



## **Nowhere to Flee**

### **The Perilous Situation of Palestinians in Iraq**

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*I lived in Baghdad for fifty-eight years. This is the first time I ever left. Leaving Iraq is like tearing my roots from Iraq. All of my children were born there. I brought all of them out—my sixteen children and grandchildren. After my wife's nephew was strangled, we couldn't go out on the street. It was impossible to live there any longer. I left behind my house, all my furniture. I didn't leave behind my car because it was already stolen a year ago. We didn't know where we were going, we just wanted to get out to save ourselves and our children.*

—Palestinian refugee, Trebil camp on the Iraqi border, April 30, 2006

## **I. Executive Summary**

The security of the approximately 34,000 Palestinian refugees in Iraq has drastically deteriorated since the fall of the Saddam Hussein government in April 2003. Militant groups, mostly Shi`a, have targeted this predominantly Sunni minority community, attacking their communal buildings, committing several dozen murders, and threatening harm unless they immediately leave Iraq. Amidst the widespread politically motivated and criminal violence in Iraq, Palestinians have been targeted more than other minorities because of resentment of the privileges Palestinians received during Saddam Hussein's rule, and suspicions that they are supporting the insurgency.

The Iraqi government bears considerable responsibility for the plight of the country's Palestinians. Elements of the Ministry of Interior have been implicated in the arbitrary detention, torture, killing, and "disappearance" of Palestinians. Despite their status as refugees, Iraqi Palestinians have been subjected to new and extremely burdensome registration requirements, providing a venue for bureaucratic hostility. And unlike Iraqi citizens at risk, who are largely able to find refuge abroad, Palestinians have nowhere to flee: countries in the region (with rare, temporary exceptions) have kept their borders firmly closed to fleeing Iraqi Palestinians. And the international community has done little to help ease their plight.

Palestinian refugees in Iraq became a target for violence, harassment, and eviction from their homes soon after the Iraqi government fell to U.S.-led forces in 2003. Unknown assailants fired upon Palestinian housing projects with assault weapons and mortar rounds, and threw bombs into Palestinian homes. A particular point of contention had been the government's provision to Palestinians of subsidized housing, often at the expense of mostly Shi`a landlords who were paid a pittance in rent by the Iraqi government. Immediately after the fall of the Saddam government, Shi`a landlords forcibly evicted their Palestinian tenants.

Since then, conditions for Palestinian refugees in Iraq continue to worsen. The February 22, 2006 bombing that destroyed one of Shi'ism's holiest shrines, al-`Askariyya mosque in Samarra, led to a wave of sectarian killings that continues to date. Alleged Shi'a militants attacked Palestinian housing projects in Baghdad and killed at least ten Palestinians, among them the two brothers of the former Palestinian attaché in Baghdad, who were kidnapped from their father's home on February 23 and found dead at a morgue two days later, their bodies mutilated. On the evening of the Samarra bombing, unidentified persons murdered Samir Khalid al-Jayyab, a fifty-year-old Palestinian, hitting him over the head with a sword and shooting him some twenty times. On March 16, unidentified armed men strangled to death Muhammad Hussain Sadiq, a twenty-seven-year-old Palestinian barber, together with two Sunni Iraqis in the Shu`la neighborhood of Baghdad.

In mid-March, a militant group calling itself the "Judgment Day Brigades" distributed leaflets in Palestinian neighborhoods, accusing the Palestinians of collaborating with the insurgents, and stating, "We warn that we will eliminate you all if you do not leave this area for good within ten days." The killings and death threats put the Palestinian community in a "state of shock," according to the United Nations High Commissioner for Refugees (UNHCR), and led Palestinian National Authority President Mahmud Abbas and the High Commissioner for Refugees António Guterres to each call upon Iraqi President Jalal Talabani to intervene to stop the killings of Palestinians. Fear continues to grip Palestinian communities in Baghdad, and thousands more Palestinians in Iraq are eager to leave the country. And the killings continue: UNHCR reported at least six more killings of Iraqi Palestinians in Baghdad and renewed death threats against Iraqi Palestinians in the last two weeks of May.

The post-Saddam Iraqi governments have done little to protect the Iraqi Palestinians – a community whose members were given the same rights as citizens, minus the actual citizenship and the right to own property – and some elements within government have actively contributed to this community's insecurity. Notably, in October 2005 the minister of displacement and migration called on the government to expel all Palestinian refugees to Gaza, accusing Palestinians of involvement in terrorism. Iraqi Palestinians consistently told Human Rights Watch that Ministry of Interior authorities frequently harass and discriminate against Palestinian refugees in Iraq, singling them out for arrest and falsely accusing them of terrorism. One Palestinian who had been detained at the Kut military base southeast of Baghdad for sixty-eight days described torture he believes he suffered simply for being Palestinian: the guards would enter the detention room and ask for "the Palestinian," and gave him regular beatings and attached live electrodes to his penis. A lawyer for a group of four Palestinians arrested on terrorism charges in May 2005 said his clients had suffered beatings with chains, electric shocks, cigarette burns on

their faces, and being placed in a room with standing water carrying live electric current. Iraqi National Guard troops arrested a seventy-five-year-old Palestinian man in April 2005, and he remains “disappeared,” with the suspicion that they killed him in custody.

Where previously Palestinian refugees in Iraq had little trouble obtaining and maintaining their residency status, the Ministry of Interior ordered Palestinian refugees to obtain short-term residency permits, treating them as non-resident foreigners instead of as recognized refugees. The residency requirements are onerous, requiring Palestinian refugees to bring all members of their families to Ministry of Interior offices to renew the permits, which can take days or even weeks, and the new permits are only valid for one to two months.

Palestinian refugees seeking to flee Iraq face far greater obstacles than do Iraqi citizens, including other minority communities under threat, such as Mandaeans and Chaldeans. Neighboring countries like Jordan, Kuwait, Saudi Arabia, and Syria refuse to admit them. Israel in general does not allow Palestinian refugees to return to Israel or the Occupied Palestinian Territories. And resettlement options in other countries have been largely unavailable to them.

The attacks in 2003 on Palestinian refugees led to the internal displacement of thousands of Palestinian refugees, and the flight of hundreds to neighboring Jordan. Jordan initially blocked the border for Iraqi Palestinians, then allowed a few hundred into the barren, isolated al-Ruwaishid refugee camp eighty-five kilometers inside Jordan from the Iraqi border. Other Iraqi Palestinians remained at the equally barren Karama camp located inside the no-man’s land (NML) at the Iraqi-Jordanian border for more than two years, until the Jordanian authorities closed the camp in 2005 and relocated them to al-Ruwaishid camp. For the past three years, several hundred Palestinian refugees have remained virtual prisoners in al-Ruwaishid camp. Some 250 of them elected to return to the dangerous conditions in Iraq rather than remain in the camp with no solution to their plight in prospect.

From March to May 2006, a group of nearly 200 Iraqi Palestinians was stuck on the Iraqi side of the Jordanian border, after Jordan refused them entry and armed Iraqi border guards forcibly pushed them back into Iraq. Following a request from the Palestinian Authority’s foreign minister, Syria allowed these Palestinians into Syria, but again closed its borders to Palestinian refugees immediately afterwards.

Human Rights Watch calls upon the states bordering Iraq to open their borders to Palestinian refugees from Iraq and to afford them the same opportunities to flee

persecution and generalized violence that they accord to Iraqis. The current Palestinian refugee crisis in Iraq needs a regional approach, and all countries in the region – including Israel and the Gulf States – should participate in sharing the burden of accepting and housing the Palestinian refugees fleeing Iraq. The broader international community should also assist governments in the region by sharing the burden, either through providing financial assistance or through third-country resettlement.

## II. Recommendations

### ***To the Iraqi Authorities, including the Ministry of Interior and Ministry of Displacement and Migration***

- Publicly affirm Iraq's commitment to hosting Palestinian refugees in secure and humane conditions, and that abuses against Iraqi Palestinian refugees will not be tolerated and will be investigated and prosecuted;
- Provide specifically detailed security in neighborhoods and camps where Iraqi Palestinians reside;
- Take all appropriate measures to end torture, "disappearances," summary killings, and other abuses by Iraqi security forces, and investigate and punish such abuses. Investigate whether Iraqi Palestinians are being targeted for abuse and take appropriate action against the perpetrators;
- Ensure that Iraqi Palestinians are officially treated in a way appropriate to their status as recognized refugees, and cancel burdensome registration requirements imposed on them by the Ministry of Interior's Department of Residency.

### ***To the United States and the U.S.-led Multinational Forces in Iraq***

- Assist the Iraqi government with providing security to Iraqi Palestinian refugees in Iraq, and monitor the treatment of Iraqi Palestinians by Iraqi forces. Ensure that abuses committed against Iraqi Palestinians by Iraqi forces are investigated and punished by the appropriate authorities.

### ***To the Governments of Jordan, Syria, and Other Countries in the Region***

- Recognize that Iraqi Palestinians are a particularly vulnerable population in Iraq, and keep borders open to Iraqi Palestinians fleeing Iraq;
- Ensure that no Iraqi Palestinian refugee is subjected to *refoulement*, either at the border (by refusing to grant access) or after entering the host country;
- Ensure that government agencies treat Iraqi Palestinian refugees within your borders with dignity and respect for their human rights, including their right to freedom of movement within the host country;
- Provide protection and assistance to all Iraqi Palestinians within your border, with the cooperation and financial assistance of the international community;

- Countries in the region not hosting Iraqi Palestinian refugee populations should engage in burden-sharing with the host countries through humanitarian assistance and financial contributions;
- Permit Iraqi Palestinian men married to women from countries in the region to enter their spouse's home country with their families.

### ***To the Government of Israel***

- In the absence of a resolution of the broader Palestinian refugee issue, permit Iraqi Palestinian refugees with direct ties to Gaza to return to areas now administered by the Palestinian National Authority.

### ***To the Office of the United Nations High Commissioner For Refugees***

- In coordination with the United Nations Assistance Mission for Iraq (UNAMI), closely monitor and report on attacks and abuses against Palestinians in Iraq, and their access to asylum and other aspects of their treatment within the region;
- Continue to advocate for a regional commitment from neighboring countries to allow Iraqi Palestinian refugees to enter their territories and to treat Iraqi Palestinian refugees in conformity with international standards;
- Secure resettlement places in countries outside the region, with the active cooperation of the international community, particularly the governments of the United States and the United Kingdom. Afford those Iraqi Palestinian refugees who are unable to integrate locally in the region, to return to their place of origin, or to return to Iraq, resettlement places in third countries;
- Insist that the relevant authorities in Iraq, including the Iraqi security forces and the U.S.-led Multinational Forces, take the necessary steps to ensure the safety of Iraqi Palestinian refugees and protection of their rights.

### ***To Donors and the International Community***

- Urge governments of neighboring states to keep their borders open to Iraqi Palestinians fleeing persecution and violence in Iraq, and insist that Iraqi Palestinians fleeing Iraq are treated in accordance with international standards;
- Donor states should uphold their legal and humanitarian obligations to share responsibility for refugees by providing financial and humanitarian support to protection and assistance activities for Iraqi Palestinians fleeing Iraq;



- The international community should provide third-country resettlement possibilities for Iraqi Palestinians who are unable or unwilling to return to Iraq or to their place of origin, and who cannot safely remain with a secure refugee status in countries in the region.

### III. Background: The Palestinian Refugees in Iraq

Iraq, like Jordan, Syria, Lebanon, and Egypt, has played host to a significant Palestinian refugee population since the 1948-49 Arab-Israeli war that caused large-scale displacement of Palestinians from Israel.<sup>1</sup> Unlike those states, Iraq did not sign an agreement with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), established in 1949, preferring instead to address the assistance needs of the Palestinian refugees itself. There are no accurate statistics for the Palestinian refugee community in Iraq, but most policy makers, including UNHCR and the Iraqi authorities, estimate the pre-2003 war Palestinian refugee population of Iraq at 34,000.<sup>2</sup>

The Palestinian refugee population in Iraq can be roughly divided into four groups: Palestinian refugees who fled or were expelled during the 1948-49 Arab-Israeli conflict;<sup>3</sup> Palestinian refugees who fled or were expelled during the 1967 conflict; Palestinians who fled or were expelled from Kuwait and other Gulf States following the 1991 Gulf War, when Yasser Arafat's public support for the Iraqi invasion of Kuwait inflamed anti-Palestinian sentiments; and a significant number of Palestinians from other Arab states who had come to work or had resettled in Iraq.

Almost the entire Palestinian population in Iraq lives in the capital, Baghdad. Prior to the 2003 U.S.-led invasion, approximately 4,000 Palestinians lived in the northern city of Mosul, and an estimated 700 Palestinians lived in the southern city of Basra.<sup>4</sup> A large

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<sup>1</sup> See for example Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947-1949* (Cambridge: Cambridge University Press, 1988); Benny Morris, *The Birth of the Palestinian Refugee Problem Revisited* (Cambridge: Cambridge University Press, 2004).

<sup>2</sup> See "Palestinians Targeted in Iraq," *IRIN News*, May 5, 2006 (citing the Iraqi government estimate of a Palestinian refugee population of 34,000); and UNHCR, "Palestinians Leave Desert Camp for Baghdad," May 26, 2004 (estimating the Palestinian refugee population of Iraq at between 34,000 and 42,000). Prior to the 2003 conflict, estimates of the Palestinian refugee population in Iraq varied from 34,000 to over 90,000. See U.S. Committee for Refugees, *Iraq Country Report 2002* (estimating 34,000 Palestinian refugees in Iraq), and *Palestinian Refugees in Iraq*, Department of Refugee Affairs, Palestine Liberation Organization, 1999 (estimating 92,000 Palestinian refugees in Iraq). A post-2003 war registration campaign by UNHCR, conducted in 2003, registered 23,000 Palestinian refugees in Baghdad, but acknowledged that the actual population of Palestinian refugees in Iraq was substantially higher.

<sup>3</sup> Israeli historian Benny Morris researched the displacement of the Arab population during the 1948-49 hostilities, and in an authoritative work provided the date and the reasons for the flight of the Arab civilian population from 369 cities, towns and villages throughout Palestine. Morris uses the following categories to describe the "decisive" reason for depopulation: expulsion by Jewish forces; abandonment on Arab orders; fear of Jewish attack or being caught up in the fighting; military assault by Jewish troops; psychological warfare by the Haganah/Israel Defense Force to induce flight (known as "whispering" campaigns); and influence of the fall of or flight from a neighboring town. Morris, *The Birth of the Palestinian Refugee Problem, 1947-1949*, p. viii.

<sup>4</sup> *Palestinian Refugees in Iraq*, Department of Refugee Affairs, Palestine Liberation Organization, 1999.

percentage of Iraq's Palestinians live in the following neighborhoods of Baghdad: al-Mashtal, Baghdad al-Jadida, al-Salam, al-Dura, Karrada al-Sharqiyya, al-Batawin, al-Za`faraniyya, al-Baladiyyat, and al-Hurriyya, although others were dispersed in private housing throughout the city. Many Palestinians live in low-rise apartment buildings built by the Iraqi government. Some families live in government shelters, such as former schools. In al-Za`faraniyya, for instance, eighty families lived in a former school for the blind, and another eighty families lived in a former orphanage. In some neighborhoods, Palestinian families rented private homes.<sup>5</sup>

During the 1948-49 war, the Iraqi army fought in the area from Haifa to Jenin, and when it withdrew, took some Palestinian refugees with it. (As a result, many Iraqi Palestinian families are originally from Haifa, in what is now Israel.) The Iraqi government housed thousands of arriving Palestinian refugees in schools and military camps as an emergency measure. Soon after, the Iraqi government began constructing temporary "shelter residential systems" to house the Palestinian refugees. Thereafter, in the 1970s, the Iraqi government constructed housing complexes for Palestinian refugees with basic services such as water, sewage, and electricity. The conditions in the shelters were poor, and the government-constructed housing was inadequate for the rapidly growing Palestinian population. In response to housing needs, the Iraqi government began to rent private housing for Palestinian refugees, providing the housing free of charge. An estimated 63 percent of the Palestinian refugees in Iraq benefited from such government-provided housing.<sup>6</sup>

As U.N. sanctions imposed after the 1991 Gulf War crippled Iraq's economy, causing massive inflation, the Iraqi government froze the rents it was paying to the landlords of homes occupied by the Palestinians, as it did with many other government payments. By the end of the 1990s, the mostly Shi`a landlords were receiving next to nothing for the homes occupied by Palestinians – many of the Palestinians interviewed by Human Rights Watch in 2003 stated that their rent (paid by the government) amounted to the equivalent of less than U.S.\$1 a month. Iraqi law prohibited landlords from breaking rental agreements.<sup>7</sup> Landlords forced to rent to Palestinians for inconsequential sums were, in effect, deprived of their property. In 1999, a group of Shi`a landlords from al-

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<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Human Rights Watch interview with I.J., al-Ruwaishid refugee camp, Jordan, April 29, 2003. I.J. is an Iraqi Palestinian lawyer who gave Human Rights Watch a detailed description of the legal regime affecting the properties rented for Iraqi Palestinians by the Iraqi government.

Tubji neighborhood of Baghdad tried to challenge the unfair agreements in court. They lost their case.<sup>8</sup>

The favorable housing arrangements Palestinians enjoyed was only one source of the resentment some Iraqis held against them. In order to improve his standing as an Arab leader, Saddam Hussein in 2001 announced the formation of a new paramilitary force, the *Jaysh al-Quds* (Jerusalem Army), with the aim of “liberating” Jerusalem. Iraqi males of military age, particularly Shi’a and Kurds, were often forced to “volunteer” for service in the force. In addition, Saddam Hussein openly provided “martyr” payments of U.S.\$25,000 to families of Palestinian suicide bombers and U.S.\$10,000 to the families of other Palestinians killed in the Intifada.<sup>9</sup> Iraqis suffering under the strict sanctions regime reportedly resented Saddam Hussein’s decision in 2001 to send €1 billion to aid Palestinians throughout the Middle East.<sup>10</sup>

The Iraqi government exempted Palestinians from military service, including in the Jerusalem Army, but subjected them to certain restrictions. Since 1950, the government provided Palestinians in Iraq with refugee travel documents, but not Iraqi passports.<sup>11</sup> Those who came in the aftermath of 1948-49 and their Iraqi-born descendants remained registered as refugees, and did not become citizens. (This was the standard practice throughout the Middle East, with the exception of Jordan, which granted Palestinian refugees Jordanian citizenship.)<sup>12</sup> The travel documents made travel outside Iraq very difficult, and the Iraqi Palestinians were also subjected to the same foreign travel restrictions the Iraqi government imposed on Iraqis generally in the 1990s, such as the requirement to pay 400,000 Iraqi dinars (approximately U.S.\$200) to obtain an exit visa. In early 2000, the Saddam Hussein government announced a new policy to grant

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<sup>8</sup> Ibid.

<sup>9</sup> See Human Rights Watch, *Erased in a Moment: Suicide Bombing Attacks Against Israeli Civilians* (New York: Human Rights Watch, 2002), pp. 100-101. In July 2002, an official from the Iraq-affiliated Arab Liberation Front told reporters that Saddam Hussein had provided an estimated U.S.\$20 million in aid to Palestinians in the Occupied Palestinian Territories since the outbreak of the second Intifada. Sky TV Broadcast of July 17, 2002.

<sup>10</sup> “Saddam says Palestinian Solution Must Include Refugee Right to Return,” *Agence France-Presse*, January 16, 2001.

<sup>11</sup> *Palestinian Refugees in Iraq*, Department of Refugee Affairs, Palestine Liberation Organization, 1999.

<sup>12</sup> Abbas Shibliak, “Residency Status and Civil Rights of Palestinian Refugees in Arab Countries,” *Journal of Palestine Studies*, Vol. 25 No. 3 (Spring 1996), pp. 38-39:

Two main principles, not necessarily compatible, seem to have influenced the attitudes of host Arab states... The first was to express solidarity with and sympathy toward the refugees. This was illustrated in the willingness, at least in theory, of the Arab governments to give the Palestinians residency, though not political rights on the same footing as their own citizens.... The second principle was to emphasize the preservation of Palestinian identity by maintaining their status as refugees, which would prevent Israel from evading responsibility for their plight.... [Arab states] normally resisted resettlement and naturalization as a solution to the refugee problem. The exception was Jordan, which granted the Palestinian refugees Jordanian nationality.

Palestinians who had resided in the country since 1948 the right to own property in Baghdad.<sup>13</sup> However, Iraqi Palestinians interviewed by Human Rights Watch for this report said that, until 2002, legal restrictions prohibiting them from registering homes, cars, or telephone lines in their own name remained in force.<sup>14</sup>

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<sup>13</sup> "Palestinians Resident in Baghdad Since 1948 to Own Houses," *Agence France-Presse*, March 29, 2000 (quoting Zidane Khalaf al-Tae, director-general of housing registration in Baghdad).

<sup>14</sup> In Accordance with Decree No. 23 of 1992 passed by Iraq's Revolutionary Command Council (RCC).

#### IV. The 2003 War and the Backlash against Iraqi Palestinians

*We are afraid all the time. We have to keep watch over our houses night and day. We are waiting for something to happen, and the longer we are here, the more likely it is that something will happen. Why should we wait? Frankly, we don't want to stay here. We want to go to another country. We need urgent help from UNRWA.*

*It is true that when Saddam was here, we felt safe, but we have not been living in the paradise some people imagine. Look at our homes. They are not fit for families to live in, and these are the better homes. We can show you far worse places where children are living next to raw sewage. In winter, our homes become flooded knee deep because there is no drainage system.*

*It is true that the Iraqi government in the past forced Iraqis to rent us homes at very low prices, but that is not our fault. At the time [1958-1963], when `Abd al-Karim Qasim<sup>15</sup> was here, the rents we paid were five dinars a month. That was real money then, but it gradually lost its value and especially after 1991, with the sanctions and the economy suffering, that rent was meaningless. The Iraqi government did not raise these rents, and we can understand the house owners feel resentful, but this is not the way to deal with the problem. Please find us a solution before something really serious happens.<sup>16</sup>*

Almost as soon as the government fell in April 2003, Iraqi Palestinians as well as other non-Iraqi nationals (Iranian Kurds, Sudanese, Somalis, and others), became subject to intense harassment, violent attack, and forced evictions from their homes. The harassment and the violence appears to have two primary causes: resentment by Iraqis for the government's perceived preferential treatment of the Palestinians (many poor Iraqis resented the fact that the government provided Palestinian refugees with subsidized housing, while they as Iraqis had to fend for themselves), and attempts by mostly Shi`a landlords to reclaim the properties the government had forced them to rent to Palestinians virtually for free.

#### **Physical Attacks and Threats**

Iraqi Palestinians whom Human Rights Watch interviewed in the immediate aftermath of the fall of the Saddam Hussein government in 2003 complained of attacks on their homes, threats, and other forms of harassment by Iraqis. Many physical attacks were accompanied by verbal insults that indicated the attackers resented the Palestinians for

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<sup>15</sup> President of Iraq between 1958 and 1963.

<sup>16</sup> Human Rights Watch discussion with a group of Palestinian men at a state-funded shelter, al-Hurriyya neighborhood, Baghdad, April 29, 2003.

their perceived preferential treatment under Saddam Hussein, and sought their expulsion from Iraq.

For example, Nazima Sulaiman, a fifty-year-old woman from Baghdad's al-Hurriyya neighborhood, recalled that on the day Baghdad fell, fifteen armed men came to her home and told her family: "This home is for Iraqis; you own nothing. Saddam was protecting you; go and ask Saddam to find you another home." Two days after the threats, on April 11, 2003, unknown persons threw two bombs into Nazima's home, completely destroying it and killing her seven-month-old grandchild, Rawand Muhammad Sulaiman. Three of her children and three cousins were so severely wounded that they required hospitalization.<sup>17</sup>

Other Palestinians reported similar threats and attacks throughout Baghdad, as the cases below illustrate.

Murtada M., a taxi driver living at the "Palestinian Buildings" in al-Za`faraniyya neighborhood of Baghdad, which housed some eighty Palestinian families, recounted how a group of four armed men arrived at their compound on April 22, 2003, and entered their school. The Palestinian residents repulsed the attack by firing on the men, but unknown civilians then came to the compound to protest, yelling "Leave al-Za`faraniyya like you left Palestine!"<sup>18</sup>

Samir, a baker living in the Baladiyyat "Palestinian Buildings," recounted that armed men came to the compound five days after the fall of Baghdad, shooting and demanding that the Palestinians leave, and blaming them for the war: "It is because of you," they yelled, "Saddam gave you one million euro and us nothing!" Samir moved to al-Hurriyya neighborhood with his family, but again came under attack, with armed men protesting outside the refugee center and telling the Palestinians to "Get Out!"<sup>19</sup>

Muhammad, a customs official who lived with his family in an apartment in one of three "Palestinian Buildings" (home to forty-five Palestinian families) in the Ta'mim neighborhood of Baghdad, recounted how they had faced ten days of shooting and threats before they decided to flee on April 21, 2003. He told Human Rights Watch:

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<sup>17</sup> Human Rights Watch interview with Nazima Sulaiman, al-Ruwaishid refugee camp, Jordan, April 27, 2003; Human Rights Watch interview with `Imad al-Din `Abd al-Ghani Muhammad, al-Hurriyya neighborhood, Baghdad, April 29, 2003.

<sup>18</sup> Human Rights Watch interview with Murtada M., al-Ruwaishid refugee camp, Jordan, April 28, 2003.

<sup>19</sup> Human Rights Watch interview with Samir, al-Ruwaishid refugee camp, Jordan, June 27, 2003.

They were holding Kalashnikovs [assault rifles] and they shot at the buildings. We were inside, and they sometimes entered the buildings into the corridor.... They were drunk. They were threatening us, saying they'll bring bombs. "We'll burn you," they said. "We want you to leave. This is our country. You liked Saddam, and now he's gone."<sup>20</sup>

### ***Expulsion of Palestinian Families from their Homes***

Many of the Iraqi Palestinian families interviewed by Human Rights Watch in 2003 said that threats, harassment, and violence during rent disputes were the primary reasons for their departure from Baghdad or their internal displacement within Baghdad. Expulsions of Palestinian refugees from their homes began almost as soon as the U.S.-led invasion began. In many cases, armed Shi'a landlords expelled their Palestinian tenants, while in other cases, armed Iraqis attempted to expel Palestinians from government-subsidized homes in order to seize the homes for themselves.

Ibrahim Khalil Ibrahim, a sixty-two-year-old retired businessman, told Human Rights Watch how he had lost the home he had rented for twenty-two years:

The Iraqis took the opportunity of the war to get us out of our home. They came at the beginning of the war, the owners came with guns. They said, "Get out of our home. Because there is no government, we need our home. Now we will put a bullet in each of your heads" – meaning me and the kids.... So we thought, there is a war, so if they kill us no one will protect us. So we left and ran away. Not only us, but a lot of people. They kicked out anyone who was not Iraqi, their whole families.... Once Saddam was gone, we had no one to protect us.<sup>21</sup>

Khairiyya Shafiq `Ali's family also lost their government-subsidized apartment in Baghdad, after groups of armed Shi'a men threatened them during four visits to the apartment: "They threatened they would empty their guns in our heads. They started [coming] after the fall of the government, approximately one week after.... They shot bullets at the house. They told us, 'Saddam is gone, you are nothing here. You own nothing in Iraq, if you want to leave, take only your clothes.'"<sup>22</sup>

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<sup>20</sup> Human Rights Watch interview with Muhammad, al-Ruwaishid refugee camp, Jordan, April 28, 2003.

<sup>21</sup> Human Rights Watch interview with Ibrahim Khalil Ibrahim, al-Ruwaishid refugee camp, Jordan, April 27, 2003.

<sup>22</sup> Human Rights Watch interview with Khairiyya Shafiq `Ali, al-Ruwaishid refugee camp, Jordan, April 27, 2003.



Twenty-four-year-old Jihad J. gave an almost identical account of how armed men had evicted his family from their rent-free home in al-Tubji area of Baghdad, where they had lived since the 1980s. Two days after the fall of the Saddam Hussein government, a group of five armed men broke down the door of their apartment and entered:

They told us to get out or they would kill us, and they had their guns pointed at us. They were telling us to get out [of Iraq], that Iraq was their country. They insulted Saddam, saying he had tortured them because of us, and things like this. They gave us twenty-four hours to leave.<sup>23</sup>

The forced evictions of Palestinians occurred all over Baghdad, reaching even the few Palestinians living in private housing for which they paid market-rate rents. Wisam A., a crane operator with a wife and four children, told Human Rights Watch that he was forced to leave his rented home in al-Khadra' neighborhood of Baghdad, where few Palestinians lived, and for which he paid the substantial rent of 400,000 Iraqi dinars per year (about U.S.\$200). Armed men surrounded his home on three different occasions, shooting in the air and demanding that the family leave. Although Wisam and a Shi'a neighbor managed to scare off the armed men by shooting automatic weapons in the air, Wisam decided to leave his home after the third attack, on April 25, 2003.

Many owners of apartments occupied by Palestinians gave the Palestinians eviction notices almost immediately after the fall of the Saddam Hussein government, explaining that they wanted to get market-rate rents for their apartments. "Fatima" (not her real name), a forty-two-year-old resident of a seven-apartment building occupied by Palestinian families in Baghdad al-Jadida, explained how she and six other families lived rent-free in apartments for which the government paid the owner an annual rent of 20,000 Iraqi dinars (about U.S.\$10). As soon as the government fell, the owner demanded that all of the Palestinian families leave.<sup>24</sup>

Sabir Jamil Shahin, a thirty-six-year-old father of three, was forced to give up his three-room apartment in al-Mashtal neighborhood when the landlord increased the rent from 20,000 Iraqi dinars (U.S.\$10) to 100,000 Iraqi dinars (U.S.\$50) a month after the war: "He told others he wanted to get rid of us. So I decided to leave before anything worse happened."<sup>25</sup>

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<sup>23</sup> Human Rights Watch interview with Jihad J., al-Ruwaishid refugee camp, Jordan, April 27, 2003.

<sup>24</sup> Human Rights Watch interview with Fatima, al-Ruwaishid refugee camp, Jordan, April 28, 2003.

<sup>25</sup> Human Rights Watch interview with Sabir Jamil Shahin, al-Baladiyyat nursery, Baghdad, April 28, 2003.

According to the Baghdad office of the Palestine Liberation Organization (PLO), between April 9 and May 7, 2003, some 344 Palestinian families comprising 1,612 individuals were either expelled or were forced to leave their homes in Baghdad.<sup>26</sup> The Iraqi Red Crescent Society and other humanitarian organizations provided many of the families with temporary accommodation at a makeshift relief center located at the Haifa Sports Club in al-Baladiyyat neighborhood. As of May 7, 2003, the Haifa Sports Club provided accommodation to 107 families comprising some 500 people in tents provided by the Iraqi Red Crescent Society on the Club's football pitch.<sup>27</sup> By November 2003, the population of displaced Palestinians at the Haifa Sports Club had reportedly grown to some 1,500 persons, housed in 400 tents.<sup>28</sup>

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<sup>26</sup> Palestine Liberation Organization, Public Committee, Committee of Relief and Funds, "The Families Evicted From Their Homes," May 7, 2003 (on file with Human Rights Watch).

<sup>27</sup> Human Rights Watch interviews with `Abd al-Salam Yusuf `Uthman, Haifa Sports Club, al-Baladiyyat, Baghdad, April 28 and 29 and May 7, 2003.

<sup>28</sup> Lawrence Smallman, "Baghdad's Palestinian Refugees," *Aljazeera*, November 9, 2003.

## V. 2003 Flight from Iraq and the Jordanian Response

### ***Initial Flight and the Establishment of al-Ruwaishid and al-Karama Camps***

The harassment and physical attacks faced by Palestinians and other third-country nationals in Iraq in the immediate aftermath of the war caused many to seek refuge in Jordan. Most of the Palestinians fleeing Iraq preferred to go to Jordan because of its relative proximity, the similarity of its culture, its relative freedoms and openness, family ties, and because most of the other countries bordering Iraq kept their borders firmly closed, especially to Palestinians.<sup>29</sup>

Prior to the 2003 war, Jordan had prepared for a refugee influx with the help of UNHCR and local and international aid organizations.<sup>30</sup> While Jordan is not a party to the 1951 Refugee Convention and its 1967 Protocol,<sup>31</sup> it still has obligations under international law regarding the treatment of refugees. Customary law on refugee protection provides that the prohibition on *refoulement* (return) “applies to the moment at which asylum seekers present themselves for entry,” and includes non-rejection at the border.<sup>32</sup>

With the agreement of the Jordanian authorities, UNHCR and its humanitarian partners prepared two camps inside Jordan’s border, equipped to house up to 10,000 refugees: one camp for Iraqi refugees (al-Ruwaishid Camp A) and a second camp for third-country nationals fleeing Iraq (al-Ruwaishid Camp B, administered by the International Organization for Migration). Third-country nationals – Sudanese, Ethiopians, Eritreans,

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<sup>29</sup> Flight to Saudi Arabia and Kuwait was impossible because of the lasting resentment against Palestinians following the 1991 Gulf War, when PLO chief Yasser Arafat had embraced Saddam Hussein’s invasion of Kuwait, and Kuwait and Saudi Arabia expelled Palestinians en masse following the war. Iran was an unfamiliar country for most Iraqi Palestinians, and seen as hostile because of its Shi’a identity. Turkey was far away and difficult to enter. Little is known about Iraqi Palestinian movement to Syria. The main movement was towards Jordan.

<sup>30</sup> Participant organizations included the International Organization for Migration, Médecins Sans Frontières, Oxfam, the Jordanian Red Crescent Society, the International Federation of Red Cross and Red Crescent Societies, Médecins du Monde, Japan Platform, and the Hashemite Charity Foundation.

<sup>31</sup> Convention relating to the Status of Refugees, 189 U.N.T.S. 150, *entered into force* April 22, 1954; Protocol Relating to the Status of Refugees, 606 U.N.T.S. 267, *entered into force* October 4, 1967.

<sup>32</sup> See Guy S. Goodwin-Gill, *The Refugee in International Law* (Oxford: Clarendon, 1996 2<sup>nd</sup> ed.), pp. 123-24; see also ExCom Conclusion No. 22, Protection of Asylum-Seekers in Situations of Large-Scale Influx, 1981 (noting that persons who “owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part of, or the whole of their country of origin or nationality are compelled to seek refuge outside that country” are asylum-seekers who must be “fully protected,” and “the fundamental principle of non-refoulement including non-rejection at the frontier—must be scrupulously observed.”).

and others – began arriving as early as March 20, 2003, and were quickly moved to al-Ruwaishid Camp B. Because the third-country nationals were quickly moved out of Jordan, Ruwaishid Camp B was soon closed, leaving only one camp for Iraqi refugees at al-Ruwaishid.

As violence against Palestinians rose in Iraq, hundreds of Palestinians started moving towards the Jordanian border, together with Iranian Kurdish refugees who had come under similar attacks in their al-Tash refugee camp outside Ramadi. However, Jordan closed its borders to both these refugee communities seeking safety, forcing them to remain inside the no-man's-land (NML) between the Iraqi and Jordanian borders. By April 20, at least 1,000 Palestinians and Iranian Kurdish refugees were stuck in the NML.

After protests from UNHCR and other international actors, the Jordanian authorities allowed some 550 Palestinians to enter Jordan on May 1, 2003, placing them in al-Ruwaishid Camp A. Before allowing them to enter, however, the Jordanian authorities forced the Palestinians to sign a vaguely worded waiver, stating that they would return to Iraq as soon as the current crisis was over and the situation stabilized.<sup>33</sup> The Jordanians did not allow the Iranian Kurds to enter – some 1,136 of them remained in the NML, ultimately housed in a makeshift camp that became known as al-Karama, after the name of the Jordanian border post, and which operated until 2005. The opening of the border was a one-time concession by the Jordanian authorities: after letting in the Palestinians to al-Ruwaishid camp, Jordan soon again closed its borders to Iraqi Palestinians, and the few who managed to cross the Iraqi border after that were kept at al-Karama camp inside the NML.

### ***Al-Ruwaishid camp***

Since entering al-Ruwaishid camp in May 2003, the Iraqi Palestinians who have fled Baghdad have lived a harsh life in the Jordanian desert, with little hope of escaping from their internment at the guarded camp. The Palestinians were used to urban lifestyles and were not prepared for life in the desert. Children make up 60 percent of the camp population.

Conditions inside the desert camp are harsh. Frequent windstorms whip fine sand into every tent, and some of the humanitarian aid workers have resorted to wearing goggles in order to work in the difficult conditions. Respiratory problems among camp residents are omnipresent, and the heat in summer is unbearable. Three years after their arrival,

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<sup>33</sup> Human Rights Watch interviews in al-Ruwaishid refugee camp. See also, "Amman Allows 200 People to Enter from No-Man's-Land," *IRIN News*, April 23, 2003.

the refugees are still housed in simple tents and structures of wooden frames and sewn-together blankets. During an April 2006 visit, Human Rights Watch witnessed the aftermath of a windstorm that had overturned a trailer housing Jordanian border officials, putting three of them in hospital.

For the past three years, the residents of al-Ruwaishid camp have been virtual prisoners. A fence surrounds the camp, which Jordanian police guard. They grant the refugees permission to leave the camp to go shopping in al-Ruwaishid town, but otherwise the refugees cannot leave the camp. When they require hospital treatment, the police maintain constant guard, even over their hospital beds. Visits by anyone – relatives, friends, journalists, humanitarian or human rights officials – to al-Ruwaishid camp require the Jordanian minister of interior’s prior permission. The Jordanian mother of three Iraqi Palestinian children (two of them minors) whom the Jordanian authorities will not allow to join her in Amman, has to obtain such permission before being able to visit her children in the camp (the plight of this family, the Haddats, during these children’s earlier confinement at al-Karama camp is described below).<sup>34</sup>

The blanket prohibition on persons leaving refugee camps violates Jordan’s obligations under international law. The International Covenant on Civil and Political Rights, to which Jordan is a party, recognizes the right to freedom of movement for refugees and asylum seekers no less than for citizens.<sup>35</sup> A state can only limit the right to freedom of movement for such persons when they present a threat to national security and the restrictions are enacted in law.<sup>36</sup>

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<sup>34</sup> Human Rights Watch interview with Khalid Muhammad Jihad al-Haddat, al-Ruwaishid refugee camp, May 1, 2006.

<sup>35</sup> International Covenant on Economic, Social and Cultural Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), entered into force January 3, 1976. The Human Rights Committee, the body that monitors compliance with the ICCPR, has recognized that the ICCPR must apply “without discrimination between citizens and aliens.” The term “aliens” includes asylum seekers and refugees. The Committee further notes that, “Aliens have the full right to liberty and security of the person.... They have the right to liberty of movement and free choice of residence.... These rights of aliens may be qualified only by such limitations as may be lawfully imposed under the Covenant.” Human Rights Committee, “The Position of Aliens Under the Covenant,” General Comment 15, 1986 para. 2.

<sup>36</sup> The ICCPR, arts. 12(1) & (3), provide for the principle of freedom of movement in the following manner: “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.” This right to freedom of movement can only be restricted as “provided by law” if “necessary to protect national security, public order, public health, or morals, or the rights and freedoms of others.”

In sum, the right can be understood in the following manner:

- Every non-citizen (including an asylum seeker or refugee) who is lawfully present in a country must enjoy the right to freedom of movement;
- Limits enacted in law can be placed on this right if a non-citizen is not lawfully present;
- Limits enacted in law can be placed on this right if a non-citizen presents a threat to national security, public order, public health, etc.;

The difficult and primitive living conditions in the border camps have resulted in at least one death. Three-year-old Aya Lu'i `Awni Wahdan burned to death on April 9, 2005, and her mother and a neighbor suffered severe burns, after a fire whipped up by strong winds incinerated four tents in the camp. Aya had spent nearly her entire, short life in al-Ruwaishid camp.<sup>37</sup>

A Royal Order in 2003 gave 386 Palestinians who were at al-Ruwaishid camp with their Jordanian spouses temporary asylum with their families in Jordan (but barred them from working).<sup>38</sup> The only other Palestinians who have been allowed to leave al-Ruwaishid camp are people who decided that it is preferable to return to Baghdad (see below).

### ***Al-Karama Camp, 2003-2005***

Jordan's restrictive policies towards the Iraqi Palestinians were nowhere more apparent than in al-Karama camp, located in the two-kilometer-wide no man's land (NML) between Jordan and Iraq. The NML is ordinarily used to provide physical space for the large number of cars and trucks that are awaiting processing at either border post. Although Jordanian, Iraqi, and U.S. forces operate inside the NML, neither Jordan nor Iraq currently claims sovereignty or exercises jurisdiction over it, although both parties have a presence in their respective half of the NML. Visits to the NML require coordination among Jordanian, Iraqi, and U.S. military officials.

Having opened its borders to Iraqi Palestinians briefly, in May 2003, as described above, Jordan left all later arrivals stranded in the NML, or turned them away at the border (the only relaxation of this was the limited admission of people after al-Karama camp was closed in April 2005 – see below). Jordan's policies towards Iraqi Palestinians, including forcible transfer from al-Ruwaishid to al-Karama camp (which was effectively expulsion from Jordan), split families.

One such family is the Haddats (already mentioned above). Khalid, age twenty-one, his brother Yusuf, age seventeen, and their sister `Ala', age fourteen, are the children of a Jordanian mother, Simah `Uday and an Iraqi Palestinian father who died in 2002 in Iraq. Mother and children fled Iraq in May 2003, and when they reached the border Jordanian

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· States cannot discriminate between the freedom of movement rights of non-citizens and citizens, unless non-citizens present a threat to national security, in which case the limits on the right must be enacted in law; and  
· States cannot discriminate between the freedom of movement rights of different categories of non-citizens.

<sup>37</sup> "Child's Death Highlights Refugees' Plight on Iraq-Jordan Border," *UNHCR News Stories*, April 15, 2005.

<sup>38</sup> UNHCR Spokesperson Jennifer Pagonis, "Iraq: No Man's Land Refugees," UNHCR Briefing Notes, December 10, 2004.

authorities put them in al-Karama camp, where Simah `Uday stayed with the children for eight months before leaving for Amman to live with relatives. Simah `Uday and her children did not benefit from the 2003 Royal Order allowing Jordanian women married to Iraqi Palestinian refugees to enter Jordan with their families, simply because they were in al-Karama camp and not al-Ruwaishid camp. (The children were moved to al-Ruwaishid camp when al-Karama closed in April 2005.)<sup>39</sup>

Zuhair Ibrahim, a fifty-nine-year-old taxi driver from al-Dura neighborhood of Baghdad, reached al-Ruwaishid camp with his family in May 2003. On May 27 he asked and obtained permission from the Jordanian camp authorities to leave the camp and visit his son at the Jordanian-Iraqi border to obtain some money. When he tried to return, however, the camp officials denied him entry to al-Ruwaishid camp, sending him to al-Karama camp instead. For the next two years, until the closure of al-Karama camp in April 2005, he was separated from his family in al-Ruwaishid camp, unable to visit or be with them. He saw his family only once, for fifteen minutes, when he was hospitalized at al-Ruwaishid municipal hospital in 2004.<sup>40</sup> In another case, Abu Hanan's two sons reached al-Ruwaishid camp in April 2003. When Abu Hanan, his wife, and two daughters reached the border one month later, they were denied entry and remained at al-Karama camp. For the next two years, the family lived separated by just sixty kilometers, but unable to visit each other. They were reunited upon the closure of al-Karama camp.<sup>41</sup>

In April 2004, youths in al-Ruwaishid camp clashed with the Jordanian police and slightly injured a police captain with a rock. On July 21, 2004, the Jordanian authorities summarily forcibly transferred (expelled) thirteen refugees from al-Ruwaishid camp to al-Karama camp, separating the youths from their families. One of the deportees told Human Rights Watch that the police told the group, "Now you will be staying at al-Karama, and you will never return to Jordan." That group of refugees remained at al-Karama camp until Jordanian authorities closed it in April 2005. Before allowing them to leave, a Jordanian Ministry of Interior official warned them: "If you ever even breathe the wrong way again, we will return you to Baghdad by force."<sup>42</sup>

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<sup>39</sup> Human Rights Watch interview with Khalid Muhammad Jihad al-Haddat, al-Ruwaishid refugee camp, May 1, 2006.

<sup>40</sup> Human Rights Watch interview with Zuhair Ibrahim Kamil `Abbas, al-Ruwaishid refugee camp, May 1, 2006.

<sup>41</sup> "Reuniting Refugee Families at Ruwaishid Camp," *UNHCR News Stories*, June 1, 2005.

<sup>42</sup> Human Rights Watch interview with member of deported group, al-Ruwaishid refugee camp, May 1, 2006.

## ***No Readmittance to the Camps after Return to Baghdad Proves Non-Viable***

The unbearable conditions in al-Ruwaishid and al-Karama camps induced at least 250 Palestinians to return to an uncertain future in Baghdad rather than remain in the camps.<sup>43</sup> Almost all of the returns occurred in 2004. Fifty-three-year-old Nasir Hussain, a painter, stated at the time of his return:

We have now waited so long here that we'd rather return to Iraq and die in freedom than remain in a refugee camp where we have no life amidst the snakes, scorpions, scorching heat and penetrating sandstorms.... After a year, I know that there is no solution for us here, even hope cannot be found anymore.<sup>44</sup>

Many Iraqi Palestinian former al-Ruwaishid camp residents, who had “voluntarily” returned to Baghdad in 2004, in April 2006 once again fled persecution in Baghdad toward Jordan. This time, Jordan closed its borders, and Iraqi border guards prevented them from leaving Iraq. Muhammad Abdullah Hassan, one of the Palestinians stranded on the Iraqi side of the Jordanian border, told Human Rights Watch that the 2003 Royal Decree (mentioned above) had allowed him to leave al-Ruwaishid to join his Jordanian wife in Amman, but barred him from working. Because he could not support his family, he returned to Baghdad in July 2004 so he could earn money to send to his wife and children in Amman, making it possible for his children to go to school. Since the Samarra bombing, however, he again had to flee Iraq because of the insecurity and his inability to find work or a home. He went to rejoin his family, but this time was blocked from entering Jordan at all. Sitting in the makeshift desert camp, he told Human Rights Watch, “Now I have no job and can't support them again.”<sup>45</sup>

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<sup>43</sup> Pagonis, “Iraq: No Man's Land Refugees.”

<sup>44</sup> “Palestinians Leave Desert Camp for Baghdad,” *UNHCR News Stories*, May 26, 2004.

<sup>45</sup> Human Rights Watch interview with Muhammad Abdullah Hassan, Trebil camp, April 30, 2006.



## VI. Renewed Violence against Palestinians

Since the fall of the Saddam Hussein government in April 2003, Iraq has been wracked by high levels of violence both from the insurgency and common crime. Politically motivated attacks and criminal violence have frequently targeted different ethnic and religious groups. In such an environment, it is often difficult to determine in individual cases whether Iraqi Palestinians who were victims of violence were specifically targeted because they were Palestinians, or because they are Sunni, or just because they were in the wrong place at the wrong time. Nonetheless, the evidence available clearly demonstrates that Palestinian refugees are particularly vulnerable in Iraq.

Almost all of the Iraqi Palestinians whom Human Rights Watch interviewed believed that their attackers had singled them out because they were Palestinian. Their accounts suggest a pattern of targeted violence and threats. They described how armed groups, either unidentified or believed to be Shi'a militants, attacked, abducted, kidnapped and in some cases killed friends, relatives, and neighbors. Mortar fire has been directed at their homes. According to a PLO representative, armed groups have murdered at least fifty-five Palestinians in Baghdad since April 2003, although he was unable to provide details of the specific circumstances of the killings.<sup>46</sup>

The Iraqi government has done little to stop such targeted attacks, and the Ministry of Interior has itself been implicated in arbitrary arrests, killings, and torture of Palestinian refugees. Those detained by Iraqi security forces described being targeted for abuse and torture specifically because they were Palestinians (see below).

Thirty-year-old Umm `Umar, the mother of two children age ten and one from al-Dura neighborhood, and her brother-in-law Ra'id `Ali Hussain, age twenty-nine, told Human Rights Watch that a group of armed men in police uniforms kidnapped Umm `Umar's husband, Muhammad `Ali Hussain, on July 24, 2004, from his shop in the predominantly Shi'a Shaikh `Umar area of Baghdad. The kidnappers contacted Ra'id to demand U.S.\$10,000 ransom to release his brother, and Ra'id collected the money from friends and relatives and paid it. However, Umm `Umar and Ra'id `Ali Hussain found

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<sup>46</sup> Human Rights Watch interview with Muhammad Abu Bakr, director-general, Department of Refugee Affairs (Amman), Palestine Liberation Organization, Amman, April 22, 2006. Dalil al-Kassus, the Palestinian representative in Baghdad, provided the same figure to *Agence France-Presse*. See Nafia Abdul Jabbar and Ahmad Faddam, "Scared Palestinians Try to Flee Baghdad," *Agence France-Presse*, April 3, 2006.

Muhammad `Ali Hussain's corpse at the Baghdad morgue on July 26; according to Umm `Umar, her husband's body bore signs of torture.<sup>47</sup>

Another Baladiyyat resident, Fatima Ahmad, told the *New York Times* that armed men had abducted her husband (not named in the article) from his barber shop on January 15, 2006. The article describes how his family located his body at the morgue in March, "with gunshots to the head and torture wounds on his body." Fatima told the *New York Times*, "He was known as a hard worker and a serious man, and his only crime was being Palestinian."<sup>48</sup>

### ***The Situation after the Samarra Bombing***

Following the bombing of the revered Shi`a `Askariyya mosque in Samarra on February 22, 2006, inter-ethnic violence and sectarian killings exploded in Iraq, particularly in Baghdad.<sup>49</sup> Armed groups from the Shi`a and Sunni communities killed hundreds of people in numerous attacks that verged on open warfare. In tandem with escalating inter-ethnic killings, Shi`a militias and some elements of the Iraqi security forces targeted Palestinians. As explained by UNHCR spokesperson Ron Redmond at the time, "Some Iraqi parties consider the Palestinians – as Sunni Muslims – enemies, although they are not involved in internal strife."<sup>50</sup>

Almost immediately after the bombing, unidentified militant groups attacked the Palestinian buildings in al-Baladiyyat neighborhood of Baghdad with mortars and gunfire. One person interviewed by Human Rights Watch at the Trebil refugee camp described how on the day of the Samarra bombing "and the next day, men wearing black clothes [a dress code associated with radical Shi`a militias] came to known Palestinian locations and threatened violence. These men in black outfits came to our housing unit, and we held them off with guns." The U.S. military sent troops to repel the attacks at the Baladiyyat buildings, home to the largest concentration of Palestinians in Baghdad (U.S. troops had to intervene on several occasions to stop attacks on Palestinian neighborhoods<sup>51</sup>), but the mortar attacks continued.<sup>52</sup> Nawal `Ali, age fifty-eight, told

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<sup>47</sup> Human Rights Watch telephone interviews with Umm `Umar, May 9, 2006, and Ra'id `Ali Hussain, May 11, 2006.

<sup>48</sup> Semple, "As Palestinians Wait at Iraqi Border, Others Get Threats."

<sup>49</sup> Jeffrey Gettleman, "Bound, Blindfolded and Dead: The Faces of Revenge in Baghdad," *New York Times*, March 26, 2006.

<sup>50</sup> "Palestinians Targeted in Iraq," *IRIN News*, March 5, 2006.

<sup>51</sup> *Ibid*; U.N. Assistance Mission for Iraq, "Human Rights Report 1 January-28 February 2006," p. 5.

<sup>52</sup> U.N. Assistance Mission for Iraq, "Human Rights Report 1 January-28 February 2006," p. 5; Human Rights Watch interview with Rebah, Trebil camp, April 30, 2006.

Human Rights Watch she had decided to flee Baghdad after a late February mortar attack on their al-Baladiyyat apartment wounded her son, Muhammad `Ali Hassan, age twenty-six, in the face and hands.<sup>53</sup>

According to the Palestinian representative to the United Nations, Riad Mansur, at least ten Palestinians were killed in the immediate aftermath of the Samarra bombing. Human Rights Watch has been able to collect detailed information on a number of those killings.

According to Palestinians who had fled Iraq, assailants hit Samir Khalid al-Jayyab, a fifty-year-old Palestinian with a prosthetic leg, on the head with a sword, and then shot him as many as twenty times. According to his relatives, he had gone to collect his child from school on the evening of February 22.<sup>54</sup>

On the morning after the Samarra shrine bombings, February 23, armed men abducted Ziyad `Abd al-Rahman Mahmud and Numayr `Abd al-Rahman Mahmud, two brothers of the former Palestinian attaché in Baghdad, Najah `Abd al-Rahman Mahmud. The severely mutilated bodies of the two men were found two days later at the Baghdad morgue.<sup>55</sup> The same week, a Palestinian imam, Nawaf Musa, was abducted from his mosque and murdered.<sup>56</sup>

On the evening of March 16, Muhammad Hussain Sadiq, a twenty-seven-year-old Palestinian barber, was murdered in the Shu`la neighborhood of Baghdad, next to al-Ghazaliyya quarter where he lived. Despite a bomb attack in Shu`la the previous night, Muhammad had gone there to stock up as he was preparing to flee to the Syrian border. According to his relatives, a group of armed men strangled him to death after discovering from his identification document that he was Palestinian. The armed men also reportedly killed two Sunni men in the same neighborhood that night.<sup>57</sup>

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<sup>53</sup> Human Rights Watch interview with Nawal `Ali, Trebil camp, April 30, 2006.

<sup>54</sup> Human Rights Watch interview with camp leader, Trebil camp, April 30, 2006; Human Rights Watch interview with Haji Mahmud Hussain, Trebil camp, April 30, 2006. The witnesses interviewed based their description of the killing on the accounts of eyewitnesses who had seen the killing.

<sup>55</sup> "Palestinian President, Legislators Condemn the Attacks Against Palestinian Refugees in Iraq," International Middle East Media Center, March 1, 2006; Palestine Society for Human Rights in Iraq, "Awful Crime," February 28, 2006; Khaled Abu Toameh, "Abbas Begs Iraq to Stop Killings of Palestinians." *Jerusalem Post*, March 3, 2006.

<sup>56</sup> Abu Toameh, "Abbas Begs Iraq to Stop Killings of Palestinians."

<sup>57</sup> Human Rights Watch interview with Haji Mahmud Hussain, Trebil camp, April 30, 2006; Human Rights Watch interview, Trebil camp, April 30, 2006.

According to people interviewed by Human Rights Watch, unknown militants also threatened Palestinians in different Baghdad neighborhoods, distributing flyers ordering them to leave Iraq immediately or be killed. A group calling itself the “Judgment Day Brigades” distributed a flyer to Palestinian homes in al-Hurriyya, al-Dura, al-Za`faraniyya, and al-Baladiyyat neighborhoods. It read in Arabic:

In the Name of God, the Merciful and Beneficent

Warning – Warning – Warning

To the treacherous Palestinians who collaborate with the takfiri,<sup>58</sup> Wahhabis,<sup>59</sup> the usurpers,<sup>60</sup> and the Baathists loyal to Saddam, especially those living in al-Dura.

We warn that we will eliminate you all if you do not leave this area for good within ten days.

Whoever takes heed is forgiven.

The Judgment Day Brigades<sup>61</sup>

Some Palestinians also reported receiving similar messages on their mobile phones, ordering them to leave Baghdad immediately or be killed.<sup>62</sup>

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<sup>58</sup> In Iraq, the term “takfiri” has become “shorthand for insurgents who kill Shi’a.” See Dexter Filkins, “Armed Groups Propel Iraq Towards Chaos,” *New York Times*, May 24, 2006. See also Gilles Kepel, *Jihad: The Trail of Political Islam* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2002), p. 31: “The term derives from the word *kufr* (impiety); it means a Muslim who is, or is declared to be, impure: by *takfir* he is excommunicated in the eyes of the Community of the Faithful. For those who interpret Islamic law literally and rigorously, one who is impious to this extent can no longer benefit from the protection of law. According to the consecrated expression, ‘his blood is forfeit,’ and he is condemned to death.”

<sup>59</sup> Wahhabism is an extremely conservative Sunni interpretation of Islam, named after Muhammad ibn `Abd al-Wahhab (1703-1792), who sought to cleanse Islam of “superstitions” and return it to the “pure” form practiced by the Prophet Muhammad and his companions. Its adherents range from apolitical traditionalists (Wahhabism is closely associated with Saudi Arabia’s rulers) to jihadi groups such as al-Qaeda. In the context of the flyer, Wahhabism is used as a slur, implying Sunni terrorists.

<sup>60</sup> This is probably a reference to the widely held belief in Iraq that Palestinians “usurped” property and other benefits under the government of Saddam Hussein.

<sup>61</sup> Copy of flyer on file with Human Rights Watch, unofficial translation.

<sup>62</sup> Human Rights Watch interview with Shihad Ahmad Taha al-Hajj, Trebil camp, April 30, 2006.

In other neighborhoods, Palestinians received reports from friendly neighbors that suspicious strangers had come around to ask where Palestinians were living. The neighbors advised the Palestinians to leave their homes immediately.<sup>63</sup>

The rise in attacks, killings, and threatening flyers sent shock waves throughout the Iraqi Palestinian community. UNHCR stated publicly that the Palestinians of Baghdad were “in a state of shock,” and that “this panic may spread and lead to more Palestinians fleeing Baghdad.”<sup>64</sup> Antonio Guterres, the U.N. High Commissioner for Refugees, wrote to Iraqi President Jalal Talabani on March 14 to express his concern about the rise in violence against the Palestinian refugees, particularly “the limited capacity of the Iraqi security forces to provide effective protection,” and urged the establishment of a special protection office to protect the Palestinian refugees from further violence.<sup>65</sup> Palestinian President Mahmud Abbas also personally called President Talabani, urging him to stop the killings.<sup>66</sup>

Iraq’s leading Shi`a religious authority, the Grand Ayatollah `Ali al-Sistani, on April 30 issued a religious *fatwa* (edict) prohibiting attacks against Palestinians and their property, stating, “You should not harm the Palestinians, even those accused of crimes. The civilian authorities should protect the Palestinians and prevent attacks against them.”<sup>67</sup> Shi`a Iraqis have largely respected Sistani’s religious edicts, but some of the more militant groups associated with rival clerics such as Muqtada al-Sadr have not always abided by them.<sup>68</sup>

Despite the international attention, attacks against Palestinians continue at the time of publication of this report. On June 1, 2006, UNHCR reported a “fresh spate of killings and kidnappings in Baghdad,” with at least six Palestinians murdered in Baghdad in the

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<sup>63</sup> Human Rights Watch interview, Trebil camp, April 30, 2006.

<sup>64</sup> See “Death Threats cause panic among Baghdad’s Palestinian refugee community,” *UNHCR News Stories*, March 24, 2006; “Iraq: UNHCR increasingly concerned for Palestinians in Baghdad,” UNHCR Briefing Notes, March 24, 2006; “Iraq: UNHCR seriously concerned for thousands of Palestinians,” UNHCR Briefing Notes, March 3, 2006.

<sup>65</sup> Semple, “As Palestinians Wait at Iraqi Border, Others Get Threats.”

<sup>66</sup> Abu Toameh, “Abbas Begs Iraq to Stop Killings of Palestinians.” See also, “Dix Palestiniens tués ces derniers jours à Baghdad (diplomate),” *Agence France-Presse*, February 28, 2006.

<sup>67</sup> “Don’t Harm Palestinians, Sistani Tells Iraqis,” *STR*, May 1, 2006. Other Shi`a authorities, such as the cleric Hussain al-Muayad, also issued similar *fatwas*. See “Iraqi Shi`a cleric urges unity, rejects sectarianism, praises ‘resistance,’” *BBC Monitoring*, May 4, 2006. See also, “Iraq: UNHCR Welcomes Grand Ayatollah’s *Fatwa* on Palestinians,” UNHCR Briefing Notes, May 2, 2006.

<sup>68</sup> Filkins, “Armed Groups Propel Iraq Towards Chaos.”

last two weeks of May.<sup>69</sup> Among the six new murders reported to UNHCR were the May 28 killing of a Palestinian man who was taken out of his home by around twenty armed men and executed in front of his family, and the May 15 abduction and murder of a Palestinian resident of Baghdad by unknown gunmen. UNHCR also reported the distribution of more threatening flyers in Palestinian communities, warning Palestinians to leave Iraq within ten days or “face the same fate as the criminals in other areas.”<sup>70</sup>

Almost all of the Iraqi Palestinians whom Human Rights Watch contacted in Baghdad expressed an urgent wish to leave. One Palestinian interviewed over the phone from Baghdad told Human Rights Watch: “Things are bad, very bad. I want to leave, to any country where there is some kind of stability. I am looking for a quick solution. I cannot wait one or two months.” A few minutes later he switched to English to say, “I am very afraid, do you understand me? Anyone could come to me to wipe me out, anything could happen to me,” before asking to end the interview.<sup>71</sup> Palestinian representatives in Baghdad and international journalists have confirmed that many Palestinians are seeking to leave Baghdad.<sup>72</sup>

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<sup>69</sup> “Killings, abductions in Baghdad leave Palestinians in Iraq scared and angry,” *UNHCR News Stories*, June 1, 2006.

<sup>70</sup> *Ibid.*

<sup>71</sup> Human Rights Watch telephone interview (name withheld), May 16, 2006.

<sup>72</sup> “Dix Palestiniens tués ces derniers jours à Baghdad (diplomate),” *Agence France-Presse*, February 28, 2006; David Enders, “We All Just Want to Leave,” *Mother Jones*, May 4, 2006.

## VII. Iraqi Ministry of Interior Registration Requirements and Official Harassment of Palestinians

### ***Torture and “Disappearances”***

Almost all Iraqi Palestinians whom Human Rights Watch interviewed complained that the Iraqi Ministry of Interior (MoI) discriminated against them at the expense of their fundamental human rights. Mistreatment at the hands of the MoI ranged from abusive language during residency registration to being singled out for torture. Palestinians attributed this to the MoI being under the control of Shi`a political factions. Some stated that their plight with the MoI had worsened after a new government under Prime Minister Ibrahim al-Ja`fari was installed after interim elections in January 2005.

For instance, the MoI's notorious “Wolf Brigade,” a paramilitary unit, on May 12, 2005, raided the Baladiyyat Palestinian buildings and arrested four Iraqi Palestinians, including three brothers, whom they claimed were terrorists. According to the men's lawyer, the Wolf Brigade systematically tortured the four men for the twenty-seven days they held them at brigade offices belonging to the MoI: “They were beaten with cables, received electric shocks to the hands, wrists, fingers, ankles and feet, received cigarette burns to the face, and were left in a room with water on the floor while an electric current was applied to the water.”<sup>73</sup>

Abdullah `Umar (not his real name), a resident of a village in al-Madayin area of Baghdad, described how Iraqi security agents arrested him at around 2 a.m. on March 27, 2005. He described how the security forces had come to the village with a list of names of people to arrest, but when they saw Abdullah `Umar's Palestinian documents they also arrested him. He stated that they detained him for sixty-eight days at the Kut military base southeast of Baghdad, where they kept him blindfolded and handcuffed, except for meal times and toilet trips. Out of the 120 detainees at the base, he was singled out for targeted abuse: “They treated me even worse because I was Palestinian. Whenever they came into the room, they would ask, ‘Where is the Palestinian?’ and beat me.” Abdullah `Umar said they repeatedly beat him on the bottom of his feet and on his back, and tortured him on several occasions with electricity applied to his penis.<sup>74</sup>

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<sup>73</sup> Amnesty International, *Fear of Torture/Unfair Trial*, AI Index: MDE 14/042/2005; Human Rights Watch telephone interview with Palestinian lawyer Ahmad Mahir, May 16, 2006; Human Rights Watch telephone interviews with `Amer, May 8 and 9, 2006; Dough Struck, “Palestinians in Iraq Pay the Cost of Being ‘Saddam’s People,’” *Washington Post*, December 30, 2005.

<sup>74</sup> Human Rights Watch interview with Abdullah `Umar, Trebil camp, April 30, 2006.

Palestinians whom Human Rights Watch interviewed claimed that many of their compatriots “disappeared” after the Iraqi security forces arrested them. In one case documented by Human Rights Watch, a son described how Iraqi National Guard troops arrested his seventy-five-year-old father, Shuhda Abdullah Salin Abu Khusa, from his home in the Khalisa al-Wihda project buildings in Baghdad, together with another of Shuhda’s sons, on April 27, 2005. When relatives went to search for the missing men at the Kut military base, a National Guard officer confirmed the arrest to them, stating, “We took them as suspects. It is a routine investigation.” A week later, a National Guard officer called the family from the Kut base, saying that they were torturing their father, and “you should look after him” – a thinly veiled attempt to get a ransom from the family. Two days later, the same officer informed the family that he had heard Shuhda had died in custody. The guards released the detained brother, but Shuhda remains missing, over a year after his arrest, with no confirmation of his death in custody or news that he is still alive. The son who spoke to us had fled Iraq in search of answers: “I decided to leave because I want to make an international case of my father. I can’t get justice for my father inside Iraq. For me, my most important cause is my father.”<sup>75</sup>

### ***Onerous Registration Procedures for Palestinian Refugees***

Under the Saddam Hussein government, Palestinians could obtain and maintain their residency in Iraq without obstacles. After its fall, however, the newly staffed MoI began treating Iraqi Palestinian refugees as non-resident foreigners, and required them to obtain and renew their residency permits from its Department of Residency. While many countries have such registration requirements for non-resident foreigners, the Palestinians in Iraq are officially recognized as refugees, persons unable to return home, and should not be subjected to the constant possibility of deportation. One Iraqi Palestinian explained the problem to Human Rights Watch:

Back in Baghdad, we have problems with our residency. Previously, we had a residency card. But after Saddam, we were not accepted as residents anymore. We had to renew our residency every two months. We had to go to the residency department in Baghdad [at the Ministry of Interior]. We had to bring the whole family every time, from the oldest to a day-old baby. The attitudes of the bureaucrats varied according to their mood. Sometimes, they told us to come back again after we had been waiting there. It did not cost money to renew the residency, but if

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<sup>75</sup> Human Rights Watch interview (name withheld), Trebil camp, April 30, 2006.



we exceeded the residency, it cost the equivalent of U.S.\$7 for each day for each person who exceeded his residency.<sup>76</sup>

These new requirements placed on Palestinian refugees are very burdensome. Every member of a family must personally appear at the Department of Residency every one to three months to renew residency permits. Families have to wait long periods of time to obtain the permits or renewals. Sometimes they have to return to the department every day for two weeks before receiving their permit. Interviewees described how officials at the Department of Residency verbally abuse Palestinians and sometimes confiscate their identity documents – their only source of identification as Palestinian refugees. Even when they did manage to renew their residency permit, the permits were only valid for one or three months, requiring them to almost immediately begin the process all over again.

Muhammad Hassan, a twenty-six-year-old Iraqi Palestinian father of two children whose wife is Jordanian, described how the Department of Residency refused to renew his residency permit in early 2006 because he had not brought his one-month-old daughter with him. He said the officials verbally abused him, telling him, “Why are you still here? Why don’t you go back to Palestine? You are a group of terrorists, why are you still here?”<sup>77</sup> Fifty-eight-year-old Nawal `Ali explained how she had first tried to register her family on June 15, 2005. She spent three days waiting in line with her entire family, from 7 a.m. until the office closed at 3 p.m. Finally, they managed to register – for a period of one month. “The treatment there is very bad,” she recalled. “It is a fearful place.” After renewing their residency permits a few more times, in later 2005 they stopped going because her children were too afraid to return to the office.<sup>78</sup> Shihad Ahmad Taha tried to obtain residency permits for his family for several weeks before giving up: “I went to the Department of Residency for one-and-a-half months. Each time, they demanded other things – to bring my wife, to bring my children. So I stopped going for registration.”<sup>79</sup>

For many Palestinians, the risks associated with going to the MoI were simply too great given the hostility towards Palestinians and the MoI’s reported involvement in arrests, torture, and killings. Muhammad Salim `Ali told Human Rights Watch, “There are registration requirements now. I did not go there, because they treat the Palestinians

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<sup>76</sup> Human Rights Watch interview (name withheld), Trebil camp, April 30, 2006.

<sup>77</sup> Human Rights Watch interview with Muhammad Hassan, Trebil camp, April 30, 2006.

<sup>78</sup> Human Rights Watch interview with Nawal `Ali, Trebil camp, April 30, 2006.

<sup>79</sup> Human Rights Watch interview with Shihad Ahmad Taha al-Hajj, Trebil camp, April 30, 2006.

badly.”<sup>80</sup> More recently, many Palestinians have stopped going to renew their residency after rumors spread that the Department of Residency would confiscate their documents and issue them deportation letters.<sup>81</sup> Their concerns do not appear to be unfounded: One Palestinian refugee told Human Rights Watch that when he went to renew his residency on March 15, 2006, the Department of Residency confiscated all of his documents and issued him with a deportation order. He managed to get an extension of his residency and to get his documents returned a few days later, but only after bribing a Department of Residency official.<sup>82</sup>

Discrimination and abuse is not limited to the Ministry of Interior. The Ministry of Displacement and Migration (MoDM), which provides important services for foreign populations in Iraq and internally displaced persons within Iraq, has shown particular hostility towards Palestinians. In October 2005, Minister of Displacement and Migration Suhaila `Abd al-Ja`far held a press conference to announce that she had requested the Council of Ministers and the MoI to return Palestinian refugees in Iraq to the Occupied Palestinian Territories, stating: “The Ministry of Interior should take the initiative in the expulsion of Palestinians from Iraq, who got asylum in Iraq and don’t hold Iraqi citizenship, to their lands in Gaza after the Israeli withdrawal.” She further stated that her demand for the expulsion of Palestinians from Iraq came after the involvement of Palestinians in terrorist attacks in Iraq in the previous two years – an unfounded accusation.<sup>83</sup>

### ***Safety Concerns with Palestinian Identity Documents***

Since the time of the Saddam Hussein government, Palestinian refugees in Iraq have been issued a blue “Republic of Iraq: Palestinian Travel Document” rather than ordinary green Iraqi passports. Many Palestinians whom Human Rights Watch interviewed said Palestinians have been targeted on the basis of being found in possession of these documents, in part because they are so easily distinguishable from the passports for citizens. They said that especially after the Samarra mosque bombing, Shi`a militias had killed a number of Palestinians after identifying them on the basis of their documents.<sup>84</sup> Muhammad Salim `Ali, who had fled to al-Ruwaishid camp in 2003 and returned to Iraq in 2004, explained to Human Rights Watch why he was fleeing Iraq again when interviewed at the Iraqi border in April 2006:

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<sup>80</sup> Human Rights Watch interview with Muhammad Salim `Ali, Trebil camp, April 30, 2006.

<sup>81</sup> Human Rights Watch telephone interview with Umm `Umar, May 9, 2006.

<sup>82</sup> Human Rights Watch interview with `Amer, Trebil camp, April 30, 2006.

<sup>83</sup> Isra` Sa`di and Najah al-Rikabi, “MODM Demands Expulsion of Palestinians from Iraq,” *al-Mashriq* (Baghdad), October 11, 2005.

<sup>84</sup> Human Rights Watch interview with Haji Mahmud Hussain, Trebil camp, April 30, 2006.

We left Baghdad because of the bad situation. If they know we are Palestinians, they kill us. They see our [Palestinian Travel Document] IDs, and they kill us. Sixteen or eighteen Palestinians have been killed this way, and more than a hundred Palestinians have been arrested, and we have no information about them. The Palestinians in al-Baladiyyat neighborhood are living like in a prison camp; we can't move outside the Palestinian buildings anymore.<sup>85</sup>

One Palestinian told Human Rights Watch that he was actually happy that his Palestinian Travel Document had been stolen from him:

It is better for me now that I don't have that document, as it would cause me trouble. Most Palestinians prefer to move around in Iraq without that Palestinian document, which proves they are Palestinian and puts them at risk. To protect themselves, Palestinians sometimes hold forged Iraqi identification documents and talk with an Iraqi accent.<sup>86</sup>

Another Palestinian described how the Iraqi police harassed him after they discovered his Palestinian Travel Document:

Once, I was in my car, a new imported car. The police checked my papers to see if they were legal. Then the police saw my Palestinian ID, and they checked me from top to bottom. The policeman started to say that Palestinians are terrorists. He said he could do anything he wanted to me, and that no one would be concerned. I negotiated a bribe for him to let me go.<sup>87</sup>

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<sup>85</sup> Human Rights Watch interview with Muhammad Salim `Ali, Trebil camp, April 30, 2006.

<sup>86</sup> Human Rights Watch telephone interview with Ra'id `Ali Hussain, May 11, 2006.

<sup>87</sup> Human Rights Watch interview (name withheld), Trebil camp, April 30, 2006.

## VIII. Closed Borders and Lack of Resettlement Alternatives

### ***Background: The Protection Gap for Palestinian Refugees***

Palestinian refugees are not the only population under specific threat inside Iraq. Many other minority communities, like the Mandaeans and Chaldeans, also find themselves under frequent attack, and have fled the country in large numbers. Ordinary Iraqis, Shi'a and Sunni, are also fleeing the armed conflict and criminal violence inside Iraq: there are probably from 500,000 to one million Iraqis currently living in Jordan, and a similar number in Syria, with a smaller number in Lebanon. However, the Palestinian refugee situation is unique because of their inability to seek refuge either in neighboring countries or elsewhere: neighboring countries keep their borders largely closed to them, Israel refuses to allow them to return, and resettlement options in other countries have been largely unavailable to them. To understand their situation, a closer look at the legal regime covering Palestinian refugees is necessary.

Since the adoption of the Convention relating to the Status of Refugees in 1951 (the Refugee Convention), three “durable solutions” have emerged under international law and refugee policy to enable refugees to put an end to their refugee status and re-establish an effective link in a country. These are voluntary repatriation to the refugee’s country of origin, local integration in the country of asylum, and resettlement in a third country.

UNHCR promotes voluntary repatriation (the voluntary return of refugees to their home countries) as the optimal solution to refugee crises. UNHCR has statutory responsibility to seek, promote, and facilitate the voluntary return of refugees to their country of origin.<sup>88</sup>

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<sup>88</sup> The basis for these three solutions can be found in international refugee law. UNHCR is mandated in its Statute to seek permanent solutions for refugees, including voluntary repatriation or assimilation into new national communities. Under the Convention relating to the Status of Refugees (the Refugee Convention), 189 U.N.T.S. 150, 1951, *entered into force* April 22, 1954, international protection for refugees only ceases once a refugee has “re-availed himself of the protection of the country of his nationality”; “acquired a new nationality, and enjoys the protection of the country of his new nationality”; “voluntarily re-established himself in the country which he left or outside which he remained”; or for a “person who has no nationality he is, because of the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence.” The Refugee Convention, art. 1(c). Article 34 of the Refugee Convention requires that states shall “as far as possible facilitate the assimilation and naturalization of refugees.”

The right to return to one's own country is a fundamental human right, which is recognized in several international human rights instruments.<sup>89</sup> The right to return is most clearly enshrined in the International Covenant on Civil and Political Rights (ICCPR) under the right to freedom of movement, which includes the right to enter one's own country.<sup>90</sup> The basis for the right to return under international refugee law can be found in the Refugee Convention and its 1967 Protocol, various regional refugee instruments, U.N. Resolutions, and Conclusions of UNHCR's Executive Committee (ExCom).<sup>91</sup> There are also specific pronouncements pertaining to the Palestinian refugees, the most important of which are the U.N. General Assembly resolutions that uphold the right of the Palestinian refugees to return.<sup>92</sup>

To this end, Human Rights Watch has long urged Israel to recognize the right to return for those Palestinians and their descendants who fled or were expelled from territory that is now within the State of Israel or the Occupied Palestinian Territories, and who have maintained appropriate links with that territory. This is a right that persists even when sovereignty over the territory is contested or has changed hands.<sup>93</sup>

The Palestinian National Authority (PA) has repeatedly stated its willingness to accept in Gaza those Palestinian refugees fleeing Iraq, and to issue them with PA passports. Israel

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<sup>89</sup> For example, the Universal Declaration of Human Rights in article 13(2) states that "Everyone has the right to leave any country, including his own, and to return to his country."

<sup>90</sup> ICCPR, article 12(4). The Human Rights Committee, the international body that monitors compliance with the ICCPR, in its General Comment on the freedom of movement, "considers that there are few, if any, circumstances in which deprivation of the right to enter one's own country could be reasonable. A State party must not, by stripping a person of nationality or by expelling an individual to a third country, arbitrarily prevent this person from returning to his or her own country." Human Rights Committee, General Comment 27, Freedom of Movement (Art. 12), CCPR/C/21/Rev.1/Add.9, November 2, 1999, para. 20.

<sup>91</sup> The authoritative 1985 ExCom Conclusion on Voluntary Repatriation confirms "the basic rights of persons to return voluntarily to the country of origin," while the 1994 General Conclusion on International Protection "calls upon countries of origin, countries of asylum, UNHCR and the international community as a whole to do everything possible to enable refugees to exercise freely their right to return home in safety and dignity."

<sup>92</sup> Most often cited is the 1948 resolution 194 (III) that established the United Nations Conciliation Commission for Palestine, which states at paragraph 11:

the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law and in equity, should be made good by the Government or authorities responsible.

<sup>93</sup> Human Rights Watch's policy on the right to return is set out at: <http://www.hrw.org/campaigns/israel/return/>, and also in letters sent in 2000 to then Israeli Prime Minister Ehud Barak, the late PLO Chairman Yasser Arafat, and then U.S.-President Bill Clinton, available online at <http://hrw.org/english/docs/2000/12/22/isrlpa579.htm>. As noted in the latter, issues to be considered include returnee rights to settlement in the vicinity or to compensation when the former home no longer exists or is occupied by an innocent third party; and that claims of a right to return are resolved fairly, that individual holders of the right are permitted freely and in an informed manner to choose whether to exercise it, that returns proceed in a gradual and orderly manner, and that any redress for past injustices not create new ones.

has refused to participate in such a solution, which it can prevent through its control of the borders of Gaza and the West Bank. UNHCR twice approached Israel to encourage it to allow Palestinian refugees from Iraq to return – once in 2003 with a group of six to eight Palestinian refugees with direct ties to Gaza, and a second time in 2006 when it gave Israel a list of Palestinian refugees with direct ties to Gaza who were stuck at the Iraqi-Jordanian border. Israel in both instances denied UNHCR’s request to let the Palestinian refugees enter Gaza.<sup>94</sup>

Muhammad Abu Bakr, director-general of the Department of Refugee Affairs of the Palestine Liberation Organization (PLO) in Jordan, told Human Rights Watch in April 2006: “Our position concerning the [Palestinian] refugees in Iraq and elsewhere is that either we receive them inside Palestinian National Authority territories or the [Palestinians fleeing Baghdad] stay near the border and return to Baghdad.”<sup>95</sup> He said that the PA was willing to consider interim solutions “to see the easing of their humanitarian suffering,” but otherwise stood firmly by its position on the Palestinian refugees.<sup>96</sup>

The durable solution of local integration was never open to Palestinians in Iraq and has not become easier under the new Iraqi government. The success of local integration depends on several factors, including the willingness of the refugees to settle locally and the receptiveness and commitment of the host country and local population towards the integration of the refugee population.<sup>97</sup>

The third durable solution is resettlement, the transfer of a refugee from the country of first asylum to a third country that has agreed to provide the refugee with protection.<sup>98</sup> Resettlement is an appropriate protection strategy for refugees whose safety and security cannot be secured in the country of first asylum or who have special humanitarian needs that cannot be met in the country of first asylum. It is also an appropriate durable

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<sup>94</sup> Human Rights Watch interviews with UNHCR, diplomatic officials and PLO officials, Jordan, April 2006. In most of the Middle East, UNRWA has the primary mandate over Palestinian refugees, to the exclusion of UNHCR. However, UNRWA has only an assistance mandate, and not a protection mandate, so Palestinian refugees are not explicitly protected by many of the protections of the Refugee Convention. Iraq declined UNRWA assistance in 1949, so unlike Palestinian refugees in the Occupied Palestinian Territories, Jordan, Syria, and Lebanon, Palestinian refugees in Iraq do fall under the mandate of UNHCR.

<sup>95</sup> Human Rights Watch interview with Muhammad Abu Bakr, director-general, Department of Refugee Affairs (Amman), Palestine Liberation Organization, Amman, April 22, 2006. See also “Iraq-Jordan: Palestinian border refugees receiving assistance,” *IRIN News*, March 26, 2006.

<sup>96</sup> *Ibid.*

<sup>97</sup> See, for example, UNHCR, *The State of the World’s Refugees: A Humanitarian Agenda*, (London and New York: Oxford University Press 1997), pp. 92-93, 96-97.

<sup>98</sup> UNHCR, *Resettlement Handbook*, (Geneva: UNHCR, July 1997), p. 2.

solution for those who are unable or unwilling to return to their own country or to locally integrate in their country of asylum.<sup>99</sup> Resettlement is also a mechanism whereby wealthier countries can share the responsibility for the broader refugee problem.<sup>100</sup>

The PLO and the Arab League have rejected in principle and actively discouraged in practice local integration or third-country resettlement of Palestinian refugees. Their view is that local integration or resettlement would negate the right to return of the resettled refugees.<sup>101</sup> The Arab countries hosting large Palestinian refugee populations point to Israel's legal obligation to permit the refugees' return to justify their refusal to integrate the Palestinian refugees and afford them rights equal to their own citizens. Only Jordan has granted its Palestinian refugee population citizenship, breaking with the practice of other Arab states.

Jordan and Syria have (with some exceptions) refused entry to Palestinians who attempt to flee Iraq, in violation of the international legal prohibition against *refoulement*. When these two countries made temporary exceptions to their policies of refusal, they conditioned admission of Palestinian refugees on their confinement to camps, for example al-Ruwaishid camp in Jordan in 2003, and al-Hol camp in Syria in 2006 (for which, see below). Because of the widely observed policy against resettlement of Palestinian refugees, these camp residents have already waited longer than other refugees fleeing Iraq, such as the Iranian Kurds, for access to third-country resettlement.<sup>102</sup>

Most western states, including the United States and the countries of the European Union, similarly decline to consider Palestinian refugees for resettlement, except for a few "humanitarian cases."<sup>103</sup> At the time of the publication of this report, Human Rights Watch had learned that Canada was considering for resettlement the Palestinian refugees at al-Ruwaishid, but had not made a final decision. However, UNHCR anticipates that Canada will not be able to grant resettlement to all of the Palestinians at al-Ruwaishid, leaving at least some of the Palestinians in continuing limbo.

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<sup>99</sup> UNHCR, *State of the World's Refugees*, pp. 86, 88-89.

<sup>100</sup> *Ibid.*, p. 89.

<sup>101</sup> Susan M. Akram, "Palestinian Refugees and Their Legal Status: Rights, Politics, and Implications for a Just Solution," *Journal of Palestine Studies*, Vol. 31 No. 3 (Spring 2002).

<sup>102</sup> "Jordan: Tensions Rising in Iraqi Refugee Camp," *IRIN News*, May 15, 2005.

<sup>103</sup> Human Rights Watch interview with U.S. official, Amman, May 2006.



## ***The 2006 Jordan Border Issue***

In March 2006, new groups of Iraqi Palestinians, fleeing the intensified killings and death threats in Baghdad, sought refuge in Jordan. A group of eighty-nine Palestinians, including many women and forty-two children, arrived at the Iraqi-Jordanian border on March 19, 2006, accompanied for their protection by three members of the activist group the Christian Peacemaking Team. They spent the first night on the Iraqi side of the border, sleeping on their buses. After calls to the Iraqi MoI, the group was allowed to cross the Iraqi border the next morning. However, as soon as the group entered the NML, the Jordanian authorities closed the border and prevented the group from reaching the Jordanian border post. One of the group told us:

The Jordanian soldiers prevented us from getting off the bus. They brought tanks and Humvees with Jordanian soldiers. They obliged us to return and we stayed next to the [Iranian] Kurdish camp [located in the NML]. We stayed there for four days in the desert with no food.<sup>104</sup>

The Jordanian authorities completely shut down their border for four days, refusing to allow anyone to cross the border until the Iraqi authorities returned the Palestinian refugees to the Iraqi side of the border.<sup>105</sup> After four days, on March 23, at about 3 p.m., armed Iraqi soldiers ordered the Palestinian refugees to return to the Iraqi side. The Palestinian refugees, defenseless and intent on avoiding a violent confrontation in which many women and children might be caught up, returned peacefully to the Iraqi side of the border, where Iraqi authorities housed them in an abandoned building formerly used as a horse stable. The Iraqi Red Crescent Society (IRCS) provided them with tents and humanitarian assistance. UNHCR assistance arrived on the same day as the IRCS, and UNHCR continued to provide assistance throughout.<sup>106</sup>

Other Palestinians soon joined the original eighty-nine, and the group ultimately grew to more than 200 persons. The Iraqi border authorities tried to stem the influx, refusing to allow new arrivals to enter the makeshift camp established for the Palestinian refugees, instead forcing them to sleep out in the open. When the last group of fifty-four Palestinian Iraqis arrived at the border on April 23, the Iraqi border authorities told them to return to Baghdad, because the Iraqi commander of the border post had decided not to let any more Palestinians join the camp.<sup>107</sup> The new arrivals were forced to stay at the

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<sup>104</sup> Human Rights Watch interview with Muhammad Hassan, Trebil camp, April 30, 2006.

<sup>105</sup> Human Rights Watch interviews with Trebil camp residents, April 30, 2006, and with international officials, May 1, 2006.

<sup>106</sup> Human Rights Watch email communication with UNHCR official, June 11, 2006.

<sup>107</sup> Human Rights Watch interview with Muhammad Salim `Ali, Trebil camp, April 30, 2006.



border, until the women and children in the group were moved into the camp during a sandstorm.<sup>108</sup> However, the men were forced to remain outside the camp, sleeping in an abandoned trailer at the border post.

In an interview with Human Rights Watch, the secretary-general of Jordan's Ministry of Interior, Mukhaimar F. Abu Jamous, said that Jordan would not alter its policy of refusing entry to Iraqi Palestinians. He said that Jordan already had a massive Palestinian refugee burden and could not take on additional Palestinians. The official said that because Iraqi Palestinians had no passport, only a Palestinian travel document, there was concern that once Jordan accepted Iraqi Palestinians, they would be unable to leave Jordan again, unlike ordinary Iraqis.<sup>109</sup> To support this, the UNHCR has learned that the Iraqi border officials have stamped the travel documents of Iraqi Palestinians leaving Iraq with "right to exit, no right to return." The Iraqi MoI also stated to the UNHCR that Palestinians who have fled will not have the right to return to Iraq.<sup>110</sup> Abu Jamous of the Jordanian Ministry of Interior stressed that the Iraqi Palestinian issue should be resolved through regional burden sharing, but that even with international financial assistance Jordan would not allow the Iraqi Palestinians to enter its territory.<sup>111</sup>

### ***Syria's Offer to Take Palestinian Refugees***

With the renewed crisis at the Jordanian border, the newly elected Hamas-led Palestinian National Authority urged countries in the region to take in Palestinians fleeing Iraq, seeming to break with the position of the PLO that the Iraqi Palestinians should either return to Palestine or remain in Iraq. During his first official visit to Syria, the newly-appointed Palestinian Authority foreign minister, Mahmoud Zahar, announced that he had received a commitment from the Syrian authorities to accept the Palestinians stranded at the Iraqi-Jordanian border.<sup>112</sup>

The Syrian offer was a departure from its previous practice of sealing its borders to Palestinians, much like Jordan. It had previously allowed in a group of nineteen Palestinians, stranded at the Iraqi-Syrian border from October 4 to November 21, 2005,

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<sup>108</sup> Ibid.

<sup>109</sup> Human Rights Watch interview with Mukhaimar F. Abu Jamous, secretary-general, Ministry of Interior, Amman, May 4, 2006.

<sup>110</sup> Human Rights Watch email communication with UNHCR official, June 11, 2006.

<sup>111</sup> Human Rights Watch interview with Mukhaimar F. Abu Jamous, secretary-general, Ministry of Interior, Amman, May 4, 2006.

<sup>112</sup> Albert Aji, "Syria extends support to Palestinians' Hamas government," *Associated Press*, April 20, 2006.

to go to its al-Hol refugee camp (a UNHCR-run camp mostly holding Iraqis), but only after extensive negotiations between UNHCR and the Syrian authorities.<sup>113</sup>

On May 9, 2006, the International Organization for Migration moved the more than 250 Iraqi Palestinians stuck at the Iraqi-Jordanian border to Syria, and Syrian authorities transferred them to al-Hol refugee camp. They should then receive assistance from UNRWA, probably after being moved to an UNRWA-managed camp where movement is less restricted than at al-Hol camp.<sup>114</sup> The Syrian authorities then allowed an additional group of thirty-seven Iraqi Palestinians who had fled directly from Baghdad to the Syrian border to cross the next day. However, since May the Syrians again have closed the Syrian-Iraqi border to Iraqi Palestinians, and as of the time of this report just under 200 Iraqi Palestinians, including children and pregnant women, are stranded at the NML at the Syrian border.<sup>115</sup> By contrast, Iraqi citizens continue to enter Jordan and Syria in large numbers, showing the discriminatory nature of Jordan and Syria's policies towards persons fleeing Iraq.

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<sup>113</sup> "Syria: Palestinians from Iraq seek shelter in Syria," *IRIN News*, November 21, 2005.

<sup>114</sup> "Syria: Damascus Opens Doors to Palestinian Refugees on Border," *IRIN News*, May 9, 2006.

<sup>115</sup> "Killings, Abductions in Baghdad leave Iraqi Palestinians scared and angry," *UNHCR News Stories*, June 1, 2006; "Syria: More Palestinian Refugees from Iraq Arrive at Border," *IRIN News*, May 18, 2006; Human Rights Watch email communication with UNHCR official, June 11, 2006.

## **IX. Conclusion: The Need for a Regional Solution and International Burden Sharing**

The current approach of the states bordering Iraq – keeping their borders closed to Palestinian refugees and refusing to consider alternative options such as third country resettlement – is severely affecting the ability of Palestinian refugees to seek safety outside Iraq.

The primary responsibility for protecting Palestinian refugees inside Iraq falls on the Iraqi government, which has an international obligation to prevent and punish human rights abuses against all persons within its territory, including non-nationals. It is imperative that the Iraqi government take immediate steps to bring security to the Palestinian refugee population in Iraq, and end discriminatory and abusive practices at the Ministry of Interior and other government branches. The United States-led Multinational Forces in Iraq also remain responsible for providing security in much of Iraq, and this must include the protection of minority populations at risk, such as Palestinian refugees.

Neighboring countries must respect the rights of Palestinian refugees to seek safety and asylum outside Iraq as long as they face insecurity and persecution inside Iraq. The burden of providing safety and asylum should not fall on a single neighboring country (Jordan and Syria being the preferred countries of flight for the Palestinians), but should be shared by countries in the region. Israel too must not wait for a resolution of the broader Palestinian refugee issue and should instead permit Iraqi Palestinian refugees with direct ties to Gaza to return to areas now administered by the Palestinian National Authority.

The broader international community also needs to participate in sharing the burden: it should provide financial assistance to countries that take Palestinian refugees from Iraq and consider cases of vulnerable Palestinian refugees for humanitarian resettlement. While states might be reluctant to offer third-country resettlement because of the PLO and Arab League position against it, the dire situation of Palestinians fleeing Iraq cannot be ignored. The humanitarian evacuation program of Kosovars out of Macedonia in 1999 could serve as a model for resettlement conceived not as a durable solution but as a temporary expedient to preserve first asylum and save lives.<sup>116</sup>

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<sup>116</sup> Bill Frelick, "Humanitarian Evacuation from Kosovo: A Model for the Future?" *World Refugee Survey 2000*.

## **X. Acknowledgements**

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