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60 Israelis on Tourist Visas Detained Since Sept. 11

Government Calls Several Cases 'of Special Interest,' Meaning Related to Post-Attacks Investigation

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At least 60 young Israeli Jews have been arrested and detained around the country on immigration charges since the Sept. 11 attacks, many of them held on U.S. government officials' invocation of national security.

Federal officials have presented no evidence that the Israelis, most of whom worked selling toys and trinkets at kiosks in shopping malls, had anything to do with terrorism. In one of the few cases to reach a hearing, a federal administrative law judge in Cleveland rejected any suggestion that the 11 Israelis before her had any ties to terrorists.

The cases -- in Ohio, Missouri, Texas and California -- originated in the weeks after the World Trade Center and Pentagon attacks. Tipsters apparently called the FBI or the Immigration and Naturalization Service (INS) to report suspicions about Middle Eastern-looking people who were were living together in apartments and working in groups at shopping malls, sources involved in the cases said.

Federal agents arrested dozens of the Israeli men and women in late October and early November on charges of working without authorization while in the United States on tourist visas, documents that don't allow their holders to be employed. Agents interrogated the Israelis and in most cases ordered them held without bond.

In several cases, such as those in Cleveland and St. Louis, INS officials testified in court hearings that they were "of special interest to the government," a term that federal agents have used in many of the hundreds of cases involving mostly Muslim Arab men who have been detained around the country since the terrorist attacks.

An INS official who requested anonymity said the agency will not comment on the Israelis. But he said the use of the term "special interest" means the case in question is "related to the investigation of September 11th."

Justice Department spokesman Dan Nelson also declined to comment on the cases but added that, in general, "post-9-11, every time somebody's picked up on an immigration law violation, there's going to be greater scrutiny.

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"We're conducting the largest investigation in U.S. history, and we're trying to prevent and disrupt terrorist attacks," Nelson added. "We're leaving no stone unturned."

Israeli officials said that the cases involved only the Israelis' apparently illegal employment in the United States and that U.S. officials are not making any claim that any of them were involved in terrorism.

"Israelis visiting the U.S. have to respect the laws of the host country," said Mark Regev, a spokesman for the Israeli Embassy here, which has been in touch with many of its detained citizens. "If they're in violation of their visa, there are consequences to be paid, especially after September 11th."

All the Israeli detainees are in their early twenties and are observing a time-honored tradition in their country -- touring the world after their mandatory service in the Israeli military. A number of them had served in counterterrorist units in Israel, a close U.S. ally in the fight against terrorism.

"It was obvious they mistook us" as Arabs from Israel, said Israeli army veteran Liron Diamant, 24, in describing his arrest on Oct. 31 at an apartment in Findlay, Ohio. In an hours-long interrogation by FBI agents, he and his friends were questioned in detail about their Israeli military service, Diamant said.

"All of us cooperated fully with them," he said. "We want to help the U.S. anti-terror effort, since we fight the same enemy in our country."

INS officials ordered Diamant and 10 co-workers, who sold rubber band-propelled toy helicopters at malls around Toledo, to be held without bond. In a hearing last week, the government also asked Justice Department immigration judge Elizabeth Hacker to keep the Israelis in custody.

But Hacker rejected the officials' arguments, setting bond for all 11 at \$10,000 each. "Although the [INS] alleges that these cases are 'special,' it has failed to present any credible evidence of the basis for this finding," she wrote in her decision. "Indeed, the service has failed to submit any evidence of terrorist activity or of a threat to the national security."

The INS then appealed her finding, which under the law automatically means the Israelis cannot be released on bond. Within a few days, the INS partially reversed itself, allowing nine of the Israelis to be released on \$10,000 bond and holding the other two on no bond.

David Leopold, a Cleveland immigration lawyer representing the 11 Israelis, said that ordinarily the INS would not bother with a case of unauthorized employment by a foreign tourist-visa holder.

"If they're still holding people who clearly have no tie-in to September 11th, what does it say about the quality of the overall investigation" and detention of hundreds of Arabs? Leopold said. "The government is using immigration statutes to pull people into this wide web, and once in it, it's difficult to get out."

In one hearing on the Cleveland case, agents said that, among other things, the Israelis are "the subject of an ongoing criminal investigation by the FBI into an individual or company who had agreed to pay living and travel expenses" in exchange for their work at the malls, the judge said in her decision.

Thomas Dean, an attorney for Miami-based Quality Sales Inc., which employed the Israelis in Ohio, said his client "wants to cooperate in any way it can" and added that the government is indeed looking into the circumstances surrounding the hiring of the Israelis.

Dean added that a government official told him that one possible avenue of the probe is that an overseas terrorist group could somehow insert an operative into a group of employed foreigners. Almost all the visiting Israelis made contact with the trinket companies only after they entered the United States, although some people in Israel had steered them toward the firms, he said.

The investigations of the Israelis working at malls is separate from another case of detained Israelis, in New York. On Sept. 11, five young Israeli army veterans who worked for a moving company were observed at a park on the Hudson River in New Jersey snapping photographs of the burning World Trade Center and seemingly clowning around. To complicate matters, when authorities arrested them they had box-cutters in their moving van, the types of weapons used by the terrorist hijackers. Two other Israelis working for the same firm were arrested later.

Officials found they all had overstayed their visas, and they were held in a federal jail in Brooklyn until this week, when they began to be returned to their homes in Israel.

Back in Ohio, Diamant is waiting for his next court date, and for word that he and his friends, too, can return to their country.

"We just want to go home," he said, "and get this adventure behind us."

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