

Exhibit A



February 6, 2006

Ambassador Nicholas Burns  
Under-Secretary for Political Affairs  
The Department of State  
Washington, D.C.

Re: *Matar v. Dichter*, Civ. No. 05-10270 (S.D.N.Y.)  
*Belhas v. Ya'alon*, Civ. No. 05-02167 (D.D.C.)

Dear Ambassador Burns,

I wish to draw your attention to the above-referenced lawsuits recently filed in U.S. federal district courts against Avraham Dichter, former Director of Israel's Internal Security Agency and Moshe Ya'alon, former head of Army Intelligence for the Israeli Defense Forces.

Both suits, filed by the same counsel, seek to hold former senior officials of the Government of Israel *personally liable* for casualties resulting from military actions undertaken by the State of Israel in defending against terrorism. The *Matar* case involves military action undertaken in Gaza in July, 2002 against Saleh Mustafa Shehahdeh, the military commander of the Hamas terrorist organization. The *Belhas* case concerns an incident in April, 1996 in which casualties resulted from return fire directed against targets and rocket launch sites of the Hezbollah terrorist organization located, quite deliberately, in very close proximity to the United Nations compound in Qana.

Israel fully respects the United States legal system and the independence of its judiciary. At the same time, I feel obliged to convey to you our concerns regarding the fundamental inappropriateness and political nature of these lawsuits.

As you know, the State of Israel has long welcomed a dialogue with the United States, through diplomatic and political channels, about the terrorist threat confronting both our countries, and the proper measures for securing the safety of our citizens while upholding the rule of law and minimizing harm to others from military and security operations. We acknowledge also the critical leadership role of the United States in advancing the peace process between Israel and its neighbors.



The attempts to draw US courts into the adjudication of these cases runs counter to the ongoing Israel-US dialogue and the key diplomatic role of the US in the region.

These lawsuits would embroil the U.S. courts in evaluating Israeli policies and operations in the context of an continuing armed conflict against terrorist operatives. They touch directly upon issues related to the Middle East peace process and ongoing and extensive diplomatic efforts, led by the US government, to end terrorism and bring peace and stability to Israel's relations with Lebanon and with the Palestinian side.

As such, the cases raise quintessentially political questions, in which judicial interference is improper, impracticable and risks complicating or undermining the important political and diplomatic avenues that are currently being pursued.

While ostensibly brought against Mr. Dichter and Gen. Yaalon personally, these cases challenge sovereign actions of the State of Israel, approved by the government of Israel in defense of its citizens against terrorist attacks. They attempt to circumvent Israel's sovereign immunity for official state acts.

The plaintiffs could not sue Israel directly in the U.S. courts for its military and security policies, and have consequently sought to directly sue senior Israeli officials, both of whom continue to play a prominent role in Israeli public life. However, anything Mr. Dichter and Gen. Ya'alon did in connection with the events at issue in the suits was in the course of their official duties, and in furtherance of official policies of the State of Israel. To allow a suit against these former officials is to allow a suit against Israel itself.

Both cases also raise significant concerns in that they appear to be part of a deliberate, and potentially expanding, agenda on the part of some private groups to import political conflicts into foreign courts or to use lawsuits as a means for advancing certain political or propaganda objectives. We know that the US itself has had to confront similar misuse of legal avenues in cases brought against its own officials in foreign countries, some of which have been brought by the very same lawyers behind the cases against Mr. Dichter and Gen. Yaalon.



We have brought these cases to the attention of the relevant legal officials in the State Department, but given the sensitive political issues raised by the cases and their potential diplomatic implications we considered it appropriate to address you directly as well, and to place our concerns on record.

Please accept, sir, the assurances of my highest consideration.

Sincerely,

Daniel Ayalon