Euro-Mid Observer for Human Rights

Report

Palestinian Refugees in Iraq, and whom under Threat of Deportation Back to Iraq

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Introduction

The security situation in Iraq continues to be complicated nine years after the Americans first invaded in 2003. One of the most adversely affected segments of Iraqi society is Palestinian refugees, who have been victimized by waves of hatred from armed militias supported by forces within the Iraqi police and military.

Actions against Iraq’s Palestinians in Baghdad (particularly the Baladeyat area) and other cities have taken the form of kidnapping, torture, detention without trial, neighborhood bombardments, house raids and threatening propaganda (delivered through pamphlets and shouted over megaphones).

These practices have forced many Palestinians to flee to refugee camps on Iraq’s borders with Syria and Jordan. Frequently, due to extreme restrictions on the rights of Palestinian refugees in Iraq and bordering countries, the keep moving -- seeking opportunities for asylum in countries outside the Arab world.
As a result, says UNHCR, the number of Palestinian residents in Iraq has dropped from 35,000 before the American invasion to fewer than 7,000 by the beginning of 2012. Meanwhile, as documented in this report, violence continues against the few remaining Palestinians in Iraq.

This report also discusses the legal situation of Palestinian refugees who hold Iraqi documents. In 1950, the Iraqi government informed UNRWA (United Nations Relief & Works Agency) that it would assume responsibility for protecting the Palestinian refugees on its land; thus, following the collapse of the Baghdad regime in 2003, they found themselves without the protection of any political or international organization.

Iraqi Palestinians are facing persecution elsewhere as well. At this writing, 25 Palestinians with Iraqi travel documents are living in cruel humanitarian conditions in Norway. After their asylum petitions were rejected, some are facing deportation orders and they now live in fear of meeting the same fate of earlier Palestinian refugees who were stopped at the Iraqi border and treated inhumanely by the Iraqi military. Those still in Norway have no opportunities for employment and receive a very low standard of health care.

This report consists of two chapters. The first examines the legal and on-the-ground situation of Palestinian refugees living in Iraq, including the:

- History of Palestinians in Iraq and the role of UNRWA.
- Targeting of Iraq’s Palestinians after the American invasion in 2003.
- Current situation of Iraq’s Palestinians through mid-2012.
- Legal rights and challenges of Iraq’s Palestinians.

The second chapter explores the plight of Palestinians with Iraqi documents who have sought asylum in Norway – the most common destination for those fleeing the unrest following the 2003 war.
Chapter One: 
Palestinian Refugees in Iraq

The security situation of Iraq’s Palestinians

Arrival in Iraq

In 1948, Iraq welcomed hundreds of Palestinian families who sought asylum there during the Arab-Israeli war. However, unlike Jordan, Syria and Lebanon, Iraq did not enter into an agreement with the United Nations Relief and Works Agency for Palestinian refugees in the Near East (UNRWA), which was established in 1949 to register Palestinian refugees and provide required assistance. Instead, Iraq assumed responsibility for the relatively small number of Palestinians who sought asylum within its borders.

Many more fled to Iraq following the Arab-Israeli war of 1967 and the Gulf War in 1991, when Yasser Arafat’s support for Saddam Hussein’s invasion of Kuwait caused many Arabs there to feel hostile towards the Palestinians. Still others came simply looking for a better life.

By the time the American military invaded Iraq in 2003, the number of Palestinians living in the country had reached 35,000, according to UNHCR. The majority settled in the capital, Baghdad, concentrating in residential areas such as the Baladeya, Mashtal, Salam, Doura, Banawen, Gazaleya and Horeya districts. Despite the perception that Palestinians in Iraq had special privileges, they often lacked such basic necessities as fresh water, a sewer system and safe, modern housing.
Hatred and violence since 2003

The fall of Saddam Hussein’s regime in April 2003 triggered a wave of violence that ravaged virtually every ethnic and religious group in Iraq, fueled by dynamics ranging from political rifts, to sectarian clashes, to simple criminal intent. Palestinians are among these victims.

Driving hostility against the Palestinians in Iraq is the widespread perception among the majority Shia population that as Sunnis, they received special privileges from the hated Saddam Hussein. Landlords started to force Palestinian families out of their homes at gunpoint the night Hussein’s regime fell. Many Palestinians were attacked, kidnapped and sometimes tortured to death by armed groups.

According to Human Rights Watch, the Iraqi government and its security services failed to exercise its responsibility to stop this targeting. The Iraqi Ministry of Interior exacerbated the suffering of the Palestinian refugees by making it more difficult to renew their identity papers. During Saddam Hussein’s regime, Palestinians lived normally in Iraq and carried national travel documents. Now, the Ministry of Interior treats Palestinians like aliens. Palestinians are required to renew their residential documents every one to three months, and students often are expelled from their schools merely because of their ethnicity.

U.S. troops are culpable as well. They bombarded the Baladeyat district of Baghdad, one of the largest Palestinian communities in the capital, on April 8, 2003, and attacked the Palestinian embassy, detaining the
acting ambassador and other personnel for an entire year.

It is estimated that nearly 280 Palestinians have been killed during the past nine years, with 101 murdered in 2006 alone when a wave of hatred and violence swept the city Feb. 22 in the aftermath of an explosion at Al-Askari Mosque in the Iraqi city of Samarra. Yet, Palestinians rarely participated in internal conflicts, according to the spokesman for UNHCR in Iraq, Ron Redmond.

**Escalation in 2012**

Euro-Mid Observatory documented 82 violations against Palestinians in Baghdad during the first five months of 2012 -- a rate of four per week. The Iraqi Ministry of Interior was the primary perpetrator, supplemented by armed militias. The table below shows the numbers and types of violations against Palestinians in Baghdad from Jan. 1 until May 31, 2012.
<table>
<thead>
<tr>
<th>Month</th>
<th>Arrests</th>
<th>Raids and searches</th>
<th>Examples</th>
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| January | 10 including a minor (13) | 18 | -- A reporter’s home in the Baladeyat district was broken into, injuring him and terrorizing the women and children.  
-- The dead body of Emad Hammad was found in the forensic morgue, with signs of burns and other torture.  
-- Nasser Saleh Faris Al-Baly was handcuffed, blindfolded and tortured, then led through the streets of the Baladeyat district to terrorize the residents. |
| February | 2 | 0 |  |
| March | 11, including a man in his 70s | 14 | -- A total curfew was imposed on the Baladeyat district on March 3.  
-- Later, on March 25-30, the Baladeyat district was occupied by masked men who hid on the roofs of houses. |
| April | 1 | 6 | A decision was announced to demolish shops owned by Palestinians on the outskirts of the Baladeyat district. |
| May | 3 | 4 | Iraqi national television aired unfounded claims that terrorist cells existed within Palestinian neighborhoods. |

Legal situation of Palestinian refugees in Iraq
UN responsibility for Palestinian refugees

UNRWA was created by a UN resolution in 1948 to register and protect Palestinian refugees in five territories/countries: the West Bank, Gaza Strip, Jordan, Lebanon and Syria.

UNRWA defined Palestinian refugees as “any persons whose normal place of residence was Palestine between June 1946 and May 1948, lost their residence and manner of life as a result of the 1948 dispute, and sought asylum in one of the countries where UNRWA offers its help.”

This definition excludes many Palestinian refugees who were not registered by UNRWA, most commonly because they had been forced to flee to countries that were not within the circle of the agency’s operations, such as Iraq, Egypt and the Gulf region. Human rights law, however, dictates that displaced Palestinians must be protected no matter where they settle, without fear of forced relocation. Thus, there now is a move afoot calling for the scope of UNRWA to be re-defined.

However, even those registered by UNRWA and under its umbrella lack some rights that are available to non-Palestinian refugees. Although the international right to asylum was guaranteed through an agreement drafted in 1951 and ratified by 162 countries, it excluded individuals who are helped or protected by any of the United Nations agencies (article 1-D). This effectively excludes Palestinians.
Protection of Palestinian refugees in Iraq

Law No. 202, passed in 2001 by Iraq’s Revolutionary Command Council, gave Palestinian refugees a measure of protection. The law guarantees treatment comparable to Iraqis in terms of rights and duties, although it does not grant citizenship. Tragically, the Americans invaded prior to implementation of the law, and Hussein’s regime soon collapsed.

The new Iraqi government relied instead on Law No. 51, passed in 1971, which dictates the asylum process for political refugees in general, not Palestinians specifically. This law, the government now says, is the only one under which IDs for Palestinians may be issued.

The violation of human rights that followed forced many Palestinian refugees to flee Iraq and head to camps in the desert by Iraq’s border with Syria and Jordan. These camps lack the most basic elements of decent living, yet neighboring countries – including Syria, Kuwait, Jordan and Saudi Arabia – refuse to receive them. Although some are able to reach Europe, too often their applications for asylum are refused and they are deported back to Iraq, the source of their suffering.

Although these laws consider the lack of security a legitimate basis for granting asylum, Palestinians in Iraq often are rejected due to inaccurate information suggesting that Iraq is now safe (For example, in Sweden, Cyprus, Greece and Norway).
“Whose responsibility?”

The responsibility for Palestinian refugees living in Iraq primarily belongs to the Iraqi government, since they live in its territory and its administration agreed early on to absolve UNRWA of any formal role. Secondarily, the international community in general and “recipient” countries specifically must assume more responsibility for Palestinians from Iraq who seek asylum. The most suitable international bodies in which to “house” this responsibility are UNRWA and UNHCR (United Nations High Commissioner for Refugees).

UNRWA

Euro-Mid Observatory for Human Rights believes that the 1950 agreement between UNRWA and the Iraqi government should now be considered canceled, since circumstances on the ground have so dramatically changed and Iraq has failed to satisfy its earlier commitment.

Thus, we call for the activation of the provision in UNRWA resolution No.302 (d) 4, dated Dec. 8, 1950, which governs how the agency negotiates with a Near East government regarding when international aid should start and stop. Since the agreed-upon aid by Iraq to Palestinian refugees within its borders has now come to a halt, in violation of its agreement with UNRWA, the relief agency should resume its mandate for this population.

UNRWA is the only organization that the international community has empowered to provide health care,
education and other relief to Palestinian refugees, and it must now step forward to fill the gap. There is precedent for extending UNRWA’s remit beyond the original five countries/territories. For instance, the international community recognized in 1967 the unmet needs of Palestinian refugees in Egypt, and the United Nations General Assembly passed Resolution No. 86, which instructed UNRWA to temporarily expand the scope of its jurisdiction to encompass these individuals.

**UNHCR**

According to the mission of the UNHCR, this agency must step forward if UNRWA is no longer able to protect and assist Palestinian refugees.

Over the years, UNHCR’s scope of work has expanded beyond refugees to include those who are seeking asylum, are stateless and without citizenship and/or are struggling to return home after displacement. This means guaranteeing that no one is deported to a place where he or she is threatened with persecution or ill treatment.

Legally, there are no rulings or resolutions that prohibit the use of UNHCR authority to extend its services to Palestinian refugees outside of UNRWA’s jurisdiction – even if only temporarily while UNRWA takes steps to resume responsibility. Such an action is justified by the cruel circumstances in which Palestinians find themselves. Such aid was offered earlier to Palestinian refugees who fled Baghdad and sought solace in the
Natef camp on the border with Syria. However, that aid has been limited and intermittent. These services must be broadened and extended to all of the Palestinian refugees in Iraq.
Chapter Two:
Palestinian Refugees under Threat of Deportation Back to Iraq

Norway

Twenty-five Palestinian refugees who managed to escape persecution in Iraq and find their way to Norway are living in harsh conditions after their asylum applications were refused; some have deportation (“forced relocation”) orders pending. The Norwegian immigration service based its decision on a June 2012 report issued by its land information branch, stating that Iraq is now safe for their return. The report quoted Mohamed Abu Bakr, charged with managing the file of the Palestinian refugees in Jordan, who said that “the living conditions for Palestinians in Iraq is now much better than it used to be back in 2003.” He added, “Palestinians today have the same citizenship rights as the Iraqis.”

However, as documented in the first chapter of this report, 2012 has witnessed a significant increase in violence against Iraq’s Palestinians as political conflict intensifies in the wake of the American retreat from Iraq in December 2011 and the rise of the Iraqi security state. Eighty-two attacks against Palestinians in Baghdad were documented during the first five months of 2012 alone -- a rate of four attacks a week. It is clear that the Palestinian minority that remains in Iraq continues to be exposed to physical threats and discrimination that is endangering their lives. These regular
attacks on the ground occur in the absence of any official Iraqi action in response.

But safety issues aside, could Iraq’s Palestinians actually return to the country?

According to a report issued by the UNHCR advisor on Iraq, on July 26, 2006, about 226 Palestinians successfully escaped from the violent events in Iraq -- most of them women and children. They sought asylum in Syria, but were banned from entering and were forced to stay in a camp on the border. Iraqi security forces accused the Palestinians of being terrorists, warning them not to return to Iraq.

A Norwegian land information office report issued in 2011 quoted the former director of Baghdad’s airport as saying that “Iraqi authorities refuse to receive Palestinians returning to Iraq whose asylum applications were refused abroad.” The Iraqi embassy in Stockholm, Sweden, confirmed in a telegram made available to Euro-Mid Observer that “Iraq’s Palestinians who left for six months or more are not allowed to go back in.”

Thus, it is clear that the return of Palestinians to Iraq through legal means is not welcomed by Iraqi authorities.

**Reasons cited for deportation**

According to refugee testimony given to Euro-Mid Observer, the technical reasons cited by Norwegian authorities for refusing asylum have included:
Failure of the language test.
A belief that Iraq is now safe, and that torture no longer occurs.
A belief that some of the refugees who traveled to Norway via the UAE could find a home there.

It is difficult to find a judicial source for these judgments. In order to obtain the court’s decision, the asylum seeker must sue the immigration service in a civil court and petition for the records to be opened to the public. This process is lengthy as well as expensive; filing suit in civil court costs the asylum seeker a fee that ranges between $7,000-$10,000. Yet, asylum seekers are typically unemployed, since they are not allowed to hold jobs once their applications are refused. Note as well that in 2004, Norway stopped issuing temporary work permits for those with expired documents.

The “UAE option”

Of the 25 Palestinian refugees with Iraqi travel documents who have sought asylum in Norway, three traveled via the United Arab Emirates. Thus, the Norwegian immigration service recommended that they return to the UAE. However, their Iraqi travel documents have expired and the UAE Ministry of Interior prohibits the entrance of any foreigner without a valid passport or alternative travel document that allows him or her to return to the country that issued it. Although the Palestinian embassy in Oslo could issue a Palestinian passport to these refugees, the document would not allow its holders to return to Palestine – and
thus would not satisfy the UAE requirements. Before any deportation is ordered, Norwegian authorities must assure that the refugees will be accepted.

In a document dated May 23, 2012, UNHCR advised Palestinian refugees not to travel to the UAE unless they have the necessary travel documents.

**The future of Iraq’s Palestinians in Norway**

When their asylum applications are refused, Palestinian refugees can continue to live in Norway as illegal immigrants. However, they live with the constant threat of attempted deportation to a land that does not welcome them.

Living conditions are difficult for illegal immigrants.

**Health care**

Routine medical care is not available to illegal immigrants. With the exception of a new health care clinic in Oslo that is sponsored by a mission church and the Red Cross organization and offers free care to this population, illegal immigrants must rely on health care workers who assist these patients on a charity basis.

Euro-Mid discovered that of the 25 Palestinian refugees from Iraq who are now living in Norway, 11 no longer seek help from the refugee reception centre because they are afraid they will be deported. This fear deprives them of what health care assistance that does exist.
Residence

When it comes to housing, it is clear from the testimonies and interviews with NGOs that residential aid is lacking for this population. Most have to depend on their own meager resources. Since illegal immigrants are not allowed to work and earn an income, this is next to impossible. Most have to live with friends.

Illegal deportation across Europe

According to international and European law, Palestinians who hold Iraqi documents and who were forced by inhumane conditions and persecution to look for asylum may petition UNHCR for protection and assistance. The countries where they seek asylum must provide secure shelter, “regardless of the matter of their resettlement,” until their final status is determined.

Given the conditions in Iraq documented in this report, the countries where Palestinian refugees seek asylum should consider their applications with sympathy. Article No. 33 of the UN agreement on refugees states that “it’s not allowed for any registered country to expel a refugee or deport him to a region where his life or freedom is threatened because of his race, religion, nationality, membership of any particular social group, or political opinions.” This mandate applies to Palestinians seeking asylum from Iraq.
Conclusion and recommendations

Iraqi government

The responsibility for the protection of Palestinian refugees inside Iraq is primarily the Iraqi government’s. It must:

- Halt the human rights violations, including arbitrary arrests and torture, and punish the perpetrators.
- Take quick steps to restore law and order, and assure the safety for Palestinian refugees still living in Iraq.
- Halt discriminatory acts against Palestinians by the Ministry of Interior and other governmental authorities.
- Provide food and shelter to those in need, particularly Palestinians who have been forced to take shelter on Iraq’s border with Syria and Jordan.
- Repeal the onerous registration requirements imposed by the Directorate of Accommodation in the Ministry of Interior.
- Open up job opportunities for Iraq’s Palestinians. Facilitate the work of the International Committee of the Red Cross and other humanitarian organizations.

Countries of the Arab world

- Arab countries, especially those that border Iraq, must assure Palestinians safe shelter and basic services.
They must acknowledge that Iraq’s Palestinians are specifically threatened, and thus must join with others to guarantee that no Palestinian refugee is the object of forced relocation.

Palestinians should be treated humanely at all times, guaranteeing freedom of movement and protection from arbitrary detentions and arrests.

**International organizations:**

- The jurisdiction of UNRWA must be immediately expanded to include Palestinian refugees in Iraq, registering them to include these individuals in its records and providing basic services as soon as possible.
- If there must be any lag in taking action, UNHCR should step forward to serve this population in the meantime.

**The broader international community**

The crisis of Palestinian refugees in Iraq requires a regional solution. All of the countries in the region (including Israel and the Gulf countries) must shoulder part of the burden by sheltering Palestinian refugees who are forced to flee Iraq, arranging re-settlement elsewhere or assisting financially.
“So often the world sits idly by, watching ethnic conflicts flare up, as if these were mere entertainment rather than human beings whose lives are being destroyed. Shouldn’t the existence of even one single refugee be a cause for alarm throughout the world?”

Urkhan Alakbarov