

To: Joel Simon
Executive Director
Committee to Protect Journalists

Dear Mr. Simon,

Since taking control of the Gaza Strip in 2006, Hamas, which Israel, the [United States](#), [the European Union](#), [the United Kingdom](#), [Canada](#), [Australia](#), [Japan](#), among other countries, have designated as a foreign terrorist organization, has [planted explosive devices in Israeli territory](#); fired anti-tank missiles at [Israeli soldiers](#) in Israel's borders and an [Israeli school bus](#); [kidnapped an Israeli soldier](#) and [denied the Red Cross access to him](#) for the full duration of his 1,941 days in captivity; [smuggled Iranian weapons into Gaza](#); [thrown a member of a rival Palestinian group out of a building](#); and [publicly executed suspected Palestinian collaborators](#) without trial, in one case [dragging a man's body tethered to a motorcycle through the streets](#). [According to the U.S. Department of State](#), in 2011 alone, "Hamas kidnapped approximately 20 Palestinian civilians and 30 political party members in Gaza."

Most steadily, since Israel left the Gaza Strip entirely, Hamas has been responsible [for more than eight thousand terrorist missiles and rockets fired at Israeli civilians](#). From November 10-13, 2012, Hamas fired 121 rockets at Israel. The uptick in rocket fire forced Israel to take further measures to defend its citizens, and on November 14, the Israel Defense Forces began Operation Pillar of Defense, a limited military operation intended to neutralize Hamas's medium- and long-range missile capabilities.

The Israel Defense Forces took extraordinary measures to avoid collateral damage, while surgically targeting terrorists who pose threats to Israel's security. These measures were further constrained by Hamas, which has a history of [posing as medics](#) and [journalists](#), hid behind and among civilians while firing upon Israel. Still, the IDF made thousands of phone calls, sent [tens of thousands of text message warnings in Arabic](#), and [dropped leaflets urging civilians to leave areas from which terrorists are operating](#), even at the heavy cost of hampering its ability to defend against terrorists.

Regrettably, [though the IDF takes remarkable and unparalleled measures to avoid civilian deaths](#), it is not perfect. The IDF investigates every single operation, takes responsibility for accidents and mistakes, and punishes its soldiers when they violate its code of conduct.

Soon after taking over Gaza, Hamas launched Al-Aqsa TV, its official television station. Here are only a few examples from Al-Aqsa TV's regular programming:

- A children's music video instructing that ["death is honor and victory" and "through death, we seek to bring the dawn and the day;"](#)
- A music video for children that was broadcast often between 2007-2009 that reenacts a mother carrying out a suicide bombing and ends with her daughter reaching for a

- dynamite stick while the singer sings, "[I am following Mommy in her footsteps](#)" (The children of the real-life suicide bomber, Reem Riyashi, on whom the video is based [were invited to the Al-Aqsa studio to watch the music video for a children's program.](#));
- A children's program on which an animal puppet explains to the young host that [Jews "must be erased from our land" and that "we'll have to do it by slaughter"](#);
 - A children's program on which a 10-year-old girl calls in and tells the host, ["I wished for martyrdom," to which the host exclaims, "How wonderful."](#)
 - On its official Facebook page, Al-Aqsa TV posted days after Pillar of Defense concluded: ["Good morning, good morning, mixed with the musk scent emitted by the blood the martyrs' purified family."](#)

Is it appropriate to classify employees of Al-Aqsa TV as journalists or even as advocates? Is glorifying death and advocating violence and murder merely reflecting an anti-Israel perspective? Should one who uses a camera, microphone, or stage to disseminate these messages be classified as a journalist?

The U.S. government certainly does not think so. Indeed, the Department of the Treasury designated Al-Aqsa TV with the same status as Hamas, which it regards unequivocally as a terrorist group. According to Under Secretary for Terrorism and Financial Intelligence Stuart Levey, ["Treasury will not distinguish between a business financed and controlled by a terrorist group, such as Al-Aqsa Television, and the terrorist group itself."](#) In June 2010, the European Union's Executive Commission argued to the French broadcasting authority that Al-Aqsa TV violates prohibitions against incitement to hatred and violence. As a result, Eutelsat, a satellite operator that reaches more than 200 million homes, [was ordered to cease broadcasting Al-Aqsa TV.](#)

Al-Aqsa TV's provocative, inculcating, and violent role within Hamas is not unique. Many terrorists groups worldwide establish media units to distribute their propaganda. In America's fight against Al Qaeda, it regards members of the terrorist group's media wing as legitimate military targets. In a 2007 press briefing, Navy Rear Adm. Gregory J. Smith, the chief of Multinational Force's communications division, told journalists that ["since the surge began, we've...captured or killed 24 al Qaeda propaganda cell members."](#) In its defense against terror, the United States has targeted media sites and individuals in Iraq, Afghanistan, and Yemen. There is no indication on CPJ's website that it took exception to these U.S. operations as attacks on journalists, leading one to conclude that the media wing of Al Qaeda, even according to CPJ, is a legitimate military target.

Further complicating Israel's ability to defend itself is the history of Palestinian terrorists' exploitation of the IDF's respect for the protection of journalists. Indeed, on June 9, 2007, [four](#)

[Palestinian terrorists drove a white jeep with "TV" marked clearly in red on the front of the vehicle](#) allowing them to get close to the Gaza-Israel border fence to fire at and kidnap IDF soldiers. "Using a vehicle with press markings to carry out a military attack is a serious violation of the laws of war, and it also puts journalists at risk," said Sarah Leah Whitson, the then-Middle East director of Human Rights Watch. On its website, HRW continued that "[The deliberate abuse of this protected status in order to breach the confidence of an adversary in an attempt to kill, injure or capture them, would amount to an act of perfidy, a serious violation of international humanitarian law.](#)" To be sure, the "TV" written on the hood of a terrorist group's car does not the journalist make. A search on the CPJ website yielded no response in any form to this incident.

Confronted by terrorist groups that seek, advocate for, and pursue Israel's destruction, the Israel Defense Forces have a responsibility to protect the citizens of Israel. The IDF also has a responsibility to uphold their rigorous code of ethics and adhere to Israeli and international law. Still, an open, free, and vibrant press is a critical function of all liberal democracies, [including the State of Israel](#), which believes that the safety of journalists must be ensured during their work.

This tension found expression in a 2002 Israeli Supreme Court ruling to reverse an order to expel a man who assisted his brother carry out a terror attack. The Court concluded that, "[we are doing all we can to balance properly between human rights and the security of the area. In this balance, human rights cannot receive protection, as if there were no terror, and State security cannot receive complete protection, as if there were no human rights. A delicate and sensitive balance is required. This is the price of democracy. It is expensive, but worthwhile. It strengthens the State. It provides reason for its struggle.](#)"

Sincerely,

Aaron Sagui
Spokesman
Embassy of Israel
Washington, DC