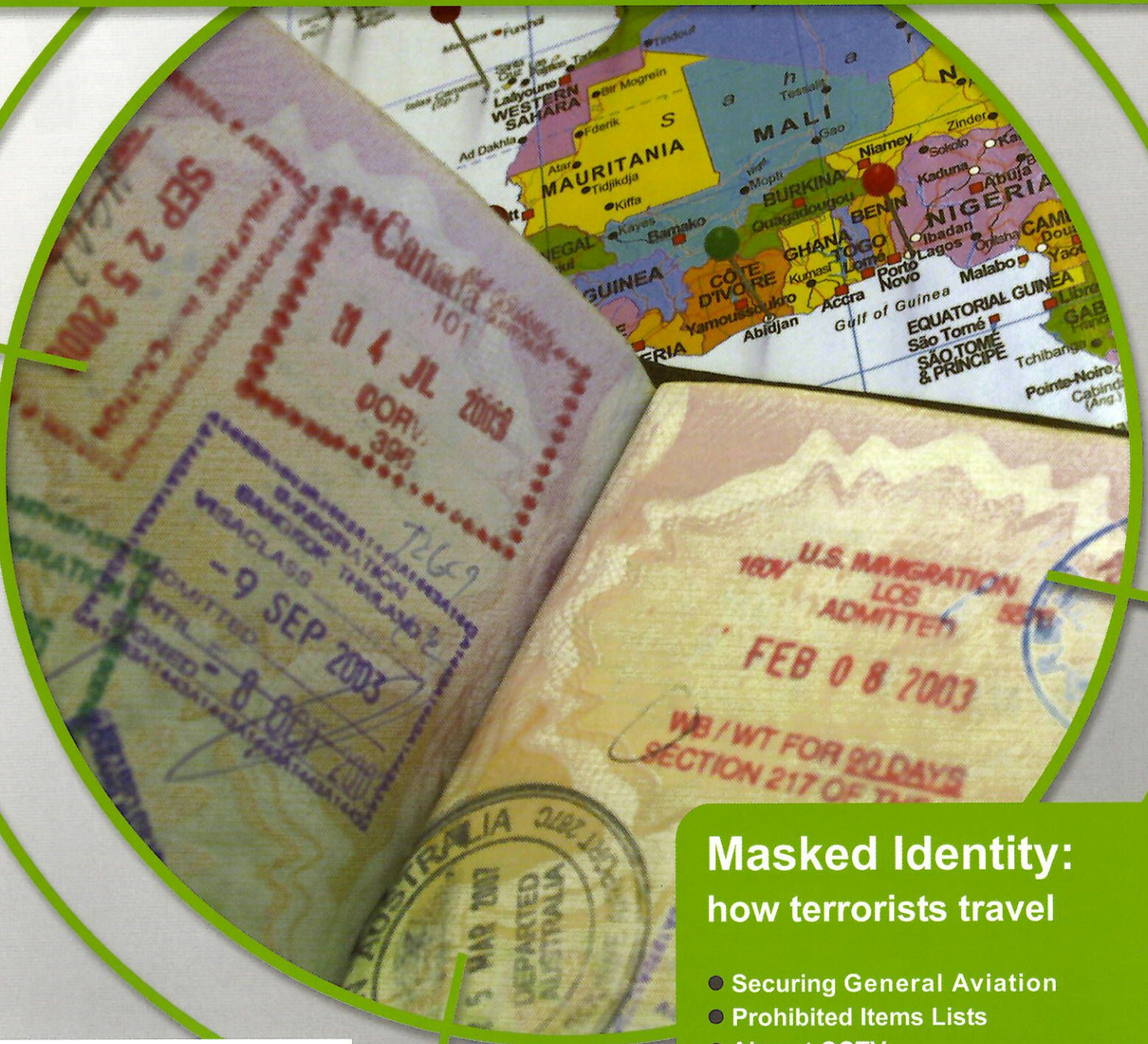


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Freeing Zvonko Busic and Naomi Campbell: aviation security justice on trial

by Philip Baum

Zvonko Busic has finally been released after having served 32 years in a US gaol for the 1976 hijacking of a TWA airliner and associated killing of a policeman who attempted to deactivate a bomb left in New York's Grand Central Station. The device in question had been placed in a baggage locker in order to convince the authorities on the ground that Zvonko and his four co-pirates had genuine explosives on the aircraft itself; they did not. As heinous a crime as hijacking is and as culpable as the perpetrators must be for all their actions, intended or otherwise, the Croatian nationalists behind the hijacking of TWA flight 355 are a far cry from the terrorists of the 21st Century. For a start, they have the capacity to feel remorse.

Some readers may feel that the entire hijack team should have paid for the crime with their own lives and my intent here is not to resurrect a debate about the rights (few, if any) and wrongs (many) of capital punishment. However, with four people on trial in the United States for attempting to bomb JFK, eight men awaiting a UK jury's verdict with regard to the alleged liquid explosive plot and Khalid Sheikh Mohammed set to make his appearance in the dock, it is not unreasonable to make some comparison as to the mindset, intent and humanity of those who are found guilty of terrorist acts.

Of course, as is often said, one man's terrorist is another man's freedom fighter. The widow of Brian Murray (the policeman who died at Grand Central Station) may well feel aggrieved that her husband's killer has

"...the media has turned Nelson Mandela from a terrorist into a modern day folk hero..."

eventually been able to go home, whilst her own husband was never afforded the luxury. And Murray's colleague, Terence G. McTigue, a retired police lieutenant, who was blinded in the left eye, lost two fingers of his left hand and suffered hearing loss and facial disfigurement in the blast, may understandably not wish to forgive Zvonko. I wouldn't. Yet the courts of law and judicial process, when considering a parole application, has to evaluate to what extent a prisoner poses a continued threat to society, how much remorse they have expressed for their actions and what value the state has in keeping and maintaining an individual behind bars.

Zvonko's actions were entirely reprehensible, but we need to ensure that we don't have double standards. The fact is that Zvonko Busic was campaigning for an independent Croatia, something that became a reality whilst he was incarcerated. The United States and its allies are, presumably, entirely supportive of the cause for which Zvonko fought, if not the method of his attack. In a similar vein, the western world has welcomed the death of the apartheid regime in South Africa, embraced the creation of the state of Israel and continues to strive for an independent Palestine.

In doing so, the United States has accepted that many branded international terrorists one day are eligible to be considered statesmen the next. Menachem Begin, as a member of the Irgun, was responsible for many deaths as he fought against the British Mandate and for Israeli independence; Yasser Arafat was widely regarded as the epitome of an international terrorist in his capacity as gun-toting leader of the Palestine Liberation Organisation; Gerry Adams, whilst he denies ever being a member of the Provisional IRA, is also not regarded as being squeaky clean. Yet all these men have found themselves paraded on the White House lawn... and, in the case of Begin and Arafat, have even been awarded Nobel Peace Prizes.

Even more illustrative of this is the way in which the media has turned Nelson Mandela from a terrorist into a modern day folk hero. A recent concert in London to celebrate Mandela's 90th birthday was a "must attend" event on the celebrity social calendar - with British Prime Minister Gordon Brown extolling the man's virtues and the entire event being broadcast on prime time TV. However, Mandela, we should remember, was also a leader of "Umkhonto we Sizwe" (Spear of the Nation), the military arm of the African National Congress, a group responsible for the deaths of many people. I'm not questioning whether what Mandela did was justified to "free" South Africa, rather to remember the simple fact that his group caused the deaths of innocent individuals.

In Mandela's own words, "We chose to defy the law. We first broke the law in a

way which avoided any recourse to violence; when this form was legislated against, and then the Government resorted to a show of force to crush opposition to its policies, only then did we decide to answer violence with violence." It can be argued that the threat of imprisonment is of little concern to those prepared to commit acts of political violence, so whether a sentence is ten years or twenty years makes little difference. The same, however, is not true for the more common threat to which our industry is exposed: the disruptive passenger.

To combat this modern scourge, we need to have a sentencing review. There is a realistic possibility that one day in the not too distant future we will be lamenting the loss of an aircraft, together with its passengers and crew, not as a result of an act of sabotage but due to the actions of an intoxicated or emotionally disturbed individual who loses all sense of self-control once airborne. To a certain extent, the industry is guilty of contributory negligence: we actively encourage alcohol consumption at airports; we subject passengers to processes that induce stress; and we promise things we don't deliver.

This is no justification for anti-social behaviour. A thief who steals an apple from an unguarded market stall is as guilty as the one who does the same from a store equipped with the latest surveillance technology; a rapist who attacks a girl in a mini skirt is as culpable as one who targets an elderly woman. We need to recognise that sentences must illustrate to the general public the concern that government has in tackling a crime.

The British courts had the perfect opportunity to set an example in the sentencing of supermodel Naomi Campbell for her assault of aircrew and police officers at London Heathrow in April 2008. Granted the media frenzy that accompanied her appearance in the dock, one might have thought that the fashion rôle model could become the court's example. Yet no: she was sentenced to 200 hours' community service and fined £2,300; pocket money for Miss Campbell.

In her defence, her criminal actions were perpetrated on the ground and had no impact on flight safety; other celebrities (as we reported in the last issue) have had their temper tantrums in the skies.

As I compile the Air Watch section of this journal each month (this month more than ever - see page 4), I never cease to be amazed by the bizarre behaviours we are seeing reported on airlines around the globe. Whilst intoxication is certainly a common cause, there seems to be something more sinister afoot. We are witnessing in the skies an exemplification of the breakdown of discipline we are seeing in society as a whole. The future prospects for airborne discipline are not exactly encouraging.

It is now incumbent upon governments around the globe to ensure that perpetrators are prosecuted and that sentences reflect the gravity of the offences - they are acts of criminal interference with civil aviation that could have disastrous consequences.

There is little similarity between the actions of Zvonko Busic and Naomi Campbell. Zvonko committed an act of aerial piracy and a police officer died in the process, whilst Naomi simply had a hissy fit. But, in terms of teaching a lesson to the future generation of flyers, whether Zvonko remained in gaol was an irrelevance; allowing Naomi to walk free was a travesty.

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