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בן ארי פיש סבן ושות' - משרד עורכי די - 17050					

Arab man gets rejected by a country club, his lawyer pretends he's a Jew and gets in

Noa Shpigel

An Arab resident of Nazareth who was turned down after trying to purchase membership at a country club in Nof Hagalil (until recently Upper Nazareth) has filed a class action suit, after finding out that someone presenting himself as a Jew from the town of Migdal Ha'emek did get membership.

Jihad Abu Ahmed, who is married with two children, tried to buy membership for himself and his wife. In conversation with the club's marketing department, he was told that only Nof Hagalil residents can obtain memberships. In a recording of a conversation obtained by Haaretz, a club employee is heard telling him that "only residents of Nof Hagalil, are entitled...it's not that there's anything wrong with a person, it's only his place of residence. There are no exceptions. We don't accept outsiders."

The club representative suggested that Abu Ahmed either move to Nof Hagalil or that he purchase a pass of 10 entry tickets from a friend who is a member of the club.

Abu Ahmed's attorney, Yamin Masalha, then contacted the country club and presented himself as Haim Cohen from Migdal Ha'emek. At first he was rejected and told that memberships were only for Nof Hagalil residents, but that this could be further explored with the club's manager. In one conversation he was told that "you can read between the lines...we don't accept non-residents, whether from nearby villages or from down below [the Arab part of Nazareth], or from the entire area. We can't allow some in and exclude others. As soon as I let one non-resident in, I have to allow residents of Nazareth, Kafr Kana and other nearby areas in as well."

After several attempts, he reached the manager, who allowed him to buy a membership for himself and his wife. When "Haim" told her that he'd been informed about their policy but was trying to obtain membership as an exception, she said: "It's only for residents of Upper Nazareth, except for a few nearby communities. You're from Migdal Ha'emek, right?" When he affirmed this, she said she'd approve the membership as an exception. She invited him for a tour of the club, describing its facilities. Also, while Abu Ahmed was told that he could get a pass for 10 entries for 500 shekels if he had a friend with a membership, "Haim" was offered such a pass without the need for a friend who was a member.

Abu Ahmed told Haaretz that this situation made him "feel miserable, shocked and discriminated against. This is discrimination based on nationality and ethnicity. Human freedom and dignity are basic values. This is inappropriate. Every time I begin innocently turning somewhere to enquire about prices, I discover that I can't obtain a membership since I live in Nazareth and not in Upper Nazareth. I then found out that some non-residents did get membership and I was told that it was possible. I enquired and was rejected after being told about their rule. I went to a lawyer, ready to accept this, since apparently Upper Nazareth prefers its own residents. But then I learned that 'Haim Cohen' from Migdal Ha'emek did get in, despite the no-exceptions rule."

The class action suit was filed against the club, Nof Hagalil and the Upper Nazareth Development Authority.

According to the club's website - Country Spa Ilit - it has been around for 13 years, and was managed by the



Jihad Abu Ahmed, left, and his attorney, Yamin Masalha, who posed as "Haim Cohen."

Rami Shlush

city's Development Authority until 2016. Since then, it has been managed by a company called Hofesh-Nofesh.

According to the lawsuit, the Upper Nazareth municipality built the club and holds land rights for the site. The request to recognize the suit as a class action case was submitted by the Ben Ari, Fish, Saban & Co. law office, as well as the Ahmed Masalha law office. It states that "given the recorded phone conversations, there can be no doubt that the respondents' actions with regard to marketing and sales of memberships is unacceptable, intended to discriminate based on race, ethnicity and nationality. This emerges clearly from conversations between 'Haim' with the club's employees, showing that the respondent followed

a discriminatory policy that aims to prevent Arabs from adjoining areas from using the country club. Their words speak for themselves."

The suit notes that there are some Arabs who live in Nof Hagalil, and that they can buy memberships, but that this did not change the fact that "the respondent discriminates against Arabs who are not residents...there is a disproportionate number of Jews who are allowed in, since Jewish residents of nearby communities as well as Nof Hagalil are allowed to purchase memberships, whereas only Arabs from Nof Hagalil, not from anywhere else, are allowed to do so."

Attorney Tzachi Fistel, from the Ben Ari, Fish and Saban law office, told Haaretz that there were only a few cases in which blatant

discrimination can be exposed. "In most cases you can identify it but there is no way of exposing it. This time we've managed to point to serious discrimination, as well as the racist motives underlying it. The racist reasoning was presented to the Jewish applicant, as well as the Arab one, when they were told that if they let a Jewish non-resident in, they'd have to allow Arabs from nearby communities in as well. Listening to these conversations and to the different dynamics when addressing Jewish and Arab applicants should shock anyone who holds dear Israeli democracy."

In response, the Nof Hagalil municipality said it is not part of this dispute and that questions should be addressed to the Hofesh-Nofesh private company that oper-

ates the facility.

Attorney Yaacov Partush, representing the country club, said "these claims are baseless, constituting serious slander. The operating company is contractually committed (to the Upper Nazareth municipality) to selling memberships to residents only. It is not allowed to sell tickets or memberships to non-residents, regardless of ethnicity, race or nationality, since this is the municipality's policy and the conditions for operating the club.

Partush added that "The club has hundreds of Arab members, as well as Arab employees. We've never been targeted by a lawsuit claiming discrimination, and if we were, we'd address it, since it would stand no chance, since there isn't any."