
Your Rights at Ben-Gurion Airport Searches

Before You Visit Israel...Know your Rights concerning "Security Searches" (Everything You Wanted to Know about Ben-Gurion Airport... But Didn't Know Who to Ask)

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Security checks at border passages are legal in Israel, and even justified for your own personal security. There are, however, a variety of checks. Certain categories of persons are submitted to special procedures upon departure from, and sometimes upon arrival to, the Israeli territory: Arabs, persons with Arab names, persons with "Arab" features, as well as persons suspected of entertaining any kind of "relations" with Arabs.

In 1990, an AIC staff member, Dr. Tikva Parnass, together with Israeli-French film maker Eyal Siwan and Dutch journalist Beni Bruner - the three of them having been systematically subject to special searches procedures - appealed to the Israeli Supreme Court of Justice in order to challenge the legality of such procedures, or alternatively, to know their rights regarding searches of that kind.

After almost two years of hearings, the Supreme Court declared that the searches, as well as the list of alleged suspects, were legal. However, it did so after the Attorney General had submitted a detailed statement in which the procedures of the searches, and the rights of the people searched and checked were well defined. The provisions of the above-mentioned document are binding, and any search that does not conform to the directives of the Supreme Court represents the breach of law and is thereby illegal.

THE BLACK LIST:

Who is on the black list?

According to the General Prosecutor statement to the Supreme Court, the list is composed of names of people who are suspected of having "relations with people whose life style (sic) or ideology express support to terrorism."

You have the right to know

According to the Attorney General's Statement, you have the right to know if you are in the blacklist, by addressing your request to the Central Command of the Israeli police forces (Commander of the Board-Police, Central Command of the Israeli Police, Sheikh Jarach, Jerusalem). The latter is bound to answer your query, specifying both the legal provisions regulating the searches, as well as the occasion at which you are likely to be subjected to the search (arrival, departure or both).

You have the right to appeal

Twice a year, you are allowed to be cleared from the black list or to change category (for example to be searched only upon departure).

TYPES OF SEARCHES:

There are 3 legal frameworks authorizing personal searches on the border:

1) The Aviation Law (1977)

This law authorizes searches aiming to prevent hijacking or blowing up of an aircraft or an airport. As such, those searches do not encompass written documents, with an exception of documents that prove the aim of your journey, or indicate how the plane ticket was purchased.

2) The Law for Emergency Searches (1969)

This law is less specified than the first above —mentioned one, but based on the same aim (looking for arms or explosives).

3) Emergency Regulations (1945) — part H

Part H of the (British) Emergency Regulations (1945) concerns censorship on documents, about which "the censor may assume that they may hurt the security of the area or of the publi..." According to these regulations, the censor — or anyone appointed by him, can search, take, photocopy or confiscate any document prone to jeopardize security.

THE SEARCH PROCEDURES:

1) Identification and Explanation

The person in charge of the search is required to: a) introduce himself or herself with name and function, b) explain why s/he is conducting this specific search, and c) identify which law or regulation sanctions it. Usually, s/he has a special identification tag specifying (on the reverse) that the search is conducted according to the Protection of Aviation Law. *That means that s/he has no right to check your written material (notes, books, address books, etc), unless it concerns your identity or the purpose of your journey to Israel.*

2) Interrogation

The search is NOT an interrogation. The only questions which they are allowed to ask you, are the ones aiming to ensure that you are neither a “terrorist” nor being used by someone who has a “terrorist life style”. The appropriate questions securing that aim, are for example: Who packed your luggage? Who bought your ticket? Why did you come to Israel? Which places have you visited during your stay in Israel?, etc. If you feel that the questions are going beyond the professed aim, you should make it clear that you have provided all the necessary answers, and that you refuse to be subjected to a political interrogation.

3) The search

- You have the right to be present at each stage of the search of your belongings
- You have the right to demand that the searcher will put your belongings back in their original place, neatly folded and clean.
- In a case of a body search, you have the right to demand proper conditions (for example, to be searched exclusively by a member of the same sex, or not to be made to stand barefoot on the floor).

If you feel that the search is going beyond its official aim (usually, protection of aviation), you have the right to demand to stop it immediately. In such a case, ask to see the supervisor – you have the right to complain and to insist that you will not allow the search to continue, unless it is conducted within the framework of the regulations.

DAMAGES:

If your belonging have been broken or damaged, ask immediately to file a complaint. The authorities will have to provide you with a special form in which you will have to specify the damages, as well as demand appropriate compensations. If they do not have the appropriate form, ask to write your complaint on a regular piece of paper and try to obtain the searcher’s signature.

Once you arrive safely to your destination, file in an official complaint to the Border’s Department of Police, and a request to be compensated for the damages.

A FEW TIPS:

- make it very clear from the outset that you are familiar with your rights
- do not be rude or friendly with the searchers
- do not lie and do not volunteer information
- behave with dignity and they will treat you with more respect.