

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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CHAIM KAPLAN, individually and as natural guardian
of plaintiffs M.K.(1), A.L.K., M.K.(2), C.K. and E.K.;

RIVKA KAPLAN, individually and as natural guardian
of plaintiffs M.K.(1), A.L.K., M.K.(2), C.K. and E.K.;

Docket no.
10-CV-5298 (KMW)

M.K.(1), a minor, by her father and natural guardian,
Chaim Kaplan, and by her mother and natural guardian,
Rivka Kaplan;

SECOND AMENDED
COMPLAINT

A.L.K., a minor, by his father and natural guardian,
Chaim Kaplan, and by his mother and natural guardian,
Rivka Kaplan;

M.K.(2), a minor, by his father and natural guardian,
Chaim Kaplan, and by his mother and natural guardian,
Rivka Kaplan;

Jury Trial Demanded

C.K., a minor, by her father and natural guardian, Chaim
Kaplan, and by her mother and natural guardian, Rivka
Kaplan;

E.K., a minor, by his father and natural guardian, Chaim
Kaplan, and by his mother and natural guardian, Rivka
Kaplan;

MICHAEL FUCHS;

AVISHAI REUVANE;

ELISHEVA ARON;

CHAYIM KUMER;

NECHAMA KUMER;

KEREN ARDSTEIN, individually and as natural guardian of plaintiffs M.A., N.A., A.C.A. and N.Y.A.;

BRIAN ARDSTEIN, individually and as natural guardian of plaintiffs M.A., N.A., A.C.A. and N.Y.A.;

M.A., a minor, by her father and natural guardian, Brian Ardstein, and by her mother and natural guardian, Keren Ardstein;

N.A., a minor, by her father and natural guardian, Brian Ardstein, and by her mother and natural guardian, Keren Ardstein;

A.C.A., a minor, by his father and natural guardian, Brian Ardstein, and by his mother and natural guardian, Keren Ardstein;

N.Y.A., a minor, by his father and natural guardian, Brian Ardstein, and by his mother and natural guardian, Keren Ardstein;

LAURIE RAPPEPORT, individually and as natural guardian of plaintiff M.R.;

M.R., a minor, by her mother and natural guardian, Laurie Rappeport;

YAIR MOR;

THEODORE GREENBERG;

MAURINE GREENBERG;

JACOB KATZMACHER;

DEBORAH CHANA KATZMACHER;

CHAYA KATZMACHER;

MIKIMI STEINBERG;

JARED SAUTER;

DANIELLE SAUTER;

MYRA MANDEL;

Y.L., a minor, by his father and natural guardian Elihav
Licci and by his mother and natural guardian Yehudit
Licci;

ELIHAV LICCI, individually and as natural guardian of
plaintiff Y.L.;

YEHUDIT LICCI, individually and as natural guardian
of plaintiff Y.L.;

TZVI HIRSH;

ARKADY GRAIPEL;

TATIANA KREMER;

YOSEF ZARONA;

TAL SHANI;

SHLOMO COHEN;

NITZAN GOLDENBERG;

RINA DAHAN;

RAPHAEL WEISS;

AGAT KLEIN;

TATIANA KOVLEYOV;

VALENTINA DEMESH;

RIVKA EPON;

JOSEPH MARIA;

IMMANUEL PENKER;

ESTHER PINTO;

SARAH YEFET;

SHOSHANA SAPPPIR;

R.G.G., a minor, by his father and natural guardian Fuad Shchiv Ghanam and by his mother and natural guardian Suha Shchiv Ghanam;

FUAD SHCHIV GHANAM, individually and as natural guardian of plaintiff R.G.G.;

SUHA SHCHIV GHANAM, individually and as natural guardian of plaintiff R.G.G.;

ORNA MOR;

ROCHELLE SHALMONI;

OZ SHALMONI;

DAVID OCHAYON;

YAAKOV MAIMON;

MIMI BITON;

MIRIAM JUMA'A, individually and as Personal Representative of the Estate of Fadya Juma'a;

SALAH JUMA'A, individually and as Personal Representative of the Estate of Samira Juma'a;

SAID JUMA'A, individually and as Personal Representative of the Estate of Samira Juma'a;

ABD EL-RAHMAN JUMA'A, individually and as Personal Representative of the Estate of Samira Juma'a;

RAHMA ABU-SHAHIN;

ABDEL GAHNI ABDEL GAHNI, individually and as Personal Representative of the Estate of Soltana Juma'a;

SHADI SALMAN AZZAM, individually, as the Personal Representative of the Estate of Manal Camal Azam and as natural guardian of plaintiffs K.S.A. and A.S.A.;

K.S.A., a minor, by his father and natural guardian, Shadi Salman Azzam;

A.S.A., a minor, by his father and natural guardian, Shadi Salman Azzam;

ADINA MACHASAN DAGESH;

ARKADY SPEKTOR;

YORI ZOVREV;

YAAKOV ABUTBUL;

A.N.M., a minor, by his father and natural guardian, Zion Mor, and by his mother and natural guardian, Revital Mor;

B.Z.M., a minor, by her father and natural guardian, Zion Mor, and by her mother and natural guardian, Revital Mor;

M.M., a minor, by her father and natural guardian, Zion Mor, and by her mother and natural guardian, Revital Mor;

C.I.M., a minor, by her father and natural guardian, Zion Mor, and by her mother and natural guardian, Revital Mor;

ZION MOR, individually and as natural guardian of plaintiffs A.N.M., B.Z.M., M.M. and C.I.M.;

REVITAL MOR, individually and as natural guardian of plaintiffs A.N.M., B.Z.M., M.M. and C.I.M.;

ADHAM MAHANE TARRABASHI;

EMILLIA SALMAN ASLAN;

JIHAN KAMUD ASLAN;

ZOHARA LOUIE SA'AD;

I.Z.G., a minor, by his father and natural guardian Ziad Shchiv Ghanam, and by his mother and natural guardian, Gourov Tisir Ghanam;

ZIAD SHCHIV GHANAM, individually and as natural guardian of plaintiff I.Z.G.;

GOUROV TISIR GHANAM, individually and as natural guardian of plaintiff I.Z.G.;

ESTER LELCHOOK, individually and as personal representative of the Estate of David Martin Lelchook;

MICHAL LELCHOOK;

Yael LELCHOOK;

ALEXANDER LELCHOOK;

and

DORIS LELCHOOK,

Plaintiffs,

-against-

AL JAZEERA

Defendant.

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SECOND AMENDED COMPLAINT

Plaintiffs, by their counsel, complain of the Defendants, and hereby allege for their Second Amended Complaint as follows:

INTRODUCTION

1. This is a civil action brought pursuant to the Antiterrorism Act (“ATA”), 18 U.S.C. § 2333(a), the Alien Tort Claims Act (“ATCA”), 28 U.S.C. § 1350, and supplemental causes of action, arising from a series of terrorist rocket and missile attacks on civilians in Israel carried out by the Hezbollah terrorist organization between July 12 and August 14, 2006 (“Hezbollah Rocket Barrage”).

2. The plaintiffs are American, Israeli and Canadian civilians who were injured in the Hezbollah Rocket Barrage, and the family members and personal representatives of the estates of one American citizen and four Israeli citizens who were murdered by the Hezbollah Rocket Barrage.

3. Defendant Al Jazeera provided extensive material support and resources to Hezbollah, that caused, enabled and facilitated the Hezbollah Rocket Barrage.

THE PARTIES

4. Plaintiffs Chaim Kaplan, Rivka Kaplan, M.K.(1), A.L.K., M.K.(2), C.K. E.K, Michael Fuchs, Avishai Reuvane, Elisheva Aron, Chayim Kumer, Nechama Kumer, Keren Ardstein, Brian Ardstein, M.A., N.A., A.C.A., N.Y.A., Laurie Rapoport, M.R., Yair Mor, Theodore Greenberg, Maurine Greenberg, Jacob Katzmacher, Deborah Chana Katzmacher, Chaya Katzmacher, Mikimi Steinberg, Jared Sauter, Danielle Saute and Myra Mandel are American citizens who were injured by the Hezbollah Rocket Barrage. Plaintiffs Ester Lechhook, Michal Lechhook, Yael Lechhook, Alexander Lechhook and Doris Lechhook are the family members of American citizen David Martin Lechhook, who was murdered in the Hezbollah Rocket Barrage. Plaintiffs Michal Lechhook, Yael Lechhook, Alexander Lechhook and Doris Lechhook are American citizens.

5. Plaintiffs Chaim Kaplan, Rivka Kaplan, M.K.(1), A.L.K., M.K.(2), C.K. E.K, Michael Fuchs, Avishai Reuvane, Elisheva Aron, Chayim Kumer, Nechama Kumer, Keren Ardstein, Brian Ardstein, M.A., N.A., A.C.A., N.Y.A., Laurie Rapoport, M.R., Yair Mor, Theodore Greenberg, Maurine Greenberg, Jacob Katzmacher, Deborah Chana Katzmacher, Chaya Katzmacher, Mikimi Steinberg, Jared Sauter, Danielle Saute, Myra Mandel, Ester Lechhook, Michal Lechhook, Yael Lechhook, Alexander Lechhook and Doris Lechhook are

sometimes referred to collectively below as the “American Plaintiffs.”¹ The details of the attacks that caused the American Plaintiffs’ injuries, and the nature of those injuries, are set forth below.

6. Plaintiffs Chaim Kaplan, Rivka Kaplan, Brian Ardstein, Keren Ardstein and Laurie Rappeport bring this action individually and on behalf of their respective minor children (as set forth in the caption and below) plaintiffs M.K.(1), A.L.K., M.K.(2), C.K., E.K., M.A., N.A., A.C.A., N.Y.A., and M.R.. Plaintiff Ester Lelchook is the heir of David Martin Lelchook and is authorized under Israeli law to bring this action on behalf of the Estate of David Martin Lelchook, and she brings this action both individually and on behalf of the Estate of David Martin Lelchook.

7. The remaining plaintiffs (sometimes referred to hereinafter collectively as the “Non-American Plaintiffs”) are Israeli and Canadian citizens who were injured, or whose family members were murdered, by the Hezbollah Rocket Barrage. The details of the attacks and the nature of these plaintiffs’ injuries are set forth below.

8. Plaintiffs Elihav Licci, Yehudit Licci, Fuad Shchiv Ghanam, Suha Shchiv Ghanam, Shadi Salman Azzam, Ziad Shchiv Ghanam, Gourov Tisir Ghanam, Zion and Revital Mor bring this action individually and on behalf of their respective minor children (as set forth in the caption and below) plaintiffs Y.L., R.G.G., K.S.A., A.S.A, A.N.M., B.Z.M., M.M., C.I.M. and I.Z.G..

9. Plaintiff Abdel Gahni Abdel Gahni is the heir of Soltana Juma’a, who was murdered by the Hezbollah Rocket Barrage, and is authorized under Israeli law to bring this

¹ Plaintiff Ester Lelchook is an Israeli citizen and is not an American citizen. However, as the widow of American citizen David Martin Lelchook, plaintiff Ester Lelchook is entitled to bring an action under 18 U.S.C. § 2333. Accordingly, for simplicity of reference, this Second Amended Complaint refers to plaintiff Ester Lelchook as among the American Plaintiffs.

action on behalf of the Estate of Soltana Juma'a, and he brings this action both individually and on behalf of the Estate of Soltana Juma'a.

10. Plaintiff Miriam Juma'a is the heir of Fadya Juma'a, who was murdered by the Hezbollah Rocket Barrage, and is authorized under Israeli law to bring this action on behalf of the Estate of Fadya Juma'a, and she brings this action both individually and on behalf of the Estate of Fadya Juma'a.

11. Plaintiffs Salah Juma'a, Said Juma'a and Abd El-Rahman Juma'a are the heirs of Samira Juma'a, who was murdered by the Hezbollah Rocket Barrage, and are authorized under Israeli law to bring this action on behalf of the Estate of Samira Juma'a, and they bring this action both individually and on behalf of the Estate of Samira Juma'a.

12. Plaintiff Shadi Salman Azzam is the heir of Manal Camal Azzam, who was murdered by the Hezbollah Rocket Barrage, and is authorized under Israeli law to bring this action on behalf of the Estate of Manal Camal Azzam, and brings this action both individually and on behalf of the Estate of Manal Camal Azzam.

13. Defendant Al Jazeera is a television network incorporated in Qatar, which has offices and staff and does extensive business in New York and elsewhere in the United States.

14. Defendant Al Jazeera provided Hezbollah with extensive material support and resources, discussed below, which enabled, facilitated and caused the Hezbollah Rocket Barrage and thereby caused plaintiffs' injuries and the murder of the decedents.

JURISDICTION

15. This Court has subject-matter jurisdiction over this action pursuant to 18 U.S.C § 2333(a) and pursuant to 28 U.S.C. §§ 1350 and 1367.

STATEMENT OF FACTS

A. Hezbollah

16. Hezbollah was established in Lebanon circa 1982.

17. Since its founding, Hezbollah has at all times been a radical Islamic terrorist organization which views the State of Israel and the United States as its enemies.

18. Since its founding, Hezbollah has at all times sought, as an official and publicly-stated policy and goal of Hezbollah, to harm, weaken, undermine and ultimately destroy the State of Israel.

19. Since its founding, Hezbollah has at all times sought to achieve its goal of harming, weakening, undermining and ultimately destroying the State of Israel by carrying out terrorist attacks against Israel and Israeli targets, including Israeli civilians.

20. Since its founding, Hezbollah has carried out thousands of terrorist attacks against Israel and Israeli targets, which have killed scores of innocent Israeli civilians and wounded hundreds more.

21. Since its founding, Hezbollah has at all times used terrorism against Israel and Israeli targets, including Israeli civilians, in order to coerce, intimidate and influence the Israeli government and public, and thereby harm, weaken, undermine and ultimately bring about the destruction of the State of Israel.

22. Since its founding, Hezbollah has at all times sought, as an official and publicly-stated policy and goal of Hezbollah, to harm, weaken and undermine the United States militarily, economically and politically.

23. Since its founding, Hezbollah has at all times sought to achieve its goal of harming, weakening and undermining the United States by carrying terrorist attacks against Americans and American targets.

24. Since its founding, Hezbollah has carried out hundreds of terrorist attacks against American targets which have killed hundreds of U.S. citizens and wounded hundreds more.

25. Because Israel is an ally of the United States, and harming Israel harms, weakens and undermines the United States, Hezbollah has at all times since its founding sought to achieve its goal of harming, weakening and undermining the United States by carrying terrorist attacks against Israelis and Israeli targets, including Israeli civilians.

26. Since its founding, Hezbollah has at all times used terrorism against Americans and American targets, and against Israel and Israeli targets, including Israeli civilians, in order to coerce, intimidate and influence the United States government and public and thereby harm, weaken and undermine the United States and Israel.

27. The terrorist attacks committed by Hezbollah between 1982 and July 12, 2006, included, *inter alia*, the following:

- a. The July 19, 1982, kidnapping of American University president David S. Dodge in Beirut.
- b. The April 18, 1983, car bomb attack on the United States Embassy in Beirut in which 63 people were killed.
- c. The October 23, 1983, truck bomb attack on the U.S. Marine barracks in Beirut in which 241 American military personnel were killed.
- d. The September 20, 1984, car bomb attack on the U.S. Embassy annex in Beirut in which two Americans and 22 others were killed.

- e. The March 16, 1984, kidnapping and murder of William Buckley, a CIA operative working at the U.S. Embassy in Beirut.
- f. The April 12, 1984, attack on a restaurant near the U.S. Air Force Base in Torrejon, Spain in which eighteen U.S. servicemen were killed and 83 people injured.
- g. The December 4, 1984, terrorist hijacking of a Kuwait Airlines plane in which four passengers were murdered, including two Americans.
- h. The June 14, 1985, hijacking of TWA Flight 847 in which Robert Stethem, a U.S. Navy diver, was murdered. Other American passengers were held hostage before being released on June 30, 1985.
- i. The February 17, 1988, kidnapping and subsequent murder of U.S. Marine Col. William Higgins.
- j. The March 17, 1992, bombing of the Israeli Embassy in Buenos Aires that killed 29 people and injured over 200.
- k. The July 18, 1994, bombing of the Jewish community center in Buenos Aires that killed 86 people and injured over 200.
- l. The November 28, 1995, bombardment of towns in northern Israel with missiles aimed at Jewish civilians.
- m. The March 30, 1996, bombardment of northern Israeli towns with 28 missiles. A week later, Hezbollah fired 16 additional missiles, injuring 36 Israelis.
- n. The August 19, 1997, bombardment of northern Israel with dozens of missiles aimed at Jewish civilians.

- o. The December 28, 1998, bombardment on northern Israel with dozens of missiles aimed at Jewish civilians.
- p. The May 17, 1999 bombardment on northern Israel with dozens of missiles aimed at Jewish civilians.
- q. The June 24, 1999, bombardment on northern Israel, killing 2 people.
- r. The April 9, 2002, launching of missiles into northern Israeli towns.
- s. The August 10, 2003, firing of shells that killed a 16-year-old Israeli boy and wounded other Israelis.

28. Hezbollah has been designated by the United States as a Specially Designated Terrorist (“SDT”) continuously since 1995, as a Foreign Terrorist Organization (“FTO”) continuously since 1997, and as a Specially Designated Global Terrorist (“SDGT”) continuously since 2001.

B. Al Jazeera

29. At all times, defendant Al Jazeera was an Arabic-language television network incorporated in Qatar. Though Al Jazeera operates as a television network, at all times its ultimate purpose was not to collect and disseminate news and information but rather to advance political goals. Thus, at all times Al Jazeera had, supported and advanced a distinct political agenda as a matter of official organizational policy. As Hilal Khashan, a professor of political science at the American University of Beirut, has explained: “Al-Jazeera was never really conceived as a media project. It was, and is, a political project.”

30. Specifically, at all times, as a matter of official organizational agenda and policy, Al Jazeera shared Hezbollah’s goals of, and supported Hezbollah’s activities aimed at, harming,

weakening, undermining and ultimately destroying the State of Israel, and of harming, weakening, and undermining the United States.

31. Additionally, at all times, as a matter of official organizational agenda and policy, Al Jazeera supported Hezbollah's use of terrorism against Americans and American targets, and against Israel and Israeli targets, including against Israeli civilians, in order to coerce, intimidate and influence both the United States government and public and the Israeli government and public, and thereby harm, weaken and undermine the United States and Israel.

32. The origins and existence of Al Jazeera's anti-American and anti-Israel political agenda and policy are detailed in Zvi Mazel, "Al Jazeera and Qatar: The Muslim Brothers' Dark Empire?" (Jerusalem Center for Public Affairs 2009), in Pinhas Inbari, "The Palestine Papers: Al-Jazeera Has an Agenda" (Jerusalem Center for Public Affairs 2011) and in Kristen Gillespie, "The New Face of Al Jazeera" (The Nation 2007) which are attached to this Second Amended Complaint as Exhibits A, B and C, respectively, and which are incorporated into this Second Amended Complaint by reference.

33. Additionally, the fact that at all times Al Jazeera had a political agenda and policy, and that Al Jazeera's political agenda and policy was anti-American and anti-Israel, was and is notorious public knowledge and is attested to and/or reflected by the following:

- a. In April 2011, Hilal Khashan, a professor of political science at the American University of Beirut, stated: "Al-Jazeera was never really conceived as a media project. It was, and is, a political project."
- b. In September 2001, U.S. officials filed a diplomatic complaint against Al Jazeera, accusing Al Jazeera of having an anti-American slant and objecting to Al Jazeera's describing Palestinian suicide bombers as "martyrs."

- c. In October 2001, Dana Suyyagh, an Al Jazeera senior producer admitted that Al Jazeera has a policy of referring to Palestinian suicide bombers as “martyrs,” and asserted that “martyr” is an objective term to describe suicide bombers.
- d. In February 2011, David Korski, the former advisor to the U.S. State Department and Head of the UK-US Provincial Reconstruction Team in Basra, Iraq, wrote: “Throughout the Iraq War, al-Jazeera’s tone was ... hostile toward the Americans. The non-English version of al-Jazeera ... is decidedly more biased and unprofessional than al-Jazeera English.”
- e. In November 2001 Professor Fouad Ajami of Johns Hopkins University wrote that “no matter how many Americans show up on Al-Jazeera, the station will pursue its own oppositional agenda. Al-Jazeera’s reporters see themselves as anti-imperialists. These men and women are convinced that the rulers of the Arab world have given in to American might; these are broadcasters who play to an Arab gallery whose political bitterness they share — and feed.”
- f. In November 2001, the Washington Times noted that “[s]ince September 11, the coverage of the attacks and America’s response has been almost uniformly positive – for the Taliban and other Islamicist radicals, that is,” and that “[a]ccording to a recent New York Times article by Fouad Ajami, professor of Middle Eastern studies at Johns Hopkins, Al-Jazeera’s coverage of September 11 and [the United States’] war against terrorism have been entirely from the Taliban point of view.”
- g. In February 2002, the American Jewish Committee issued a report finding that “Al Jazeera ... repeatedly broadcast vicious and incendiary anti-Israel

propaganda, often drawing on classic anti-Semitic sources, such as the Elders of the Protocols of Zion.”

- h. In 2002 Professor Khalid al Dakheel of King Saud University stated that: “Al-Jazeera[’s] ... coverage is anti-Israelis. Their coverage is anti-Americans.”
- i. In 2003 Al Jazeera spokesman Jihad Ali Ballout confirmed that while Al Jazeera did seek to turn a profit: “[M]oney is not of paramount importance. We believe we have a mission.”
- j. In March 2003 the New York Stock Exchange revoked the press credentials of Al-Jazeera due to the latter’s politically-biased reporting.
- k. A study published by the Congressional Research Service in July 2003 concluded that “In postwar Iraq, Al-Jazeera has continued to slant its coverage against the United States, labeling Iraqi attacks against U.S. forces as ‘resistance’ to the ‘occupation.’ Although many of Al-Jazeera’s reports from Iraq are factual accounts of the latest events, reports are often followed by critical statements of local Iraqis without providing the perspective of coalition forces. Al-Jazeera’s Iraq coverage is often introduced by a short series of images, depicting U.S. soldiers in a negative light.
- l. In 2004, Lorne Craner, Deputy Assistant Secretary of State, told reporters that Al Jazeera “is quite different” from regular news organizations that criticize the U.S. war effort and that Al Jazeera was involved in “incitement of violence.”
- m. In August, 2004, the Iraqi government suspended Al Jazeera’s operations for “inciting hatred” after an independent panel had evaluated Al-Jazeera’s Iraq coverage and concluded that it advocated violence against American forces.

- n. In 2006, Lt. Col. Todd Vician, spokesman for the U.S. Department of Defense stated: “Anyone, even an American living in the Middle East watching a network like Al Jazeera day after day after day, would begin to believe that America was bad just based on the biased, one-sided coverage.”
- o. In 2006, Dr. Juan Cole, an expert on the Middle East and professor of Modern Middle East and South Asian History at the University of Michigan stated that, “I don’t think I’ve seen reporting on Al Jazeera where the Americans have ever done anything right ... When they report on insurgency in Iraq, the insurgents are always the good guys and the U.S. soldiers are bad guys ... In some instances, it could be true, and in other cases there are some pretty nasty guys in the insurgency. But Al Jazeera’s line would be that the insurgents are poor people ... who want to lead normal, free lives, and they’re oppressed by the U.S. occupation.”
- p. In 2006, leaders of Fatah (the central faction in the PLO) accused Al Jazeera of being biased in favor of the radical terrorist organization Hamas. Exhibit D.² For its part, Hamas praised Al Jazeera. *Id.* Exhibit D is incorporated into this Second Amended Complaint by reference.
- q. According to Dr. Bruce Maddy-Weizman, a contemporary Middle East and North Africa expert at Tel Aviv University, during the terrorist rocket and missile attacks on civilians in Israel carried out by Hezbollah between July 12 and August 14, 2006, Al Jazeera “boosted Hizballah and [Hezbollah leader] Sheikh Hassan

² Accessed at <http://97.74.65.51/readArticle.aspx?ARTID=931>.

Nasrallah's image ... Al-Jazeera's focus had a political intent: that Israel was doing awful things to Lebanon and was suffering."

- r. According to Amira Oron of the Israeli Foreign Ministry, during the terrorist rocket and missile attacks on civilians in Israel carried out by Hezbollah between July 12 and August 14, 2006 "Al-Jazeera was no different from [Hezbollah's own station] Al-Manar ... It's an Arab station and its intent is to promote the Arab cause."
- s. In March 2008, former "Nightline" reporter Dave Marash quit Al-Jazeera due to its anti-American bias.
- t. In July, 2009, Tamman al-Barazi, an Arab journalist who writes for al-Watan al-Arabi, confirmed that "Al-Jazeera has a bias towards ... Hizballah."
- u. In a book published in 2010, Professor Walid Phares, an advisor to the U.S. House of Representatives Caucus on Counter Terrorism, wrote that: "Since fall 2001 ... al Jazeera had systematically challenged war efforts and public relations of U.S. and allied campaigns in the region. It played a tremendous role in arousing sentiment and mobilizing large segments in the Arab and Muslim world against America ... al Jazeera was able to turn the tables against Washington by portraying the United States as waging war against Islam ... I followed the network closely and saw clearly that the ideological and political line, from editorial to talk shows, was without a doubt that of the Muslim Brotherhood. It was barely even camouflaged."
- v. In a study published in April 2011, Middle East expert Michael Milstein noted Al Jazeera's "prominent anti-Israel and anti-America tones" and that "the power of

al-Jazeera to ignite the Arab street has been particularly evident in struggles between Arab and non-Arab forces, for example in the al-Aqsa intifada, the American campaign in Iraq, the Second Lebanon War, and Operation Cast Lead. In all these instances the network encouraged popular uprising, accompanied by criticism of the Arab regimes for their indifference and helplessness in face of the attacks on the Arab and Muslim world.”

- w. In an April 2011 article, Michael Young, the opinion editor of the Lebanese Daily Star, stated that due to its “political allegiances” Al Jazeera had not provided critical coverage of the Syrian regime because “Syria is part of the ‘resistance axis,’ and the downfall of its regime would only harm Hezbollah and Hamas.”

C. Al Jazeera’s Role in the Hezbollah Rocket Barrage

34. Between July 12, 2006 and August 14, 2006, Hezbollah fired thousands of rockets and missiles (hereinafter “rocket” or “rockets”) at civilians in northern Israel. Hezbollah intentionally aimed most of these rockets at civilian areas and population centers.

35. At least 43 civilians were murdered by the Hezbollah Rocket Barrage, and hundreds were seriously injured.

36. The rockets fired by Hezbollah during the Hezbollah Rocket Barrage had no internal guidance system, and aiming the rockets accurately was an extremely difficult task.

37. The only way for Hezbollah to accurately aim these rockets was to obtain information regarding the precise location where a given rocket landed, and to adjust the direction and trajectory of subsequent rockets accordingly. Hezbollah needed to obtain this information in real-time, in order to correlate between specific rockets fired and their specific places of impact.

38. For approximately 25 years Hezbollah has maintained an extensive intelligence apparatus which has included an “open sources” department that continuously monitored the news media, including (since its establishment) Al Jazeera, for information of interest to Hezbollah. Whenever Hezbollah fired rockets into Israel, including during the course of the Hezbollah Rocket Barrage, Hezbollah’s intelligence apparatus monitored news media broadcasting from Israel to gather information regarding the locations where rockets landed in order to more accurately aim its rocket fire.

39. Precisely because the broadcast of information regarding the location of rocket landings, particularly the real-time broadcast of such information, enables Hezbollah (and other terrorist groups that fire rockets into Israel, such as Hamas), to accurately aim their rockets, and precisely because Hezbollah’s intelligence apparatus continuously monitors the news media for information of interest to Hezbollah, as early as 2003 Israel’s military censor issued standing orders prohibiting news media from broadcasting or reporting such information. These orders were distributed to and received by all news media with representatives in Israel, including Al Jazeera. At the start of the Hezbollah Rocket Barrage Israel’s military censor reissued these orders as a reminder. These reissued orders were distributed to and received by all news media with representatives in Israel, including Al Jazeera, at the start of the Hezbollah Rocket Barrage.

40. During the course of the Hezbollah Rocket Barrage (i.e. between July 12 and August 14, 2006) Al Jazeera officers and employees located in Israel repeatedly and intentionally recorded and transmitted to Al Jazeera’s broadcast facilities real-time audiovisual footage verbally and visually describing and depicting the precise impact locations in Israel of rockets fired by Hezbollah, and these transmissions were broadcast in real-time to the public by Al Jazeera. On several occasions, Al Jazeera personnel in Israel were caught red-handed making

such recordings and transmissions, and were arrested by Israeli authorities for violating censorship rules prohibiting such recordings and transmissions.

41. The real-time recording, transmission and broadcasting of the impact locations of Hezbollah rockets described in the previous paragraph were carried out by officers, employees and agents of defendant Al Jazeera acting pursuant to the official organizational policies and instructions of Al Jazeera, and to advance the political agenda and goals of Al Jazeera.

42. Al Jazeera repeatedly recorded, transmitted and broadcasted in real-time the impact locations of Hezbollah rockets in Israel during the Hezbollah Rocket Barrage, as described above, with actual knowledge that Hezbollah's intelligence apparatus was continuously monitoring the news media for details of the rocket landing sites and that the broadcast of information regarding the location of rocket landings, particularly the real-time broadcast of such information, enabled Hezbollah to accurately aim its rockets. Al Jazeera obtained this actual knowledge from Israeli authorities, who informed Al Jazeera of these facts both in the context issuing the aforementioned orders prohibiting news media from reporting the location of rocket strikes and during the course of arresting and questioning the Al Jazeera personnel who violated those orders.

43. Al Jazeera repeatedly recorded, transmitted and broadcasted the impact locations of Hezbollah rockets in Israel during the Hezbollah Rocket Barrage, as described above, for the specific purpose and with the specific intention of assisting Hezbollah to harm Israel and the United States, consistent with and pursuant to Al Jazeera's support for Hezbollah and its goals, discussed above.

44. Specifically, Al Jazeera repeatedly recorded, transmitted and broadcasted the impact locations of Hezbollah rockets in Israel during the Hezbollah Rocket Barrage, as

described above, for the specific purpose and with the specific intention of assisting Hezbollah to more accurately aim its rockets and thereby inflict more and greater harm on Israeli targets, including on civilians in Israel, in order to harm and weaken Israel. Al Jazeera sought to weaken and harm Israel both for its own sake, and because Al Jazeera sought to weaken and harm the United States, and weakening and harming Israel weakens and harms its close strategic ally the United States.

D. The Decedents Were Murdered and the Plaintiffs Were Harmed by the Hezbollah Rocket Barrage

45. The plaintiffs were injured and their decedents were murdered by the Hezbollah Rocket Barrage, as detailed below.

46. On July 13, 2006, plaintiff Chaim Kaplan was severely injured by two rockets fired by Hezbollah at the northern Israeli town of Safed. The first rocket landed next to Chaim's car and severely injured him. The second rocket struck the Kaplan family's home, and also injured Chaim's wife, plaintiff Rivka Kaplan, as well as the couple's minor children plaintiffs M.K.(1), A.L.K., M.K.(2), C.K. and E.K.. As a result of these rocket attacks plaintiffs Chaim Kaplan, Rivka Kaplan, M.K.(1), A.L.K., M.K.(2), C.K. and E.K. suffered severe physical, psychological, emotional and financial injuries.

47. Plaintiffs Avishai Reuvane and Elisheva Aron were injured on July 13, 2006, by a rocket fired by Hezbollah at Safed. As a result of this rocket attack Avishai Reuvane and Elisheva Aron suffered severe physical, psychological, emotional and financial injuries.

48. Plaintiff Chayim Kumer, a resident of Safed, suffered a nervous breakdown and was hospitalized as a result of the Hezbollah Rocket Barrage, which in turn caused severe harm to his wife, Plaintiff Nechama Kumer. As a result of the Hezbollah Rocket Barrage plaintiffs

Chayim Kumer and Nechama Kumer suffered severe psychological, emotional and financial injuries.

49. On July 13, 2006, at approximately 14:30, plaintiff Michael Fuchs was driving his car in Safed when a rocket fired by Hezbollah at Safed struck nearby. Massive amounts of shrapnel penetrated Fuchs' car and caused him severe injuries. Fuchs lost large quantities of blood, lost consciousness and was rushed to the intensive care unit of Rebecca Ziv Hospital. Fuchs' throat was slashed as a result of the explosion and his right hand remains completely paralyzed. Fuchs has been permanently disabled. He is unable to work and relies on intensive and expensive medical treatments on an on-going basis. As a result of this rocket attack Michael Fuchs suffered severe physical, psychological, emotional and financial injuries.

50. Plaintiffs Karen and Brian Ardstein resided in Safed at the time of the Hezbollah Rocket Barrage. Numerous rockets fired by Hezbollah at Safed landed near the family's home. Karen was pregnant at the time the attacks began and due to the ongoing strain, stress and anxiety, and the rocket explosions near the Ardstein home she suffered a miscarriage and lost the baby. In the wake of the miscarriage, Karen suffered from post-partum depression, damage to her immune system and has developed other medical complications. Brian was greatly traumatized by the rocket attacks and the loss of the baby. In addition, as a result of the rocket attacks and the collapse of tourism in Israel, Brian, a licensed tour guide, lost all of his work and had extreme difficulties supporting his family. The Ardsteins' minor children, plaintiffs M.A., N.A., A.C.A. and N.Y.A. all suffered emotional and psychological trauma from the Hezbollah Rocket Barrage. All of the children have been diagnosed with permanent and severe emotional disorders and are receiving on-going psychiatric treatment and therapy. As a result of the

Hezbollah Rocket Barrage, plaintiffs Brian Ardstein, Keren Ardstein, M.A., N.A., A.C.A. and N.Y.A. suffered severe physical, psychological, emotional and financial injuries.

51. On July 13, 2006, at approximately 7:00 p.m. a rocket fired by Hezbollah at Safed landed outside the home of plaintiffs Laurie Rapoport and her minor daughter M.R. in Safed. The powerful explosion blew M.R., who was playing outside on a wall, into the air. M.R. was hospitalized as a result of the explosion and suffered severe psychological trauma. Laurie was emotionally distraught over the injury sustained by her young daughter. As a result of this rocket attack plaintiffs Laurie Rapoport and M.R. suffered severe physical, psychological, emotional and financial injuries.

52. On July 19, 2006, the art gallery owned by plaintiffs Yair and Orna Mor in Safed was directly hit by a rocket fired by Hezbollah at Safed. The business was completely destroyed in the blast. The couple was extremely traumatized by the destruction of their family's business. As a result of this rocket attack plaintiffs Yair and Orna Mor suffered severe psychological, emotional and financial injuries.

53. In the summer of 2006, plaintiffs Theodore (Ted) Greenberg and Maurine Greenberg were the proprietors of a tourism business in Safed. The Hezbollah Rocket Barrage caused a complete halt in tourism in northern Israel for several months during the peak tourism season, which in turn caused the Greenbergs severe financial damage. As a result of the Hezbollah Rocket Barrage, plaintiffs Theodore (Ted) Greenberg and Maurine Greenberg suffered severe financial damages.

54. In the summer of 2006, plaintiffs Jacob Katzmacher and Deborah Chana Katzmacher were the proprietors of an art gallery in Safed (a business that caters almost exclusively to tourists). The Hezbollah Rocket Barrage caused a complete halt in tourism in

northern Israel for several months during the peak tourism season, which in turn caused the Katzmachers severe financial damage. As a result of the Hezbollah Rocket Barrage, plaintiffs Jacob Katzmacher and Deborah Chana Katzmacher suffered severe financial damages.

55. On July 13, 2008, a rocket fired by Hezbollah at Safed landed a few meters away from plaintiff Chaya Katzmacher causing her psychological and emotional damage. As a result of this rocket attack, Chaya Katzmacher suffered severe psychological, emotional and financial damage.

56. On August 11, 2006, at approximately 1:15 p.m., a rocket fired by Hezbollah at Safed landed directly on plaintiff Mikimi Steinberg's house in Safed, severely damaging the house and the possessions therein. As a result of this rocket attack, Mikimi Steinberg suffered severe financial damages.

57. In the summer of 2006, plaintiffs Jared Sauter and Danielle Sauter were the owners of a tourism business in the town of Rosh Pina in the Galilee. The Hezbollah Rocket Barrage caused a complete halt in tourism in northern Israel for several months during the peak tourism season, which in turn caused the Sauters severe financial damage. The Sauters' business collapsed and they was forced to relocate to a different city. As a result of the Hezbollah Rocket Barrage, Jared Sauter and Danielle Sauter suffered severe financial damages.

58. In the summer of 2006 plaintiff Myra Mandel was the owner of an art gallery in Safed. Rockets launched by Hezbollah damaged her art gallery. Additionally, the Hezbollah Rocket Barrage caused a complete halt in tourism in northern Israel for several months during the peak tourism season, which in turn caused Mandel severe financial damage. As a result of the Hezbollah Rocket Barrage, Myra Mandel suffered severe financial damages.

59. On July 13, 2006 a rocket fired by Hezbollah at Safed directly struck the home of plaintiffs Zion Mor and Revital Mor and injured their entire family. After the explosion, while fighting the smoke, fire and destruction, Zion hysterically rushed to save his family who were in the center of the house at the time. The family home was completely destroyed by the rocket's explosion. Due to the emotional trauma Zion has been severely impaired psychologically and emotionally and remains disabled. Zion is largely unable to work as he must spend his time caring for his wife and children. Zion's wife, plaintiff Revital Mor, was sprayed with rocket shrapnel and glass in her legs and she suffered deep tissue injuries and major scars. Revital has been diagnosed with severe psychological and emotional damage and has been declared mentally debilitated and must rely on anxiety medicines for her day-to-day existence. The couple's minor son, plaintiff A.N.M., was also hit with shrapnel throughout his body, most acutely in his head and back. One of the shrapnel fragments pierced A.N.M.'s appendix which required surgery to remove. A.N.M. remains scarred throughout his body as a result of the injuries he sustained in the rocket attack. Another child, plaintiff B.Z.M., was also sprayed with shrapnel throughout her body. The large and visible scars that riddle her body as a result of the injuries she sustained in the rocket attack will never be healed – most notably the significant scars near her nose, near her eyes, on her torso and on her lower back. Another child, plaintiff M.M., suffered severe head trauma caused by large shrapnel fragments that pierced her head. M.M. was also severely injured in the belly area. The young girl was rushed to the hospital while on life support and was administered life-saving emergency surgery. M.M. remains scarred throughout her body as a result of the injuries she sustained in the rocket attack and suffers from severe headaches and severe psychological and emotional trauma that manifest themselves in acute restlessness, inability to concentrate, scattered thoughts and activities, severe attention deficit, and non-stop

tics in her hands. The Mors' youngest child, plaintiff C.I.M. was also sprayed with shrapnel, most acutely in her head and legs. As a result of this rocket attack Zion Mor, Revital Mor, A.N.M., B.Z.M., M.M. and C.I.M. suffered severe physical, psychological, emotional and financial injuries.

60. On July 13, 2006 at approximately 7:30 am, a rocket fired by Hezbollah at the Israeli city of Nahariya directly struck plaintiff David Ochayon's apartment building. Ochayon was in his home at the time of the powerful explosion and was struck with shrapnel and debris. In addition, he was badly traumatized from the blast and is still being treated for emotional disorders. As a result of this rocket attack David Ochayon suffered severe physical, psychological, emotional and financial injuries.

61. On July 13, 2006 at approximately 2:00 p.m. a rocket fired by Hezbollah at Safed directly hit the business owned by plaintiff Yaakov Maimon and collapsed the building on him. The force of the blast seriously physically injured and traumatized Yaakov Maimon. His business was badly damaged as well. As a result of this rocket attack Yaakov Maimon suffered severe physical, psychological, emotional and financial injuries.

62. On July 12, 2006 at approximately 2:30 p.m. a rocket a rocket fired by Hezbollah at Safed struck the workplace of plaintiff Mimi Biton and collapsed the building on her. Biton was struck by shrapnel from the explosion and was badly traumatized by the blast and she experiences long-term psychological disorders. As a result of this rocket attack Mimi Biton suffered severe physical, psychological, emotional and financial injuries.

63. On July 29, 2006 a rocket a rocket fired by Hezbollah at the Israeli town of Kiryat Motzkin near Haifa landed next to plaintiff Tzvi Hirsh as he was making his way to a bomb shelter near his home. Hirsh was hit with shrapnel from the explosion and was badly injured. In

addition, he experienced severe trauma. The injuries Hirsh sustained caused him to be permanently confined to a wheelchair. As a result of this rocket attack Tzvi Hirsh suffered severe physical, psychological, emotional and financial injuries.

64. On July 26, 2006 at approximately 9:30 am a rocket fired by Hezbollah at the Israeli town of Kiryat Yam near Haifa landed next to plaintiff Arkady Graipel as he traveled to work. Arkadi was struck by shrapnel from the explosion. In addition he was badly traumatized from the blast. As a result of this rocket attack Arkady Graipel suffered severe physical, psychological, emotional and financial injuries.

65. On July 13, 2006 at approximately 3:45 p.m. a rocket fired by Hezbollah at Safed landed outside the home of plaintiff Tatiana Kremer. Kremer was struck by shrapnel from the explosion. In addition, she was badly traumatized from the blast and is still being treated for psychological disorders. As a result of this rocket attack Taitana Kremer suffered severe physical, psychological, emotional and financial injuries.

66. On August 3, 2006 a rocket fired by Hezbollah at the Israeli city of Acre, north of Haifa, slammed into the work place of plaintiff Yosef Zarona. Zarona was struck by shrapnel from the explosion which left him unable to walk without painful effort. In addition, he was badly traumatized from the blast and is still being treated with medication. He has had to stop working on account of his numerous injuries. As a result of this rocket attack Yosef Zarona suffered severe physical, psychological, emotional and financial injuries.

67. On July 28, 2006 a rocket fired by Hezbollah at Kibbutz Amir in Israel's Hula Valley struck the home of plaintiff Tal Shani. Shani was struck with shrapnel and debris from the powerful blast and suffered severe head wounds. In addition, she was badly traumatized from the

blast and she sustained long term psychological disorders. As a result of this rocket attack Tal Shani suffered severe physical, psychological, emotional and financial injuries.

68. On August 13, 2006 a rocket fired by Hezbollah at Haifa directly struck the home of Shlomo Cohen, as well as his car. The powerful blast severely injured his ears and badly traumatized him. Medical experts are unable to provide treatment for his hearing difficulties. As a result of this rocket attack Shlomo Cohen suffered severe physical, psychological, emotional and financial injuries.

69. On August 11, 2006 a rocket fired by Hezbollah at Kiryat Bialik, near Haifa, directly struck the home of a business associate of Nitzan Goldenberg, while Goldenberg was visiting. Goldenberg was injured by shrapnel and permanently handicapped. One of his hands is paralyzed and does not function. Goldenberg had trained as a chef and was preparing to open his own restaurant at the time of the rocket attack. Because of the serious damage to his hand he is today unable to work in his chosen profession as a chef. As a result of this rocket attack Nitzan Goldenberg suffered severe physical, psychological, emotional and financial injuries.

70. On August 4, 2006 a rocket fired by Hezbollah at M'rar village in the Upper Galilee struck the house of plaintiff Shadi Salman Azzam. Shrapnel from the rocket flew into his house and killed his wife, Manal Camal Azzam, who was 28 at the time of her death, and severely wounded the couple's minor children, plaintiffs K.S.A. and A.S.A.. The murder of Manal Camal Azzam caused decedent and her estate severe harm, including conscious pain and suffering and pecuniary loss.

71. Plaintiff Shadi Salman Azzam saw his wife torn to pieces and his children maimed by the rocket blast, and as a result he has suffered severe psychological harm and has been forced to seek professional mental health care. Before his wife's death plaintiff Shadi

Salman Azzam worked as a builder and made a good salary on which he was able to support his family, but after the attack he stopped working for 4 months and to this day is unable to work the same hours he used to – a fact that has hurt his family’s income. In addition, plaintiff Shadi Salman Azzam is now responsible for assuming the duties that his wife previously fulfilled as a mother. As a result of this rocket attack decedent Manal Camal Azzam was murdered and plaintiff Shadi Salman Azzam suffered severe psychological, emotional and financial injuries.

72. Plaintiff K.S.A., minor, is the daughter of plaintiff Shadi Salman Azzam and decedent Manal Camal Azzam. Plaintiff K.S.A. suffered severe physical injuries in the same rocket attack that killed her mother. As a result of her own injuries and watching the gruesome death of her mother in their family home, and seeing the maiming of her brother, she suffers from severe psychological and emotional trauma and is undergoing continuous psychological treatment. As a result of this rocket attack plaintiff K.S.A. suffered severe physical, psychological and emotional injuries.

73. Plaintiff A.S.A., minor, is the four year-old son of plaintiff Shadi Salman Azzam and decedent Manal Camal Azzam. Plaintiff A.S.A. suffered physical shrapnel wounds in the same attack that severely injured his sister and killed his mother. As a result of his own injuries and watching the gruesome death of his mother in their family home, and seeing the maiming of his sister, he suffers from severe psychological and emotional trauma and is undergoing continuous psychological treatment. As a result of this rocket attack plaintiff A.S.A. suffered severe physical, psychological and emotional injuries.

74. Plaintiff Adina Machasan Dagesh, 53, is a relative of the Azzam family, and was present in their home at the time of the August 4, 2006 rocket attack. Due to the shock, fear and trauma that she suffered, she is now undergoing continuous psychological treatment to deal with

the manifestations of severe psychological and emotional trauma. As a result of this rocket attack, Adina Dagesh suffered severe psychological and emotional injuries.

75. On August 5, 2006 a rocket fired by Hezbollah at the village of Arb El-Aramshe, near the Israeli-Lebanese border, landed near the home of the Juma'a family. The rocket killed Fadya Juma'a, along with her daughters Samira Juma'a and Sultana Juma'a. The murder of Fadya Juma'a, Samira Juma'a and Sultana Juma'a caused decedents and their estates severe harm, including conscious pain and suffering and pecuniary loss.

76. Plaintiff Miriam Juma'a, aged 88, is the mother of decedent Fadya Juma'a and the grandmother of decedents Samira Juma'a and Sultana Juma'a. Miriam Juma'a suffered severe emotional harm as a result of the death of her daughter and granddaughters, as well as a substantial loss of support. Miriam was very much attached to her daughter, and dependent on her for care. This rocket attack caused Miriam Juma'a severe psychological and emotional injuries.

77. Plaintiffs Salah Juma'a, Said Juma'a, Abdel Rahman Juma'a and Rahma Abu-Shahin are the siblings of decedent Fadya Juma'a. The death of their beloved sister caused them severe emotional harm and distress. As a result of this rocket attack and the death of their sister, Salah Juma'a, Said Juma'a, Abdel Rahman Juma'a and Rahma Abu-Shahin suffered severe psychological and emotional injuries.

78. Plaintiff Abedel Gahni is the husband of decedent Sultana Juma'a. As a result of the death of his wife and the mother of his children, plaintiff Abedel Gahni has suffered terrible psychological and emotional trauma and distress, and financial loss. As a result of this rocket attack and the death of his wife Abedel Gahni suffered severe psychological, emotional and financial injuries.

79. On July 25, 2006 and August 4, 2006, rockets fired by Hezbollah at Kfar Maghar in the Galilee landed near plaintiffs Adham Mahane Tarrabashi, Emillia Salman Aslan and Jihan Kamud Aslan. They experienced extreme trauma from the explosions and are undergoing treatment for psychological disorders. As a result of this rocket attack Adham Mahane Tarrabashi, Emillia Salman Aslan and Jihan Kamud Aslan suffered severe psychological and emotional injuries.

80. On July 25, 2006 a rocket fired by Hezbollah at Kfar Maghar struck the workplace of plaintiff Zohara Louie Sa'ad. She was psychologically and emotionally traumatized by the blast. As a result of this rocket attack Zohara Louie Sa'ad suffered severe psychological, emotional and financial injuries.

81. On July 25, 2006 a rocket fired by Hezbollah at Kfar Maghar hit the home of plaintiff Ziad Shchiv Ghanam and his wife plaintiff Gourov Tisir Ghanam. The blast caused Ziad severe physical injuries. Plaintiff Gourov Tisir Ghanam and the couple's minor son, plaintiff I.Z.G., who were also in the home, suffered severe psychological trauma as a result of the attack. As a result of this rocket attack Ziad Shchiv Ghanam suffered severe physical, psychological, emotional and financial injuries and plaintiffs Gourov Tisir Ghanam and I.Z.G. suffered severe psychological and emotional injuries.

82. On August 8, 2006 a rocket fired by Hezbollah at Haifa landed next to plaintiff Rina Dahan as she was making her way to a bomb shelter. Rina was injured in both her legs and she is still in need of medical treatments, including pain-relieving shots. Rina's ability to walk is limited, especially climbing stairs. Rina Dahan's quality of life was severely damaged by her injuries and she is now disabled and dependent on medical care and third party assistance. In

addition she was badly emotionally traumatized by the blast. As a result of this rocket attack Rina Dahan suffered severe physical, psychological, emotional and financial injuries.

83. On August 3, 2006 at approximately 16:15 p.m., a rocket fired by Hezbollah at Acre struck outside the car of plaintiff Raphael Weiss. Weiss sustained shrapnel injury in his head and was rushed to the operating room. As a result of his injury, Weiss has been turned from a healthy active man to a disabled patient confined to a wheelchair, requiring regular medical treatments and a permanent assistance. As a result of this injury, Weiss suffered a CVA on the left part of his brain, and became epileptic. In addition to his physical injuries Weiss was badly emotionally traumatized by the blast. As a result of this rocket attack Raphael Weiss suffered severe physical, psychological, emotional and financial injuries.

84. On July 16, 2006, in the morning hours, a rocket fired by Hezbollah at Kiryat Yam struck next to the bomb shelter where plaintiff Agat Klein was seeking refuge. As a result of the powerful blast, Agat Klein suffered serious psychological and emotional damage. She was evacuated to Carmel Hospital in Haifa. Agat Klein continues to suffer from psychological disorders and anxiety attacks. She still has not regained her ability function properly to this day, has trouble functioning and has had to resign from her job. As a result of this rocket attack Agat Klein suffered severe psychological, emotional and financial injuries.

85. On July 25, 2006, at approximately 1:55 a.m., a rocket fired by Hezbollah at Haifa landed near plaintiff Tatiana Kovleyov. As a result of the blast, Kovleyov was sprayed with shrapnel in all parts of her body. Her ability to walk has been severely impaired, her left hand does not work, her body is still riddled with shrapnel and she requires ongoing physiotherapeutic care. In addition, Kovleyov has been severely impaired psychologically and emotionally. She suffers depression and sleep impairment among other ailments, for which she

requires ongoing psychiatric care. Kovleyov is unable to work, due to the heavy physical and psychological injuries she maintains. As a result of this rocket attack Tatiana Kovleyov suffered severe physical, psychological, emotional and financial injuries.

86. On July 25, 2006, a rocket fired by Hezbollah at Haifa landed next to plaintiff Valentina Demesh as she was walking down the street. Demesh was sprayed with shrapnel and is suffering from functional disability in her hands and legs. In addition, Valentina has suffered psychological and emotional damage. She suffers from nightmares and other emotional disorders for which she requires ongoing psychiatric care. Demesh has been unable to return to work as a result of her medical condition. As a result of this rocket attack Valentina Demesh suffered severe physical, psychological, emotional and financial injuries.

87. On August 11, 2006, at approximately 4:00 p.m., a rocket fired by Hezbollah at the town of Kiryat Shemona in the Galilee Panhandle directly struck the home of plaintiff Rivka Epon. Epon was in the house at the time of the explosion and she was hit in the face with shrapnel. The blast broke her nose and jaw and knocked three of her teeth from her mouth. She continues to suffer from dizziness, an inability to concentrate, headaches, severe ringing in her ears and significant pain in the spot where a two centimeter piece of rocket shrapnel is still lodged in her body. Rivka suffers from severe psychological and emotional damage and is unable to be alone. She requires continuous psychiatric care. As a result of this rocket attack Rivka Epon suffered severe physical, psychological, emotional and financial injuries.

88. In the afternoon hours of July 28, 2006, a rocket fired by Hezbollah at Acre landed outside the home of plaintiff Joseph Maria. As a result of the powerful explosion Maria suffered a severe stroke and half his body remains paralyzed. His speech is confused and unintelligible, he requires continuous medical and nursing care 24 hours a day. Maria was also

badly traumatized by the blast and suffers from psychological and emotional damage. As a result of this rocket attack Joseph Maria suffered severe physical, psychological, emotional and financial injuries.

89. On August 13, 2006, at approximately 10 p.m., a rocket fired by Hezbollah at Nahariya exploded outside a bus being operated by plaintiff Immanuel Penker. The powerful blast wounded Penker throughout his body including his right hand. Since the attack Penker has undergone surgery several times on his hand, left leg and left eye. In addition he has required skin grafts and restructuring. Penker needs medical care as well as occupational therapy due to his injuries and the extensive series of operations he has endured. In addition, he has been badly traumatized by the rocket blast. Since the attack Penker has been unable to work. As a result of this rocket attack Immanuel Penker suffered severe physical, psychological, emotional and financial injuries.

90. On July 17, 2006, at approximately 1:10 p.m., a rocket fired by Hezbollah at Safed directly struck the home of Esther Pinto. Pinto was in her home at the time. The powerful explosion injured Pinto in both legs, and she was required to undergo surgery. Her walking remains impaired and she requires regular medical care. Pinto was badly traumatized from the blast and suffers from psychological and emotional damage. As a result of the rocket attack Esther Pinto suffered severe physical, psychological, emotional and financial injuries.

91. On July 25, 2006 a rocket fired by Hezbollah at the Israeli village of Ma'ar exploded in the yard of the home of plaintiffs Fuad and Suha Shchiv Ghanam. Fuad suffered severe rocket shrapnel injuries throughout his body. He was also badly traumatized by the blast. Fuad's wife, Suha, suffered rocket shrapnel injuries throughout her body and suffers from severe psychological and emotional trauma. She requires continuous psychiatric care since the attack.

The couple's young son plaintiff R.G.G. was also injured in the explosion. R.G.G. suffered rocket shrapnel wounds throughout his body. In addition, R.G.G. suffers from psychological and emotional trauma due to the attack. As a result of this rocket attack Fuad and Suha Shchiv Ghanam and R.G.G. suffered severe physical, psychological, emotional and financial injuries.

92. On July 14, 2006, a rocket fired by Hezbollah at Safed landed next to plaintiff Yaakov Abutbul as he was leaving his shift at the hospital where he was employed. Abutbul was wounded with shrapnel in his legs, his back and his chest. He subsequently required surgery three times. In addition, he was traumatized by the explosion. As a result of this rocket attack Yaakov Abutbul suffered severe physical, psychological, emotional and financial injuries.

93. On July 22, 2006, a rocket fired by Hezbollah at Nahariya landed in close proximity to plaintiff Arkady Spektor. Spektor was sprayed with shrapnel in his right thigh, left shoulder and left lung, and was hospitalized. As a result of this rocket attack, Arkady Spektor suffered severe physical, psychological and emotional injuries.

94. On July 28, 2006, a rocket fired by Hezbollah at Nahariya landed about forty meters from plaintiff Yori Zovrev as he was running to a bomb shelter near his home. As a result, he broke his left ankle (compound fracture) and was hospitalized. As a result of this injury, he has suffered severe, constant pain through the present. In addition, he suffers from severe anxiety, manifesting itself in the form of insomnia and inability to rest. As a result of this rocket attack, Zovrev has suffered severe physical and psychological and emotional injuries.

95. On July 13, 2006, alarms sounded in response to rockets fired by Hezbollah at Safed, and, while running to the bomb shelter, plaintiff Y.L. stumbled and fell on his stomach and suffered an injury requiring that his spleen be immediately removed. On July 20, 2006 while still hospitalized in Safed from the spleen operation, another rocket fired by Hezbollah at Safed

landed directly on the hospital in which Y.L. was being treated, very close to the room in which he was hospitalized. Y.L. received shrapnel and glass shard wounds to his entire body, especially to his left foot and hand, his head, his back and his eyes. Y.L. suffered a fracture in his skull that cannot heal, and bulging scars in his limbs, back, and head. In addition, Y.L. suffered severe emotional injuries. While previously a healthy and active boy, Y.L. is now dependant on psychiatric treatment and medications. Y.L.'s condition has not improved. Even today, as a teenager, he sleeps in his parents' bed. As a result of these rocket attacks, Y.L. suffered severe physical, psychological, emotional and financial injuries.

96. On July 21, 2006, a rocket fired by Hezbollah at Safed landed on the hospital where plaintiff Elihav Licci was attending to his son Y.L.. Elihav Licci was injured by the rocket, and suffered shrapnel wounds and glass shards embedded in his right hand and in his left foot. Some of these shards could not be removed and are still in Elihav's body. Elihav Licci also experienced psychological injuries (severe PTSD) as a result of the rocket attack. As a result of this rocket attack, Elihav Licci suffered severe physical, psychological, emotional and financial injuries.

97. On July 13 2006, a rocket fired by Hezbollah landed on a dairy owned by plaintiffs Elihav and Yehudit Licci near Safed, paralyzing the dairy's activity. On July 20, 2006, another rocket fired by Hezbollah landed on the Licci's dairy and destroyed it. The dairy had until that time generated approximately \$90,000 in monthly revenue. As a result of these rocket attacks, plaintiffs Elihav and Yehudit Licci suffered severe financial damages.

98. On July 19, 2006 a rocket fired by Hezbollah at the town of Carmiel in the Northern Galilee struck the home of plaintiffs Rochelle Shalmani and Oz Shalmani, partly destroying it. The family could not live in the house in Carmiel due to the damage and the danger

of ongoing rocket attacks, and spent several weeks crowded into a small Tel Aviv apartment with twelve other people. The Shalmanis lost significant work time due to the attack. As result of this rocket attack Rochelle Shalmani and Oz Shalmani suffered severe financial injuries.

99. On August 2, 2006, David Martin Lelchook, a 52-year old American citizen, was riding his bicycle from the fields of Kibbutz Saar, where he worked, toward his home on the kibbutz when a rocket launched by Hezbollah struck him.

100. David Martin Lelchook was mortally injured by shrapnel from the initial blast and died thereafter.

101. David Martin Lelchook is survived by his wife, plaintiff Ester Lelchook, his two daughters, plaintiffs Michal Lelchook and Yael Lelchook, his brother, plaintiff Alexander Lelchook, and his mother, plaintiff Doris Lelchook.

102. The murder of David Martin Lelchook caused the decedent and his estate severe harm, including conscious pain and suffering, and pecuniary loss.

103. The murder of David Martin Lelchook caused plaintiffs Ester Lelchook, Michal Lelchook, Yael Lelchook, Alexander Lelchook and Doris Lelchook severe and permanent psychological, emotional and financial injuries and harm.

E. **The Murder of the Decedents and the Harm to the Plaintiffs Are the Result of Al Jazeera's Conduct**

104. Hezbollah carried out the Hezbollah Rocket Barrage, thereby murdering the decedents and causing the injuries and harm suffered by the plaintiffs herein.

105. By providing Hezbollah real-time information about the precise impact locations of the rockets fired by Hezbollah, Al Jazeera substantially increased and facilitated Hezbollah's ability to aim its rockets accurately at civilian areas.

106. Plaintiffs have no means of ascertaining with 100% certainty that Hezbollah's intelligence apparatus actually monitored and made use of Al Jazeera's broadcasts of the rocket landing sites during the Hezbollah Rocket Barrage in order to aim its rockets. However, plaintiffs have been informed by Col. (Ret.) Ofer Sa'ad, a former career officer in Israeli Military Intelligence who was on active duty during the Hezbollah Rocket Barrage and has extensive knowledge of the relevant facts, that in his professional estimation there is an extremely high likelihood, approaching absolute certainty, that Hezbollah's intelligence apparatus monitored and made use of Al Jazeera's broadcasts of the rocket landing sites during the Hezbollah Rocket Barrage in order to aim its rockets. Plaintiffs adopt this estimation and allege that there is an extremely high likelihood, approaching absolute certainty, that Hezbollah's intelligence apparatus monitored and made use of Al Jazeera's broadcasts of the rocket landing sites during the Hezbollah Rocket Barrage in order to aim its rockets.

107. But for Al Jazeera's provision to Hezbollah of real-time information about the precise impact locations of the rockets fired by Hezbollah, the ability of Hezbollah to accurately aim the rockets it fired during the Hezbollah Rocket Barrage at civilian areas, including the rockets that injured the plaintiffs and murdered their decedents, would have been very limited.

108. Hezbollah's ability to accurately aim the rockets that injured the plaintiffs and murdered their decedents was therefore enabled, facilitated and proximately caused by the conduct of defendant Al Jazeera described herein.

109. As a matter of fact and of law, "[f]oreign organizations that engage in terrorist activity [such as Hezbollah] are so tainted by their criminal conduct that *any contribution to such an organization* facilitates that conduct." *Holder v. Humanitarian Law Project*, 130 S.Ct. 2705, 2724 (2010) (emphasis in the original).

110. As a matter of fact and of law, “[g]iven the purposes, organizational structure, and clandestine nature of foreign terrorist organizations [such as Hezbollah] it is highly likely that any material support to these organizations will ultimately inure to the benefit of their criminal, terrorist functions.” *Holder*, 130 S.Ct. at 2727.

111. As a matter of fact and of law, “providing material support to a designated foreign terrorist organization [such as Hezbollah] – even seemingly benign support – bolsters the terrorist activities of that organization.” *Holder*, 130 S.Ct. at 2728.

112. The murder of the decedents and plaintiffs’ injuries and harm are therefore the direct and proximate result of Al Jazeera’s conduct.

113. Al Jazeera gave substantial aid and assistance to Hezbollah, and thereby aided and abetted Hezbollah, with the specific intention of causing and facilitating the commission of acts of extrajudicial killing and international terrorism by Hezbollah, including the Hezbollah Rocket Barrage. Al Jazeera did so with actual knowledge that Hezbollah had killed and injured numerous U.S. and other civilians in terrorist attacks and with the knowledge and specific intent that additional U.S. and other innocent civilians would be killed and/or injured as a result of its aiding, abetting and provision of material support and resources to the Hezbollah.

114. Al Jazeera knowingly and willingly conspired, agreed and acted in concert with Hezbollah, to cause and facilitate the commission of acts of extrajudicial killing and international terrorism including Hezbollah Rocket Barrage. Al Jazeera did so with actual knowledge that Hezbollah had killed and injured numerous U.S. and other civilians in terrorist attacks and with the knowledge and specific intent that additional U.S. and other innocent civilians would be killed and/or injured as a result of its conspiracy with Hezbollah.

115. Al Jazeera ordered, directed, authorized, ratified and approved the acts of its officers, employees and agents in recording, transmitting and broadcasting real-time information about the precise impact locations of the rockets fired by Hezbollah. Accordingly, Al Jazeera is vicariously liable for these acts of its officers, employees and agents.

**FIRST CLAIM FOR RELIEF
ON BEHALF OF THE AMERICAN PLAINTIFFS
ACTION FOR INTERNATIONAL TERRORISM PURSUANT TO 18 U.S.C. § 2333(a)**

116. The allegations set forth in the preceding paragraphs are incorporated by reference as though fully set forth herein.

117. The actions of defendant Al Jazeera described herein constituted “acts of international terrorism” as defined in 18 U.S.C. § 2331.

118. As required by § 2331, the actions of defendant Al Jazeera described herein constituted “a violation of the criminal laws of the United States ... or ... would be a criminal violation if committed within the jurisdiction of the United States” since the actions of defendant Al Jazeera described herein violated, or would have violated if committed within the United States, the provisions of 18 U.S.C. § 2339A , which criminalize the provision of material support and resources to terrorist organizations and/or for terrorist activities.

119. Additionally, the actions of defendant Al Jazeera described herein constituted “a violation of the criminal laws of the United States ... or ... would be a criminal violation if committed within the jurisdiction of the United States” since the actions of defendant Al Jazeera described herein violated, or would have violated if committed within the United States, the provisions of the International Emergency Economic Powers Act, 50 U.S.C. §§ 1701 *et seq.* (“IEEPA”), Executive Order 12947 and 31 C.F.R. § 595.204, which prohibit “the making ... of any contribution of ... goods, or services to or for the benefit of” an SDT. 31 C.F.R. § 595.204

120. Additionally, the actions of defendant Al Jazeera described herein constituted “a violation of the criminal laws of the United States ... or ... would be a criminal violation if committed within the jurisdiction of the United States” since the actions of defendant Al Jazeera described herein violated, or would have violated if committed within the United States, the provisions of IEEPA, the United Nations Participation Act (22 U.S.C. § 287c), Executive Order 13224 and 31 C.F.R. § 594.204, which prohibit “the making ... of any contribution of ... goods, or services to or for the benefit of” an SDGT. 31 C.F.R. § 594.204

121. Additionally, the actions of defendant Al Jazeera described herein constituted “a violation of the criminal laws of ... of any State, or ... would be a criminal violation if committed within the jurisdiction of ... any State,” since the actions of defendant Al Jazeera described herein would have violated, if committed in New Jersey, the provisions of § 2C:38-5(b) of the New Jersey Statutes, which criminalizes the provision of “material support or resources” either (1) “with the purpose or knowledge that such material support or resources will be used, in whole or in part, to aid, plan, prepare or carry out an act of terrorism” or (2) to “an organization that is designated as a foreign terrorist organization by the United States Secretary of State pursuant to 8 U.S.C. s.1189.” N.J.S. § 2C:38-5(b)(1)-(2).

122. Additionally, the actions of defendant Al Jazeera described herein constituted “a violation of the criminal laws of ... of any State, or ... would be a criminal violation if committed within the jurisdiction of ... any State,” since the actions of defendant Al Jazeera described herein would have violated, if committed in Ohio, the provisions of § 2909.22(A) of Ohio’s Revised Code, which criminalizes “Support of Terrorism” and provides that: “No person shall ... provide any material support or resources, with purpose that the material support or

resources will be used in whole or in part to plan, prepare, carry out, or aid in ... an act of terrorism.” O.R.C. § 2909.22.

123. Additionally, the actions of defendant Al Jazeera described herein constituted “a violation of the criminal laws of ... of any State, or ... would be a criminal violation if committed within the jurisdiction of ... any State,” since the actions of defendant Al Jazeera described herein would have violated, if committed in Vermont, the provisions of § 1025 of Title 13 of the Vermont Statutes, which criminalizes conduct that places or may place another person in danger of death or serious bodily injury.

124. As required by § 2331, the actions of defendant Al Jazeera were dangerous to human life by their nature and as evidenced by their consequences. At least 43 civilians were murdered by the Hezbollah Rocket Barrage, which was caused and facilitated by the actions of defendant Al Jazeera.

125. As required by § 2331(1)(B) the actions of defendant Al Jazeera were “intended ... to intimidate or coerce a civilian population [or] to influence the policy of a government by intimidation or coercion,” in that Al Jazeera provided Hezbollah with real-time information about the impact locations of the rockets fired by Hezbollah with the specific intent and purpose of facilitating, enabling and causing Hezbollah to carry out acts of violence against targets in Israel, including civilian targets, in order to (a) intimidate and influence the Israeli government and public and thereby weaken, harm, undermine and bring about the eventual eradication of the State of Israel and (b) intimidate and influence the United States government and public and thereby weaken, harm and undermine the United States militarily, economically and politically.

126. As required by § 2331, the actions of defendant Al Jazeera transcended national boundaries in terms of the means by which they were accomplished and the persons they appeared intended to intimidate or coerce.

127. The actions of defendant Al Jazeera described herein therefore constitute “acts of international terrorism” as defined in 18 U.S.C. §§ 2331 and 2333(a).

128. The American Plaintiffs and decedent David Martin Lelchook suffered severe physical, psychological, emotional and financial injuries as a result of the Hezbollah Rocket Barrage, including: death; conscious pain and suffering prior to death; disfigurement; loss of physical and mental functions; extreme pain and suffering; loss of guidance, companionship and society; loss of consortium; severe emotional distress and mental anguish; loss of solatium; and pecuniary and financial loss, including loss of income.

129. As a direct and proximate result of the actions of defendant Al Jazeera the American Plaintiffs and decedent David Martin Lelchook suffered the injuries and harm described herein.

130. Defendant Al Jazeera is therefore liable for all of the damages due to the American Plaintiffs and to the estate of decedent David Martin Lelchook in such sums as may hereinafter be determined, to be trebled pursuant to 18 U.S.C. § 2333(a).

**SECOND CLAIM FOR RELIEF
ON BEHALF OF THE AMERICAN PLAINTIFFS
AIDING AND ABETTING INTERNATIONAL TERRORISM
PURSUANT TO 18 U.S.C. § 2333(a)**

131. The allegations set forth in the preceding paragraphs are incorporated by reference as though fully set forth herein.

132. Since its founding and until July 12, 2006 (and until the present day) Hezbollah is and was a radical Islamic terrorist organization that views the State of Israel and the United States as its enemies.

133. Since its founding and until July 12, 2006 (and until the present day), Hezbollah has used terrorism against American and Israeli targets in an effort to coerce, intimidate and influence the American and Israeli government and public, and thereby weaken and undermine the United States and Israel and bring about the ultimate destruction of the State of Israel

134. Hezbollah's actions described herein are and were dangerous to human life and constituted a violation of the criminal laws of the United States, since Hezbollah is a violent terrorist organization that, since its establishment has murdered hundreds of innocent civilians, and openly proclaims its intention to murder other such innocent civilians.

135. Hezbollah's actions described herein transcended national boundaries in terms of the means by which they were accomplished, the persons they appeared intended to intimidate or coerce, and the locales in which Hezbollah operates.

136. The actions of Hezbollah described herein therefore constituted "acts of international terrorism" as defined in 18 U.S.C. §§ 2331 and 2333(a).

137. Al Jazeera knowingly and intentionally provided Hezbollah with real-time information regarding the impact location of the rockets fired by Hezbollah, with the specific purpose and intent of enabling and assisting Hezbollah to aim its rockets more accurately and thereby cause greater and more extensive harm to targets in Israel, including civilian targets.

138. The actions of Al Jazeera therefore constituted aiding and abetting Hezbollah's "acts of international terrorism" within the meaning of 18 U.S.C. §§ 2331 and 2333(a).

139. As a direct and proximate result of the actions of Al Jazeera the American Plaintiffs and decedent David Martin Lelchook suffered the injuries and harm described herein.

140. Defendant Al Jazeera is therefore liable for all of the damages due to the American Plaintiffs and to the estate of decedent David Martin Lelchook in such sums as may hereinafter be determined, to be trebled pursuant to 18 U.S.C. § 2333(a).

**THIRD CLAIM FOR RELIEF
ON BEHALF OF THE NON-AMERICAN PLAINTIFFS
AND PLAINTIFF ESTER LELCHOOK
AIDING AND ABETTING WAR CRIMES**

141. The allegations set forth in the preceding paragraphs are incorporated by reference as though fully set forth herein.

142. Between July 12 and August 14, 2006, armed Hezbollah personnel and Israeli military forces engaged in an extensive military conflict, in Israel and in Lebanon, which involved infantry, tanks, artillery, missiles and rockets, and naval and air forces. This conflict was an “armed conflict” within the meaning of customary international law, and the parties to the conflict were bound by the rules of armed conflict under customary international law.

143. Hezbollah carried out the Hezbollah Rocket Barrage, which was aimed almost entirely at civilians in Israel, as an integral part of the armed conflict between Hezbollah and Israel between July 12 and August 14, 2006, which was intended by Hezbollah to disrupt civilian life in Israel and demoralize the Israeli civilian population, and thereby advance Hezbollah’s military campaign against Israeli armed forces.

144. Hezbollah’s firing of rockets at civilians in Israel as part of the armed conflict with Israel was a breach of the rules of armed conflict under customary international law and a war crime and thus a violation of the law of nations within the meaning of 28 U.S.C. § 1350.

145. Al Jazeera knowingly and intentionally provided Hezbollah with real-time information regarding the impact location of the rockets fired by Hezbollah, with the specific purpose and intent of enabling and assisting Hezbollah to aim its rockets more accurately and thereby cause greater and more extensive harm to targets in Israel, including civilian targets.

146. The actions of Al Jazeera therefore constituted aiding and abetting Hezbollah's war crimes and violations of the law of nations within the meaning of 28 U.S.C. § 1350.

147. As a direct and proximate result of the actions of Al Jazeera, the Non-American Plaintiffs and their decedents, and plaintiff Ester Lelchook, suffered severe injuries and harm including: death; disfigurement; loss of physical and mental functions; extreme pain and suffering; loss of guidance, companionship and society; loss of consortium; severe emotional distress and mental anguish; loss of solatium; and pecuniary and financial loss, including loss of income.

148. Defendant Al Jazeera is therefore liable for all of the damages due to the Non-American Plaintiffs, to the estates of their decedents and to plaintiff Ester Lelchook in such sums as may hereinafter be determined

149. The conduct of defendant Al Jazeera was criminal, dangerous to human life, outrageous, extreme, wanton, willful, malicious, and constitutes a threat to the public warranting an award of punitive damages.

**FOURTH CLAIM FOR RELIEF
ON BEHALF OF ALL MINOR PLAINTIFFS
NEGLIGENCE
(Under the Law of the State of Israel)**

150. The allegations set forth in the preceding paragraphs are incorporated by reference as though fully set forth herein.

151. Pursuant to Fed.R.Civ.P. 44.1, the minor plaintiffs hereby give notice of their intention to rely on the law of the State of Israel.

152. Causes of action in tort in Israeli law are codified in the *Civil Wrongs Ordinance (New Version)* - 1968, (hereinafter “CWO”).

153. The CWO provides that any person injured or harmed by the civil wrongs (i.e. torts) enumerated in the CWO is entitled to relief from the person liable or responsible for the wrong.

154. CWO § 35 creates a tort of Negligence.

155. Under binding precedent of the Israeli Supreme Court, the tort of Negligence also includes intentional and/or reckless conduct.

156. CWO § 35 provides that a person is liable for the tort of Negligence when he commits an act which a reasonable and prudent person would not have committed under the same circumstances; or refrains from committing an act which a reasonable and prudent person would have committed under the same circumstances; or, in the performance of his occupation, does not use the skill or exercise the degree of caution which a reasonable person qualified to act in that occupation would have used or exercised under the same circumstances, and thereby causes damage to another person toward whom, under those circumstances he is obligated not to act as he did.

157. CWO § 36 provides that the obligation stated in the last sentence of § 35 is toward all persons, to the extent that a reasonable person would have under the same circumstances foreseen that, in the ordinary course of events, they were liable to be injured by the act or omission.

158. By providing Hezbollah with real-time information regarding the impact locations of the rockets fired by Hezbollah, defendant Al Jazeera performed acts which a reasonable and prudent person would not have committed under the same circumstances, within the meaning of the CWO.

159. Defendant Al Jazeera did not, in the performance of its occupation, use the skill or exercise the degree of caution which a reasonable person qualified to act in that occupation would have used or exercised under the same circumstances, within the meaning of the CWO, in that defendant Al Jazeera provided Hezbollah with real-time information regarding the impact locations of the rockets fired by Hezbollah.

160. Defendant Al Jazeera acted negligently in connection with the minor plaintiffs, toward whom, in the circumstances described herein, defendant Al Jazeera had an obligation not to act as it did. Defendant Al Jazeera were obligated not to act as it did because a reasonable person would, under the same circumstances, have foreseen that, in the ordinary course of events, persons such as the minor plaintiffs were liable to be harmed and their decedents murdered by the acts of defendant Al Jazeera described herein.

161. The behavior of defendant Al Jazeera constitutes Negligence under the CWO, and that negligent behavior was the proximate cause of the minor plaintiffs' harm, described above.

162. Defendant Al Jazeera is therefore liable for the full amount of compensatory damages due to the minor plaintiffs.

163. Under Israeli case law a person harmed by an act of Negligence caused by intentional conduct is entitled to punitive damages.

164. The conduct of defendant Al Jazeera was intentional and malicious, and so warrants an award of punitive damages under Israeli law.

**FIFTH CLAIM FOR RELIEF
ON BEHALF OF ALL MINOR PLAINTIFFS
VICARIOUS LIABILITY
(Under the Law of the State of Israel)**

165. The allegations set forth in the preceding paragraphs are incorporated by reference as though fully set forth herein.

166. Al Jazeera knowingly and intentionally provided Hezbollah with logistical assistance that enabled Hezbollah to accurately aim the rockets that harmed the minor plaintiffs and murdered their decedents.

167. Vicarious liability principles are recognized in § 12 of the CWO, which provides that a person who participates in, assists, advises or solicits an act or omission, committed or about to be committed by another person, or who orders, authorizes, or ratifies such an act or omission, is liable for such act or omission.

168. Defendant Al Jazeera knowingly and intentionally assisted Hezbollah to accurately aim the rockets that harmed the minor plaintiffs and murdered their decedents, and under CWO § 12 is therefore liable for the full amount of compensatory damages due to the minor plaintiffs.

169. The conduct of defendant Al Jazeera was intentional and malicious, and so warrants an award of punitive damages under Israeli law.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray that this Court:

(a) Enter judgment against defendant Al Jazeera in favor of the plaintiffs for compensatory damages in an amount to be determined at trial, but for no less than \$1,200,000,000.00 (one billion two hundred million dollars);

(b) Enter judgment against defendant Al Jazeera in favor of the plaintiffs for punitive damages in amounts to be determined at trial;

(c) Enter judgment against defendant Al Jazeera in favor of the American Plaintiffs for treble damages;

(d) Enter judgment against defendant Al Jazeera in favor of the plaintiffs for any and all costs sustained in connection with the prosecution of this action, including attorneys' fees; and

(e) Grant such other and further relief as justice requires.

Dated: Brooklyn, New York
July 18, 2011

Respectfully submitted,

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EXHIBIT A



המרכז הירושלמי לענייני ציבור ומדינה
Jerusalem Center for Public Affairs

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by Zvi Mazel

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Al Jazeera and Qatar: The Muslim Brothers' Dark Empire?

Zvi Mazel

- There has been a significant presence of the Muslim Brothers (also known as the Muslim Brotherhood) in Qatar since the second half of the twentieth century. The first wave came from Egypt in 1954 after Nasser had smashed their organization. The next wave came from Syria in 1982 after Hafez el-Assad bombed their stronghold in Hama. The last group arrived after September 11, 2001 - from Saudi Arabia.
- In 1995, the present Emir of Qatar, Sheikh Hamad bin Khalifa Al-Thani, deposed his father in a bloodless palace coup. One of his first steps was to establish the Al Jazeera satellite channel in 1996, which is the most viewed station in the Arab world with an estimated audience of some 60 million.
- There was never any doubt about the network's political orientation. Al Jazeera immediately launched scathing attacks on Israel during the Second Intifada and went on to incendiary broadcasts against the United States at the time of the Afghanistan conflict and over Iraq. It was later revealed to be in contact with bin Laden, and was the medium of choice for the video and audio cassettes of bin Laden and his men.
- During the U.S. war in Iraq, the Americans accused the station of being pro-Saddam, and after the war, of presenting the terrorist groups active in the country in a positive light. One of its reporters stationed in Baghdad always seemed to arrive suspiciously quickly, with his camera, at the site of terror attacks. During the Second Lebanon War in 2006, Al Jazeera behaved as a Hizbullah spokesman. During the Gaza war, a senior Al Jazeera reporter stationed himself at Shifa Hospital, from where he broadcast a stream of carefully selected horror pictures.
- The Egyptian Maamun Fendi wrote in *Asharq Alawsat* that some 50 percent of the network's personnel belong to the Muslim Brothers. He believes that Qatar, by embracing the Brothers while hosting American bases, has found the perfect formula against retaliation by Arab leaders and attacks by Islamic extremists. Al Jazeera has become a weapon in the hands of an ambitious emir who may be driven by the Muslim Brothers and who is threatening the stability of the Middle East.
- With the Muslim Brothers increasingly aligned in recent years with Iran, by repeatedly attacking the Sunni Arab regimes and inciting against them, Al Jazeera is serving as an important instrument for Tehran and its effort to undermine their internal stability.

Could Qatar and Al Jazeera's satellite channel located there be secretly manipulated by the Muslim Brothers? This is a question frequently asked by Arab media trying to puzzle out the high profile adopted by the ruler of the tiny desert country and the nationalistic and radical Islamic content of the channel he owns.

Qatar Offers Refuge to Fleeing Islamists

The fact that there has been a significant presence of the Muslim Brothers (also known as the Muslim Brotherhood) in Qatar since the second half of the twentieth century is not in dispute. They came in three successive waves seeking sanctuary from the wrath of the rulers of their countries intent on quashing their subversive activities. The first came in 1954 from Egypt where Nasser had just smashed their organization, making it illegal and putting the Brothers in jail by the tens of thousands - after having executed some of the leaders. He was reacting to a failed attempt to assassinate him. The fugitives settled not only in Qatar but throughout the peninsula (Saudi Arabia and the other emirates).

The next wave came in the 1980s - from Syria. In 1982, Hafez el-Assad thought the activities of the Muslim Brothers endangered his regime and his army bombed the town of Hama, considered their stronghold. Some fifteen to twenty thousand people were killed.

The last group arrived after September 11, 2001 - from Saudi Arabia. The Brothers who had settled there after fleeing Egypt and Syria had joined forces with the Wahhabi clergy to develop a more radical Islam and export it to the West. When it became known that most of the 9/11 terrorists came from Saudi Arabia, the royal family understood at last that mixing Wahhabism, which is an extreme offshoot of Islam as practiced in the kingdom, with the Muslim Brothers was a threat to the stability of the country. The Saudis discreetly kicked out the Brothers, many of whom went to Qatar where they were assured of a warm welcome. Osama bin Laden, who grew up in Saudi Arabia, and al-Qaeda, which he set up, are the fruit of this unholy mix.

In 1999 another group found its way to the tiny emirate, composed of Hamas leaders, led by Khaled Mashal, who had been expelled from Jordan. Hamas, after all, is a branch of the Muslim Brothers set up in the Palestinian territories. However, after some quiet discussions, the ruler of Qatar deemed it best not to let Hamas use the emirate for its headquarters since it would have drawn undue world attention to the presence of the Brothers there. Therefore, Mashal and his people contented themselves with setting up a small office in Qatar and moved to Syria, where they planned attacks against Israel with the full support of that country and of Iran.

The Influence of the Muslim Brothers on Qatar

The Brothers exerted a profound influence on the conservative Bedouin society of Qatar, which numbered less than a hundred thousand people in the 1950s. In a paper he wrote in 2007, Abdallah Alnefissi, a well-known Kuwaiti philosopher, explains that the then ruler of Qatar, Ali Ben Abdullah Al-Thani, was so impressed by their piety and morality that he gave them his trust and let them carry out a wide range of religious and cultural activities. They refrained from setting up their own framework, in order to keep a low profile - perhaps to avoid the long reach of Egypt's Nasser. They mostly acted individually, as preachers and religious advisers, while slowly infiltrating the corridors of power. They helped set up a Ministry of Education and Culture as well as an institute of religious studies - two institutions that the emirate lacked.

The creed that the Brothers were teaching was that of their founder, Hassan el-Banna, and his master theologian, Sayed Qutb. Their radical Islamic movement was created in 1928 in Egypt but saw itself as endowed with a mission to bring enlightenment to the whole world and reinstate the Caliphate - a Muslim empire ruled by Sharia, Islamic law. As a first step the movement targeted Islamic nations but intended to spread to the rest of the world. Indeed, branches were set up in most Arab countries in the early 1940s.

In Transjordan and in Palestine these branches were founded in 1946 by Said Ramadan, one of the leaders of the movement at the time, who had married the daughter of Hassan el-Banna. His sons Hani and Tarek, who were educated in Switzerland, are today the leading "ambassadors" of the Brothers in Europe. Hassan el-Banna himself was assassinated in 1949 - probably by order of King Farouk of Egypt - after his secret organization had murdered two heads of government and a number of judges in order to plunge that country into chaos, which would have enabled the Brothers to take over. Sayed Qutb had decreed that it was permitted to use force and even to bring down regimes in order to bring about Islamic rule. He was executed by Nasser, but his theories form the ideological and religious platform of all radical Islamic organizations today, al-Qaeda included.

An Ambitious Ruler Stages a Palace Coup

In Qatar the Brothers grew more influential when the present emir, Sheikh Hamad bin Khalifa Al-Thani, deposed his father in a bloodless palace coup in 1995 (he called the old man who was vacationing in Switzerland, told him he was taking over, and advised him to prolong his vacation). Wildly ambitious, he aspires to bring glory to his country.

One of his first steps was to establish the Al Jazeera satellite channel in 1996, while at the same time closing down the Ministry of Information and abolishing censorship. He also set up the Shura Council, an Islamic version of a consultative parliament - with no real power. In addition, he granted women the right to vote for the few limited political institutions he created. These measures were intended to show that he was both a liberal and a democrat. However, it would be difficult to find anyone in the Arab world ready to believe that an emir enjoying absolute power would agree to true liberalization. Hamad bin Khalifa still rules alone and appointed a distant cousin, Sheikh Hamad bin Thamer Al-Thani, as chairman of the board of Al Jazeera in order to keep a close watch on its activities.

Qatar became a hub of political activity, with dozens of important meetings held in its capital city, Doha. A partial list includes the World Trade Organization, 2001; Asian Olympic Games, 2006; Sunni-Shia Roundtable, 2007; and the first

Arab Commission for Human Rights, 2008. In June 2008 Doha was the scene of negotiations between Hizbullah and representatives of the majority coalition in the Lebanese parliament which brought about the "Doha Agreement," paving the way for a national unity government with Hizbullah given veto power on all decisions.

This could not have been done without heavy pressure being brought to bear on behalf of Hizbullah from Syria and from Iran. Their intervention threw light on the rapprochement between the Emir of Qatar and the radical Islamic camp in the Arab world. This did not come as a complete surprise. The year before, the emir had stunned and embarrassed the other members of the Gulf Cooperation Council by inviting President Ahmadinejad of Iran to their yearly summit without asking them, and in violation of the rules since only Arab nations can participate.

In January 2009 he convened a meeting of Arab leaders to discuss the war in Gaza. Though he did not succeed in achieving the required quorum, he nevertheless held the meeting, which was attended by Ahmadinejad and by Hamas rulers (never invited to inter-Arab events). The meeting called on all Arab countries to sever diplomatic ties with Israel and cancel the so-called Arab peace initiative. Egypt and Saudi Arabia angrily rejected these decisions and the Arab League declared them invalid. However, the emir did close down the Israeli commercial office which had opened in Qatar after the Oslo agreements.

In March 2009, just before the annual Arab summit meeting in Doha, the ruler of Qatar managed to broker some form of agreement between the Sudanese government and one of the rebel organizations in Darfur. This apparent show of readiness by Sudanese President Omar al-Bashir to attempt appeasement and reconciliation on the Darfur issue was intended to convince the UN and the International Criminal Court to rescind the warrant issued for his arrest for genocide. The attempt failed and the warrant remained in force. That did not deter the emir from inviting al-Bashir to the summit in defiance of the international community. The Sudanese president later revealed in a television interview - to the Al Jazeera channel - that the emir had suggested holding the Arab summit in Khartoum as a gesture of solidarity but that he had declined.

President Mubarak of Egypt did not attend the summit and his delegate called on all Arab countries to stand firm against Iran's interference in their internal affairs; he also launched an attack against Al Jazeera, which he accused of inciting Arab populations against their rulers and threatening their stability. Thus was exposed the great divide in the Arab world between the extremist camp to which Qatar adheres and the pragmatic camp led by Egypt and Saudi Arabia.

An American Military Umbrella

At the same time, however, Qatar is host to a number of American military installations which had previously been based in Saudi Arabia. That country had felt compelled to ask the United States to help it fight a wave of internal terrorism by evacuating its soldiers in the period following the 9/11 attacks. There are today three U.S. military bases in Qatar including Al Udeid, a few kilometers south of Doha, one of the largest American Air Force bases outside the United States. The war in Iraq was launched from there in 2003. U.S. Army Central Command press conferences and briefings were held throughout the war at another base, Al Seleyah.

Thus, while assured of American backing and protection because of the bases, and enjoying an aura of moderation and aspiration to peace because of the Israeli commercial office (until January 2009), Qatar's hyperactive emir took on the stature of a serious player in the Arab arena - and was able to move closer to the extremist camp without serious repercussions.

While some commentators went as far as saying that Qatar was becoming a diplomatic force to be reckoned with at the expense of the dwindling influence of Egypt and Saudi Arabia, this is nonsense. Qatar is still a small country populated by Bedouins, with no history to speak of, no developed economy and no army. It does enjoy handsome revenues from the export of gas, having the second largest reserves of that commodity in the world, which gives it the means to undertake its intensive activities. However, this alone is not enough to put it in a position to mediate in the serious issues troubling the Arab world, such as Iraq, Lebanon, the Palestinians, and Iran.

Al Jazeera - A New Era in Arab Media

This is where Al Jazeera comes into play. The influential satellite channel brings to Qatar what it lacks to be a serious player. Today, reality can be changed through the media. It is generally thought that the creation of a satellite channel in Doha in 1996 marked the beginning of a new era for the Arab world. The emir recruited seasoned personnel fluent in English and Arabic, most of them from the unsuccessful BBC Arabic channel. Soon the new station was broadcasting news and commentary around the clock. In a matter of years Al Jazeera had assumed a leading role in Arab telecommunications. It is today a vast empire comprising an English news channel, a sports channel, a documentary

channel, and a children's channel. Its broadcasts can be accessed through cellular phones and it has a website updated constantly with the latest news from all over the world. Its latest endeavor is a short-wave radio station broadcasting to the Arab world.

There was never any doubt about the network's political orientation. Al Jazeera immediately launched scathing attacks on Israel during the Second Intifada and went on to incendiary broadcasts against the United States at the time of the Afghanistan conflict and later over Iraq. It was well received by Arab audiences in the Middle East and among Arab communities in Europe. Its reports appeared truthful and factual to its Arab audience. At the same time it was opening its studios to opposition figures from Arab countries and hosting fascinating debates on the sorry economic and social situation in the Arab world, something that had never been previously seen on television. Politicians, including heads of state, journalists, academics, and religious leaders representing mainline conservative views are confronted with a sprinkling of liberal intellectuals not afraid to speak up publicly. One of the most provocative programs deals with socio-economic issues and radical Islam. Though some progressive and liberal views are expressed there, they are often interrupted by the moderator, who usually defends nationalist and radical Islamic opinions and does not hesitate to challenge the speakers.

Needless to say, Arab leaders do not like being criticized and see in the broadcasts a threat to the stability of their regimes. Some countries, such as Algeria and Saudi Arabia, did not let Al Jazeera set up offices on their soil; others, who had first allowed it, among them Iraq, Kuwait, Bahrain, and the Palestinian Authority, closed them down quickly - but not for long, having come to the conclusion that closure did not help change the contents of the broadcasts. Saudi Arabia, already on bad terms with Qatar, did take an effective step against Al Jazeera by not letting it broadcast advertisements. Since it is the largest market in the region, this effectively prevents Al Jazeera from achieving financial independence. Saudi Arabia also launched its own satellite channel, Al Arabiya. Though this channel progressed rapidly because of the quality of its programs, it did not overtake Al Jazeera, which remains the one most viewed with an estimated audience of some 60 million. Other Arab countries followed suit and set up satellite channels, but though they extended the boundaries of censorship and lessened government controls, they could not compete with Al Jazeera, which kept up a high level of reporting on all the ills befalling Arab society, while broadcasting religious programs intended to promote an Islamic way of life and praising Arab nationalism.

The Largest Arab Channel Has an Anti-Western Attitude

The United States also set up an Arabic channel of its own, Al Hurra, which began broadcasting in February 2004. It was intended to counteract Al Jazeera's anti-Western attitude and its support of extremist nationalist forces in the Arab world including Islamic terrorist organizations. During the U.S. campaign in Afghanistan, the Qatari channel was encouraging the Taliban and inciting against the West; it was later revealed to be in contact with bin Laden, who was interviewed by one of its senior reporters. When Afghanistan was conquered, Al Jazeera was the medium of choice for the video and audio cassettes of bin Laden and his men. During the U.S. war in Iraq, the Americans accused the station of being pro-Saddam, and after the war, of presenting the terrorist groups active in the country in a positive light. It was also suggested that one of its reporters stationed in Baghdad always arrived suspiciously quickly, with his camera, at the site of terror attacks. This led to the bombing of Al Jazeera offices in Bagdad and Kabul by American forces. Cable networks in the United States and Canada are reluctant to relay Al Jazeera's broadcasts. In Europe, an Al Jazeera reporter based in Madrid was accused of having links with al-Qaeda.

Religion is central to the channel, with a prominent weekly program called "Sharia and Life" presented by the leading theologian of the Muslim Brotherhood, Yusuf al-Qaradawi, who came to Doha from Egypt with the first wave of the 1950s. Qaradawi is considered today one of the most authoritative voices of Sunni Islam. His program addresses mainly the *ulemas*, the teachers of Sharia in Arab and Islamic countries, as well as in Islamic communities of the Western world. He set up two important institutions: the World Union of Islamic Sages, whose function is to explain his religious edicts to the faithful throughout the world, and the European Council for Fatwa and Research. The council is meant to help Muslim minorities living in the West preserve their religion in a non-Muslim environment - what is called "*Dar El Harb*" - with which Islam is in a state of war according to Sharia.

Qaradawi's religious edicts transmitted through the European Council are usually fairly moderate (he calls it the way of compromise, *westia* in Arabic) and are intended to let the faithful lead normal lives without conflicting with the liberal Western society in which they live. For instance, Qaradawi does not forbid Muslim Americans to enlist in the army and fight fellow Muslims in Iraq. The long-term plan here is to preserve Muslim identity in Western countries until the day Muslims will be strong enough to take over these countries through democratic means or by force.

The depth of Qaradawi's hatred of the West can be seen in some of his edicts. He has praised and defended suicide bombings against Americans in Iraq as well as against Israeli targets - men, women and children. In a sermon broadcast in January 2009 by Al Jazeera and translated by MEMRI, the fiery preacher had this to say about the Jews: "Oh Allah, take your enemies, the enemies of Islam. Oh Allah, take the Jews, the treacherous aggressors. Oh Allah,

take this profligate, cunning, arrogant band of people....Oh Allah, take this oppressive, Jewish, Zionist band of people. Oh Allah, do not spare a single one of them. Oh Allah, count their numbers, and kill them, down to the very last one."

It is through the platform provided by Al Jazeera that Qaradawi has reached his preeminent position in Sunni Islam, which comprises 85 percent of all Muslims.

Voice of the Muslim Brothers?

The meteoric rise of the network and its increasing popularity have led many political and media commentators in the Arab world to wonder who or what exactly was behind what appears to be its main purpose: encouraging opposition and promoting incitement against Arab regimes, exposing the corruption of their leaders and their entourage, while holding to an extreme Arab nationalist attitude against the United States and Israel and extolling the values of conservative - and sometimes extremist - Islam. It did not take long for one name to emerge: that of the Muslim Brothers.

This hypothesis is supported by a number of facts. The director general of the network, Wadah Khanfar, was a member of the organization in Jordan, where he was arrested. Today he is one of the closest advisers of the emir. Sheikh Qaradawi is also a member of the inner circle of the emir and is known to work closely with Khanfar. Both support Hamas. Arab researchers have succeeded in uncovering a number of other Brothers working for the network, but it is surmised that there are many more. The general consensus is that Yusuf al-Qaradawi is the visible tip of the iceberg. In an article published in 2003 in the London-based Arabic daily *Asharq Alawsat*, Maamun Fendi, a well-known Egyptian liberal thinker today living in the United States, wrote that some 50 percent of the network's personnel belong to the Muslim Brothers. He added that their influence in Qatar was rising both in the network and among government circles. According to him, the Brothers had intended to hold their world summit in Qatar in 2003 but had to scuttle their plan when it became known. These summits are usually held in a European capital far from Arab countries, in conditions of the utmost discretion, if not secrecy.

Maamun Fendi believes that Qatar, by embracing the Brothers, an extremist Islamic organization quite popular in the Arab world, while hosting American bases, has found the perfect formula against retaliation by Arab leaders and attacks by all other Arab and Islamic extremists including al-Qaeda.

Having vainly tried threats, diplomatic pressure, and closing down its offices, Arab countries made a last, collective effort to curb Al Jazeera's broadcasts. In February 2008 Egypt and Saudi Arabia convened in Cairo an extraordinary meeting of the ministers of information of all members of the Arab League. The purpose of that meeting was to impose a series of restrictions on all satellite channels in the Arab world. The proposed rules, which were supposed to be applied in all Arab countries, included a sweeping prohibition against insulting a country's leaders or impugning its religious and national symbols. Infringement of the rules would give countries the right to freeze or cancel the offending network's permit to operate. The rules would have made it possible for the regime to stop the broadcasts at will without having to resort to a court decision. However, Qatar and Lebanon refused to endorse the agreement and it never came into effect. So Al Jazeera keeps on being a threat to Arab regimes.

An All-Out Media War Against Israel

Al Jazeera leads an all-out war against Israel in which there is no room for true reporting. The purpose is to bring all Arabs to support the Palestinians and, more specifically, Hamas, which is, after all, the Palestinian branch of the Muslim Brothers. No efforts are spared to present the Palestinians as the ultimate victims. Hamas representatives are warmly received by news anchors and commentators and they receive far more air time than the Palestinian Authority - a fact often bemoaned by Yasser Arafat who tried vainly to change it.

In the course of the Second Lebanon War in 2006, Al Jazeera behaved as a Hizbullah spokesman in all but name. It broadcasted all Hizbullah communiqués without bothering to check them, as well as footage from Hizbullah's satellite network, Al Manar, which was deliberately distorting the facts and grossly exaggerating the actual damage. At no time did Al Jazeera take into consideration what Israel had to say about the situation on the ground.

During the Gaza war, a senior Al Jazeera reporter stationed himself at Shifa Hospital, from where he broadcast a stream of carefully selected horror pictures. Once again, they were accepted unreservedly and used to show what was purported to be the endless killing of civilians and especially children.

An Al Jazeera network representative even held a "birthday party" for the terrorist Samir Kuntar upon his return to Lebanon, after his release by Israel in 2008 - a party which was broadcast live.

Incitement against Israel is ongoing to this day. Reporters of the network in Israel (where they have an office enjoying all the benefits awarded to foreign networks) and moderators from Doha never miss an opportunity to ask loaded questions, asking Arab guests: "Why aren't Arab countries doing anything against Israeli massacres?" or "Why aren't you calling on Arab countries and the Muslim world to demonstrate and to punish Israel?"

Al Jazeera: A Threat to Regional Stability

Al Jazeera has evaded all attempts to curb it and its broadcasts respect no border. In Egypt, following the recent discovery of a Hizbullah plot inside the country, media have included Qatar and its network in the Iranian axis of evil, together with Syria, Hizbullah and Hamas. On April 18, 2009, Egypt's *Al Ahram* described the Qatar/Al Jazeera duo as: "The Qatari propaganda network that belongs to the country of Al Jazeera."

"Sudanonline," a Sudanese website, goes a step further and links Qatar with the Muslim Brothers: "What is dangerous is that their organization has the potential to launch a violent conflict and to try by any available means to take over the country. We are very much afraid that Qatar will be consumed by the fire of that organization if it keeps on letting it act. The Brothers do not know the meaning of friendship and keeping faith. Their history shows, especially in Sudan where they are active, that they are all suckling from the same source - the creed of Hassan al-Banna and Sayed Qutb."

Qatar and Al Jazeera are indeed a very dangerous phenomenon. With the help of the powerful satellite network he created, the Emir of Qatar, a man who does not overly care for democracy and freedom of expression, is trying to assume the mantle of a great power, aided and abetted by the Muslim Brothers - one of the most extreme movements in the Muslim world. He is seen to be getting closer and closer to Iran, in keeping with the dangerous, revolutionary, and wayward vision of the Brothers. Indeed, with the Muslim Brothers increasingly aligned in recent years with Iran, by repeatedly attacking the Sunni Arab regimes and inciting against them, Al Jazeera is serving as an important instrument for Tehran and its effort to undermine their internal stability.

There is an apparent contradiction in the fact that Qatar and Al Jazeera are the flag bearers of Sunni Islam while Iran is the center of Shia Islam. However, the Brothers wholeheartedly support Shiite Hizbullah and praise the assistance given by Iran to Sunni Hamas, which is a branch of their own organization.

Al Jazeera was indeed seen at the outset as the harbinger of a new era in the Arab world. Observers believed that this new satellite channel would pave the way to greater freedom of expression and acceptance of the other. However, it took only a short time to understand that this was not Al Jazeera's purpose. The channel does not encourage openness. It has its own agenda. It has become a weapon in the hands of an ambitious emir who may be driven by the Muslim Brothers and who is threatening the stability of the Middle East. It could very well be that Qatar has become part of the "dark empire" of the Brothers, weaving its way behind the scenes to achieve the impossible goal of imposing Islam through persuasion, subversion, destabilization, lies and distortion of reality, and eventually using force.

* * *

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EXHIBIT B



המרכז הירושלמי לענייני ציבור ומדינה
Jerusalem Center for Public Affairs

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by Pinhas Inbari

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The Palestine Papers: Al-Jazeera Has an Agenda

Pinhas Inbari

- *Al-Jazeera*, the powerful Qatari satellite television station, has been publishing documents leaked to it from the PLO Negotiations Support Unit.
- The release of the documents has caused great damage to the reputation of the PA and the PLO negotiating team. Sa'eb Erekat noted that while the PA was en route to triumph as it gathered international support for the recognition of a Palestinian state and for isolating Israel, *al-Jazeera* cut short this triumph and "instead of delegitimizing the occupation, they delegitimized us."
- The PA's success in gathering support for statehood recognition was turning Hamas rule in Gaza into a liability. Once Ramallah is recognized as representing a state, the international community might turn against the separate entity in Gaza and seek to end the problem.
- For years *al-Jazeera* has sought to advance the interests of the Muslim Brotherhood against the Arab regimes. The problem it faces is that the sources of the current wave of Arab unrest are actually local and have nothing to do with pan-Arab ideals or with the Palestinian problem.
- Now, after *al-Jazeera* has brainwashed Arab minds with charges of PLO treason, no declaration of statehood can be expected. Neither will there be a resumption of negotiations with Israel since the Palestinian team will stick to the most hard-line positions possible.

Al-Jazeera, the powerful Qatari satellite television station, has been publishing documents leaked to it from the office of the main PLO negotiator, Sa'eb Erekat, and his Negotiations Support Unit (NSU) on its main news program, and has opened a special WikiLeaks-like website dedicated to the publication of the original documents.¹

In addition, the British *Guardian*, which also publishes WikiLeaks documents, is publishing the Palestinian documents in the same format. In addition, both *al-Jazeera* and the *Guardian* are putting much effort into commentaries and explanations of what the documents mean.

It is obvious that *al-Jazeera* has a political agenda and wants to make a point. The PA sees the publication of the documents as an act of state espionage. An open crisis broke out, with the PA accusing Qatar of treason for hosting the largest U.S. bases in the Middle East.

Charges Meant to Damage the PA's Reputation

Indeed, the release of the documents has caused great damage to the reputation of the PA and the PLO negotiating team. Sa'eb Erekat noted that while the PA was en route to triumph as it gathered international support for the recognition of a Palestinian state and for isolating Israel, *al-Jazeera* cut short this triumph and "instead of delegitimizing the occupation, they delegitimized us."

The main damage caused to the PA and the PLO negotiating team related to their exposure as "traitors" who betrayed Arafat's red lines on Jerusalem and the right of return, and who collaborated with Israel to the point of helping Israel in assassinating top Hamas terrorists.

On Jerusalem, the main accusation is about betraying Arafat's legacy of insisting on full Palestinian sovereignty over the al-Aqsa Mosque compound (the Temple Mount), including the cavity beneath the compound, and accepting instead President Clinton's old parameters of: "what is Jewish to Israel and what is Arab to Palestine." According to the documents, the Palestinian negotiating team relinquished all Jewish neighborhoods in east Jerusalem except for Har Homa - including Ramot Shlomo, the Jewish neighborhood that sparked the crisis between Israel and the U.S., and Sheikh Jarrah, now a location for demonstrations by international supporters of the Palestinian cause.

On the Palestinian refugees, according to the leaked documents, the PLO negotiating team gave up the right of return. They quote PA leader Mahmoud Abbas' internal briefing to PA officials that "we cannot demand the return of millions, as this will end Israel." He has made similar statements to the open media. Abbas is also quoted as offering that 100,000 refugees be allowed to return to Israel proper over ten years, while Israeli Prime Minister Olmert was ready to let in only 1,000 per year, totaling 10,000 after ten years.

Another damaging blow to the PA is the revelation of collaboration in the killing of top Hamas leaders in Gaza. This could lead to a series of revenge attacks on an extended family (*hamula*) basis that could drag on for generations.

After reading many of the documents, it appears that most of them are genuine and reflected the course of negotiations with Israel's previous Kadima government. The problem is that because *al-Jazeera* has a point to prove - that the PLO negotiators betrayed Arafat's legacy and hurried to cross red lines, with their gestures unreciprocated - Israel is portrayed as a hard-line interlocutor that did not respond to PLO "moderation." This results in damage to both sides - to the "traitorous" PLO and to "unresponsive" Israel.

Yet there appears to be a clear gap between the substance of these documents and the way they were presented. Besides a readiness to accept the principle of land swaps - from the Clinton parameters - there were no further Palestinian concessions. Nor was there agreement on the size and location of these land swaps. The PLO team was adamant in refusing to agree to Israeli demands to keep the settlement blocs. For example, the Palestinians demanded the dismantling of the city of Ariel (pop. 17,559), and they were ready to consider leaving Israelis living in Ma'ale Adumim (pop. 34,324) only if the Jewish city adjacent to Jerusalem was under Palestinian sovereignty.

While Erekat mentioned "creative ideas" to solve the issue of the al-Aqsa/Temple Mount compound, they have nothing to do with sharing the site with Israel, but rather to establishing an Arab and Muslim consortium to supervise the holy site.

Questions on the Refugee Offer

While the figure of 100,000 refugees to be allowed into Israel is mentioned for the first time in Palestinian sources, it is unclear which side offered this figure. According to previous reports, it was Olmert's offer that was rejected by Abbas. Abbas himself referred to these documents as a "mixture" of Israeli and PLO positions.²

There are strong reasons to be suspicious of the reports on refugees because of the source of the leak. According to the *Ma'an* news agency there are two suspects. One is an American bodyguard of former U.S. Secretary of State Condoleezza Rice, who later worked for an American security firm in the West Bank and is now working with *al-Jazeera* International in Doha. The other suspect is a negotiator, Ziad Kalut, a French citizen who until half a year ago was working in the NSU and is now employed by the Bureau of the Emir of Qatar. He is mentioned in the documents as dealing with the refugee problem and is the one who prepared the document where Abbas says absorbing millions of refugees inside Israel is not possible.

Kalut had been sent to Amman to iron out problems with Jordan about the PLO claim to also represent the refugees in Jordan. If he really leaked the documents, which is not certain, perhaps he was in a position to forge some of them as well in order to slander the PLO on this sensitive matter and cause collateral damage to Israel. If it is proved that the refugees documents are forged, serious doubts would be cast on the rest of them.

Linking to the General Unrest in the Arab World

A key to evaluating *al-Jazeera's* motivation in launching this campaign may be found in an article published on its website by Azmi Bishara, a Palestinian nationalist who stars in *al-Jazeera* talk shows and spreads the old Nasserite ideology of uniting the Arabs. The Palestinian problem is seen as the main tool to trigger the "Arab masses" to revolt throughout the region. After the Tunisian unrest broke out, Bishara published an article titled: "Tunisization of the Arabs." The purpose was to link the Palestine Papers with the general unrest in Arab countries in order to return the Palestinian problem as the leading issue for Arab unrest.

Al-Jazeera is now under the management of Wadah Khanfar, a radical Palestinian from Nablus. For years the Arab satellite channel has sought to advance the interests of the Muslim Brotherhood against the Arab regimes. The problem it faces is that the sources of the current wave of Arab unrest are actually local and have nothing to do with pan-Arab ideals or with the Palestinian problem. Nevertheless, *al-Jazeera* is trying to link the local grievances in every Arab country to a pan-Arab revolution triggered by the Palestinian problem.

Another motivation is to preserve Hamas' interests. Erekat was right when he said the leaks cut short the PLO's diplomatic campaign to isolate Israel and gain international recognition of a Palestinian state. The PA success in gathering support for statehood recognition was turning Hamas rule in Gaza into a liability. Once Ramallah is recognized as representing a state, the international community might turn against the separate entity in Gaza and seek to end the problem.

Some encouragement for the PA leadership may be found in the popular reactions among the Palestinians in the West Bank. They did not "revolt" as a result of the leaks, which may indicate that the West Bank Palestinians are ready to compromise as a result of fatigue after the generation-long struggle with Israel. If there is popular rage, it is against *al-Jazeera*, as seen in attacks on its property in Ramallah and in Tripoli, Lebanon.

Now, after *al-Jazeera* has brainwashed Arab minds with charges of PLO treason, no declaration of statehood can be expected. Neither will there be a resumption of negotiations with Israel since the Palestinian team will stick to the most hard-line positions possible.

To sum up, *al-Jazeera* is serving Qatari policy to deepen unrest in the Arab world and link the current local upheavals to the Palestinian problem. In its presentation of the Palestine Papers, *al-Jazeera* distorted the contents in order to delegitimize the PLO and present Israel as a hard-line non-partner. There is also reason to suspect forgery in the documents referring to refugees since the person suspected of the leaks is the same person who wrote them.

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Notes

1. http://transparency.aljazeera.net/ar/search_arabic
2. <http://www.bbc.co.uk/news/world-middle-east-12263671>

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EXHIBIT C



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The New Face of Al Jazeera

Kristen Gillespie | November 9, 2007

On the long, flat highway joining the Persian Gulf country of Qatar with Saudi Arabia, a small yellow sign reads "Army Camp" in English and Arabic. But this is no ordinary encampment for Qatar's tiny military. Instead, it's the Al Udeid air base, a billion-dollar complex that has hosted the US Central Command since 2001. The Qatari government believes the presence of an American base on its soil protects the country's immense natural gas fields from its ambitious neighbors, Iran and Saudi Arabia.

Still, even with the discreet American air base set deep in the rocky desert, Qatar would be just another Persian Gulf statelet were it not for another government endeavor: the pioneering Arabic satellite news channel Al Jazeera [1]. The headquarters of the channel that has been branded "Terror TV" by some US officials is only half an hour away from one of America's most important strategic outposts, where tanks and planes damaged in Iraq are repaired and sent back into battle.

When Al Jazeera was first launched in 1996, it offered the kind of freewheeling, uncensored debate never publicly seen on Arab televisions, and Arabic speakers couldn't get enough of it. The talk shows brought in guests from across the political spectrum, and the channel featured smartly produced news bulletins and correspondents stationed seemingly everywhere. But 9-11 brought a new anti-imperialist and, many argue, a pro-Sunni Islamist bent to the network. (The observations and reporting in this article apply only to Arabic-language Jazeera; in November 2006 the network opened an English-language counterpart, now called Al Jazeera English [2], which gives no evidence of sectarian tendencies.)

Al Jazeera's programming breaks down into roughly four categories: newscasts, which tend to be fairly balanced; talk shows and related programs, to which viewers call in; documentaries; and reports from correspondents in the field. The last category is where the reporting has frequently turned away from international standards of journalism and toward a sensationalistic and Islamist bias. The field reports are overwhelmingly negative, with violent footage played over and over, highlighting Arab defeat and humiliation. And there's a clear underlying message: that the way out of this spiral is political Islam.

"How things are covered, the prominence of things, what words are used--sometimes you do see that very clear Islamist subtext, depending on the issue," says Alberto Fernandez, the director for press and public diplomacy in the Bureau of Near East Affairs at the State Department. "We see the unconditional support of Islamic movements, no matter where they are: Lebanon, Palestine, Iraq, Afghanistan," says a Jordanian official who did not wish to be identified because of what he characterized as the deteriorating relations between his country and Qatar. Dozens of hours of viewing Al Jazeera for this article confirm the charge. Whether it's reporting the Hamas perspective from the occupied territories without mention of the Palestinian Authority's version of events, or the fawning depiction elsewhere of Islamist parties and militias as the grassroots reflection of Arab sentiment, Al Jazeera has moved away from its ideologically diverse origins to a more populist/Islamist approach.

After the March 2003 US invasion of Iraq, Al Jazeera replaced its longtime secular bureau chief in Baghdad, Faisal Yasiri, with Wadah Khanfar, who had reported from Afghanistan after the American invasion in 2001 and then Kurdish-controlled territory as the war with Iraq was launched in 2003. Shortly thereafter, the secular head of Al Jazeera, Mohammed Jassem Ali, was ousted and replaced by Khanfar, whom nine current and former employees of the station interviewed for this article characterize as an Islamist.

It was around this time that Jazeera's Iraq bureau "became a platform for [Sunni] extremists," says Shaker Hamid, a secular Jazeera correspondent in Baghdad from 1997 to 2000, who left to work at another Arab satellite station after getting what he says was a better offer. "I can't say that Jazeera's rhetoric is completely against Shiites," Hamid says. "The Americans introduced this, but the media should not make it worse, and Jazeera did."

Yasiri argues that Jazeera's Islamist influence is "creating tension to fit their beliefs and increase the differences between people." In other words, he says, the station portrays Iraqi Sunnis, a demographic minority to the country's Shiites, primarily as victims of American and Shiite aggression. The latter charge is echoed even by friends of the network. "There is clear sectarianism in Iraq, and Jazeera takes the Sunni side for many reasons," says Yasser Abu Hilala, the station's correspondent and bureau chief in Jordan. "The whole [Persian] Gulf region has fears of Iran in mind. Theoretically, they could occupy the whole Gulf." What Jazeera is doing in Iraq and elsewhere, Abu Hilala says, reflects the general political climate in the Sunni Middle East (Qatar is overwhelmingly Sunni). "The newsroom is part of Arab society, not cut off from it," he points out. Nidal Mansour, president of the nonpartisan Center for Defending the Freedom of Journalists, in Amman, Jordan, bluntly argues that Sunnis in the Arab world do not like Shiites in Iraq, nor do they like Iraq's Shiite-dominated government, and that Jazeera understands this.

What is hotly debated is whether this coverage is simply a mirror reflecting the way most Sunni Arabs see Iraq or whether Jazeera is creating that image and then reinforcing it. The answer may be a bit of both. "I believe Al Jazeera follows the Arab street and also moves the street the way it wants," says Mansour. Abu Hilala echoes this view. Jazeera "influences and is influenced by public opinion, just like the Western media," he says.

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Al Jazeera maintains a bureau in the Kurdish-controlled north of Iraq but has been banned from the rest of the country since 2004, when interim Prime Minister Iyad Allawi closed it for what he said at the time was incitement to violence and hatred. No specific incident was cited, but an Interior Ministry statement accused Jazeera of being the "mouthpiece" of terror groups. Coming from a mostly Shiite government, the charge was widely interpreted as Jazeera's support for the Sunni insurgency. From the perspective of Arab governments, however, Jazeera is a useful scapegoat to deflect criticism: They have hated and feared the station ever since its founding, because Jazeera allowed overt criticism of those governments even as it carefully avoided criticism of its patron, the government of Qatar.

"There's a difference between a channel being a spokesperson for Hamas, and one like Al Jazeera, which shouldn't try to play to what the street wants," Hafez al-Mirazi, the longtime Washington bureau chief for Al Jazeera who resigned in the spring of this year, told the Arabic daily *Al Hayat*. "There's no doubt Al Jazeera has crossed the line."

The State Department's Fernandez, a frequent guest on the channel, says that while Jazeera should be respected and praised for its coverage of efforts to achieve reform and democracy in the Arab world, it can also play fast and loose with the facts. During Iraq's December 2005 parliamentary elections, Jazeera invited Mohammed Douri, Saddam Hussein's former ambassador to the United Nations, to comment about the process. "You could do that, I guess, but they identified him as an 'analyst,'" without mentioning his background, says Fernandez with a laugh.

Al Jazeera's talk shows frequently feature Sunni Iraqi guests who purport to speak for all Iraqis--and hosts who seldom hide their opinions. On the popular *The Opposite Direction*, where ideological opponents generally shout at one another, a typical exchange included State Department spokesman Adam Ereli and Mishaan Jubbouri, who was identified as "head of the Reconciliation and Liberation Bloc" in the Iraqi Parliament: The host, Faisal al Qassem, asked, "Did the Americans invade Iraq to free Iraqis or for oil?" Jubbouri responded, "It's not just Iraqi oil, it's all Arab oil. They want to kill off indigenous people and control their wealth." After Ereli, through an interpreter, cited America's Arab allies in the region in rebutting Jubbouri's claims, the host confronted Ereli: "The US is the biggest supporter of dictatorships. Aren't you ashamed to repeat these lies? Are you against dictatorships? The US created them with the CIA and all these other people, lying to the world." Ereli replied that the United States serves as a model for Iraqi Arab countries, and that Iraqi oil belonged to the Iraqi people.

Jubbouri then cited the "resistance" as the only force stopping the Americans from exporting Iraqi oil for their own profit. Jubbouri was not credited by al Qassem for his most well-known achievement: the creation of the Zowra channe [3], which broadcasts insurgent videos of American soldiers being killed. The website IraqSlogger.com [4] reports that

Jubbouri "was known for his sectarian attacks on Iraq's Shiite leaders and militias" and that he "regularly praises Saddam Hussein on Al Jazeera," which he did later in the program.

"There's a difference with them having an American on, say like me, who goes on for an hour and is beaten up by someone in Arabic, and basically having an echo chamber where you have, say, Hassan Nasrallah [leader of the Lebanese Shiite political party and militia Hezbollah] on for an hour without any critical commentary," says Fernandez. Nasrallah became a populist hero among both Shiites and Sunnis all over the Arab world after Hezbollah fought the Israeli army to a draw in the summer of 2006. Nasrallah's popularity with Arabs unnerved Sunni Arab leaders, who had initially criticized Hezbollah for inciting the conflict. The undermining of Arab governments is something Al Jazeera is always happy to cover--and its celebration of Hezbollah and its leader Nasrallah is a notable exception to the channel's recent Sunni Islamist sectarian trend.

Wadah Khanfar, the head of Jazeera, says that Islam is more of a factor now in the influential political and social spheres of the Arab world, and the network's coverage reflects that. "Maybe you have more Islamic voices [on the network] because of the political reality on the ground," Khanfar says. He does not feel that Jazeera's tone has become more Islamist; he argues instead that a diversity of opinions, nationalities and ethnicities at the station is what has made it such a success. The diversity is undoubtedly there, but it doesn't take much viewing of the channel to discern a dual message: Sunni religious figures are almost always treated deferentially as voices of authority on almost any issue, and Arab governments as useless stooges of the United States and Israel.

Former employees of Jazeera interviewed for this article say the newsroom is becoming more religiously conservative. "Everyone is complaining about the new trend now--that the liberals, the secular types, the Arab nationalists are getting downsized and the Islamic position is dominating the newsroom," says Hamid, the former Baghdad correspondent. Mirazi, the former Washington bureau chief, told *Al Hayat*: "From the first day of the Wadah Khanfar era, there was a dramatic change--especially because of him selecting assistants who are hard-line Islamists."

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The charge that Jazeera is biased against Arab regimes other than Qatar's has led nearly every Arab government to formally complain, withdraw its ambassador from Qatar or close the local Al Jazeera bureau at some point or another. The Jordanian official cited above claims that Qatar's purpose is clear: to use Al Jazeera "to undermine the stability of Arab regimes and reduce the stature of Arab leaders."

Khanfar dismisses the criticisms of Arab governments, which he says lack credibility "as legitimate democratic leaders." When those governments feel their hold on power loosening, they tighten it more than ever, he says. "They resort to intimidation and intelligence [services]."

Abu Hilala, one of the most respected correspondents at the network, described the two times he was arrested and held by the Jordanian authorities for his Jazeera reporting. "You can't imagine what it's like when they force themselves into your house," he says. "You can report 80 or 90 percent of what you want. But not 100 percent. If you approach certain topics, you might lose everything." Jordanian law, like that of most other Arab countries, says it is a crime to publish material that "disparages the King or Royal Family, relates in any way to the Armed Forces or Security Forces, unless permission has been obtained from those forces...and includes false information or rumors that harm the common good." Abu Hilala notes, "There's no security for Arab journalists, no law to protect them."

Meanwhile, the Jordanian media, especially the official outlets, offer the same stale, retrograde fare that's been used by Arab state networks for decades. Before its flagship program, the 8 o'clock evening news, Jordan Television usually broadcasts patriotic songs ("My country, my country, O! My country!"), accompanied by dizzyingly fast panoramic shots of Jordan's topography. The news leads with what the king did that day, which is generally to call for peace somewhere in the region or to conduct a meeting with foreign visitors. Silent footage of the king greeting said visitors is broken by the text of the report, which conveniently matches what the official press agency, Petra, puts out the same day. No wonder Jordanians, like Arabs all over the region, flocked to Al Jazeera when it opened.

Even so, preaching to other Arab governments for stifling political and media freedoms and doing otherwise in Qatar does undermine Jazeera's credibility. "That is probably the most vulnerable point," says Marc Lynch, an expert on the Arab media and a professor at George Washington University. "They don't touch Qatari politics because the Emir pays for [the station]."

When asked about Jazeera's infrequent coverage of Qatar, Khanfar invokes the tiny size of the country, arguing that this makes it less newsworthy than other states. If Qatar has acquired "a huge status in the region" through Jazeera, as Khanfar claims, it apparently is one not worth reporting on.

Khanfar would not answer specific questions about the station's financing other than to cite the Qatari government as its source. The channel submits expenses to the Ministry of Finance, which reimburses the deficits. Al Jazeera has expanded its brand in recent years; in addition to the positively reviewed English-language Al Jazeera International, the network has opened four sports channels, a children's channel and a documentary channel. These efforts will boost profitability, Khanfar says. For now, though, the network is almost totally dependent on the government. Al Jazeera maintains that this is because of a Saudi-imposed boycott, in which anyone who advertises on the Qatari network is denied access to the lucrative Saudi market. The Saudi-Qatari rivalry is certainly not imaginary; Al Jazeera's primary competitor remains Al Arabiya [5], the Saudi-funded news channel based in Dubai.

A Qatari royal, Sheikh Hamid bin Thamer (whom Yasser Abu Hilala calls the "backbone" of the network), sits at the head of Jazeera's board. He is a powerful figure, not only at Al

Jazeera but in the Qatari official media as well. And while Khanfar says that "successful journalists question centers of power," it seems that local Qatari reporters are not given that opportunity, or are afraid to exercise it. Qatar's official media are full of the comings and goings of Emir Hamid bin Khalifa Al Thani and other family members. And Jazeera, which competes with other international news channels such as the BBC and CNN in breaking news about the rest of the world, is as bad as the other Arab state networks when it comes to reporting on Qatar.

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After years of a near-monopoly in the televised Arab media, Al Jazeera has inspired countless imitators throughout the Arab world. The only competitor that has come close is Al Arabiya. Jazeera still holds a majority market share, a remarkable accomplishment after more than ten years. And Jazeera has forced the Arab governments to at least consider the possible media consequences of their actions, something that would have been unthinkable before the network's 1996 launch.

Jazeera's pandering to the so-called Arab street feeds off and into the anger of a part of Arab society that is spoiling for a fight--people who are angry about what they consider Western decadence and the oppression of Muslims. It may also offer solace or diversion to the many who are poor and politically powerless, and who feel that their government does not address their concerns in any way.

What Jazeera misses is the middle-class Arab population that isn't angry, that has given up on politics and doesn't have time to call in to these programs. They try to ignore their governments, which have so little to offer. And when such people turn on the television, says Nidal Mansour, they expect entertainment. For those who regularly watch Al Jazeera, the constant parade of blood and guts may even have an inuring effect. "Al Jazeera turned death into yet another boring soap opera," says Mansour.

In a region so controlled for so long, Al Jazeera created a mainstream, Arab-centered narrative for the Israel-Palestine conflict and others in the region. But for all its achievements, the grip of repressive Arab regimes seems to be as tight as ever. Ten years of breaking taboos, promoting reform, exposing corruption and rigged elections has meant those governments have to work a little harder to cover up their abuses. But power is still very much centralized. Jazeera has a tangible impact on public opinion, but that public has--so far--failed to mobilize and seriously challenge the dictatorships.

"Arab governments saw this kind of [free] media change nothing," says Faisal Yassiri, Al Jazeera's former Baghdad bureau chief. "It's just coffeehouse talk."

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Al Jazeera - a Hamas Mouthpiece against Fatah?
By: Itamar Marcus and Barbara Crook / Palestinian Media Watch
Thursday, December 21, 2006

Jihad TV for Palestinian terror.

Introduction

Fatah leaders have accused Al Jazeera TV of being biased in favor of Hamas, and of being subservient to the Islamic extremist movement – the Muslim Brotherhood. Hamas has been defending Al Jazeera, calling it reliable and objective. Hamas has even accused senior Fatah officials of torching three cars belonging to Al Jazeera.

Given Al Jazeera's global image of moderation, it is noteworthy that the radical Islamist organization Hamas is defending Al Jazeera, while Fatah is attacking the network.

The following are two recent articles documenting the debate over Al Jazeera's alleged support of Hamas. The first item is from Al-Risalah, the Hamas newspaper, defending Al Jazeera. The second, attacking Al Jazeera, is from the Fatah-controlled PA daily Al Hayat Al Jadida.

Al-Risalah [Hamas], December 18, 2006:

"The satellite channel Al Jazeera from Qatar has always been thorough in conveying the suffering of the Palestinians and their message to the world in a professional and respectful manner... This has given the channel its good reputation, and the channel's broadcasts reach every Palestinian home...

This achievement has been met by Fatah Representative, Muhammad Dahlan with an attack of incitement. He accused it [Al Jazeera] of serving Israel... and that it is subservient to the Muslim Brotherhood. Dahlan's attack was not the only one to come from the Fatah movement, and most Fatah members 'inside' [the PA areas] attacked the channel.

Following Dahlan's statements, the Fatah movement published a public statement in which it accuses Al Jazeera of selling its soul to the Muslim Brotherhood, and that it is biased in favor of the Hamas movement at the expense of the truth. A Fatah spokesman in the West Bank, Dr. Jamal Nazzal said: 'Al Jazeera is biased in favor of Hamas, it highlights certain elements of reality, and pushes other elements to the side.'

Al-Risalah, [the Hamas newspaper]... spoke on the phone with the director of the channel's office in Palestine, Walid Al-Umari, who clarified that his channel is not interested in commenting on Dahlan and Fatah's statements: '...We do not want to comment on such declarations, this is not the first time that people attack and incite against the channel.' In the past, his [Al-Umari's] car was torched and his office in Ramallah was closed.

It should be noted that the Al Jazeera office in Ramallah was torched by armed militants in June 2006, and later it turned out... that the former [Fatah] Minister of Supplies, Abu Ali Shahin was responsible for torching the office's cars. Abu Ali Shahin had accused the satellite channel Al Jazeera that it is 'Hamas-ized' and is biased in favor of the Muslim Brotherhood.

Many observers link the torching of three cars of the channel in Ramallah to the accusations of the Palestinian Authority's former [Fatah] Minister of Supplies, Abu Ali Shahin and with the declarations of Jamal Nazzal, Fatah's spokesman in the West Bank, who accused the channel, from Al-Doha [Qatar's capital], of being biased in favor of Hamas."

Al Hayat AlJadida, [Fatah] November 4, 2006:

Headline: "Fatah accuses Al-Jazeera of being biased [in favor of Hamas] and of a lack of objectivity... The recruitment and organization office of the Fatah Movement accused the Al Jazeera channel of bias and lack of objectivity and professionalism in Palestinian issues. It is apparent to everyone ... the obvious bias and the lack of objectivity... unfortunately, this shift came after Mr. Waddah Khanfar was put... in charge of directing the channel, and he is known for identifying with the Muslim Brotherhood Movement ... there is a systematic media preference for the interests of one Palestinian party [Hamas] at the expense of the Palestinian public... We have turned many times to Al Jazeera reporters ... and the connected structures and to others, but to no avail. To clarify, we are pointing out that the reporters of Al Jazeera are continuously exposed to threats and intimidation [lit: terror] to the point of being threatened to be fired from

their job. We have confirmed reports of an agreement between [Al Jazeera head] Waddah Khanfar and the said Palestinian side [Hamas], to replace the current reporters, especially in the Gaza Strip, with people associated with them [Hamas] ... We demand Al Jazeera reconsider its operational procedures ... and to fix them, and to stay away from interfering with the internal Palestinian affairs in favor of one side at the expense of other sides."

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Itamar Marcus is the founder and director of Palestinian Media Watch. He was appointed by the Israeli government to be the Israeli representative (communication specialist) to the Trilateral (Israeli-American-Palestinian) Anti-Incitement Committee established under the Wye Accords. From 1998 to 2000, Mr. Marcus served as research director of the Center for Monitoring the Impact of Peace, writing reports on PA, Syrian, and Jordanian schoolbooks. He holds a BA in political science from City College of New York and an MA in Hebrew culture from New York University. Barbara Crook is associate director and North American representative of Palestinian Media Watch. She teaches at the School of Journalism and Communications at Carleton University in Ottawa, Canada. She holds an Honors BA in English literature from Queen's University, an MA in journalism from the University of Western Ontario, and is a Southam Fellow at the University of Toronto.