

Racial Profiling at New York Airport

Law Suit against Israel's national carrier, El Al.

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Nazareth — Two Israeli Arab brothers have won \$8,000 in damages from Israel's national carrier, El Al, after a court found that their treatment by the company's security staff at a New York airport had been "abusive and unnecessary".

Abdel Wahab and Abdel Aziz Shalabi were assigned a female security guard who watched over them at the airport's departure gate for nearly two hours, in full view of hundreds of fellow passengers, after they had passed the security and baggage checks.

Later, El Al's head of security threatened to bar Abdel Wahab, 43, from the flight if he did not apologise to the guard for going to the toilet without first getting her approval. Abdel Aziz said he had been humiliated and "cried like I've never cried before in public".

Although surveys of Arab citizens, who comprise one-fifth of Israel's population, show that most have suffered degrading treatment when flying with Israeli carriers, few bring cases to the Israeli courts.

The brothers are now planning to sue El Al and its New York staff in the United States over Israel's racial profiling of passengers in a country where the practice is illegal.

"I'd rather go to New York by donkey than fly with El Al again," said Abdel Aziz, 44. "We will keep fighting this case until Israel is embarrassed into stopping its policy of discriminating against its Arab citizens."

The brothers, who live in northern Israel, were the only Arabs in a party of 17 Israeli insurance agents on a two-week business trip to Canada and New York in 2007.

They arrived four hours early at John F Kennedy airport in New York for their return flight with Israil, an Israeli charter company, to allow time for the additional checks they expected from El Al's security staff.

El Al has special agreements with most countries' airports to carry out its own security checks for passengers flying with Israeli airlines.

The brothers said they were questioned, searched and had to wait two hours while their bags and carry-on luggage were subjected to lengthy inspections.

"The Jews with us went through in minutes," said Abdel Aziz, in his home in the village of Iksal, near Nazareth. "The difference in treatment was very clear."

After they had passed the checks, an El Al security guard, Keren Weinberg, was assigned to

them until they boarded the plane. They were told to make sure she could see them at all times.

When Abdel Wahab visited a toilet without her permission, a noisy argument broke out between the two, with Ms Weinberg accusing him of “roaming freely”. He said he told her to “either arrest me or go away”.

Ilan Or, the head of El Al security, was then called and issued him an ultimatum that he apologise or be prevented from catching the flight. Abdul Wahab told a magistrate’s court in Haifa this month that he broke down in tears and finally said he was sorry.

“I was in shock. One minute I was made to feel like a terrorist and then the next like a naughty child,” he said.

Judge Amir Toubi said the security staff had admitted that neither brother was deemed a security threat and that Israeli law did not allow checks to continue after passengers had passed the security area.

“With all due understanding of security needs, there is no justification for ignoring the dignity, freedom and basic rights of a citizen under the mantle of the sacred cow of security,” the judge ruled.

El Al told the court that it had been “asked by the state to conduct security checks abroad on behalf of [charter companies] Arkia and Israir airlines, and is acting under the security guidelines set by official bodies of the state.”

Abdul Wahab praised the court’s decision but said the damages were minor and would not act as a deterrent against El Al repeating such behaviour in future. He said the brothers would appeal to a higher court in Israel and were planning to initiate a legal action in New York, too.

“I will not rest until we get an apology from El Al and they acknowledge that what they did is wrong,” he said. He called on all Arab citizens to boycott El Al until it committed to stop its discriminatory policy.

A 2007 report on racial profiling by Israeli carriers, published by the Arab Association for Human Rights and the Centre Against Racism, concluded: “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.”

The two groups found that Arab and Muslim passengers typically faced long interrogations and extensive luggage searches, and were also regularly subjected to body and strip searches, had items including computers confiscated, were kept in holding areas and were escorted directly on to the plane.

The report noted that foreign countries that allowed Israel to carry out its own security checks at their airports failed to supervise them and preferred to “ignore their discriminatory nature and the human rights violations committed on their own soil”.

New York’s JFK airport was one of the airports that refused to answer questions from the groups about incidents of discriminatory treatment of Arabs and Muslims.

Israel has also come under harsh criticism for the standard racial profiling policies it uses against its own Arab citizens and foreign Arab nationals at Ben Gurion airport near Tel Aviv.

The practice of putting different colour-coded stickers on Jewish and Arab passengers' luggage ended three years ago. However, airport guards still write a number on uniform white stickers indicating the level of security threat. Critics say higher numbers are reserved for non-Jews.

Faced with a lawsuit from Israeli human rights groups, Menachem Mazuz, the attorney general at the time, instructed the airports authority in early 2008 to implement "visible equality" by ending discriminatory screening policies.

However, observers have noticed no change in practice. "This was a very cynical exercise. 'Visible equality' simply means making it look like there's equality when the inequality persists," said Mohammed Zeidan, director of the Association for Human Rights, based in Nazareth.

In December an airport official told the right-wing Jerusalem Post newspaper: "Profiling makes the biggest difference. A man with the name of Umar flying out of Tel Aviv, whether he is American or British, is going to get checked seven times."

Two years ago Israel's racial profiling policy made headlines when a member of an American dance troupe with a Muslim-sounding name was forced to dance at the airport to prove he was who he claimed.

The incident with the Shalabi brothers follows on the heels of a diplomatic crisis between Israel and South Africa over revelations that spies posing as El Al staff have been operating at Johannesburg airport, gathering information on non-Jewish passengers visiting Israel.

El Al has threatened to close the route after South African officials stopped providing the airport guards with diplomatic immunity.

South African TV reported last month that two of the Mossad assassins suspected of killing a Hamas commander in Dubai in January may have used Johannesburg airport to fly back to Israel.

Jonathan Cook is a writer and journalist based in Nazareth, Israel. His latest books are "Israel and the Clash of Civilisations: Iraq, Iran and the Plan to Remake the Middle East" (Pluto Press) and "Disappearing Palestine: Israel's Experiments in Human Despair" (Zed Books). His website is www.jkcook.net.

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