



Statement by Akifur Rahman to the 72nd session of Committee on the Elimination of Racial Discrimination

**Monday, February 18, 2008
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Mr. Chairman and members of the Committee on the Elimination of Racial Discrimination,

My name is Akif Rahman. Let me begin by taking a moment to express my deep appreciation for making this time available to me. It is gratifying to see this body providing a venue for me – and others – to raise directly concerns about racial discrimination that we experience firsthand in the United States.

I am a native-born citizen of the United States of South Asian origin and live in the Chicago suburb of Wheaton, Illinois, with my wife and our two children. I own a computer consulting business, and travel extensively to consult with clients and employees.

Like all Americans I adjusted to heightened security measures at our nation's airports and borders after the terrorist attacks of September 11th. Long lines, the inconvenience of removing one's shoes to pass through airport security and other newly implemented security measures quickly became a part of my routine.

However, beginning in March of 2004, this inconvenience grew into a humiliating and degrading experience for me and also for my family. Since then, on repeated occasions U.S. immigration and customs officials detained me as I returned home from my international travels. The first detention took place in March 2004 at Los Angeles International Airport. In August 2004, I again was detained at Chicago's O'Hare Airport. This time the detention lasted for more than two hours. On both occasions, I was questioned repeatedly about my identity – even though I presented a valid U.S. passport, an Illinois Drivers License and a Social Security card issued by the federal government.

Thereafter, in September 2004, I was stopped at a screening area at the airport in Montreal Canada. The detention lasted for more than two hours, and, again, the agents indicated that they were trying to determine my identity. This detention in Montreal caused me to miss my scheduled flight and, as a result, I missed an important business meeting back in Chicago. In January 2005, I was stopped again.

The most harrowing of these experiences occurred on May 8, 2005 as my family and I returned from a family trip to Canada. On that day, I was detained for approximately five hours – extensively questioned, physically manhandled by a federal officer and shackled to a chair. All the while, I was separated from my family who were also detained.

We arrived by automobile at the U. S. immigration and customs station at the Detroit-Windsor Tunnel on that afternoon and provided our passports, drivers' licenses and other information for the officers. I was ordered to turn off

our car and surrender the keys. Several other agents appeared - and in the view of my wife and young children - the officers took me away, asked me if I was armed, and took my cell phone. I was questioned. After some time, one officer asked me to empty my pockets. I did so. I was then told to face the wall, put my hands in the air and spread my feet. I did so.

The officer yelled at me to spread my legs further – before I could do so, the officer kicked my legs apart with great force. He then demanded I take my shoes off – before I could complete the request, he kicked a shoe off my foot. I was fearful for my own safety and that of my family.

With my shoes off, I was led into yet another room. I was handcuffed to a chair. Two agents guarded me for the duration of my detention. At this point, I was afraid, angry and humiliated. I simply could not believe this – I was a born U. S. citizen, simply re-entering my own country. I'd proved my identity, cooperated at every step and yet was being treated like a criminal.

After nearly four hours of being held, an agent entered the room and asked me a series of questions – about myself, my travel habits and my education. The questions puzzled me: did I know any of the September 11th hijackers; had I ever given money to a terrorist group or known anyone who had. These seemed most strange to me and made me feel like a suspect – not an American simply returning from a family visit in Canada. I expected that if my government wanted me to answer such questions, which I did willingly, they could come to my home in the Chicago area, or call me on the phone. Why take me into custody for five hours?

At the end of the questioning, the officer told me that I had been “cleared” and that I would be released shortly. I was again handcuffed to a chair and watched and guarded by security officials. It was another hour before I was reunited with my wife and children.

I learned at that point the horrific experience that my wife Masooda and our children – Zakareeya and Nurah – endured. They were held in a small waiting room and not provided with adequate clean facilities for young children to use and could use the bathroom only after asking (and receiving) permission from Customs officials. My wife Masooda did not have any food or drink for the children. During the time she was held, my wife was not permitted to use her cell phone, she could not call our relatives in Chicago, including my parents, who were expecting us to arrive at our home in Chicago.

The entire incident was traumatizing for Masooda and our children.

I tried to resolve this recurring nightmare by writing letters to my government. All I obtained were vague and unclear replies that did not offer any real “fix.” Finally, because I did not want my wife and our children to be subjected to this ever again, I had no other course but to take action. I reached out and sought legal assistance to file a lawsuit to address the problem. I quickly learned that I was not alone – there are many Arabs and Muslims in the United States who suffer, and continue to suffer, the same degrading fate as my family. All of my fellow plaintiffs have been stopped numerous times; one family has endured more than thirty unnecessary detentions. Another co-plaintiff – a pharmacist from Seattle – was detained at gun point because he was incorrectly identified as “armed and dangerous.”

The lawsuit, however, has not ended the problem. In December 2006 – nineteen months after filing the lawsuit in a federal district court – I drove my family to Toronto and attempted to fly back home to Chicago for a business meeting. At the US Border in the Toronto International Airport, I was detained for more than an hour and my personal

briefcase was searched. I was asked repeated questions about the mosque that our family attends and my religious affiliations. It was incredibly disturbing that government officials seemed so interested in my religious observance.

It is my sincere hope that our lawsuit will force the U.S. Department of Homeland Security to put in place procedures and practices that are smart, efficient and dignified. I hope that they not only remedy my personal situation, but those of others who find themselves in a similar position. All of us want to be safe from terrorism. The price of that safety must not, however, be that innocent Americans are repeatedly detained, handcuffed, guarded and questioned for hours when simply trying to re-enter their own country.

It seems to be clear that the U.S. government has created and – to this day – maintains screening policies that unfairly target and profile the Muslim and Arab communities in my country. I look forward to the day when this targeting and discrimination stops.

Thank you very much. I am joined here today by my counsel, Harvey Grossman from the American Civil Liberties Union of Illinois. We are pleased to answer any questions.