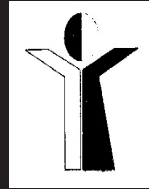


Arab Association for Human Rights  
P.O. Box: 215, Nazareth 16101  
Tel: + 972-(4)- 6561923  
Fax: + 972-(4)- 6564934  
E-mail: [hra1@arabhra.org](mailto:hra1@arabhra.org)  
Website: [www.arabhra.org](http://www.arabhra.org)

The Arab Association for Human Rights (HRA) was founded in 1988 by a group of lawyers and community activists to promote and protect the civil and political, economic, social and cultural rights of the Palestinian Arab minority in Israel from an international human-rights perspective. In 2003, the HRA expanded its activities to include a human-rights monitoring program, whose methodology relies on field research and interviews and legal analysis of the domestic and international human-rights standards. The idea of establishing a Research and Reporting program was first developed by the HRA in the wake of the events of October 2000, when 13 Palestinian Arabs (twelve citizens of Israel and one from the Occupied Palestinian Territories) were killed by state police forces. Since that time, a steady trickle of serious and often physical human-rights abuses against minority citizens means that the need for human-rights documentation and reporting of these abuses is more vital than ever.



Centre Against Racism  
12 Herzliya St., Haifa  
Telephone: +972-(4)-8510611  
Fax: +972-(4)-8507519  
Email: [info@no-racism.org](mailto:info@no-racism.org)  
Website: [www.no-racism.org](http://www.no-racism.org)

The Center Against Racism is a registered non-profit organization that aims to monitor all cases and incidents of racism committed by the Israeli authorities and by Jewish citizens against Palestinian Arab citizens of the State of Israel. The Center also aims to combat these cases and incidents wherever possible through public action and within the framework of the law. The idea of establishing the Center was born following the events of October 2000 (the Jerusalem and Al-Aqsa Intifada), when 12 Arab citizens of Israel were murdered and hundreds injured by the Israel Police, which received a green light for these actions from the Israeli government. The Center cooperates with various Arab and Jewish social organizations in order to realize its overall objective: to combat and confront all forms of racism.

# Suspected Citizens



**Racial Profiling against Arab Passengers by Israeli Airports and Airlines**

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December 2006

**Written by:** Adv. Tarek Ibrahim

**Researched by:** Adv. Tarek Ibrahim  
and Adv. Alaa Haider

**Reviewed by:** Mohammed Zeidan and  
Baker Awawdy

**Field Research by:** Adv. Alaa Haider  
and Yamin Rock

**Translated (from Hebrew) by:** Shaul Vardi



This report has been produced with the financial assistance of the European Union and ICCO. The views expressed in this report are those of the Arab Association for Human Rights and the Center Against Racism and can, therefore, in no way be taken to reflect the official opinion of the European Union and ICCO.



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## Preface

Racial profiling usually occurs when the official institutions of a state – its security forces or any other institution – adapt the way they treat individual citizens on the basis of considerations relating to their national, ethnic, or religious affiliation, rather than on the basis of concrete and specific information regarding the individual.

Studies on the effects and ramifications of racial profiling on the lives of citizens in various countries – for example, on the lives of Afro-American citizens in the United States – have shown that this policy has functioned as a pretext for the ongoing violation of a series of human rights on the individual level. On the collective level, it has constituted a tangible obstacle impairing the development of the Afro-American community within the overall mosaic of American society. In South Africa, the policy of racial profiling during the Apartheid era, which lasted through the 1990s, led to the committing of appalling crimes against African citizens. These crimes, which constituted gross violations of human rights, were condemned by the international community which rejected the Apartheid regime in a manner that ultimately promoted its collapse and the establishment of a democratic regime based on equal right for African citizens.

The policy of racial profiling directly injures the dignity of those whom it subjects to discrimination. On the basis of their external appearance – the color of their skin, their style of clothing, their language, or other factors – the victims are prevented from playing an active role in society, from realizing themselves, and from realizing their human rights and basic liberty. This happens not because of any faults on their part or any mistake they have committed, but on the basis of an approach rooted in prejudice and reflecting racial discrimination.

The Arab Human Rights Association and the Center Against Racism argue that racial and ethnic affiliation must never determine the attitude of official institutions towards the citizens of the state. Focusing on such affiliation denies the individual identity of the citizen, thus leading to gross violations of human rights.

In the case of the Palestinian Arab minority in Israel, this policy has formed the basis for the attitude of the state and its institutions – particularly the various security forces – toward the minority. Arab citizens have been removed from the general framework applying to the Jewish majority and defined as inherently suspect.

This policy has enabled the security forces to discriminate against Arab citizens to the point of endangering their lives, through a “trigger-happy” policy applied in the case of “suspect” Arab citizens. In official and public thought, such behavior is perceived as “understandable,” “justifiable,” and “acceptable,” provided the victim comes from the Arab minority, whose members are automatically suspected of posing a “tangible threat.”

This report details the forms of racial profiling implemented at airports. This phenomenon is alarming both in terms of the frequency with which it is encountered and in terms of its acceptance in Jewish public opinion and by the authorities. The report aims to alert Israeli society, public bodies, and official institutions to this problem, and to appeal to the international community and to governmental and community bodies to act forcefully and clearly to condemn this unacceptable behavior as a manifestation of racial discrimination. Forms of racial discrimination are contrary to international standards of morality and have been condemned by international human rights conventions as among the most offensive and injurious violations of human dignity.

The report also emphasizes the need to take steps to prevent the recurrence of these violations at overseas airports. In our opinion, governments that tolerate the application of such methods by the State of Israel on their soil share the moral and legal responsibility for the occurrence of these grave violations in their territory. Their toleration of such behavior makes them accomplices in the committing of these offenses.

In the name of universal human rights, we urge all official and non-official bodies to take all possible steps to uproot this inhuman scourge, in order to promote a human and democratic society in which all people and nationalities shall be equal. Such a society can advance humanity toward the peace and stability we all desire.

Lastly, we emphasize that, before its publication, this report was forwarded to the Israel Airports Authority and to El-Al Airlines for comments. The response of the Israel Airlines Authority was confined to a declaration that the subject of the report does not lie within its field of responsibility and is within the mandate of the General Security Service. El-Al airlines did not bother to respond to the report. Part of our correspondence with the foreign airports is attached to the report (Appendix C).

Sincerely,  
Mohammed Zaidan  
Executive Director  
Arab Association for Human Rights

Sincerely,  
Baker Awady  
Executive Director  
Center Against Racism

## Introduction

Salah Ya`aqubi is an Arab citizen of Israel who lives in the village of Reineh, close to Nazareth. He is a cum laude student in the Department of Nursing in Tel Aviv University. In 2005, Tel Aviv University chose Ya`aqubi as one of its representatives at an international conference held in London. Three other students from the institution were also selected to participate in the conference. The four students served as representatives of the State of Israel at the event.

On the day of their flight, Ya`aqubi and the three Jewish students arrived together at Ben Gurion Airport. The four were due to fly with the Israeli air carrier Israil. During the routine security inspection, the security staff inspected the baggage of all four students using x-ray scanners. The Jewish students then moved on and their passports were stamped, while Ya`aqubi was obliged to undergo a special security inspection. The security personnel stated that they intended to undertake a manual search of his baggage. During the course of the manual inspection, the security personnel overturned Ya`aqubi's bag with all his belongings in, and then asked him to accompany them to a side room so that they could ask him some questions. When Ya`aqubi attempted to ascertain the reason for this special interrogation, which his Jewish friends were not required to undergo, one security guard replied that "these are our instructions, and they come from high up." The security personnel asked Ya`aqubi numerous questions: where he was going, what the purpose of his visit was, and so on. After completing the questioning, the security personnel ordered Ya`aqubi to accompany them to another room, where he was again asked the same questions. When he commented that he had already answered these questions, and that his baggage had already been examined, one of the security personnel told him that these were their instructions, adding,



“I don’t care what they asked you before.” The security guards did not claim that there were any specific suspicions against Ya`aqubi or that he presented any danger.

Eventually, after the additional security inspections were completed, Ya`aqubi got on the airplane and flew to the conference. His feeling was that he had been required to undergo a special security inspection because of his national origin, i.e. because he is an Arab. At the end of the conference, as the students headed back to Israel, the phenomenon repeated itself. Ya`aqubi and the Jewish members of the delegation went through the routine inspections at the inspection points of the British authorities. Their baggage was examined and they were politely asked a number of questions. After this inspection was completed, Ya`aqubi was again asked to undergo an additional inspection by Israeli security personnel. After his baggage was examined in an x-ray scanner, the Israeli security personnel demanded to perform a manual search, claiming that there was suspicion that his case contained “molecules of explosives.” Ya`aqubi stated that he had no doubt that his baggage contained nothing other than his personal belongings. The security personnel also insisted on carrying out a manual search of Ya`aqubi’s hand baggage.

After the inspections were completed, the Israeli security personnel informed Ya`aqubi that his large bag would be held at the airport for several days and then sent to Reineh, his home village. Ya`aqubi was then taken into a side room and asked to remove his clothes and shoes, on the grounds that there was “suspicion of the presence of an explosive.” Ya`aqubi then underwent a body search and was asked a number of questions.

After taking his bag, Ya`aqubi was given his shoes back and permitted to proceed to the duty free shops. However, half an hour before the flight was due to depart, an Israeli security guard approached Ya`aqubi and asked him to accompany him to a side room for a further inspection.

Ya`aqubi noted that he had already undergone several inspections and his bag had been taken from him, but received the reply that “these are our instructions.” Ya`aqubi eventually boarded the flight fifteen minutes late, after all the other passengers had already taken their seats. When he entered, many passengers looked at him suspiciously, having witnessed his last questioning.

Ya`aqubi described his feelings about the intrusive and humiliating series of inspections and interrogations he was forced to endure in the following terms:

This is the most offensive and humiliating experience I have ever had. I was immediately suspect just because I am Arab. The fact that I am an outstanding student, was traveling as a representative of an academic institution, and was selected to represent Israel at an international conference didn't help me at all. I sensed the lack of esteem and respect and the contempt the security guards felt toward me. It was particularly offense since I saw with my own eyes that the security personnel let my Jewish friends proceed without hindrance, without being interrogated, without being taken into a side room, and without offending them in front of hundreds of passengers who flew with us on the plane.

The experience related by Salah Ya`aqubi is a classic example of the treatment encountered by Arab citizens of Israel when they come to Ben Gurion Airport in order to board international flights. Any Arab citizen who is planning to travel abroad, whether for vacation, family visits, or work, makes sure they arrive at the airport four hours before the scheduled departure, due to the series of delays and humiliating interrogations they can expect because of their national origin (hereinafter: discriminatory

security inspection).<sup>1</sup> The delays range from three to four hours. Jewish passengers are only rarely forced to undergo such a rigorous process. This phenomenon is so widespread that it is hard to find any Arab citizen who travels abroad by air and who has not experienced a discriminatory security check at least once.<sup>2</sup>

The Arab Association for Human Rights (HRA) and the Center Against Racism (hereinafter “the investigating organizations”) have accumulated numerous complaints submitted by Arab citizens relating to discriminatory security inspections they have undergone at the hands of security personnel, despite the fact that they did not pose the slightest security risk to the other passengers. These travelers have never been suspected of security offenses and nothing in their past could justify such special treatment. The complainants report that the discriminatory attitude of the security personnel began as soon as they realized that the people in front of them were Arab citizens – whether by means of their external appearance, their accent, their place of residence, or after the travelers identified as Arabs – and solely for this reason. The complaints also show that the discriminatory security inspection takes place in various stages, beginning at the main entrance to the airport, continuing in the line for check in, and culminating at the border crossings and passport booths. Sometimes the security inspection even continues in the shopping area, as a security guard accompanies the Arab passenger through to the departure gate, waiting until they actually board the plane.

The discriminatory security inspection undergone by Arab citizens is not confined to Ben Gurion Airport or to other airports and border crossing in Israel. Arab citizens who choose to use Israeli airlines, such as El-Al, Israir, and Arkia, also encounter such inspections at international airports in foreign countries, undertaken by Israeli security personnel. An examination by the investigating organizations regarding the source of

authority for the use of Israeli security personnel on the territory of foreign countries showed that the inspections undertaken by the Israeli companies are in addition to the local security arrangements. It also emerged that the countries in which these inspections take place do not supervise them, and prefer to ignore their discriminatory nature and the human rights violations committed on their own soil. The demand to reveal the nature of these arrangements was rejected on the grounds that this is confidential information.

These discriminatory security inspections, whether in Israel or abroad, are only imposed on Jewish passengers in rare cases.<sup>3</sup> Many Arab passengers have reported undergoing a series of humiliating inspections such as that experienced by Salah Ya`aqubi, with repeated checks, while their Jewish fellow passengers proceeded after routine inspections. Many Arab passengers described being led by Israeli security personnel at foreign airports into side rooms for interrogation. In most of the testimonies, the passengers noted that other passengers were also in these rooms, almost all of them Arabs or foreigners wishing to enter Israel.

The Airports Authority and the Israeli airlines have persistently rejected the claims of discriminatory inspections by Arab citizens, stating security reasons as the excuse for the series of inspections. They claim that there is no standing procedure for “processing” Arabs per se, without reference to specific suspicions or intelligence information. The authorities claim that the inspections are undertaken in accordance with confidential procedures determined by the General Security Service, and are implemented on a routine basis, and not with special reference to Arab passengers.<sup>4</sup>

In practice, however, the treatment of Arab passengers is sharply distinctive, and forms part of the accepted approach since the establishment of the State of Israel that the Arab citizens are not entitled to genuine equality of rights and constitute a “security threat” to the Jewish state. According

to this approach, a person of Arab nationality belongs to a category of security risk justifying special security actions and inspections and close supervision, regardless of their past or of their profiling by the security services. In practice, the impression received is that the security inspections, and particularly the interrogations, are not intended solely to ensure the safety of the passengers, as the authorities claim, but also to collect intelligence information relating to each Arab passenger, in order to enhance the monitoring of these citizens. Technological advances in recent decades make it possible to ensure close scrutiny preventing the introduction of objects or substances liable to endanger the passengers. Despite this, these advances have not altered the reliance on human inspections. Indeed, in recent years, following the installation of new scanners in the airport, the inspections are now implemented in two stages – technological scanning, which is imposed on all passengers, followed by manual inspections, imposed on the Arab passengers.

It is important to note that discriminatory inspections are not imposed on every Arab passenger or in the course of every single journey they undertake. However, the large number of complaints shows that Arab citizens are subject to a distinctive and discriminatory approach on the basis of their national origin. They are collectively, and almost automatically, subject to a security inspection that is not imposed on Jewish passengers, and is based on a security perception that persistently views them as a threat.

Given the large number of complaints,<sup>5</sup> a joint working team was established for the first time in April 2006 to bring together the Airports Authority and representatives of Arab citizens in order “to examine jointly ways to improve the nature of the service and the behavior toward Arab citizens at the airports and border crossings.”<sup>6</sup> The Airports Authority also established a “special committee to examine the security inspection for the

Arab population” in 2005, but the conclusions of this committee, which effectively constituted an internal audit mechanism examining problems relating to the security inspection for Arab passengers,<sup>7</sup> were never made public.

This report will detail the manner in which the discriminatory inspection is imposed on Arab citizens as a national group all of whose members are spuriously perceived as a “security threat” to the state, and will expose the true purpose of this inspection: To monitor Arab citizens under the guise of security needs as part of a systemic and deliberate policy on the part of the state authorities.

## **The Discriminatory Security Inspection at Ben Gurion Airport**

Many Arab citizens who have described the discriminatory security inspection they underwent at Ben Gurion Airport have emphasized the protracted nature of this experience, which began when they arrived at the entrance to the airport and ended only as they boarded the airplane. The intervening period was lengthy and nerve-wracking, requiring the Arab passengers to face discriminatory treatment at every stage of their passage through the airport.

In this chapter we shall detail the stages of the discriminatory security inspection undergone by Arab passengers from start to finish. The description is based on information gathered by the investigating organizations, and, in particular, on testimonies collected from Arab travelers who have experienced the discriminatory security inspection.<sup>8</sup>

It is important to note that not everyone who is subjected to a discriminatory security inspection undergoes all the stages in the order in which they appear in this chapter. In some cases, Arab passengers were only subjected to some of the stages. However, the testimonies and details as collected reflect a specific pattern of a distinct approach toward Arab passengers at every stage of the security inspection.

### **The discriminatory security inspection at the main entrance**

... we drove to Ben Gurion Airport. The flight was due to depart at 6:00 am. We made sure to arrive as early as possible so as to complete the interrogation as quickly as we could. We arrived at the airport four hours before the

departure time. When we arrived at the external entrance to the airport, the guard asked us to identify ourselves and asked where we were from. When we replied that we were from the Nazareth area, the guard ordered us to pull over to the side and stop the vehicle. I travel abroad frequently, and every time I come to the entrance and say that I am from the Nazareth area, they instruct me to move to the side and question me. On one occasion I told the guard at the entrance that I was from Afula, and I passed through without any questioning.<sup>9</sup>

At the main entrance to the airport there are several parallel lanes for traffic, each one staffed by an armed security guard. Any vehicle that arrives at the entrance is required to stop, and the driver is asked where they are from. The driver is then required to present their identity card, which includes details of the place of residence. If the security guard realizes that the person is Arab, they are told to stop by the side of the road and wait. Sometimes the Arab traveler is identified on the basis of their appearance or clothing, particularly in the case of people wearing tradition Muslim clothes or Christian clerical garb. In other cases, the identification is based on the traveler's accent, or even on the basis of the type of vehicle, due to the assumption that Arabs tend to use particular makes of cars, such as Subaru, older cars, or cars whose license plates do not include the letters IL (for Israel).

After the driver stops by the side of the road, security personnel question them as to their identity, destination, the purpose of their trip, and so on. In most cases, the driver and passengers remain in the vehicle during this question, but sometimes they are asked to come into a side room. During the questioning, other vehicles enter the airport and their drivers are not required to stop by the side of the road and undergo similar questioning.



When other cars are required to stop, it emerges that they are also being driven by Arabs. In most cases, the questioning in this stage lasts between five and thirty minutes. After this is completed, the travelers continue into the airport.

### **Discriminatory security inspection at the entrance to the terminal**

When we arrived at the entrance gate to the terminal building, several officials were standing there. They stopped us and asked us to identify ourselves. Then we entered the terminal building and headed for the questioning and search area.<sup>10</sup>

Security personnel at the entrance to the terminal examine those entering carefully. If they suspect, on the basis of external appearance, language, or accent, that a person entering the terminal is Arab, they will often stop the individual and ask them to identify themselves and present their flight ticket. This stage does not usually include questioning, physical searches, or searches of baggage. After identification, the traveler enters the terminal. This stage does not usually take more than a few minutes.

### **Discriminatory security inspection before the check-in**

The offensive treatment began when we traveled via Ben Gurion Airport. We, the Arab women, were taken to one side, while the Jewish members of the delegation were not. When they were stamping our passports, one of the clerks evidently used the wrong colored sticker on the passport, and the others said to her “Can’t you tell the difference?!” I have no doubt that what they meant was “can’t you distinguish between Arab and Jewish women?” I was very

offended by this – as if it says on every person’s forehead whether they are Arab or Jewish.<sup>11</sup>

Inside the terminal building, several lines lead to the check-in counters. At the end of the line, before reaching the counter, a security guard asks each passenger to identify themselves. In the case of Jewish passengers, they are then usually instructed to proceed immediately to the check-in counter without any special questioning. Sometimes the Jewish passengers are questioned briefly, and only in rare cases is their baggage searched. Even when such searches are undertaken, they are usually superficial.

In the case of Arab passengers, however, the process is almost always different. The Arab passenger is led to one side by a security guard who questions the passenger about the details and purpose of their trip. The security guard also searches the passenger’s baggage, in public view. Arab passengers usually wait in the line intended for Israeli citizens but sometimes, after they are identified as Arabs, the security guards redirect them to a line intended for foreign passengers, or they are removed from the line and asked to wait at the side.

After the inspection procedures, the security guard places a sticker on the baggage of Arab passengers that is of a different color to that used for the baggage of Jewish passengers (a different colored sticker is placed on the passport also). Numerical codes appear on the sticker. The colors of the stickers are not constant, but change from time to time. Sometimes the security guards place a plastic object inside the bag of the Arab passenger; the object is fixed firmly on the inside and cannot easily be removed. The stickers distinguish Arab passengers from Jews, and are presumably intended to indicate the level of security risk posed by the passengers. In these cases, the assumption is that the Arab passengers constitute a security threat.

At this stage, the security guard calls a second guard who leads the Arab passenger to a side room. In this room, the Arab passenger undergoes further questioning of a more detailed nature than before. Some of the questions included in the interrogation relate to the details of the flight and the destinations, while others are of a personal nature and do not relate to flight safety or to the other passengers. Among other questions, Arab passengers are asked what is their destination, what is the purpose of their trip, where they will sleep, why they chose to sleep in this location, whom they intend to meet during their trip, where they purchased their flight ticket, who paid for it, whether they can provide invoices, what is their occupation, why they chose a particular occupation, and so on. The passengers are also asked to provide details about their family: What is their father's occupation, how many brothers and sisters they have, what are their occupations, and so forth. The passengers are required to substantiate their replies by presenting documents and providing the telephone numbers and addresses of people they intend to meet and places they plan to visit. In some cases, the passengers are asked to present confidential documents, such as documents covered by attorney-client confidentiality.

The range of subjects included in the questioning suggests that, in reality, this process is one of intelligence work of a general nature, not related specifically to the safety of the airplane or the passengers. Many Arab passengers feel that they are questioned as suspects of some crime.

At this stage, after the Arab passenger has been questioned twice by security personnel, their baggage is inspected using a scanner and then searched carefully by hand, even if the scan search does not reveal anything suspicious. During the manual search, the content of the bags is removed and each item is inspected separately. The empty bags themselves are sent for a further inspection using the scanner. Some items, particularly electronic instruments such as laptop computers, CD and MP3 players, and so on, are taken for laboratory tests. Before forwarding laptop computers

for laboratory tests, the guards often turn them on and inspect the content of the files on the computer, grossly violating the right to privacy. In many cases, instruments are damaged during the inspections, and in other cases, instruments are held at the airport for days and even weeks before being sent on to their owner. Even the most personal of items are not exempted from scrutiny. Eventually the security personnel return the objects to the bag in no particular order. This sometimes leads to the breakage of objects during the flight, and the leakage of liquids inside the bag. In most cases, the search takes place in the presence of the passenger, but sometimes they are not permitted to be present during the inspection.

As mentioned above, the questioning and the inspection of baggage usually take place in a separate room. In many cases, however, they take place in the general passenger hall, in full public view. This practice is even more humiliating, and encourages the other passengers to see the Arab passenger as a “suspect.”

After the inspection of the baggage is completed, the next stage is a physical search. The Arab passenger is led into a small room, asked to remove their shoes and belt, and their body is then searched thoroughly. The security personnel feel the passenger’s clothes and sometimes touch their intimate parts, even inserting their hands into the clothes. Passengers are often required to remove their clothes and remain only in their underwear.

### **Discriminatory security inspection before stamping the passports**

In Terminal 3 at Ben Gurion Airport, immediately after I go through the security inspections and the check in process, I proceed into a shopping area, and then through an exit gate leading to the passport booths. After the gate, there are several lines, each leading to counters and scanners. A security guard

at the gate tells each passenger which line to enter. I have noticed that I am almost always asked to go to counters 1 or 14, at either end, even if these are crowded and other counters are empty. At these counters, passengers are asked to remove their shoes – something that does not happen at the other counters. The passengers directed to these counters come from two groups: Arabs and migrant workers.<sup>12</sup>

After all these inspections have been completed, which can take from two to four hours, the Arab passenger is “released” from the security inspection and proceeds to check-in, handing in their baggage. The passenger then proceeds to the internal gate in order to have their passport stamped and continue on to the duty free shops and waiting area. If the passenger is an Arab, his passport is stamped with a different sticker than if he was Jewish. Beyond the gate are a number of lines, each leading to a scanner operated by a security guard. A security guard at the internal gate inspects the passports of all the passengers, and directs them to the various lines. The information gathered by the investigating organizations shows that all the Arab passengers are directed to the lines leading to gates 1 or 14, even when there are long lines and the lines for other gates are empty. In these lines, the passengers are required to hand over their watches, wallets, and hand baggage for inspection, and once again to remove their shoes and belts. After these items have been inspected in the scanner, they are returned to the passenger. The passenger’s passport is then stamped and they are entitled to proceed to the duty-free area and subsequently to their flight.

### **Accompaniment by Security Guards**

After we left the inspection room, we continued toward the duty free and waited for the flight. An official approached us and told us that we could not walk around or talk to anyone until we boarded the flight. I could not remain

silent any more and asked to speak to her superior. We argued and shouted. I shouted at them that such humiliating and offensive treatment is racist.<sup>13</sup>

An additional stage in the discriminatory security inspection is accompaniment by a security guard. After the security inspections are completed and that Arab passengers continue to the check-in counters and passport booths, they are sometimes accompanied by a security guard until they reach the duty-free area, and occasionally even until they proceed to the departure gate. In some cases, the security guard accompanying the passengers forbids them to speak to other passengers at the airport until the flight departs. Arab passengers feel that they have been classed as “dangerous prisoners” requiring personal guards, since, as Arabs, their behavior can be expected to endanger their fellow passengers. This procedure exacerbates the sense of humiliation, alienation, and offense experienced by the Arab passengers.

### **Prohibition against Taking Objects onto the Plane**

They told me that I could not take my laptop computer onto the plane, and they would have to examine it again. They took it and examined it again in the machine and packed it in a box. All this despite the fact that the other passengers who had laptops took them onto the plane without any problem. When I asked them for the reason for this, they replied that it was a security matter and they could not provide details. But inside myself I knew the answer: because I am Arab. If my name had been Rivka, Rotem, or Moshe [Jewish names], the situation would have been completely different.<sup>14</sup>

A further aspect of the discrimination against Arab passengers at the airport is the prohibition against taking various objects onto the plane. The prohibition relates to small items that passengers can usually take onboard without any problem – small bags, laptop computers, and so on. In many cases, security personnel have prevented Arab passengers from taking such items on board on the grounds of security considerations, without explaining this claim and without applying the same prohibition to other passengers. The prohibition is imposed despite the fact that these items have already been closely inspected both in the scanner and by hand.

### Missing the Flight

We saw that it was already 4:30 am. Because of all these delays, we asked one of the officials to take care of our check-in so that we could proceed, and to reserve a good seat on the plane for us. The official went off to see to the check-in, but returned at 5:30 am and informed us that there were no seats left on the plane. We were shocked. How it could be that there were no places left on the plane after we had arrived so early and undergone this nightmare of a search? We had been delayed on our way to the plane by hours of humiliating and offensive searches, and after all that we did not even board the flight. By way of “compensation,” they suggested various alternatives, such as flying to Barcelona and then on to Rome, or flying to Rome via Munich. We rejected all these proposals, and asked to fly to Rome the next day with Alitalia. We each received \$ 200 as compensation.<sup>15</sup>

This testimony describes one of the ramifications of the discriminatory security inspection imposed on Arab passengers, who sometimes miss their flight due to the delays caused by the protracted inspection. Arab

passengers are aware that they can expect a discriminatory and lengthy inspection, and usually arrive at the airport well in advance. Despite this, Arab passengers have sometimes missed their flight despite arriving very early. After being harassed and humiliated for four hours, these passengers are then informed that they cannot board their plane since they are “late” for the flight. In some cases, security personnel intervene to enable the Arab passengers to board the plane, even if they are very late. When Arab passengers miss their flight, they receive financial compensation.

### **Humiliation and Offense**

I must emphasize that the rude and insulting attitude, and the lack of human respect, were reflected in every word and every glance of the inspectors. This was a very difficult and exceptional experience, unlike anything else I have ever known.<sup>16</sup>

The Arab passengers who gave testimonies to the investigating organizations emphasized the sense of humiliation and offense they experienced during the discriminatory security inspection. There were two reasons for this feeling. Firstly, the very act of the discriminatory inspection imposed solely on Arab passengers. The sense of humiliation was particularly strong in the case of Arabs who traveled together with Jews in mixed groups and to the same destination, only to be separated for the purpose of the discriminatory inspection. Secondly, the manner in which the inspection was carried out. Arab passengers reported that the sense of humiliation was exacerbated due to the disrespectful attitude of the security personnel. They reported that the security personnel treated them as a “security threat” to the other passengers, and, therefore, as deserving a different attitude. In many cases, the passengers reported rude and insulting behavior, adding that they felt that the security personnel



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treated them not as citizens of the state, but as suspects, due to their ethnic and national identity. In general, the Arab passengers felt that the security personnel treated them as second-class citizens.

The sense of humiliation was particularly strong during the physical search, due to the manner in which it is carried out and the injury to personal modesty. In cases when the discriminatory inspection was carried out in the passenger hall, in full public view, the humiliation was exacerbated, since the Arab passengers were thereby also “marked out” in front of their fellow passengers.

When Arab passengers boarded the flight late due to the protracted inspections, their late entrance drew attention from the other passengers. The latter usually realized that those involved were Arabs who had undergone strict security inspections, either because they had seen them being questioned in public, or because they identified them as Arabs on the basis of their external appearance or language. Sometimes, they simply assumed that anyone required to undergo a strict security inspection must obviously be an Arab.

## **The Discriminatory Security Inspection at Foreign Airports**

Israeli and foreign travelers wishing to fly into Israel can choose between various airlines, both Israeli and foreign. Passengers flying to Israel undergo routine security inspections carried by the local security personnel of the country from which they are departing. In the case of foreign airlines, only local inspections are carried out. In the case of Israeli airlines, however, security inspections are also undertaken by Israeli security personnel at the foreign airport from which the flight is departing to Israel.

The information gathered by the investigating organizations and testimonies collected from Arab passengers who have undergone security inspections by Israeli security personnel abroad<sup>17</sup> show that even at foreign airports, Israeli security personnel enforce discriminatory security inspections on Arab passengers. As is the case at Ben Gurion Airport, Jewish passengers are exempt from this inspection.

In most cases, the Israeli security guards are aware in advance that an Arab passenger is due to arrive, presumably on the basis of the passenger lists held by the airline. Israeli security guards await the Arab passengers at the counter and instruct them to come into a side room.<sup>18</sup> This room is usually on the level underneath the check-in halls and passport booths. In the side room, the Arab passenger undergoes a humiliating and exhausting procedure including questions about their activities in the country they have visited – where they slept, what places they visited, whom they met, and other similar questions of an intelligence nature that have nothing to do with the safety of the passengers or the flight. Arab passengers are also required to substantiate their replies by presenting receipts, documents, or the names and telephone numbers of people they met.

After the questioning comes the physical search. In many cases, the security guards order the Arab passenger to remove all their clothes, apart from their undergarments, and undertake a detailed search of their body, touching their intimate parts. This is followed by careful searches of the passenger's baggage and personal possessions. The security guards often order the passenger to empty out all their baggage and transfer it into bags and boxes for the purpose of the search. The passenger is then informed that they cannot take their bags with them, supposedly because there is no suitable device at the airport for their inspection, and the only alternative is to fly them elsewhere for inspection, and then forward them to Israel in two or three days. Accordingly, the Arab passenger is obliged to return to Israel carrying their belongings in boxes and plastic bags, hoping that they will indeed receive their bags within a few days. In most cases, their bags are indeed returned, but sometimes they are returned in a damaged condition, and on occasions – not at all. As is the case at Ben Gurion Airport, here, too, the security guards sometimes forbid the passengers to take various objects with them when they board the plane. Arab passengers who have laptop computers are required to deposit these with the security guards for physical inspection and an investigation of the files stored on the computer. Again, the guards promise that the computers will be returned within a few days. In many cases, laptop computers were destroyed or damaged before being returned.

After the discriminatory security inspection is complete, the baggage of the Arab passenger is marked with stickers with different colors and codes than are used to mark the baggage of the Jewish passengers. At foreign airports the Arab passengers are also sometimes accompanied by the security guards through to the boarding gate.

Arab passengers have often complained to the security guards about the discriminatory treatment they receive. The reply of the Israeli guards is always the same – if they are not happy with the treatment, they can fly with foreign airlines.

Arab passengers who have been subjected to discriminatory security inspections at foreign airports by Israeli security personnel report feelings of humiliation and insult. The passengers felt that the security personnel treated them not as citizens of the state, but as suspicious travelers wishing to visit Israel. Some of the Arab passengers reported that while they were in the side rooms, they saw only other Arab passengers or foreigners wishing to visit Israel.<sup>19</sup> None of them has ever mentioned in their testimony meeting Jewish passengers in these rooms.

In conclusion, it may be stated that Arab passengers flying to Israel with Israeli airlines face a humiliating experience at the foreign airport that is similar to that with which they are familiar from Ben Gurion Airport.

One of the cases reported to the investigating organizations offers a good illustration of the discriminatory approach of the Israeli airlines toward Arab passengers. Walid Khutba, an engineer in the hi-tech company Camtek based in Migdal Ha'emek, was sent by his employer to the United States at the end of 2005 for a training course. Khutba flew with El-Al and, on his return journey to Israel, underwent an intensive and humiliating security search by Israeli security guards.<sup>20</sup> After returning to Israel, Khutba filed a complaint with El-Al through the company in which he works. On March 15, 2006, a meeting took place between Khutba and representatives of El-Al, in the presence of representatives of Camtek. At the meeting, the El-Al representative clarified that the security inspections at the airports are the responsibility of the General Security Service and not of El-Al. However, the representative presented Khutba with a form and asked him to complete and sign it, adding that the form might shorten the security inspection procedures in the future, if he flew with El-Al. Khutba refused to sign the form.<sup>21</sup> This case illustrates the extent to which the discriminatory security inspection forms part of the regular treatment of Arab citizens by Israeli companies at foreign airports. In this case, the

passenger was required to complete a special form in advance in order to prove that he is not a “security threat” and can avoid the discriminatory inspection. Accordingly, Arab passengers are defined as a “security threat” unless proven otherwise.

In light of the complaints received by the investigating organizations from Arab citizens who underwent discriminatory security inspections at foreign airports, the organizations contacted El-Al and four foreign airports, at New York, USA; Paris, France; Geneva, Switzerland; and Vienna, Austria. The organizations inquired as to the source of authority of Israeli security personnel operating in these airports and implementing a policy that discriminates against people on national and racial grounds. El-Al refused to provide information on its arrangements with the authorities in foreign countries. The management of Vienna airport stated that it has no influence over El-Al’s security procedures at the airport, and the management of Geneva airport stated that El-Al implemented in Geneva additional security measures for the sake of their passengers, and that these measures have been agreed by the Swiss Government. The management of the airport added that they do not have the possibility, and it is not their task, to supervise the daily implementation of these additional measures. However, they stated that they will address this issue to El-Al’s Head of security in Geneva and express their concern that the additional procedures are implemented in a non discriminatory manner.<sup>22</sup> No replies were received from the other airports.

Accordingly, the replies received show that the managements of these airports permit Israeli airlines to maintain additional and special security arrangements implemented by Israeli security personnel in order to secure the safety of their passengers. The countries on whose soil the Israeli security personnel operate do not intervene in their functioning and do not supervise the manner in which they carry out security inspections.

In the opinion of the investigating organizations, it is remarkable that these countries make no effort to supervise the actions of Israeli security personnel present on their territory, particularly in light of the discriminatory and humiliating procedures they apply. These procedures violate human rights, and, accordingly, violate both the domestic legislation of these countries and international human rights law.

The investigating organizations have learned that a Hungarian court, ruling in a suit against El-Al, has determined that Israeli security personnel cannot act on Hungarian soil in accordance with domestic (Israeli) procedures in cases when these contradict Hungarian domestic law.

Uri Davis, an Israeli left-wing Jewish citizen, planned to travel from Budapest, Hungary to Israel on an El-Al flight. On arriving at the airport, Israeli officials ordered Davis to accompany them to a side room where he was interrogated.<sup>23</sup> The security guards intended to search his baggage and personal possessions without his being present. Davis refused and demanded that he remain present during the search. The officials rejected this request and prevented Davis from boarding the El-Al flight.

Davis sued El-Al in a Hungarian court, demanding compensation for the violation of his right to dignity, liberty, and freedom of movement. The Hungarian court accepted the suit, stating in its ruling that the El-Al personnel acted in a manner contrary to Hungarian law in demanding to search his baggage and possessions in his absence. The court further ruled that the El-Al personnel at the Hungarian airport do not act as official staff; their function is confined solely to security inspections. The importance of this ruling lies in the clear statement that the internal procedures applied by El-Al security guards may not be contrary to Hungarian domestic law, and that the laws of that country do not permit persons other than authorized officials to undertake such actions.

## **Conclusions**

### **Discrimination on the Grounds of National Affiliation**

Arab passengers are subjected to a distinct and discriminatory security inspection, as described and discussed in the previous chapters. The information gathered suggests that this is not an unusual or random phenomenon, but rather a systemic policy applied against Arab passengers on a regular basis on the grounds of their national origin. This damage caused by this practice is not confined to the individual level, and has negative ramifications for the relations between Jewish citizens of Israel and Arab citizens – relations that are already marked by constant tension. This offensive practice accentuates the sense of discrimination felt by Arab citizens, reinforcing their feeling that they are considered second class citizens by the state.

The airport authorities have repeatedly denied the existence of a discriminatory inspection based on national origin. They claim that the passenger's origin does not form part of the decision to undertake special security inspections. This decision, they continue, is made on the basis of the individual profile of each specific passenger, in order to protect the security of the other passengers, as they are required to do by law.<sup>24</sup> In practice, however, this report shows that the decision to implement a discriminatory security inspection of Arab passengers is based on one single characteristic – the fact that they are of Arab nationality.

In June 2006, press reports alleged that the General Security Service had ordered the airline Tamir Aviation, which operates flights from Rosh Pina and Kiryat Shemona, in the north of Israel, to Tel Aviv, to permit Jews only to fly in its airplanes. The reason for this, the reports stated, was a defect

in the scanner intended for use at the new terminal in Kiryat Shemona.<sup>25</sup> After the exposure of this story in Ha'aretz, and after various bodies, including the investigating organizations, intervened, the director-general of the Ministry of Transport instructed the director of the ministry's Security Division to acquire a scanner immediately and install it in the old terminal on a temporary basis, pending a permanent solution enabling the operation of the scanner in the new terminal.<sup>26</sup> Even after this instruction, however, Arab passengers continued to face discrimination.<sup>27</sup> The Ministry of Transport declared that "this is not at all about racial discrimination, but about a technical defect in the inspection instruments used at the airport in Kiryat Shemona by a private franchisee."

This case, and the response of the Ministry of Transport, reveal the racist approach of the authorities toward Arab citizens. They take the approach that the defect in the screening equipment prevents Arab citizens from flying, but does not have the same ramifications for Jewish citizens. This clearly indicates that a discriminatory and racist approach on the grounds of nationality forms the foundation of the procedures used in the airports – rather than an individual inspection in accordance with the circumstances of each passenger.<sup>28</sup>

In practice, the discriminatory security inspection at airports forms an integral part of the discriminatory treatment received by Arab citizens of Israel in various public places and when receiving all types of services from the state.<sup>29</sup> Over the years, and particularly since the events of October 2000, instances of discrimination have become more frequent. Examples include denying Arabs the right to enter a swimming pool;<sup>30</sup> refusing to accept Arab citizens as members of a sports center;<sup>31</sup> failure by the Bezeq telecommunications company to provide services;<sup>32</sup> refusing to admit an Arab girl at a Jewish pre-school;<sup>33</sup> and police practice of filming Arabs visiting malls in Jewish communities.<sup>34</sup> Accordingly,



the discriminatory security inspection at airports is not an exceptional experience in the context of life in Israel, but rather an integral part of the racist and discriminatory approach of the authorities toward Arab citizens.

### **Security Threats and the Monitoring of Arab Citizens**

The discriminatory security inspection imposed on Arab citizens reflects a perception that has been ingrained among the Israeli authorities since the establishment of the state that Arab citizens constitute a potential “security threat” to the Jewish state.<sup>35</sup> This approach has its origins in the military rule imposed on the Arab citizens after the establishment of Israel in 1948, which remained in place until 1966. The central function of this rule was to ensure special monitoring of Arab citizens. This monitoring, which was defined as the “security monitoring” of a “hostile” population seen as a “fifth column” liable to join forces with the external enemies of the state, had numerous ramifications, including the denial of freedom of movement, freedom of association, and general freedom of action for Arab citizens. In ideological, public, and political terms, Israel justified this regime by arguing that the Arab minority, which at the time numbered just 150,000 people (twelve percent of the total population of the state) constituted a threat to the existence of the Jewish state. David Ben-Gurion himself, in speeches in the Knesset, argued that the presence of the Arabs in Israel was a greater security threat than the “external Arab enemy.” Accordingly, the leaders of the state saw the military rule as a key instrument for ensuring the close monitoring of the Arab citizens and for controlling this population, preventing the organization of the community on the national level, excluding the Arabs from the various systems of national life, and advancing their plan to judaize the country.<sup>36</sup>

Although the military rule was abolished forty years ago, the underlying perception of the Arab citizens as a “security threat” was not abolished along with this regime and continues to thrive. Two key events in the history of Israel illustrate the fact that there has been no significant change in the official approach. The first was the events of Land Day in 1976, when Arab citizens called a one-day general strike and demonstrations to protest the government decision to confiscate some 5,000 acres of land near Sakhnin for the purpose of “judaizing” the Galilee. The police and the IDF forcefully repressed the demonstrations, killing six Arab citizens. The second event was in 2000, when twelve Arab citizens and one Palestinian resident of the Occupied Palestinian Territories were shot dead by police officers during demonstrations inside Israel following the visit by then leader of the opposition Ariel Sharon to the compound of the Al-Aqsa Mosque in Jerusalem on September 28, 2000 (the October 2000 events).

An official commission of enquiry, headed by former Supreme Court Justice Theodor Or, was established to examine the circumstances behind the killing of the Arab citizens during the October 2000 events. The report determined that Arab citizens are perceived by the police as an “enemy” and are treated accordingly. The report states:

In this respect, it is important to act to uproot phenomena of negative prejudices that were found, even among veteran and admired police officers, regarding the Arab sector. The police must inculcate among its officers the understanding that the Arab public as a whole is not their enemy and is not to be treated as an enemy.<sup>37</sup>

Opinion polls examining the attitude of the Jewish majority toward Arab citizens illustrate that this perception is also widespread among the general Jewish public. A survey by Geocartographia Ltd. at the end of 2005,

commissioned by the Center Against Racism, showed that 63 percent of the Jewish public agree with the statement that the Arab citizens in Israel constitute a security and demographic “threat” to the state.<sup>38</sup>

A more virulent form of the perception of the Arab citizens of Israel as a “security threat” may be found in an interview given to Ha’aretz by Benny Morris, Professor of History at Ben Gurion University of the Negev. During the interview, Professor Morris addressed the question of the expulsion of Arab citizens from the State of Israel during the 1948 war and in modern times. Morris stated:

The Israeli Arabs are a time bomb. Their tendency to total Palestinization has turned them into an annex of the enemy that lives among us. They are a potential fifth column. In both demographic and security terms, they are liable to destabilize the state. If Israel again faces an existential threat as it did in 1948, it may be forced to act as it acted then.<sup>39</sup>

However, this perception is not merely based on a racist assumption; it is quite simply wrong. The percentage of Arab citizens who have been involved in security offenses against the state (in all fields, not only aviation) out of the total Arab population is less than 0.02 percent – approximately two hundred Arab citizens as of October 2004.<sup>40</sup> Accordingly, there is no evidence to support the assumption that Arab citizens constitutes a “security threat” to the state or to its Jewish citizens.<sup>41</sup>

During the Second World War, the US authorities initiated the mass arrest of citizens of Japanese origin. The US authorities of the time were concerned that these citizens might collaborate with the Japanese army, thus damaging national security. At the time, this action received judicial approval from the Supreme Court of the United States. However, a

Congressional committee later ruled that these citizens had suffered a grave injustice, and that there had been no factual basis for the fear of damage to national security. It seems that the army itself was aware of this fact at the time. The committee determined that the detentions were motivated by a combination of racism, wartime hysteria, and the failure of political leadership. An American historian commented that the background to this action by the United States was not concern for national security, but rather a racist perception. This may be gauged from the fact that other American citizens of Italian and German origin, whose countries of origin were also at war with the United States at the time, were not subject to mass detentions.<sup>42</sup> US Supreme Court Justice William Brennan determined that the history of American treatment of civil liberties during national security crises teaches that “the perceived threats to national security have motivated the sacrifice of civil liberties during times of crises are often overblown and factually unfounded.”<sup>43</sup>

The system of arguments used to justify discriminatory security checks on Arab passengers at Israeli airports, based solely on their ethnic affiliation, is the same system of arguments that led to the mass detention of citizens of Japanese origin in the United States. This system of arguments has rightly been exposed to strong criticism in the United States and is now completely unaccepted and regarded as contrary to the Fourth Amendment to the US Constitution.

As we have seen, the argument that the Arab citizens pose a “security threat” has no basis in reality, and the discriminatory security inspections appear to be intended to monitor the activities of Arab citizens under the guise of security needs. The questions presented to Arab passengers reinforce this hypothesis, since they effectively constitute an intelligence interrogation that has nothing to do with protecting the security of the flight and the passengers. As we have seen above, the primary goal of the

military administration imposed on the Arab citizens during the period 1948-1966 was also supervision. It appears that this approach continues to be dominant.

Support for this hypothesis may be found in the fact that technological developments now permit the location of any device liable to endanger the security of passengers and flights; yet this has not led to any reduction in the scope of the discriminatory security inspection imposed on Arab passengers. It must be asked why these technological means are not sufficient, and what purpose underlies the selective interrogations and searches.

The interrogations at airports deviate from the mandate of the Airports Authority. The function of this authority is to ensure the security of passengers boarding flights, and does not include intelligence interrogations. This is clear from Article 5(A) of the Airports Authority Law, 5737-1977, which determines that the function of the Airports Authority is, inter alia, "to take steps for the security of the airports of the Authority and of their persons, goods, airplanes, buildings, facilities, and equipment." The article does not grant the Airports Authority powers to collect intelligence information on passengers.

### **Individual versus Collective Inspection**

The reliance on national origin as a basis for the execution of special security inspections on Arab passengers, on a collective basis, is improper since it is not based on a specific inspection of each individual passenger.

Article 9 of the Flight Law (Security in Civil Aviation), 5737-1977, which delineates the security arrangements at civilian airports in Israel, empowers various bodies (detailed in Article 10 of the law) to detain a person for the purpose of identification and to search their person, belongings, or

vehicle. The search may take place in the airport, in an airplane, or in an aviation facility held or managed by an Israeli operator outside Israel. The foundation required by the body so empowered in exercising its authority is the presence of suspicion. The article states: “The search is required, in its opinion, in order to maintain public security, or if it suspects that the person is unlawfully bearing weapons or explosives or that weapons or explosives are unlawfully present in vehicles, airplanes, baggage, or other goods.” Accordingly, the law empowers security personnel to undertake searches of passengers if there is a specific suspicion that a specific passenger is unlawfully carrying weapons or explosives. The law does not empower these bodies to adopt a security inspection method based on the profiling of suspects belonging to certain risk groups, and certainly does not empower them to include in such profiles aspects of ethnic or national affiliation.

Accordingly, a discriminatory security inspection might be justified only in cases in which there is a vital need, and substantive proof exists of the danger presented by the passenger themselves, personally, to the public good.

Moreover, even when the security office acts on the basis of the power granted in the law, they must do so in a manner that does not injure human dignity and modesty. In this respect, the Israeli Supreme Court has established a firm rule relating to the manner of implementation of the search. The remarks were made in the context of the power of police officers to undertake searches – a power analogous to that granted to security personnel at airports in the Flight Law:

A further point. Our comments regarding the manner of the search related to cases when no consent has been given by the individual undergoing the search. However, it seems to me that even when such consent has been given, this does

not mean that everything is open and permissible. The fact that this relates to the basic rights of injury to the dignity and modesty of an individual can require, even when the search is undertaken with their consent, that a reasonable measure of fairness be maintained in order to avoid trampling on the dignity and privacy of the individual whose person is searched, insofar as this is not required or essential for the purpose of the search.<sup>44</sup>

### The Position of the Courts

Over the years, Arab citizens have filed various suits in the Israeli courts demanding compensation on account of discriminatory security inspections imposed on them by the airport authorities. In many cases, these suits have ended in settlements between the parties involving the payment of compensation to the plaintiffs by the airport authorities. In other cases, final rulings have been given by the judges.

An examination of the attitude of the Israeli courts toward the discriminatory security inspections at airports reveals that despite the claim by the airport authorities that a passenger's national origin is not a factor in the imposition of such inspections, some courts have tended to accept the argument that such a policy indeed exists. In one case, for example, the court made the following comment:

“El-Al constantly refrains from mentioning the reason why the plaintiff had to undergo a special security check, and it does not confirm that the reason was his Arab nationality. But the Court is not detached from reality, and when the defendant did not give any other reason, and since there is no evidence that can rebut the written testimony of the

plaintiff that he was explicitly told that the reason for the unusual requirement was his Arab origin, I have no reason to doubt that this was in fact the reason, and none other.”<sup>45</sup>

However, although the courts have sometimes accepted the argument that the passenger’s national origin constitutes a factor in the decision by the airport authorities to impose discriminatory security inspections, they have declined to attack this policy directly.<sup>46</sup> Indeed, the courts have concurred with the position of the airport authorities that this consideration is required by circumstances and cannot be avoided.<sup>47</sup>

In the cases brought before them, the courts have ruled on the basis of doctrines from the field of private law, such as the obligation of contractual parties to act in good faith, and have granted compensation to the plaintiffs on the basis of the assumption that the airport authorities violated their contract with the Arab passengers and caused them damages. In some cases, the courts have also considered the infringement of human dignity caused by the special inspection, particularly in light of the Basic Law: Human Dignity and Liberty. In these cases, however, the courts have refrained from ruling on the legality of the discriminatory security inspection policy, and have confined themselves to discussion of damages, injury to the passengers’ dignity, and their humiliation as the result of the inspections.

In one case, an Arab citizen attempted to challenge directly the discriminatory security inspection policy.<sup>48</sup> The plaintiff in the case was a legal intern in a law firm who wished fly on an Arkia Airlines domestic flight from Herzliya to Kiryat Shemona. The plaintiff was asked to undergo special security inspections because he is Arab. In his suit, he asked the court to instruct the airline to reveal the criteria for the



imposition of security inspections. The court rejected this request, arguing that the criteria are not directly related to the question as to whether the airline acted unlawfully in his regard, ignoring the fact that these criteria might reveal the motive behind the imposition of discriminatory inspections against Arab passengers. The court ultimately rejected the petition, determining that the plaintiff had failed to prove that the security inspections were humiliating.

A further attempt to expose the criteria for the security inspections at airports was made in a petition filed by the Movement for Freedom of Information in Israel in May 2006 at the Administrative Affairs Court in Tel Aviv. The petition requested the publication of these criteria in accordance with the Freedom of Information Law, 5758-1998. In November 12, the court dismissed the petition.

### **Is a Discriminatory Security Inspection on the Basis of Ethnic and National Affiliation Justified and Proper?**

The discriminatory security inspection at airports does not deny Arab citizens access to air travel, but it reflects a racist attitude toward these citizens, since it is based on the singling out of individuals on the grounds of their national affiliation – a fact beyond their control.

Moreover, the discriminatory security inspection not only reflects a racist perception, but also implements a system of racial dominance, establishing the racial power of one race over another. If, for example, a Jewish civilian were to hijack an airplane, for whatever reasons, would the airport authorities then impose a special security inspection on all Jewish citizens? In such a case, the authorities would rightly see the Jewish citizen as one individual who committed a crime and deserved punishment, but no more than this. Why, then, is the approach different in the case of Arab citizens,

particularly given that there is no factual basis for perceiving these citizens as a security threat?

In the United States, the subject of security inspections at airports has received particular attention since the events of September 11, 2001. Immediately after these events, public opinion polls showed that most US citizens supported the imposition of discriminatory security inspections against US citizens of Middle Eastern origin, on the assumption that such inspections would reduce the risk of further terror attacks. The airport authorities began to impose this discriminatory policy, but human rights activists argued forcefully that such discriminatory inspections were contrary to the US Constitution. The Fourth Amendment to the Constitution<sup>49</sup> guarantees protection from unreasonable searches without probable cause. Affiliation to a particular ethnic or national group cannot constitute “probable cause” for the imposition of a special security inspection. This is true even if the law-enforcement authorities believe that there is a high probability that individuals from a given ethnic group may commit terror acts. Moreover, the Fourteenth Amendment to the US Constitution<sup>50</sup> guarantees the equality of all citizens before the law. Imposing special security inspections on the basis of a person’s ethnic or national affiliation constitutes a gross violation of this principle.<sup>51</sup>

Thus the accepted rule in the United States rejects discriminatory inspections. The US Supreme Court has ruled that racial distinction or other special profiling is unconstitutional, impairs equality, and is prohibited in accordance with the Fourth Amendment to the Constitution. For example, it has been ruled that the police may not stop and search drivers in the street on racial grounds or on the basis of any distinguishing characteristic.<sup>52</sup> Logic dictates that this ruling also applies to security inspections and special searches carried out by security personnel at airports.

A security inspection based on the profiling of individuals, and including such characteristics as affiliation to a given ethnic or national group, is not only discrimination, but is also an ineffective manner in which to prevent future attacks on flights. This fact was forcefully emphasized in a memorandum circulated to American law enforcement agents worldwide by a group of senior U.S. law enforcement officials in October 2002. The memorandum, entitled “Assessing Behaviors,” emphasized that focusing on the racial characteristics of individuals was a waste of law enforcement resources and might cause law enforcement officials to ignore suspicious behavior, past or present, by someone who did not fit a racial profile. One of the authors of the report noted: “Fundamentally, believing that you can achieve safety by looking at characteristics instead of behaviors is silly. If your goal is preventing attacks . . . you want your eyes and ears looking for pre-attack behaviors, not characteristics.” An emphasis on race, the memorandum noted, distracts from the observance of potentially suspicious behavior.<sup>53</sup>

## **Violation of Human Rights**

The discriminatory security searches of Arab passengers, implemented on a routine basis, entail the severe violation of various human rights: the right to dignity, the right to privacy, the right to freedom of vocation (for people for whom air travel forms part of their vocation), and, above all, the right to equality. This practice entails the severe violation of a large number of rights, all of which are protected both under Israel law and under international human rights law.

### **The Right to Equality**

The security inspection held at the airports is discriminatory since only individuals of Arab nationality are required to undergo a comprehensive and invasive search, while passengers of Jewish nationality undergo a purely routine inspection. This discriminatory practice cannot be seen in isolation, but forms part of numerous aspects of life in Israel in which Arab citizens face discrimination. As such, it rekindles feelings of discrimination that are already present among this population.

The Prohibition of Discrimination in Products, Services, and Entry to Places of Entertainment and Public Places Law, 5761-2000 prohibits discrimination on national and racial grounds in entry into public places. Article 3 of the law establishes that “a person whose vocation entails the provision of a product or a public service, or the operation of a public place, shall not discriminate in the provision of the product or the public service, in the granting of entry into a public place, or in the granting of service in a public place, on the grounds of race, religion or religious group, nationality, country of origin, sex, sexual orientation, worldview, party political affiliation, marital status,

parenthood, or disability.” One of services in the “consumption” of which the law prohibits discrimination is “air travel” (Article 2 of the law).

In the Israeli legal system, the right to equality has acquired the status of a constitutional right protected in the Basic Law: Human Dignity and Liberty (BLHDL), as part of the right to dignity. It is perceived as the most basic of all rights, and as one of the fundamental values of the state.<sup>54</sup> Former Supreme Court President Aharon Barak made the following comment on the importance of this right:

The need to ensure equality is natural for humans. It is based on considerations of justice and decency. A person who seeks recognition of his own right must recognize the right of his fellow to request similar recognition. The need to maintain equality is vital for society and for the social consent on which it is based. Equality protects government from arbitrariness. Indeed, there is no more destructive element for a society than the sense of its sons and daughters that they are treated unequally and according to double standards. The sense of inequality is one of the harshest senses. It damages the forces that unite society. It damages the self-identity of the individual.<sup>55</sup>

In implementing discriminatory security inspections on Arab citizens, the State of Israel is also violating its undertaking in the framework of international human rights law, including the 1948 Universal Declaration of Human Rights (UDHR), the 1966 International Convention on Civil and Political Rights (ICCPR), and the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Article 2 of UDHR establishes that “Everyone is entitled to all the

rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” The ICCPR and ICERD both completely prohibit discrimination on racial grounds. Article 1 of ICERD defines “racial discrimination” as follows:

In this Convention, the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Article 2 of the convention establishes:

States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end: (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.

Even in times of emergency,<sup>56</sup> when states that are party to the convention are entitled to suspend certain rights, the obligation to avoid discrimination still applies and may not be suspended.<sup>57</sup> For example, Article 4(1) of ICCPR determines that “In time of public emergency which threatens the

life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin”

The State of Israel is a party to these conventions and, accordingly, is obliged to respect the rights and standards established therein. Despite this, Israel has done everything in its power to avoid meeting these undertakings and to devoid them of meaning. Israel’s approach is reflected in its refusal to recognize the authority of the Committee for the Elimination of All Forms of Racial Discrimination to receive and examine complaints from individuals or groups who claim to be the victims of violations of ICERD. Article 14 of the covenant permits a state that is a party to the convention to declare that it recognizes this right, if it so chooses. Israel has declined to do so, thus denying its citizens the opportunity to secure relief or remedy from this institution.<sup>58</sup>

### **The Right to Dignity**

The discriminatory security inspections imposed on Arab passengers violate the right to human dignity, since they entail the humiliation of these passengers and their categorization as a threat to the other passengers requiring the supervision of their actions. This violation is particularly grave given that the inspection is often carried out in the full sight of others. The human dignity of Arab passengers is also violated by the very act of discrimination inherent in this inspection.

Article 2 of BLHDL determines that “The life, person, or dignity of a human being per se shall not be injured.” Article 4 of the basic law

determines that “Every person is entitled to protection of his life, person, and dignity.” The preamble to UDHR states: “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” (para. 1). The preamble to ICCPR states: “The States Parties to the present Covenant, considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world; Recognizing that these rights derive from the inherent dignity of the human person...”

### **The Right to Individual Liberty**

The discriminatory security inspection also violates the individual liberty of Arab passengers, since it entails the restriction of their liberty to leave or enter Israel freely and without unreasonable interference in their personal affairs.

Article 5 of BLHDL states that “The liberty of a person is not removed or restricted through imprisonment, detention, extradition, or by any other means.” Article 3 of UDHR states that “Everyone has the right to life, liberty and security of person.” Article 9(1) of ICCPR determines that “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”

### **The Right to Privacy**

The discriminatory security inspection also entails the severe violation of the Arab passengers’ right to privacy, since it is accompanied by inquiries into their actions and movements in the countries they visit. The inspection



is also accompanied by a bodily search of the passenger, their baggage, and their personal and intimate belongings, and a detailed inspection of their documents and, if they are in possession of a laptop computer, of the files saved on the computer.

Article 2(1) of the Protection of Privacy Law, 5741-1981 determines that “the violation of privacy is one of the following: (1) Spying of following a person liable to disturb them, or other disturbance.” Article 7 of BLHDL establishes that: “(A) Any person is entitled to privacy and to the modesty of his life; B) The personal domain of an individual is not entered without his consent; (C) A search is not held of an individual’s personal domain, person, or chattels.” Article 12 of UDHR states: “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.”

### **The Right to Leave and Enter Israel**

The discriminatory security inspection at the airports also violates the right of Arab passengers to leave and enter Israel freely, since, if an Arab citizen refuses to undergo this inspection, they will be prevented from traveling to their destination. Article 6 of BLHDL states that: “(A) Every person is free to leave Israel; (B) Every Israeli citizen present outside the state is entitled to enter Israel.” Article 13(2) of ICCPR determines that “Everyone has the right to leave any country, including his own.”

### **The Right to Protection of Property**

The discriminatory security inspection also violates the property rights of Arab passengers, since it includes the confiscation of personal items and unjustified damage to such items. Damaging a person’s property is also

a violation of their dignity, since it violates their autonomous will – they may no longer decide what shall happen to their property and belongings, and the authorities make this decision in their place.

Article 3 of BLHDL states that “a person’s property is not injured.” Article 17 of UDHR states: (1) Everyone has the right to own property alone as well as in association with others; (2) No one shall be arbitrarily deprived of his property.”

### **The Right to Freedom of Vocation**

When the travel of Arab citizens is intended for work purposes, the discriminatory security inspection also violates their right to freedom of vocation, since it prevents them from freely managing their affairs without intervention or inquiries into the purpose of their work, and without the inspection of private documents relating to their work that are covered by immunity, as in the case of attorney-client relations.

Article 1 of the Basic Law: Freedom of Vocation states: “Every citizen or resident of the state is entitled to engage in any vocation, profession, or trade; this right is restricted only by law, for a fit purpose and on the grounds of the general good.” The individual’s freedom of vocation is mirrored by the obligation on the authorities to refrain from hindering the individual as they engage in their vocation. All public officials and bodies bear a public obligation, based on the nature of their function, not to hinder the individual from engaging in their work (Article 5 of the Basic Law: Freedom of Vocation). Article 23(1) of UDHR states: “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.”

## **Conclusion and Recommendations**

Every state has the right to protect the security of passengers using air transport and the security of airplanes. To this end, the state is empowered by law to undertake security inspections of passengers and their baggage. However, this power does not constitute a permit to discriminate among citizens of the state in the manner of implementation of the inspections.

As this report has shown, the Arab citizens of Israel are discriminated against by the airport authorities in the implementation of security inspections at Ben Gurion Airport and at foreign airports. The reason for this discrimination lies in the perception of Arab citizens as constituting a security threat to the state and to its Jewish majority. According to the state, this perception justifies the special supervision of Arab citizens and the imposition of additional security inspections. As we have seen, however, this perception is groundless, and is based on a racist view of the Arab citizens as inferior and as inherently liable to be “terrorists” prone to threaten state security at any time.

By their nature, discriminatory security inspections entail numerous violations of human rights on the basis of national and ethnic origin, and, in particular, the violation of the right of equality and the right to dignity. The State of Israel, which defines itself as a democracy, is obliged by its own laws and by international law to respect the rights of its Arab citizens and to refrain from discriminating against them. This obligation also applies to the security inspections at airports. In practice, the state totally fails to maintain its obligations in this respect.

The investigative organizations, and the Arab citizens of Israel, fail to understand why the security of passengers and flights requires the implementation of additional and special security inspections aimed at

Arab citizens, while other citizens are required to undergo only routine security inspections. The need for special inspections is particularly obscure given the modern technological means available to the airport authorities, enabling them to locate security threats without the need for intrusive interrogation and humiliating searches. The insistence of implementing the special inspection is still more questionable in light of various studies showing that the implementation of discriminatory security inspections does not constitute an effective tool for locating potential security threats.

It is also unclear why foreign states whose domestic laws and international commitments specifically and explicitly prohibit discrimination against individuals on collective national and racial grounds permit Israeli airlines and Israeli security personnel to act in their territory without close supervision, and to implement discriminatory security inspections violating the rights of Arab citizens of Israel.

The gap between the state's obligation to ensure the security of its passengers and airplanes, on the one hand, and the discrimination and gross violation of human rights by the airport authorities, on the other, is extremely wide. The right and obligation to protect the security of passengers and flights do not negate the obligation to respect the right to equality and other human rights. On the contrary: democratic states are examined in accordance with the manner in which they respect human rights, and particularly the rights of minorities. In implementing security inspections at airports in Israel and abroad, the state must, therefore, inspect all citizens on an egalitarian basis. Special security inspection should be undertaken only in the case of individuals regarding whom there is personal and specific suspicion, based on objective information, that they are liable to threaten the security of the other passengers or of the flights. The fact that a person is of Arab nationality does not constitute lawful or sufficient grounds for the imposition of special security inspections.

Accordingly, the investigating organizations urge the airport authorities to change their policy regarding the security inspections at airports in Israel and abroad; to stop the discrimination of Arab passengers; and to respect their inalienable human rights. The investigating organizations also urge the State of Israel and its Jewish citizens to abandon the perception of the Arab citizens of the state as posing a “security threat” and a “fifth column” – a perception that has been proved incorrect – and to regard them as equal citizens of the state.

The investigating organizations further urge third nations to develop an effective mechanism for supervising Israeli companies and security personnel acting in airports in their territory, and to ensure in practice that the security arrangements implemented in their territory and with their authorization are carried out without discrimination against different groups of passengers, and while honoring human rights as required by their domestic laws and under international law.

## Appendix A

# The Discriminatory Security Inspection at Ben Gurion Airport

### Testimony of Hatem Habiballah, resident of Ein Mahel

I am a doctor married to a woman of Italian origin; we have three children. Two of my sons are studying in Italy, and my daughter also intends to study their shortly.

Over one year ago, during the Christmas season of 2004/2005, my son came to Ein Mahal for a visit with his aunt and a friend of hers who is disabled and uses a wheelchair. My son told me that the disabled friend had been subjected to a disgraceful process of interrogation and searches by the Israeli security personnel at the airport. He told me that their suitcases were taken for inspection, and it was explained to them that they would receive these in Israel after the inspection. The suitcases eventually arrived, two days late, but when we opened them, we saw that some of them were torn and some of the items were broken.

When the visit came to an end, we drove to Ben Gurion Airport. The flight was due to depart at 6:00 am. We made sure to arrive as early as possible so as to complete the interrogation as quickly as we could. We arrived at the airport four hours before the departure time. When we arrived at the external entrance to the airport, the guard asked us to identify ourselves and asked where we were from. When we replied that we were from the Nazareth area, the guard ordered us to pull over to the side and stop the vehicle. I travel abroad frequently, and every time I come to the entrance and say that I am from the Nazareth area, they instruct me to move to the

side and question me. On one occasion I told the guard at the entrance that I was from Afula, and I passed through without any questioning.

When we reached the entrance door to the terminal, several officials were standing there, inspecting the identity cards or passports of some of those entering. They asked us to identify ourselves again. We showed them our identity cards and entered the terminal. When we reached the place where passengers have to present their passports and the questioning begins, we asked an official to bring a wheelchair for the friend, but he absolutely refused. He instructed us to wait at the side for questioning. At the same time, other people who had been behind us in the line had moved on without questioning and without anyone searching their suitcases.

I noticed that they put red stickers on our suitcases. The inspection of our suitcases began with the scanner. Every time they were suspicious about something, they took the bag, emptied everything out and undertook a very detailed search, including even the most personal items. When they had finished, they did not agree to put the objects back in the suitcase. The search took two hours.

My son identified himself and they began to question him. They asked him all kinds of things, including very personal questions: “Why did you buy this present? Why are you sleeping at your aunt’s house? Who are your friends in Italy? Do you have friends from other countries? Why are you studying aeronautics?” and so on. My wife was asked questions such as: “Why are you traveling to Italy? What work does your father do?” I tried to help and translate for her during the questioning, but they would not let me do this. In the meantime, the other passengers continued to overtake us, without any questioning or search.

After searching the suitcases, the physical search began in a side room. They removed my shoes and searched my clothes. Then they removed

my pants and began to feel my clothes and body, including in the most intimate places. It really disgusted me. The physical search took about fifteen minutes. They also performed an embarrassing search like this on our friend, who is barely capable of walking.

We saw that it was already 4:30 am. Because of all these delays, we asked one of the officials to take care of our check-in so that we could proceed, and to reserve a good seat on the plane for us. The official went off to see to the check-in, but returned at 5:30 am and informed us that there were no seats left on the plane. We were shocked. How it could be that there were no places left on the plane after we had arrived so early and undergone this nightmare of a search?

We had been delayed on our way to the plane by hours of humiliating and offensive searches, and after all that we did not even board the flight. By way of “compensation,” they suggested various alternatives, such as flying to Barcelona and then on to Rome, or flying to Rome via Munich. We rejected all these proposals, and asked to fly to Rome the next day with Alitalia. We each received \$ 200 as compensation.

### **Testimony of Dalia Halabi, resident of Daliyat al-Carmel**

I am active in social issues, and as part of these activities I traveled to Northern Ireland in a delegation of five Arab women and five Jewish women.

The offensive treatment began when we traveled via Ben Gurion Airport. We, the Arab women, were taken to one side, while the Jewish members of the delegation were not. When they were stamping our passports, one of the clerks evidently used the wrong colored sticker on the passport, and the others said to her “Can’t you tell the difference?!” I have no doubt that what they meant was “can’t you distinguish between Arab and Jewish women?” I was very offended by this – as if it says on every person’s forehead whether they are Arab or Jewish.



They put different colored stickers on the baggage of the Jewish members of the delegation – theirs were pink and ours were yellow. I was even more offended.

When we were returning to Israel, at the El-Al area at Heathrow Airport in London, I had a small bag with a purse, some money, and various cards. The El-Al inspection personnel asked to examine the bag in the scanner, and then they took it for a manual inspection. I asked them to do this in my presence, but they did not agree. I was very offended. I thought that if they took something from the bag, I would be unable to prove that it had been there before. Again, they did not take the small bags of the Jewish members of the delegation for inspection, and, again, I and the other Arab members of the delegation underwent a physical inspection while the Jewish members did not. In this inspection, they ordered us to remove our shoes.

Our suitcases were supposed to be transferred directly from the plane from Ireland to Israel, without an additional security inspection. However, they removed the suitcases of the Arab members of the delegation only, and again insolently rummaged around our belongings. They opened items and then failed to close them, took off wrappings, and so on.

The Jewish members of the delegation saw the humiliation we were undergoing and empathized with us. They asked to undergo the same inspection, “so that not only the Arab members will have this humiliating experience,” but the security guards did not agree and instructed them to move on.

This behavior by the security guards at Ben Gurion Airport, and by El-Al, effectively creates two groups – good and bad. The Arabs are the bad guys and suspects, and the Jews are the good guys, and they have to distinguish properly between the two.

This was a very humiliating experience for me, and this is the last time I will fly with El-Al.

### **Testimony of Nadin Saruji, resident of Nazareth**

On September 1, 2005, at 1:00 am, I arrived at Ben Gurion Airport with my father, three hours before my departure time. At 2:00 am, I reached my turn in the line for the security inspection, where they were supposed to ask me a few simple questions. They put my bags through the scanner and instructed me to wait for a further round of questions. I stood with my father and waited. When my turn came, I discovered that they had not my hand baggage through the scanner, because it had not had a sticker on it, so they now checked it in the machine.

One of the women inspectors asked me when my flight was due to depart, and began to inspect my laptop computer. I wanted to turn the computer on before she checked it and show her that it was working, so that I could be sure at the end of the inspection that they had not damaged it. The security guard did not agree and called her manager. The manager said that she believed that the computer was working, and they would be responsible if it was damaged.

The guard wanted to put my computer through the scanner. She opened it and put it down in a way that could have damaged the screen. I told her about this and she accepted my comment, checked the computer several times, and eventually gave it to me. She continued to inspect the laptop bag, examining every disk and wire in an exasperatingly precise manner. In the meantime, another guard began to check my large suitcase.

The inspection of the computer lasted 20-30 minutes. Some Jewish young men who also had laptop computers were not inspected for more than five minutes.

After they finished inspecting the computer and my large suitcase, I turned the computer on to make sure that it had not been damaged, and I saw that it was working properly. Another guard began to inspect my hand baggage, which included some presents and clothes. She inspected and

opened every present and item. In the meantime, a third guard began to examine another bag containing an MP3 player, a small video camera, a regular camera, a battery charger, regular batteries, a set of rechargeable batteries, and some small cables. They checked everything, down to the smallest item. I had to watch all three people who were inspecting these expensive items of equipment to make sure that they did not cause any damage or lose anything. I was really nervous.

Then they began to inspect my second suitcase, which contained some books for my studies in Italy. They inspected every book, turning over each page.

When they finished inspecting the suitcases, I thought it was all over and I would now be able to proceed to check in, but this was not the case.

They told me that I could not take my laptop computer onto the plane, and they would have to examine it again. They took it and examined it again in the machine and packed it in a box. All this despite the fact that the other passengers who had laptops took them onto the plane without any problem. When I asked them for the reason for this, they replied that it was a security matter and they could not provide details. But inside myself I knew the answer: because I am Arab. If my name had been Rivka, Rotem, or Moshe [Jewish names], the situation would have been completely different.

They divided my books into two piles. They put the first pile in a cardboard box, and only allowed me to take the second pile onto the plane. They wanted to send the camera case together with the large case, but I wouldn't agree. They said that if that is what I wanted, they would have to inspect that bag again. Once again they inspected the video camera, the regular camera, the MP3 player, and the cables. It was obvious that they did not know what each item was, and they almost ruined my batteries by putting regular batteries into the charger. I commented on this and told them "If you don't know what something is then ask me. What you're doing is wrong, you could ruin my equipment."

Two guards inspected the cameras in the scanner. The woman guard dropped the camera battery. A third guard inspected the MP3 player and dropped it on the floor. Since the player was a present and I had not yet used it, I turned it on to make sure it was working. However, after I got on the plane I noticed that the “Mode change” switch was no longer working. I also discovered that I had to buy new batteries, because the others had been damaged.

While the cameras were being inspected, another guard came up and ordered me to come for a physical search immediately, or I would be unable to complete the search process and would be late for the plane. I refused and said that the plane would have to wait, and that I would not move until they gave me the cameras and equipment. He answered rudely, “No plane is going to wait for you.”

I went for the physical search and my father waited by the suitcases. They told me to take off my shoes and pants. I couldn’t stand the shame any more and started to cry. I felt that I might collapse at any time.

While I was undergoing the physical search, the woman at the counter told my father that the plane and flight were closed and he should take me home. My father asked whether I could get a place on another flight, and she replied that I was losing my ticket and would have to buy a new one. My father was shocked and did not know what to say. The problem was solved when the security guards asked the women to let me through, and took me directly to the airplane.

After the physical search, I was the last person to hand in my bags at the desk. My father seemed very worried about what they had done to me.

When I handed over my suitcases, a new problem arose. Because they had put my laptop computer and some of my books in the large suitcase, they told me that I had passed the weight limit and would have to leave one of

my handbags. I decided to put the most important items from two bags into a single bag, and leave behind the less important items with my father so that he could forward them later by mail. They did not agree and said there was no time for that, so I gave my father the first suitcase and paid the excess charge for the second one.

I said goodbye to my father in tears, and saw that he was very worried and had tears in his eyes. I thought to myself, “This is great! I’m going abroad to have fun and this is what they do to me...” One of the guards accompanied me to the plane, although I was entitled to go to the duty free and have the plane wait. I cried all the way to the plane and throughout the flight. It was very difficult for me to come to terms with what I had been through. I felt really bad.

Some of my equipment was damaged – the MP3 player and the batteries. I had to buy new clothes for a wedding I was invited to, because I had left my clothes in the suitcase that I gave to my father. My father had to pay to send the suitcase on to me. Because of the inspections I could not go to the duty free shop. Apart from that, the plane left at 4:20 pm instead of 4:00 pm.

I must emphasize that the rude and insulting attitude, and the lack of human respect, were reflected in every word and every glance of the inspectors. This was a very difficult and exceptional experience, unlike anything else I have ever known.

### **Testimony of Mohammed Zeidan, resident of Reineh**

I am the executive director of the Arab Association for Human Rights, and in the course of my work I travel abroad often to attend conferences and regional and international conventions on human rights issues. Every time I travel abroad, I notice the different way that Arabs and Jews are treated by the officials and security guards at the airport.

In Terminal 3 at Ben Gurion Airport, immediately after I go through the security inspections and the check in process, I proceed into a shopping area, and then through an exit gate leading to the passport booths. After the gate, there are several lines, each leading to counters and scanners. A security guard at the gate tells each passenger which line to enter. I have noticed that I am almost always asked to go to counters 1 or 14, at either end, even if these are crowded and other counters are empty. At these counters, passengers are asked to remove their shoes – something that does not happen at the other counters. The passengers directed to these counters come from two groups: Arabs and migrant workers.

I decided to check this out and confirm my suspicions that Arab passengers face discrimination. On my two most recent journeys – to Madrid on May 11, 2006 and to Paris on July 11, 2006 – I tried to squeeze in to one of the other lines, although I was directed to one of the usual two counters.

When I was traveling to Madrid, I tried to move over to counter 6, acting as though I was moving over to a vacant line. The security guard checked my passport and redirected me to counter 14. I asked why I was being sent to the other counter when counter 6 was empty and counter 14 had a long line, but I did not receive a satisfactory answer.

When I was traveling to Paris with a colleague, I agreed with the colleague in advance that I was going to go to line 6, although we were directed to lines 1 or 14. My friend managed to go in while the security guard was at some distance and did not have a chance to check his passport. I was less fortunate. A security guard near me checked my passport and ordered me to move to counters 1 or 14.

I have absolutely no doubt that the security guards and officials at the airport work on the basis of a deliberate policy of racial selection, and not on a random basis.

**Testimony of `Abud Badawi, resident of Kafr Qasem**

I have been married for fifteen years and have three children. I am the deputy manager of the main warehouse of a company that markets ceramic goods and pipes. I fly abroad twice a year on average.

In April 2003, I traveled to Turkey on a vacation with my wife and children, together with two other Arab families. One of the families is from the Occupied Palestinian Territories, and the father of the family, a Palestinian from the Nablus area, held a visa since he did not have a passport. We flew with a Turkish airline, not an Israeli one.

When we reached the external entrance gate to the airport, the questioning process began. They made us stop by the road while the other cars passed unhindered. The guards may have been “suspicious” because of our dress or appearance. They asked us to identify ourselves and show our identity cards, and they told us to get out of the car for questioning. They held us there for about twenty minutes before we even reached the terminal.

When we arrived at the entrance gate to the terminal building, several officials were standing there. They stopped us and asked us to identify ourselves. Then we entered the terminal building and headed for the questioning and search area. While we were waiting in line, they put blue stickers on our baggage. I saw three different colors on the other passengers’ baggage, including blue. Every time I have traveled by air, I have been given blue stickers.

When our turn came, the security guards examined our documents and spent a particularly long time on the young Palestinian man. Then they took us all into two special rooms to be searched – one room for the men and one for the women. One of the security guards suddenly

turned to me and said, “Go on then, join your group.” I was very offended by his tone of voice and the way he spoke to me. The other passengers around us began to ask, “What’s going on? Why are they detaining these Arabs?”

When we went into the room, they began to question us. “Where are you from? Where are you going? Is this your wife and son? What is your job?” and all kinds of other “routine” questions, as they call them, as well as other, provocative questions. They said that if we had any complaints we should speak to the manager.

During the questioning, they opened our suitcases and began to inspect the contents. They deliberately tipped all the clothes out and searched everything in the suitcases, even the most personal items.

Then it was time for the physical search. They told me to take my shoes off and took them off to be inspected. Then they took me to a corner of the room and shut it off with a curtain. They told me to take off all my clothes, apart from my underpants, and they even looked into my underpants. I was very angry and disgusted by their attitude. I told them that I would not remain silent about their behavior and would publish it in the press and file complaints with the relevant bodies. They coolly responded that this was a routine inspection.

After we left the inspection room, we continued toward the duty free and waited for the flight. An official approached us and told us that we could not walk around or talk to anyone until we boarded the flight. I could not remain silent any more and asked to speak to her superior. We argued and shouted. I shouted at them that such humiliating and offensive treatment is racist.

The interrogation lasted almost three and a half hours, including the time at the external gate, and was extremely humiliating. I never imagined that I would be forced to undergo a strip search.



**Appendix B**

**Discriminatory Security Inspection  
at Foreign Airports**

**Testimony of Walid Khutba, resident of `Arabah**

I have been employed for four years as an engineer in Camtek, a hi-tech firm based in Migdal Ha'emek. As part of our work, some of the engineers are sent abroad to work on various projects and to take part in training courses on aspects relating to our work.

At the end of 2005, around Christmas, the company sent me to the United States. I flew with El-Al. On the way back from the United States to Israel, I arrived at JFK Airport in New York in the afternoon, although my flight was only due to depart at 10:00 pm. I happened to arrive early because I had traveled from another state in the US. At about 5:00 pm I went to the line for El-Al passengers and met Israeli security guards working for the company. I was the first person in line. The guards asked for my passport. I gave it to them and waited at the side. In the meantime, other passengers in the same line who were due to board the same flight went forward without being delayed by the El-Al staff. I waited for about forty five minutes before someone came up to me.

The security guards asked me whether I had any baggage apart from the hand baggage I had with me. I replied that I did, and they said that they needed to inspect it. They also took my hand baggage and told me that I could not take the bag with me onto the plane.

The security guards took me into the "Open Space," a mobile, folding facility in the form of a cube with a window that does not enable one

to see what is happening. I waited there and they put a guard by the curtain, but no-one came to me. I asked why they were delaying me, and the guard said: “Do you want to get home? Then wait. If you don’t want to, take your cases and go to another airline, we are following the procedures.” After a while, a young man came up to me with my hand baggage. He took out a toy gun I had bought for my son at the duty free shop and told me that I could not take this on the plane, and they would send the toy to me along with my suitcases later, and I would receive it all in Israel.

I told the security guards that a Jewish Israeli citizen who was due to board the same El-Al plane had bought the same toy gun but had boarded the plane without delay. I asked why they were delaying me. The reply was: “That’s our business, not yours. It isn’t the same thing.” I showed them the receipt for the purchase of the toy gun in the duty free shop, but they responded dismissively. I told them that I had been sent to the United States by Camtek and gave them telephone numbers to confirm this with senior executives in the company in order to avoid this treatment. They treated me dismissively and did not accept my suggestion.

After waiting for about an hour while they inspected the toy, one of them came up to me and said that they had decided to confiscate the “gun.” They told me that I could not take it with me. Eventually I said that if the toy was the problem, and that was why they were delaying me, they could take it and keep it – I just wanted to get on the plane.

Then they told me to remove my jacket, shoes, and belt which they took for inspection outside the curtain. They also told me to place my wallet and mobile phone on the table. Then they began to examine my whole body with the scanner device. Suddenly the man who was inspecting me said that he wanted to check that the device was working. He said, “I’ve got a feeling this isn’t working properly.” He said this in an ironic tone,

as if he had expected the machine to beep when he checked me. They brought a new machine and he checked my whole body; once again, it didn't beep.

He went on checking me and began to feel my shirt and pants, arms and legs, and even my intimate parts. I felt humiliated and helpless.

Then they brought another device that presumably detects suspicious substances and began to check my wallet and mobile phone. They began to take everything out of my wallet, including private and personal items. One of them told me again: "These are our instructions. If you're not happy, use another airline." He inspected everything and even took out a photograph of my son and told me he wanted to inspect it. I got angry and told him I would not let him inspect it – why should he want to inspect a photograph of my son? He replied that there could be dangerous substances or a "micro-bomb" in it. I insisted that he should not search the photograph. He turned to his superior and told her that I "wasn't cooperating." He added, "We need to keep an eye on him." Eventually they decided not to inspect the photograph.

Then they brought back my shoes, belt, and jacket and told me that I would receive my suitcases and hand baggage at Ben Gurion Airport – they would not be sent on the plane with me. The manager came up to me and said, "Don't move." I waited fifteen minutes, then she came back and said, "If you want we will bring you some water. You may not go to the duty free shop." A security guard who accompanied me in the passenger waiting area said firmly, "You must not talk to anyone. You cannot buy anything." It was 8:00 pm New York time, and the flight was due to depart at 10:00 pm – I still had two hours to wait.

While I was waiting, I got into an argument with one of the security guards. He said to me, "All that matters to you is to get home alright." I

replied, “How can you say ‘alright’ after this humiliation?” I told him that I felt that I had only been put through this humiliation because my name is Walid and I am Arab. From the time I entered the El-Al inspection track until the plane took off I was delayed for five hours – from 5:00 pm in the afternoon until 10:00 pm at night.

When I returned to Israel, I went to get my suitcases at the airport and went home. When I opened the suitcases at home, I found that they had overturned everything. Nothing was in its place. My work file, which included work papers and receipts for expenses, was in total disarray – everything was in one heap. They didn’t bother to put anything back where it belonged. My clothes were in a mess. My large suitcase, containing my personal belongings, was in a total mess. They had opened perfume and toothpaste and not bothered to close them, and they had spilled over the clothes.

I was very angry at the humiliating treatment, the lack of respect, and the denigration during and after the search. The other passengers on the flight were not delayed and did not go through this series of humiliations before boarding the flight. Jews go through, and Arabs are held and delayed. 350 passengers got on the plane, and no-one stopped them – they only stopped me. Why? Its pure racism.

### **Testimony of Fairuz Nasrallah, resident of Shaf amr**

I am a nurse by profession. Between December 20, 2005 and January 4, 2006, I traveled to France to celebrate Christmas with my relatives and friends there. I flew with El-Al.

The flight back to Israel was due to depart at 5:39 pm Paris time. I arrived at Charles de Gaulle Airport at 5:00 pm. An Israeli security guard was waiting at the entrance to the airport, asked me if I was from Israel, and

asked me to show him my passport and ticket. I was amazed and wondered if he had been following me. I gave him what he wanted without asking questions. He only returned the items after leading me to the El-Al offices in the airport. There were two Israeli security guards in the office. One was called Gilad Dadon and the other, who evidently had a higher rank, was called Yossi. Yossi told me that a woman would soon come to ask me a few questions.

I waited for about fifteen minutes. A woman security guard arrived with Dadon and began to ask me a whole series of intrusive questions – where was I from, where had I brought my bag from, what hotel had I stayed in, where did I have the money to stay in the hotel, where did I go in France, what work do I do, why do I work as a nurse, why did I go to France, did anyone give me anything, did I have a knife, scissors, or weapons? Had anyone asked me to take anything with me? And so on.

The questioning lasted about forty five minutes. I felt that they were questioning me and treating me in this way because I am Arab. After all, my family name is Nasrallah.

After the questioning, they stuck a yellow sticker on my bags. The stickers they put on the bags of the Jewish passengers were pink. Then they told me to go to an internal room belonging to El-Al. Before I went in, one of the security guards tried to put my bags in there, but I did not agree, because I wanted to see what they were doing with them. The guards had to give a password in order to enter the room. No-one apart from El-Al personnel could enter the room or see what was going on in there.

The woman guard led me behind a curtain and told me to undress. I absolutely refused, and eventually she ran the scanner over my body without my undressing.

Then they told me to open all my bags, including my hand baggage, so that they could search it. They began with my hand baggage, which they searched in a provocative manner. They took all my personal belongings out, even my underwear. I asked them why they were searching like that, and one of them replied: “You wanted to be here during the search, so here you go.”

They searched my other bags behind the curtain, out of my sight. I tried to see what they were doing, but one of them said to me “Sit down and keep quiet” in a threatening tone. All the time I felt as though I was being kept prisoner in there and there was nothing I could do against these people.

While they were searching, one of them took a musical toy out of my bag. He turned it on and made derogatory and sarcastic comments about it to his friends. He asked me what was inside the toy. Later, after I got home, I realized that he had broken it. My belongings included a hearing aid that I use. He also inspected this and again I later found out that they had damaged it.

When they gave me the bags back, they were in a complete mess. They didn’t even try to put things back in an orderly way.

The whole time I tried to complain about their offensive attitude, but the security guards kept telling me that these were their orders, and that if I chose to travel with El-Al I had to bear the consequences. If I didn’t like it, they said, I could fly with a different airline. They answered me angrily and told me to “sit down and keep quiet” in a threatening tone.

At the end of this process, they led me to the plane and put me in a seat removed from the other passenger, on my own. I felt angry and offended and cried the whole time. What right did they have to treat me like this?

### Testimony of Mr. Baker Awada, resident of Kafr Kanna

I am the executive director of the Center for the Struggle against Racism. Every month I receive numerous complaints from Arab citizens who feel they have been discriminated against because of their ethnicity. This time, I felt the bitter taste of discrimination for myself.

During the month of June, I flew to Vienna with El-Al together with my cousin, Attorney Nidal Awada, in order to arrange a lung transplant for Nidal's father. We spent six days in Vienna. On the day of our flight to Israel, we made sure to arrive at the airport three hours before the planned departure time in order to leave time for the security checks.

During an hour and a half we took part in a detailed interrogation in Hebrew, there in Vienna. They asked us about the purpose of our journey, the names of the hospitals and doctors, and even asked us to present medical documents confirming our version. We acted accordingly, explaining every detail of the purpose of our stay, and presenting the names of the doctors we had met and medical documents.

This entire humiliating interrogation took place in full view of the other passengers. Nidal and I were held and questioned on every detail, while dozens of Jewish passengers moved along the line without any disruption or interrogation. It angered us to be treated as suspects, and conveyed a sense of humiliation, deliberate provocation and degradation.

At the end of the exhaustive interrogation, the security officer told us that we could not travel in the El-Al airplane. After we demanded an explanation, he replied that the reason was that it was not possible to check my laptop computer. I saw Jewish passengers boarding the airplane with laptops.

They suggested that we move over to an Austrian Airlines flight. I wonder why they suggested that we travel by another airline instead. If I cannot fly on an El-Al plane because I pose a “security threat,” don’t I also pose a threat if I fly with Austrian Airlines? The computer was a miserable excuse – after all, my cousin Nidal did not have a computer, yet he was also forced to switch to the Austrian airline.

Eventually we were obliged to return to Israel with Austrian Airlines. The sense of humiliation and disrespect will remain with me for a long time.

### **Testimony of Mr. Mohammed Musa, resident of Dir al-Assad**

On April 26, 2005, I traveled to Switzerland with my wife for a vacation. We flew with El-Al and, on our return journey, the security guards in the El-Al section ran our bags through the scanner. After handing us our bags, we moved on toward the duty free area. An Israeli security guard from El-Al suddenly came up and ordered me in Hebrew to come with him so that he could ask me some questions.

The questioning took place in a room made from glass. Anyone in the vicinity could see who was being checked and how long he was spending in this room.

I noticed that all the people “invited” into this room were Arabs. After the questioning, the security guards told me to stay nearby because they needed me. It made me feel very bad – I felt persecuted and single out. I saw with my own eyes that the El-Al security guards told six other elderly Arab couples to come for questioning.

Even after the questioning, the guards did not leave my wife and me alone. They told us to come with them again, this time to a lower level, and then they searched our bodies. I suddenly saw that they had brought with



them the bags we had handed in earlier. I noticed that one of the bags was damaged, although it had been fine when I handed it over. I guess they searched it while we were not looking.

I complained about them bringing our bags for another inspection and damaging one of them, and they replied that they were only obeying orders. I was very offended by their discriminatory, disrespectful, and humiliating attitude, and by the large number of inspections and questions. They treated us like criminals.

On the lower level, the only people I saw were the Arab couples who planned to board the flight. I did not see any Jews there, apart from the security guards.

### **Testimony of Ibtisam Mar`anah, resident of Fureidis**

I am a television and cinema producer. I come from Fureidis originally, but I now live in Tel Aviv-Jaffa. Last year, 2005, I traveled to an international film festival in Holland that intended to screen one of my films. I traveled together with Jewish colleagues to represent the State of Israel. I was the only Arab in the group. From my previous experience at the airport, and from comments I had heard from friends and relatives about the way Arabs are maltreated at the airport, I was mentally prepared to be treated badly. But even so, I did not expect that it would prove to be so offensive and humiliating.

After we entered the airport and handed over our passports to the inspectors, all my Jewish colleagues passed on without any searches or questions. The guards moved me to one side and began to interrogate me. "Where are you going? With who? Who put these things in your suitcase and arranged them" and lots of other personal questions. Then they began to inspect my suitcases and bags. I opened all the bags. They searched everything and tipped all the items out of the suitcase. They insolently demanded that I sort it all out again. I refused point blank and argued with them. In the end, they sorted my things out.

After the search, I examined my hand baggage and found a hard piece of green plastic fixed firmly onto the bag. This piece of plastic had not been there before. I asked my Jewish colleagues if they also had a piece of plastic like that in their bags – I thought perhaps everyone went through the same procedure. They checked their bags and did not find anything. I felt really humiliated that something had been put in my bag to single me out as a special case, so that at every stage of the inspection and search they would see this and treat me accordingly. Then they told me to go through the scanner, after removing all my jewelry, my shoes and watch, and so on. I did what they told me, and then the machine beeped, indicating that there was something suspicious. It turned out to be a clip in my hair. The guard demanded that I remove it. I refused, and tried to challenge him. “If you admit that you are searching and humiliating me because I am Arab, I will remove it.” I was amazed at his cold reply. He simply said, “I am searching you because you are Arab, so take it off.” At that point I could not stand this attitude any longer. We argued fiercely and began to shout, and I even began to think about abandoning the idea of flying to Holland.

However, if I had not got on the flight, I would have embarrassed the Israeli delegation. One of the Jewish members of the delegation, Ms. Osnat Trebilsi, who is also a director, intervened and tried to convince me to change my mind. After she had a long discussion with the people in charge there, they released me and I boarded the plane. While my Jewish colleagues went round the duty free shop, I underwent an insulting and humiliating search. The search and the delay lasted over an hour.

Unfortunately, the humiliation didn't end there. When I arrived at the Dutch airport to fly back to Israel, I went through the inspection by the Dutch security guards without any problem. The hair clip also beeped in the scanner, but they did not demand that I remove it. When I reached the Israeli guards from El-Al – the airline I was traveling with – they stopped

me at Gate No. 8 and told me to move over to Gate No. 10. I went there, and found that this gate did not lead to the plane, but to a lower level of the airport. I went down the stairs and found a group of foreign passengers on their way to Israel. There were seven people there, and I was the only one with an Israeli passport. They began to inspect us one by one.

They put my bags to one side and took me into an area enclosed with curtains, I could not see what was going on around me. A woman guard from El-Al came in and told me to remove some of my clothes, and suddenly I found myself topless. This was the most humiliating and offensive part. I was representing Israel at an international festival – how could they treat me in such a humiliating way?

Then I took my bags and went to the plane. One of the guards accompanied me to Gate No. 8 and then to the boarding ramp. I returned to Israel. I didn't argue with any of the guards about the humiliating inspection and search. I just put myself in their hands. I felt helpless. I felt that I couldn't refuse. They were searching me underground, out of sight.

Someone who hasn't undergone this kind of search can't imagine how humiliating it is. You aren't worth anything in this situation. At the time I thought about the Palestinians who go through checkpoints every day – I thought about the daily searches and humiliation. I considered handing in my passport and identity card – what meaning does citizenship have if it makes me a victim to this kind of treatment?

I have been invited many times to travel to the United States on work-related visits. I have not gone, because I constantly think about the humiliating inspection and search I would have to undergo at the airport. The experience has even affected my career.

## Appendix C



Arab Association for Human Rights  
Mr. Tarek Ibrahim, Adv.  
Programme Director, Research and  
Reporting  
P.O. Box 215  
Nazareth 16101  
Israel

Div.E / Div.P

Geneva, March 28, 2006

### **Additional Security measure implemnted by *El Al* security staff at Geneva International Airport**

Dear Sir,

We duly consider the content of your letter dated March 15, 2006

We are concerned the there is no violation of Swiss or International Humanitirian Law on our Airport

Throughtout the year, we have dozens of airlines operating on our Airport and nine millions passengers every year. Passengers departing Geneva Airport (Including *El Al* passengers) are subject to security check by Passengers Security officers of the Airport. Each passenger receives equal treatment

and there is no discrimination with respect to the applicable rules.

*El Al* security staff has implemented in Geneva additional security measures, for the sake of their passengers. These measures have been agreed by the Swiss Government. Other airlines are performing additional security measures for their flights as well. The procedures themselves are meant to be non discriminatory. They are applicable to all passengers flying on the flight in question. Such procedures are not pleasant for the passengers, but the majority of them understand that security measures are meant to protect them from spiteful actions.

Your letter suggest that such procedures are not applied eqally to all passengers by *El Al* staff, especially in one instance. This testimony shall be submitted directly to *El Al* Management in Geneva, as the airline company shall be granted the right to comment on these facts. In the meantime, no conclusion can be drawn on the basis of Mr. Mousa's testimony only.

As far as we are concerned, there are hundreds of thousands passengers departing from Geneva on *El Al* and other companies' flights every year. We do not have the possibility and it is not our task to supervise the daily implementation of additional security measures performed by airlines. However, we are going to address this issue to *El Al* Head of Security in Geneva and express our concern that the procedures are implemented in a non discriminatory manner.

As for Mr. Mousa's suitcase, which was apparently damaged, he should have lodged a request with the handling agent, for acknowledgement of the damage. Mr. Mousa might still address a request to the company.

In any case, together with our partners, we make our best to keep most passengers satisfied about the service they get at Geneva International Airport and that they enjoy a safe flight to their destination.

Yours sincerely,

Jean-Luc PORTIER  
Head of Passengers Division

## Footnotes

- <sup>1</sup> This method of inspection is known as “racial profiling.” Amnesty International USA defines racial profiling as “the targeting of individuals and groups by law enforcement officials, even partially, on the basis of race, ethnicity, national origin, or religion, except where there is trustworthy information, relevant to the locality and timeframe, that links persons belonging to one of the aforementioned groups to an identified criminal incident or scheme.” See: Amnesty International, U.S. Domestic Human Rights Program, “Threat and Humiliation: Racial Profiling, Domestic Security, and Human Rights in the United States,” (October 2004). The report is available at the address [http://www.amnestyusa.org/racial\\_profiling/report/rp\\_report.pdf](http://www.amnestyusa.org/racial_profiling/report/rp_report.pdf) (last accessed September 21, 2006).
- <sup>2</sup> Discriminatory security checks on Arab citizens are not confined to Ben Gurion Airport, but also take place at domestic airports and border crossings. This report will focus on the discriminatory security check at Ben Gurion Airport and at foreign airports.
- <sup>3</sup> Such inspections are imposed mainly on Jewish left-wing activists. See Aviv Lavi, “Enemies on the Left,” Ha’aretz Supplement, January 30, 2004; “Enemies on the Left (2),” Ha’aretz Supplement, February 13, 2004. See also Tova Zimuki, “The Blacklist of Left-Wing Activists,” Yediot Acharonot, March 17, 2004.
- <sup>4</sup> Reply from the Airports Authority dated December 8, 2005, in response to the request of the investigating organizations for information; response of El-Al Airlines dated April 3, 2006 in response to the request of the investigating organizations for information.
- <sup>5</sup> According to information provided to the investigating organizations by the Airports Authority, 206 complaints were filed in 2005; 178 in 2004; 230 in 2003; 253 in 2002; and 144 in 2001. These figures include all the complaints presented to the Airports Authority, not only those from Arab citizens. Many Arab citizens, however, do not bother to submit complaints to the Airports Authority due to their sense that such complaints will not help secure any change in the policy of discriminatory security inspections. The investigating organizations estimate that hundreds of Arab citizens undergo discriminatory security inspections each year.
- <sup>6</sup> “An End to Discrimination against Arabs at Ben Gurion Airport?”, Ma’ariv website (<http://www.nrg.co.il>), April 9, 2006.
- <sup>7</sup> “The Solution to Complaints about Checks on Arabs at Ben Gurion Airport: A Terminal in Nazareth,” Ha’aretz, September 21, 2005.

- <sup>8</sup> A selection of testimonies is presented in full in Appendix A.
- <sup>9</sup> From the testimony of Hathem Habiballah, resident of Ein Mahel. See Appendix A .
- <sup>10</sup> From the testimony of Mr. `Abud Badawi, resident of Kafr Qasem. See Appendix A.
- <sup>11</sup> From the testimony of Dalia Halabi, resident of Daliyat al-Carmel. See Appendix A .
- <sup>12</sup> From the testimony of Mohammed Zeidan, resident of Reineh. See Appendix A .
- <sup>13</sup> From the testimony of `Abud Badawi, resident of Kafr Qasem. See Appendix A .
- <sup>14</sup> From the testimony of Nadin Saruji, resident of Nazareth. See Appendix A .
- <sup>15</sup> From the testimony of Hathem Habiballah, resident of Ein Mahel. See Appendix A .
- <sup>16</sup> From the testimony of Nadin Saruji, resident of Nazareth. See Appendix A .
- <sup>17</sup> A selection of testimonies is presented in full in Appendix B.
- <sup>18</sup> For example, see the testimony of Fairuz Nasrallah, resident of Shaf`amr, in Appendix B.
- <sup>19</sup> For example, see the testimony of Ibtisam Mara`anah, resident of Fureidis, in Appendix B.
- <sup>20</sup> See his full testimony in Appendix B.
- <sup>21</sup> The investigating organizations attempted unsuccessfully to secure a copy of this form.
- <sup>22</sup> See Appendix C.
- <sup>23</sup> It is important to note that Uri Davis is a well-known left-wing activist. Members of this circle are also subjected to discriminatory security inspections. See footnote 3 above.
- <sup>24</sup> See the response of the Airports Authority in the article by Yosef Algazi, "Arab-Only Track," Ha'aretz, June 30, 1999. See also: Moshe Cohen-Eliya, "Discrimination against Arabs in Israel in Public Accommodations," at: [http://www.law.nyu.edu/journals/jilp/issues/36/36\\_4\\_Cohen-Eliya.pdf](http://www.law.nyu.edu/journals/jilp/issues/36/36_4_Cohen-Eliya.pdf) (last accessed September 21, 2006).
- <sup>25</sup> "GSS Orders: Flights from Kiryat Shemona and Rosh Pina to Tel Aviv – For Jews Only," Ha'aretz, June 14, 2006.
- <sup>26</sup> "Following Ha'aretz Exposé: Arabs Will Be Able to Fly from North Again," Ha'aretz, June 15, 2006.
- <sup>27</sup> Arabs48 website (<http://www.arabs48.com>), July 12, 2006.
- <sup>28</sup> This case relates to flights from the airport in Rosh Pina rather than Ben Gurion, but the rules applying to the inspection of Arab passengers are determined by the General Security Service and are identical at all Israeli airports.
- <sup>29</sup> See: the Center against Racism report, "Racism Index: Racism against Palestinian Arab Citizens of the State of Israel" (March 2006); and the Arab Association for Human Rights report, "On the Margins: Annual Review of Human Rights Violations of the Arab Palestinian Minority in Israel 2005" (June 2006).

- <sup>30</sup> Jackie Houry, “Kabri Swimming Pool Closed to Arab Neighbors,” Ha’aretz, June 21, 2006; “Instead of Jewish-Only Swimming Pool – Pool Confined to Residents of Kibbutz Kabri,” Ha’aretz, July 12, 2006.
- <sup>31</sup> Tamra Traubman, “Students Demonstrate against Anti-Arab Discrimination at Hebrew University Swimming Pool,” Ha’aretz, November 4, 2005.
- <sup>32</sup> Jackie Houry, “Bezeq Refuses to Enter Arab Towns without Guards – Service Delayed by Months,” Ha’aretz, October 12, 2005.
- <sup>33</sup> Jackie Houry, “Committee in Shavei Zion Prevents 3-Year Old Arab Girl Who Grew Up in Community from Registering for Pre-School,” Ha’aretz, September 19, 2005.
- <sup>34</sup> Rami Mansour, “Police: We’ll Stop Filming Arabs at Malls in Jewish Communities,” Machsom website (<http://mahsom.com>), May 8, 2006.
- <sup>35</sup> David Kretzmer, *The Legal Status of the Arabs in Israel* (Jerusalem 2002), pp. 146-147 (in Arabic).
- <sup>36</sup> Yair Baumel, “The Military Rule and Its Abolishment, 1958-1968,” *The New East*, Vol. 43, pp. 133-156. An abstract of the article appears at: <http://www.ornanim.ac.il/Docs/%D7%99%D7%90%D7%99%D7%A8%20%D7%91%D7%95%D7%99%D7%9E%D7%9C.doc> (last accessed September 21, 2006).
- <sup>37</sup> Report of the Or Commission, para. 15.
- <sup>38</sup> Center Against Racism report, footnote 29 above.
- <sup>39</sup> Ari Shavit, “Waiting for the Barbarians,” Ha’aretz (weekend supplement), January 9, 2004.
- <sup>40</sup> See: Moshe Cohen-Eliya, footnote 24 above.
- <sup>41</sup> See Baruch Kimmerling, “Let the Arabs Buzz off and Leave Us,” *New Horizons* website: <http://ofakim.org.il/zope/home/he/1138194701/1142748760> (last accessed September 21, 2006).
- <sup>42</sup> Tracey Maclin, “‘Voluntary’ Interviews and Airport Searches of Middle Eastern Men: The Fourth Amendment in a Time of Terror,” 73 *Miss. L.J.* (2003).
- <sup>43</sup> William J. Brennan, “The Quest to Develop a Jurisprudence of Civil Liberties in Times of Security Crises,” *Israel Yearbook on Human Rights* 18: 11-21. Address given at the Law School of the Hebrew University, Jerusalem, Israel (December 22, 1987).
- <sup>44</sup> MCCrim. 2145/92, *State of Israel v Goata, Piskei Din* 46(5) 704, pp. 724-725.
- <sup>45</sup> CA (Jer.) 7832/97, *Al-Razaq v El-Al* (unpublished). The quote appears in Moshe Cohen-Eliya, footnote 24 above.
- <sup>46</sup> See: Moshe Cohen-Eliya, footnote 24 above.
- <sup>47</sup> CA 5203/97, *Madfan et al. v Arkia Airlines* (unpublished).



- <sup>48</sup> CA (Haifa) 18147/98, *Talawi v Arkia Airlines* (unpublished).
- <sup>49</sup> The Fourth Amendment to the US Constitution states: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”
- <sup>50</sup> The first section of the Fourteenth Amendment to the US Constitution states, *inter alia*: “...nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”
- <sup>51</sup> See: R. Rohatgi, “Airport Profiling,” *Harvard Model Congress* 2003.
- <sup>52</sup> *Dixon v Rutgers*, 110 N.J.A. 2d 1046 (1988); *Lowrey v Commonwealth*, 9 Va App. 388 S. E 2d 265 (1990).
- <sup>53</sup> See: Leadership Conference on Civil Rights Education Fund, “WRONG THEN, WRONG NOW: Racial Profiling Before & After September 11, 2001” at: [http://www.civilrights.org/publications/reports/racial\\_profiling/racial\\_profiling\\_report.pdf](http://www.civilrights.org/publications/reports/racial_profiling/racial_profiling_report.pdf) (last accessed September 21, 2006).
- <sup>54</sup> HCJ 6698/95 A. Qa`adan et al. v Israel Lands Administration et al., *Piskei Din* 44(1), 258.
- <sup>55</sup> HCJ 935/87 Labor Faction v Tel Aviv – Jaffa Municipal Council, *Piskei Din* 42(2), 309, p. 327.
- <sup>56</sup> A state of emergency was declared in Israel when the state was established, granting the government extensive and even Draconian powers in certain areas. The state of emergency has never been abolished. See Yuval Yoaz, “The State of Emergency – 57 Years and No End in Sight,” *Ha’aretz*, June 19, 2005.
- <sup>57</sup> See: Human Rights Committee, “General Comment 29, State of Emergency (Article 4),” UN Doc. CCPR/C/21/Rev.1/Add11 (2001). In this document, the Human Rights Committee determined that “elements... of the right to non-discrimination... cannot be derogated from in any circumstances.”
- <sup>58</sup> Nathan Lerner, “A Partial Struggle against Racism,” *Ha’aretz*, June 26, 2005.