 7 most common traps. The three principles of sovereignty – anchoring, reframing, setting boundaries. Preparation in one hour. Body and voice. What to do when things go wrong. And what matters after the interview.

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In A5 format. Direct. For preparation, reference, follow-up and when difficulties arise



You think you see the world. In Wirklichkeit siehst du den Rahmen, den jemand um sie gelegt hat. Framing ist die älteste und eleganteste Manipulationstechnik der world. Sie verändert nicht die Fakten – sie verändert, was wir aus den Fakten machen. Wie wir fühlen. Was wir glauben. Wie wir entscheiden. Und sie funktioniert – weil wir alle mitmachen. Täglich. Unbewusst. Auch du. Dieses Buch ist kein trockenes Lehrbuch. Es ist ein Übungsbuch – spielerisch, direkt, voller Beispiele aus dem echten Leben. Du lernst nicht nur, wie andere dich framen. Du lernst, wie du selbst framest – und wie du es bewusst und fair einsetzen kannst.

Because whoever understands framing sees the world more clearly. Hears news differently. Conducts conversations more confidently. And no longer so easily accepts a frame chosen by someone else.



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With many exercises and concrete examples from politics, media and everyday life – and the occasional smile.

Framing with style. Because the frame changes everything.



The SRG collects 1.56 billion francs per year – compulsorily, from every household. Those who feel unfairly treated can file a complaint. There is even an authority for this: the UBI, the Independent Complaints Authority for Radio and Television.

But: It is not independent. It has no sanctioning power. And it decides in 99.6% of all cases: nothing.

This analysis exposes the system – factual, precise, without polemics. Procedures, personnel, powers, costs, statistics, legal recourse. And the constitutional review showing: the UBI system meets none of the three fundamental criteria – it is not proportionate, not separated by powers, not market-based.

The authority supposed to protect citizens primarily protects the system it should be overseeing.

Essential reading for anyone considering a complaint – and for anyone who wants to understand why genuine media oversight in Switzerland is still pending.