

Can Palestinian refugees in Iraq find protection?

by Gabriela Wengert and Michelle Alfaro

Many of the approximately 34,000 Palestinians in Iraq have been living in the country since 1948 and have known no other home. Stereotyped as supporters of Saddam Hussein, and prime candidates for the insurgency, many today face harassment, threats of deportation, media scapegoating, arbitrary detention, torture and murder.

Palestinian refugees came to Iraq in several waves. The first group, some 5,000 persons from Haifa and Jaffa, came in 1948. Others arrived after the 1967 War and a third group arrived in the aftermath of the 1991 Gulf War when many Palestinian refugees were forced to leave Kuwait. A UNHCR registration exercise in July 2003 accounted for more than 22,000 Palestinians in Baghdad. Additional numbers are known to be present in Basrah, Mosul and other parts of Iraq but the precarious security situation prevents their registration.

Iraq is not a party to the 1951 Refugee Convention. Despite the adoption of the Political Refugee Act (Law No. 51) in 1971, which provides the legal basis for the provision of asylum for “political or military reasons” (Article 1[3]), Palestinian refugees were never given formal refugee status by the Iraqi authorities. Instead, Palestinian refugees were entirely assisted by the Iraqi Ministry of Defence and, later, by the Ministry of Labour and Social Affairs. Palestinian refugees were provided protection by successive Iraqi governments and enjoyed a relatively high standard of treatment, mainly guided by the Casablanca Protocol ratified by the League of Arab States in 1965.¹ Palestinians were issued special travel documents, had the right to work and were given full access to health, education and other government services. In addition, they were provided with government-owned housing or fixed, subsidised rent in privately-owned houses and apartments. In effect, Palestinians enjoyed many of the same rights and relative prosperity as Iraq citizens. However, in the aftermath of wars, Palestinians, like

the Iraqis among whom they live, have witnessed dramatic declines in their standards of living.

The fall of the former regime in April 2003 left Palestinians particularly vulnerable, given their uncertain legal status and the loss of benefits previously provided to them. They have been harassed by segments of the Iraqi population and armed militias who resent their perceived close affiliation with the Ba’athist regime. The ongoing insurgency, which has taken the lives of thousands of Iraqis, is blamed on foreign agents, Palestinians and other refugees of Arab origin, who are accused of acts of terrorism.

When the former regime fell, hundreds of Palestinian families were evicted from their homes by landlords resentful that they had been forced to house subsidised Palestinian tenants. There was an intense climate of hostility to Palestinians and many received verbal or physical threats. In May 2005, Palestinians were widely blamed in the media for a bombing incident in the al-Jadida area of Baghdad after a televised ‘confession’ by four Palestinians. They bore visible signs of beating and according to their lawyer had undergone torture while in detention. Palestinians increasingly became subject to arbitrary arrest, detention and house raids by the multinational and Iraqi security forces. UNHCR was given information on approximately 60 Palestinians who were believed to be in detention at one time.

Access to persons in detention remains problematic as it appears that the International Committee

of the Red Cross (ICRC) does not have access to detainees in Iraqi custody. Given the numerous reports of arbitrary detention, torture and killings by Iraqi security forces, such detainees fall into a black hole, with little or no possibility to inform their families, gain access to lawyers or apply for legal review of their detention.

Palestinians, like other refugees in Iraq, complain about the increasingly difficult and sometimes humiliating process of renewing their residence permits. Under the previous regime, Palestinians were not required to have residence permits but now have to face intimidation when renewing them every two months. A lack of valid residency documents puts them at risk of harassment and arrest when requested to identify themselves at the many checkpoints in Baghdad. UNHCR was concerned in October 2005 by a statement from the Ministry of Displacement and Migration, the government body responsible for refugee issues in Iraq, calling for the expulsion of Palestinians from Iraq to Gaza.

The situation further worsened after the 22 February 2006 bombing of one of the holiest Shi’a shrines, the al-Askariyya Mosque, in Samarra. This sparked a wave of sectarian violence and resentment towards foreigners of Sunni Arab origin perceived to have been close to the previous regime and to support the predominantly Sunni insurgency. Acts of discrimination and violence against Palestinians escalated. Ten Palestinians are believed to have been killed in an attack by militias in the Baghdad suburb of Baladiyat. In June 2006, UNHCR became aware of the reported killing of eight Palestinians in Baladiyat, four killed in an attack on the neighbourhood by militia. Some members of the Palestinian refugee community in Baghdad claim that at least 150 Palestinians have been killed since May 2005. While this information cannot be independently

confirmed, UNHCR has collected credible reports about Palestinians being abducted, tortured and killed in Baghdad. Gruesome stories circulate through the Palestinian community, heightening the sense of fear as refugees receive written and verbal death threats, demanding that they leave. It is becoming increasingly difficult to dismiss these attacks as arbitrary and random but rather that this group is targeted on the basis of its political and ethno-religious background. Some attacks have reportedly been carried out with knowledge and/or participation of elements associated with the Iraqi security forces. Lack of security and valid residency documents restricts Palestinians' freedom of movement and access to employment and education. Many Palestinians in Iraq have stopped sending children to school or going out in search of work and feel trapped in their homes.

"These Palestinians are refugees twice over. Israel denies them their right to return to their homeland but Iraq has become a country where they are targeted for violence."

Sarah Leah Whitson, director, Human Rights Watch, Middle East and North Africa division.²

In response to the deteriorating security situation, groups of Palestinians have sought protection in neighbouring countries – despite the dangers of travelling with forged or invalid travel documents. Around a thousand Palestinians fled Iraq in the aftermath of the fall of the former regime and were stranded in 'no man's land' – neutral territory in the desert border between Iraq and Jordan – and in Ruweished camp inside Jordan. In August 2003, Jordan admitted a group of 386 persons from mixed marriages. A number of Palestinians returned to Baghdad, driven back by the harsh living conditions in the desert. On 29 May 2005, those persons stranded in the 'no man's land' were moved to Ruweished, where today, more than three years after they fled from Iraq, 148 Palestinians still remain.

A group of 19 Palestinians moved to the Syrian border in October 2005 where they were stranded before being allowed to enter Syria one month later. They are temporarily hosted in El Hol Camp

in Hassakeh Province, originally set up by UNHCR in 1991 to host Iraqi refugees fleeing Iraq after the suppression of popular uprisings in the aftermath of the Gulf War.

A total of 181 Palestinian refugees, including many children, fled Baghdad towards Jordan in March and April 2006. Denied entry to Jordan, they were temporarily accommodated at an Iraqi border post. UNHCR interviewed a number of them. Four families reported that family members had been murdered. One bore marks of a beating he had reportedly received the previous week. Others claimed to have been former detainees and survivors of torture at the hands of the Iraqi authorities. According to Bill Frelick, refugee policy director at Human Rights Watch, "Jordan is slamming the door in the face of a small but desperate group of people, who have seen their relatives murdered in Baghdad. Jordan should not treat Iraqi Palestinians fleeing persecution more harshly than other Iraqis fleeing violence, who have generally been allowed to enter Jordan."³

On 28 April 2006, the Syrian government officially confirmed earlier reports that it would welcome the group into Syria under the auspices of UNRWA. By the time the group departed on 9 May, their number had grown to 250 as more Palestinians moved towards the Jordanian border in the hope of being admitted to Syria. Furthermore, another 37 persons had travelled to the Syrian border. The entire group of 287 was accommodated in El Hol Camp. It is not yet clear what legal status the refugees will be granted in Syria.

As of 26 July 2006, there were some 266 new arrivals – including pregnant women and children – in no man's land between Syria and Iraq and being denied entry to Syria. The Palestinians say they are determined to stay until they are officially authorised to enter Syrian. There are reports that three busloads of Palestinians were forced to return to Iraq in early June and that Iraqi security forces briefly crossed into the border zone, accusing the Palestinians of being terrorists.

Addressing protection needs of Palestinian refugees in Iraq

UNHCR contacts with representatives of the Palestinian community in Baghdad confirm that the vast majority wish to leave Iraq. Many have turned to people smugglers. In order to minimise their reasons for leaving, the Iraqi authorities must guarantee them effective legal and physical protection. UNHCR has been working with the Ministry of Interior to address some of the factors seen as most negatively affecting their situation. While the Ministry appears receptive, it remains to be seen whether the Palestinian community will be sufficiently reassured to risk remaining in Iraq.

The international community needs to provide advice and training to enhance refugee protection in Iraq. It is unfortunate that constant reshuffling in the Iraqi government has taken its toll on building the institutional capacity of the relevant Iraqi authorities to deal with refugee issues. Strong statements are needed from the Iraqi authorities and other actors that Palestinian refugees are welcome and that they should enjoy rights guaranteed by domestic and international law. It is encouraging that Grand Ayatollah Sayyid Ali al-Sistani issued a religious ruling (*fatwa*) on 30 April 2006 forbidding attacks on Palestinian refugees.

The Iraqi authorities should:

- clarify the legal status of Palestinian refugees in Iraq and issue residency permits and travel documents with a validity of at least one year
- permit the eventual return of Palestinians who have fled Iraq, given that most have lived there for most of their lives or were born there: UNHCR is concerned about 121 Palestinians in Yemen being denied return by the Iraqi Embassy in Sana'a
- enter into a productive and constructive dialogue on refugee matters.

Given that both the Iraqi population as a whole and refugee groups suffer serious security and human rights problems, it is of utmost

importance that any such measures do not single out the Palestinians as a group deserving special treatment, for this could further increase their protection problems.

Bearing in mind the high level of violence in Iraq and the fact that hundreds of thousands of ordinary Iraqis have fled Iraq since 2003, it would be unwise to expect the Iraqi authorities to be able to ensure the physical security of any residents of Iraq. Nevertheless, more can and should be done to protect the rights of Palestinians in Iraq and reduce their anxiety. If Palestinians continue to perceive that the Iraqi government has failed to adequately protect them, new movements to Syria and Jordan are likely. Appropriate contingency plans must be prepared by relevant regional authorities, humanitarian organisations, the Arab League and the international community.

They need to:

- improve capacity to forecast and monitor refugee movements
- remind regional states of their obligations under international law to admit to safety persons fleeing persecution
- identify safe sites inside Iraq to temporarily host refugees should borders remain closed to them
- share burdens and primarily consider humanitarian needs, not political considerations
- advocate for Israel to admit those who wish to return/relocate to the OPT.

Arab governments in the region, as has been done by Jordan and Syria to some extent, should demonstrate solidarity and hospitality and offer

some Palestinians the opportunity to temporarily relocate. Given that both Syria and Jordan already host large numbers of refugees (Iraqis, Palestinians and others), they should be offered a financial package by the international community to relieve the additional burden.

Gabriela Wengert is a lawyer and UNHCR Consultant/Protection Officer, specialising in Middle East issues. Email: gabriela@wengert.ch Michelle Alfaro, a lawyer, is a Protection Officer with UNHCR Iraq. Email: alfaro@unhcr.org

The views expressed are the personal views of the authors, and are not necessarily shared by the UN or UNHCR.

1. www.badil.org/Documents/Protection/LAS/Casablanca-Protocol.htm
2. <http://hrw.org/english/docs/2006/05/12/syria13372.htm>
3. <http://hrw.org/english/docs/2006/04/07/jordan13136.htm>

Refugee camp in Baghdad for Palestinians forced from their homes by Iraqis resentful of the special treatment the Palestinians have received during a half-century of exile in Iraq. 2003

