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Majed Al Zeer

From the Director

This edition follows the US declaration on Wednesday the 6th of December to recognise Jerusalem as the capital of Israel in accordance with the Jerusalem Embassy Act adopted by Congress in 1995. Using the Israeli parliament's location as an excuse, President Trump declared that he was only 'acknowledging the obvious... [and that] this is nothing, more or less than, a recognition of reality.' Almost 70 years after the establishment of the State of Israel, the Zionist policy of an iron wall continues to be implemented as it continues to devour Palestinian land and wreck the rights of Palestinian people.

Trump's move contravenes six Security Council Resolutions, which condemn Israeli efforts at changing the status of Jerusalem. Most importantly, Trump's decision to move the embassy to Jerusalem goes against Security Council Resolution 478 (1980), which decides not to recognise Israel's basic law, and calls upon all member states that have established diplomatic missions at Jerusalem to withdraw. Moreover, the declaration contravenes a more recent Security Council Resolution 2334 (2016) which reaffirms that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem has no legal validity and constitutes a flagrant violation under international law.

In the wake of such a declaration, the weaknesses of international mechanisms when it comes to the Palestinian-Israeli conflict were brought to light, as the US veto to Egyptian-led Security Council resolution which was voted for by the 14 remaining members of the Security Council demonstrates the degree to which the United States will offer its persistent support to the State of Israel regardless of its blatant contravention of international law and human rights.

Despite the UN General Assembly resolution 11995 on the status of Jerusalem which was voted in favour by an overwhelming majority of 128 states, the numerous protests which occurred all around the world, the international community failed to exercise any definitive punitive measures that would ensure the US's withdrawal of its unlawful declaration and Israel's compliance with international law, and past Security Council resolutions that urge its respect of Jerusalem's status.

The incessant land grab, continuous construction of numerous new settlements and the blatant announcement of the irreversible judaisation of Jerusalem as the capital of Israel, is emblematic of Israel's utter disregard for a just peace process, built on fair foundations.

Despite the brutal battle Israel has waged against Palestinian self-determination by declaring Jerusalem as its capital, this Journal edition



seeks to remind us of the almost forgotten Palestinians, the refugees scattered across the Middle East with no protection mechanisms or overarching authority. The multi-dimensional aspects of Palestinian suffering necessitate that we give equal weight to the plight of the Palestinian individual and the larger political struggle of the nation.





Sameh Habeeb

From the Editor

The Journal of Palestinian Refugee Studies continues to shed light on the situations of Palestinian refugees in the Diaspora. With UNRWA's strength waning, funds dwindling, and very existence under threat, it is of utmost importance that the Palestinian Return Centre gives voice to the voiceless Palestinian refugees around the world.

Therefore, the theme of this edition is to offer insight into the conditions of Palestinian refugees in Egypt and Iraq, which fall outside of the UNRWA mandate. A number of writers offer different takes on the situations of Palestinian refugees in those two countries, covering their history, living conditions, and the protection gaps they are forced to endure.

Mohammad Wesam Amer is a Post-Doctoral Researcher at Newcastle University. His article 'Palestinian Refugees in Iraq: Unsteady Situations,' introduces the lives of Palestinian refugees in Iraq. Amer looks at the history of Palestinians seeking refugee in Iraq, their numbers, legal status, and contrasts their favourable living conditions during Saddam Hussein's regime, to the sectarian violence that they faced from the Iraqi government and militia groups following the US-led invasion.

Nasim Ahmed in 'The Plight of Stateless Palestinians Should Not be Forgotten' reiterates the importance of respecting the rights of stateless people and minority communities. Ahmed cites the sectarian violence endured by the Palestinian refugees in Iraq following the US invasion and sheds light on the struggles of Palestinian refugees doubly displaced from Iraq into Syria, following the invasion.

Brennan Baylis has an MA in African Studies from SOAS, her academic and profession experience focuses on refugees, particularly those from Africa's Great Lakes Region and the Occupied Palestinian Territories. In her article, 'Protection Gaps and Border Camps: The Forgotten Palestinians in Iraq,' Baylis critiques the current Iraqi government for failing to protect Palestinian refugees. She also discusses the protection gaps resulting from the UNHCR, UNRWA mandates and argues that Palestinian refugees in Iraq cannot benefit from UNHCR properly as they cannot enjoy UNHCR's three principle long-term solutions. She concludes her article by offering numerous suggestions on how to improve the vulnerable situations of Palestinian refugees in Iraq as well as those stranded at its borders.

Ibrahim Naem is a Palestinian freelance journalist and translator. In 'Iraq War and Sectarian War against Palestinian Refugees in Iraq: Detention and Torture of Palestinians in Iraqi Jails' Naem provides evidence of the human rights violations and crimes perpetrated by US troops, sectarian



militias and Iraqi security forces against the Palestinian refugee community including arbitrary detention, killing, and torture. Naem believes that the Sunni Palestinian refugees are made to pay the price of every attack against the Shia majority.

Alaa Barghouth is a Palestinian journalist and researcher. His article: 'The Iraqi Palestinians: A Historical Review' offers a concise account of Palestinian refugees' living situations in Iraq, the human rights violations which they suffer from not only in Iraq but also in the countries that UNHCR has resettled them into such as Italy. Barghouti concludes by urging relevant parties to pressurise the Iraqi government to ensure its protection of Iraqi Palestinians. He also stresses the importance of the PLO's role in protecting Palestinian refugees.

Hannah Bowler previously worked as a researcher for the Palestinian Return Centre. In 'The Suffocation of the Gaza Strip: the Protracted Closure of the Rafah Crossing and its Impact on Building a Successful and Self-sustaining Society' Bowler argues that the unlawful blockade has created dependence on the Rafah crossing that links Egypt and Gaza. Bowler believes the erratic history of the crossing, and its incessant closure has undermined the prospects of establishing a stable state, developing economically, and creating a thriving cultural society due to the effects the world's largest open-air prison has on stifling ambition and perpetuating feelings of hopelessness and defeat.

Finally, Laila Taha is a freelance Palestinian journalist and writer from Gaza. Her article on 'Palestinians from Egypt' discusses naturalisation issues, specifically those related to Palestinians born to Egyptian mothers whom were naturalised but later on had their citizenship revoked. Taha believes that granting Egyptian citizenship to Palestinian refugees born to Egyptian mothers will help facilitate their lives in Egypt, and would provide a means of escaping war for those Gazans who succeed in obtaining the citizenship.





**Mohammed
Wesam Amer***

Palestinian refugees in Iraq: Unsteady Situations

1. Introduction

There are Palestinian refugees all over the world and their right to return has always been declined and refused by Israel and most world powers. This leads to many Palestinian refugees living in severe situations in many places in Arab and non-Arab countries. In specific, this article addresses and describes different situations of Palestinians in Iraq. It starts with statistics and numbers of Palestinian refugees in Iraq. It then tackles the historical background of Palestinians seeking refuge in Iraq, and the treatment of Palestinians during and after Saddam Hussein's regime. This report deals mainly with information compiled from literature across many online sources on Palestinian refugees in Iraq.

2. Statistics and Number of Palestinians in Iraq

There are some statistics on the number of Palestinians in Iraq. As such, we do not have an accurate number of Palestinian refugees registered in Iraq. This is because Palestinians came or immigrated to Iraq at different times as we can see in section (3).

The number of Palestinians in Iraq who were assisted by UNHCR (2017) is 9,250. Before the US-led invasion of Iraq and the collapse of Saddam regime, the number of Palestinian refugees was approximately 35,000 (Harper, 2008). This means that number of Palestinians in Iraq was higher in Saddam's era than the number after the occupation of Iraq mainly by the US-led invasion. (Campbell, 2008) states that "several thousand more have dispersed throughout the world in search of protection and are concentrated in places like New Delhi, Cyprus, and Malaysia". Human Rights Watch (2006) claims that "the security of the approximately 34,000 Palestinian refugees in Iraq has drastically deteriorated since the fall of the Saddam Hussein's government in April 2003".

3. Historical Background to Palestinian Immigration to Iraq

The presence and immigration of Palestinians in Iraq can be divided into three successive waves after being uprooted by three different wars –1948, 1967 and 1991. The first wave dates back to 1948. The Iraqi army, which fought in Palestine during the 1948 war returned to Iraq

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with a group of Palestinians fleeing their homes. “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” (Human Rights Watch, 2006).

This group fled first to Jenin following attacks carried out on their villages. In Jenin, they met up with the Iraqi army that was stationed in the area at the time. Women and children were evacuated by the Iraqi army to Iraq in 1948. The men were incorporated into a special unit within the Iraqi army known as the “Carmel Brigades”. The brigade, having numbered 4000 at the time, entered Iraq in 1949 following the Iraqi army’s withdrawal from Jenin (Lifos, 2014: 5).

The second wave is back to the 1967 war with Israel and was considered the second largest wave of Palestinians seeking refuge in Iraq (Human Rights Watch, 2006). The third and final wave occurred in 1991 after the Iraqi invasion of Kuwait, when those Palestinians living in Kuwait fled or were expelled because of Palestinian leadership’s support of Saddam Hussein, i.e. “when Yasser Arafat’s public support for the Iraqi invasion of Kuwait inflamed anti-Palestinian sentiments” (Human Rights Watch, 2006:8).

According to representatives at the Palestinian Embassy in Baghdad Palestinians residing in Iraq today are either refugees from 1948 or 1967. Palestinians who came from Kuwait following the Gulf War in 1991 have all left the country. The majority originated from Gaza and Lebanon (Lifos, 2014: 5).

4. Legal Status and Living Situations of Palestinians in Iraq

1. The 1951 Geneva Convention

Palestinians in Iraq are not protected according to the 1951 Geneva Convention because Iraq is not a signatory of this convention (see Crisp, 2005:34). Thus Palestinians have no official status as refugees by Iraqi authorities. Iraq has not given the United Nations Relief and Work Agency (UNRWA) any permission to work in its territories (Charles, 2012). Consequently, Palestinian refugees in Iraq fall under the responsibility of the UNHCR (2007).

2. The Casablanca Protocol of the League of Arab States in 1965

The Iraqi government has given Palestinian refugees protection and assistance according to the Casablanca Protocol of the League of Arab League in 1965 (see Khaled al-Aza’r, 2004). This means that Palestinian refugees were never recognized officially as refugees by the Iraqi government. The Iraqi government granted them a five-year residency permit as well as travel documents. This recognition of Palestinian refugees has been treated differently as Iraqi governments changed, as we will see in the next sections.

3. Palestinian Refugees in Saddam Hussein’ Era/Rule

The treatment of Palestinians in Iraq can be divided into two-time periods: before 1990 and after 1990. The first period refers to the time before 1990 and before the Iraqi invasion of Iraq in 1991. This refers mainly to the time before the UN sanctions on Iraq (1990-2003) (see Chatelard, 2004).

During that time, Palestinians were treated by and large equitably (Human Rights Watch, 2006)



under Saddam Hussein's regime. For example, Palestinians received full access to governmental services, e.g. healthcare and education and permission to work (World Health Organization, 2013). They were also provided with government-owned housing or subsidized rent in privately-owned houses" (Human Rights Watch, 2006). Also, the government issued special travel documents for Palestinian refugees. By utilising such documents, Palestinians in Iraq were able to travel within Iraq, but not outside the country.

The fact that certain segments of Iraqi society still regard Palestinians as supporters of the Saddam era further contributes to their vulnerability. The good treatment of Palestinians has not continued for a long time.

The second period refers to the time of UN sanctions on Iraq between 1990 and 2003. In that time, the Palestinians suffered a lot. For example, the Iraqi regime did not allow Palestinians to invest into any kind of entrepreneurial businesses in Iraq. They were asked to get certain permissions when getting married. They were also not allowed to work in sensitive security services. "The Palestinians were also trapped inside Iraq because of the UN sanctions did not allow air travel to and from Iraq and because Iraq's neighbours did not allow the Palestinians to enter their countries" (Human Rights Watch, 2006).

Although Palestinians were issued travel documents, they were not granted an Iraqi citizenship as is the case in all Arab countries (see Lifos, 2014: 7). "Palestinians were permitted to work, attend educational institutions, and enjoyed freedom of movement; however, they could not own property or acquire citizenship" (Campbell, 2008).

4. Palestinian Refugees after US Occupation of Iraq in 2003

The US invasion and occupation of Iraq and the fall of Saddam Hussein's regime in 2003 has been reflected on Palestinians living in Iraq. "The precarious situation of Palestinians in Iraq was revealed starkly after the US invasion, and their preferential treatment, much of which was more apparent than real, made them targets for reprisals" (Zidah, Rafeef, 2007). Wengert and Alfaro (2006:1) claim that "in the aftermath of wars [in 2003], Palestinians, like the Iraqis among whom they live, have witnessed dramatic declines in their standards of living". For example, Palestinians in Iraq were subject to discrimination, sectarian violence and ruthless killing by the Iraqi government and various militia groups (see Human Rights Watch, 2006).

As a result, Palestinians were subjected to harassment, targeted attacks, kidnappings as well as extra-judicial killings which were predominately carried out by Shi'a militias. Hundreds of Palestinian families were also forcibly evicted from government and privately owned housing by groups of armed militia as well as landlords who had received minimal rent from the government and who no longer felt obliged to grant subsidized housing. Palestinian neighborhoods such as al-Doura, al-Hurriyya and al-Baladiyyat in Baghdad were also bombarded and attacked (see iDMC, 2008).

"After the invasion in 2003, hundreds of Palestinian families in Iraq were evicted from their homes by landlords who had been forced to grant subsidized housing to them. They then had to go through a humiliating process of renewing their residence permits. These refugees were born in Iraq, lived their entire lives in the country yet had to apply for residency regularly with no guarantee of receiving it. A lack of valid residency documents in today's Iraq puts one at risk of arrest at checkpoints" (Wengert and Alfaro, 2006).

Such treatment has affected the lives of Palestinians in Iraq and made some of them flee their

homes and the country. They moved to and lived in camps in Jordan, Syria and/or other countries where it was possible to move to (see Lifos, 2014: 8). The next section sheds lights on some of the camps where Palestinians lived.

5. Camps of Palestinian Refugees

Palestinians moved to some camps in the neighbouring countries. “ They have no country to go to, no valid travel documents, no protectors inside Iraq, and hardly anyone prepared to support them outside either” (Campbell, 2008) They lived in a bunch of temporary camps inside the neighbouring countries or are stranded on the borders with Iraq.

Suleiman, Jaber (2007) highlights some of these camps that can be summarized in the following points:

- Al-Hol camp: located near Al-Hassaka province in northern Syria. This camp was setup in May 2006 when the Syrian government allowed a number of Palestinian refugees (around 260) to enter its territory, provided them with temporary shelters in the mentioned area, and granted them the necessary human assistance.
- Al-Tanaf camp: located in the neutral area on the Syrian-Iraqi border. According to the United Nations High Commissioner for Refugees (UNHCR), more than 356 Palestinians are now stranded in tents prepared specifically for that purpose and they live under harsh living conditions. Those Palestinians never got the permission to enter Syrian territory.
- Al-Walid camp: located to the Iraqi side of the Iraqi-Syrian borders provides shelter to nearly 420 Palestinians who started to fill it up as of December 1st, 2006 according to UNRWA. Refugees living in this area are denied any access to Al-Tanaf camp and UNRWA is unable to reach them. It is the UNHCR and the International Red Cross that offer the Palestinians of this camp some livelihood services, next to the assistance they receive from the chiefs of some tribes residing nearby.
- Al-Ruweished camp: located on the border with Jordan. On the eve of the war on Iraq, the residents of this camp accounted for 2000 Palestinian and non-Palestinian refugees. In January 2007, only 119 were still living there including 97 Palestinians only. In fact, the UNHCR made sure to settle the majority of those Palestinians in other countries such as Canada, New Zealand and Australia. Next to the UNHCR, a Jordanian governmental charity organization offers humanitarian assistance to those refugees. Lately, the Jordanian government extended the deadline granted to the UNHCR in order to find a permanent solution to those refugees through their settlement in other countries.

6. Conclusion

This article articulated the number of Palestinian refugees in Iraq mainly before the invasion of Iraq in 2003. It then exposes the treatment of Palestinians in Iraq during and after Saddam Hussein’s regime showing the different living situations of Palestinians, and demonstrating the reasons behind the difference in treatment following the US invasion in 2003 and the fall of Saddam Hussein’s regime. Although, the security situation for Palestinians in Iraq has improved since 2007 in general, “there are no indications that would suggest that the Palestinian population is facing any direct threats that would single them out from any other minority group” (Lifos, 2014: 15). This led Palestinians to feel marginalized by the escalating sectarian tension, which in turn affects their security and safety while living in Iraq.



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Nasim Ahmed

The plight of stateless Palestinians should not be forgotten

The plight of stateless people and minority communities has been brought into sharp focus over the past few years. Whether it is the Muslim Rohingya in Myanmar who are facing a genocidal campaign led by militant Buddhist monks or the Yazidi's in Iraq facing extermination at the hands of militant Muslims, global attention has been focused like never before over the cloud of fear and vulnerability faced by communities denied the full protection of the state.

With levels of violence unseen in recent years, few would include the plight of Palestinians amongst those experiencing the kinds of fears and vulnerabilities endured by marginalised and statelessness communities. Events around the world have overtaken their cause. But their plight is one of the longest if not the most shocking example of the vulnerabilities and cycles of violence experienced by stateless people.

I got to see this first hand during a parliamentary delegation to Syria in November 2009. The cross party delegation, whose member included the current leader of the Labour Party, Jeremy Corbyn, was organised by the London based advocacy group, the Palestinian Return Centre, to address the plight of Palestinian refugees fleeing sectarian violence and persecution in Iraq.

The plight of over 30,000 Palestinians had been nothing more than a footnote in the disastrous US led invasion of Iraq in 2003, but we were optimistic of being able to raise awareness of their plight and find a temporary solution.

The stateless Palestinian community became an easy target in the sectarian conflict that ensued in Iraq. Expulsion of Palestinian refugees from their homes began almost as soon as the US-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.

Over half were reported to have fled the country in the immediate aftermath. Those who were fortunate to flee from murder, abduction, hostage-taking, arbitrary detention, and torture escaped to neighbouring countries using forged passports, those that were not so fortunate, found themselves stranded in inhospitable desert camps between the borders of Iraq and Syria.

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For thousands of Palestinians, history was repeating itself as they found themselves in another cycle of violent displacement, expulsion and relocation. The less fortunate were housed in three separate refugee camps coordinated by the United Nations High Commissioner for Refugees (UNHCR). The conditions they faced were extremely depressing. The tented camp in the desert was overcrowded and many people suffered crippling disease and illness. For those needing medical care, the nearest hospital was a soul shattering four hour drive through roads vulnerable to attacks from armed groups. There were no schools and essential provisions were at a minimal.

Our delegation visited Al Tanaf refugee camp, located in the south eastern side of Syria, within five kilometres of no-man's land. The camp was 110 miles from Damascus and sheltered 630 Palestinian refugees from Iraq in a very narrow strip wedged between concrete walls. It was initially set up in May 2006 when a group of 389 Palestinians fleeing persecution in Iraq went to the Syrian border but was refused entry by the authorities. It continued to grow as more and more Palestinians fled persecution in Iraq.

Our immediate impression when visiting Al Tanaf was its distance from any major towns. It took us three and half hours to reach the campsite from Damascus. This created major problems for residents especially those with children, women and the elderly. Hazards, we were told were everywhere, especially for the children. Heating and cooking systems in the tents regularly caused fires that destroy tents because residents needed to burn kerosene for cooking and heating. We met a mother who told us that her one year old child had died as a result of a fire in the camp.

Most of the inhabitants of the camp arrived from different parts of Baghdad after harrowing tales of terror and intimidation. Many of the camps residents described to us the horrific events that forced them to flee Iraq and left them traumatized. Some had been kidnapped and tortured. Others had relatives who had been abducted, mutilated and killed. Many spoke of armed militia cutting off ears, gouging out eyes, pouring acid over the head of captives.

Everyone we meet in the camp told harrowing stories about their expulsion from Iraq. While many endured terrible persecution it was clear that the psychological strain of coming to terms with their violent persecution in Iraq and their new reality was the most heart-shattering. One could have assumed that the Palestinians that were targeted and driven out of Iraq were poor but the story of Sheikh Muhamed, the imam of the camp mosque, showed that violence in Iraq was indiscriminate and no Palestinian, irrespective of their social class and standing were protected.

Sheikh, a refugee from the first expulsion in 1948, was an accountant for an import export company from 1958-2005. He described how his two sons were hanged and shot by Sadrs army because they were Palestinians. Even though he owned his own home he was driven out with the other members of his family. He told us that every family in the camp were driven out either because someone in their family was killed or they were threatened to be killed.

Our delegation worked tirelessly, meeting with Syrian government officials and UN refugee agencies to draw up a relocation plan for the refugees. To its credit, the government of Syria had allowed thousands of refugees to be housed in their country but their conduct against their Palestinian guests during the Syrian peoples uprising once again highlighted the precarious situation faced by stateless Palestinians.

The insecurities that come with statelessness as a daily experience for millions of Palestinians, not only in the occupied West Bank and Gaza but also for countless Palestinians in the diaspora. Blaming Palestinians is a common feature in the Middle East during political unrest and instability. It happened before in Iraq, Libya and Kuwait.



Most recently the insecurities of being stateless were violently felt again by half a million Palestinians in Syria. As the Syrian uprising was taking shape in 2011, security forces began to accuse Palestinians in refugee camps for the unrest. This triggered alarm bells for the Palestinians in Syria who up till then had enjoyed a relatively comfortable time. Given their history in the region, they knew they were the most vulnerable group and therefore open to persecution and abuse. Their fate became ominous as soon as Syrian state security services began to scapegoat Palestinians for the uprising. Desperate attempts were made to place the blame on Palestinian refugees for the early protest in places like Daraa, Southern Syria.

Accusing Palestinians for inciting protest and violence became routine on Syrian TV. In a press conference on the 26th of March 2011, Bothaina Shaban, Media and Political consultant for President Bashar al Assad held Palestinian groups in Al Raml refugee camp responsible for the commercial buildings' sabotage. She also accused them of initiating what she described as "conspiracy project". This was the first statement from a high ranking Syrian official which indicated clearly that Palestinians are behind the protests. The claim that Palestinian refugees in Daraa were behind the protests quickly vanished, however, as protests swept across other Syrian cities and villages not inhabited by Palestinians. Hundreds of thousands of Palestinians, like their Syrian brethren's were once again forced to flee.

For the thousands that fled to neighbouring countries, the burden of being stateless hung like a dark cloud. For example in Jordan where many fled to escape the violence, there was clear discrimination against Palestinian refugees, many of whom had become displaced two or three times in a single life. Syrian Nationals were allowed to enter Jordan following identity and security checks, however, Palestinians were not granted the same privilege and instead they were kept apart and held in detention centres. Many families had been separated because of this kind of discrimination.

The conditions we witnessed during our trip to Syria and the accounts of refugees fleeing Syria during the uprising in 2011 highlighted, once again, the ongoing insecurities faced by Palestinians due to their statelessness. Our experiences led us to believe that there is a failure on the part of the international community to address the unique situation faced by Palestinians. Generations of Palestinians have not experienced the security, safety and privilege of having full protection under a state. No other community have faced decades of insecurity as they have. The human right of all refugees is to have guaranteed international protection, and equally important, a permanent solution. The solution envisaged in international law for all the Palestinian refugees is to return to their land in Palestine, which Israel has blocked for over six decades.





**Brennan
Baylis***

Protection Gaps and Border Camps: The Forgotten Palestinians in Iraq

Of the approximately 34,000 Palestinians believed to be living in Iraq before the Iraq war, only some 10,000-15,000 remain in country or in border camps, stuck in legal limbo.¹ Unprotected by the Iraqi government and the Iraqi Multi-National Force (MNF); turned away for resettlement by neighboring countries; and falling through legal cracks in international refugee law – these stateless Palestinians have been failed and forgotten.

Palestinian Refugees in Iraq: History and Scope

Palestinian refugees came to Iraq in several waves. The first group of about 5,000 came from Haifa and Jaffa in northern Israel in 1948 when the Arab-Israeli conflict caused large-scale displacement throughout the region, while the second wave from the Occupied Territories arrived after the 1967 Arab-Israeli War. This first group in 1948 also consisted of Palestinians whose villages were compulsorily drafted by invading Iraqi army, and were allowed to resettle in Iraq. A third group arrived soon after the Gulf War in 1991 when many Palestinian refugees were forced to leave the Gulf, particularly Kuwait.²

Before the Iraq War in 2003, these 34,000 refugees enjoyed a relatively high status of social, cultural, and economic rights. Despite the fact that Iraq has never ratified the 1951 Convention relating to the Status of Refugees, Saddam Hussein's government extended them various privileges and a wide access to services. They were issued easily renewable five-year residence permits and special travel documents – as well as having full access to social services like education and health.³ Most all Palestinians lived in state-owned apartments, or in privately owned apartments where rent was subsidized by the Iraqi government. They were excused from military service, and Palestinian students were occasionally awarded generous scholarships to attend universities.⁴ Iraqi law No 202 passed by the Iraqi Revolution Leadership Council in 2001 called for the equality between Palestinians living in Iraq and Iraqi citizens with respect to all rights with the exception of the right to acquire Iraqi citizenship or passports.⁵

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However, the Iraqi government never formally recognized these Palestinians as refugees. Instead they were protected by the Iraqi authorities based on agreements and resolutions of the League of Arab States, in particular the 1965 Protocol for the Treatment of Palestinians in Arab States – the Casablanca Protocol.⁶ The League of Arab States (LAS) Council created this protocol in a time when Palestine and Israel were affected by consistent conflict with each other, rousing the LAS to create a plan for assisting Palestinians who fled Palestine in the midst of Israeli brutality and war. The Protocol had several tenants:

Whilst retaining their Palestinian nationality, Palestinians currently residing in the land of have the right of employment on par with its citizens.

1. Palestinians residing at the moment in in accordance with the dictates of their interests, have the right to leave and return to this state.
2. Palestinians residing in other Arab states have the right to enter the land of and to depart from it, in accordance with their interests. Their right of entry only gives them the right to stay for the permitted period and for the purpose they entered for, so long as the authorities do not agree to the contrary.
3. Palestinians who are at the moment in, as well as those who were residing and left to the Diaspora, are given, upon request, valid travel documents. The concerned authorities must, wherever they be, issue these documents or renew them without delay.
4. Bearers of these travel documents residing in LAS states receive the same treatment as all other LAS state citizens, regarding visa, and residency applications.⁷

The Republic of Iraq, as a major signee of the Casablanca Protocol, essentially held up all these principles in regards to its treatment of Palestinian refugees during most of Hussein's rule. However, these Palestinian refugees began to suffer during the period of UN sanctions on Iraq from 1990-2003. Hussein's Revolution Command Council decided that Palestinians were no longer allowed to invest in companies or in any kind of entrepreneurial businesses. Marriage between Iraqis and Palestinians was restricted, and Palestinians were no longer allowed to live near international borders nor work in security sensitive areas. The UN sanctions also trapped Palestinians in Iraq because the sanctions had stopped air travel to and from Iraq, and because Iraq's neighbors did not allow Palestinians to enter their countries.⁸ It would only get worse.

2003 Iraq War

With the American invasion of Iraq, and the fall of the former regime in April of 2003, Palestinians were left particularly vulnerable due to their uncertain legal status. Resentment that had been building up for decades over the Palestinians' special treatment by the Ba'athist regime led many segments of the Iraqi population to lash out against them. They were stereotyped as supporters of Saddam Hussein and as primary candidates for the insurgency.⁹ Palestinian families were evicted from their homes by landlords who were resentful for having been forced by the former regime to house subsidized Palestinian tenants at rates lower than normal. Palestinians were randomly arrested, forcibly evicted, detained, kidnapped, tortured, beaten, and killed by the Iraqi and



multinational security forces – and occasionally US occupation troops – on suspicion that they may have supported Sunni insurgent groups.¹⁰ Many Iraqi Shi'a resented the privileged treatment of Palestinians during Hussein's rule and so the Mahdi Army and Badr Organization (the military wings of the two largest Shi'a political groups) consistently committed the abovementioned human rights abuses against Palestinian refugees in the years following.¹¹

Whereas in the past Palestinians had very little trouble getting residency status, the Ministry of Interior started to require Palestinian refugees to obtain only short-term residency permits – which in a sense treated them more like non-resident foreigners instead of residents of refugee status. It became extremely difficult to obtain and renew the permits, now requiring all family members to come to the Ministry of Interior offices.¹² The process of renewal would normally take days or even weeks, and the new permits were only valid for one or two months. Many Palestinians began to report violence and abuse – and even confiscation of their documents – when reporting for residency renewal.

The situation only got worse after the bombing of the Shi'a shrine in Samarra on 22nd of February 2006 (for which no group has yet claimed responsibility).¹³ The attack sparked rife sectarian violence in Iraq between the two different Muslim groups, which led to a civilian death count in the thousands. Hatred for Palestinians increased until eventually many attempted to flee to Jordan in March of 2006. When Jordan refused them entry, they were stranded at the border for two months until Syria agreed to take in the 305 people – including more and a hundred women and children.¹⁴ That April, while these Palestinians were waiting at the Iraq-Jordan border, the highest Shi'a spiritual leader in Iraq, Ayatollah Sistani, issued a fatwa that forbid all attacks on Palestinians and called on Iraqi authorities to protect them.¹⁵ Unfortunately, the fatwa had little effect, and violence against Palestinians continued, although maybe to a slightly lesser degree.

“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 Africa¹⁶

UNHCR/UNRWA: Mandates

The United Nations High Commissioner for Refugees (UNHCR) is a UN program mandated to protect and support refugees, either on its own or at the request of a particular government. It was established in January of 1951 by the UN General Assembly resolution 319 (IV).¹⁷ The creation of the UNHCR represented an endeavor by the international community during the 20th century to provide assistance to refugees. The UNHCR was initially given a temporary three-year mandate with the primary goal of helping resettle 1.2 million European refugees left homeless by the Second World War.¹⁸ However, given the increase of the refugee crisis, the mandate was extended every five years until 2004 when the temporal limitation was done away with by the General Assembly. The UNHCR's three principle solutions are as follows:

1. Voluntary repatriation to and reintegration in their homeland in safety and dignity
2. Integration in their countries of asylum
3. Resettlement in third countries¹⁹



Palestinians who fall under UNHCR's mandate include Palestinians who are "Palestinian refugee," which is by their definition; those who were displaced from the part of Palestine which became Israel who have been unable to return there; Palestinians who are "displaced persons" – those who have been unable to return to the Palestinian territories occupied by Israel since 1967; and a third group who are neither "Palestinian refugees" nor "displaced persons" by definition but who, due to a legitimate fear of being persecuted, are outside the Occupied Palestinian Territories (OPT) since 1967 and are unable to averse to return there.²⁰

The UN General Assembly Resolution 302 (IV) established the UN Relief and Works Agency for Palestinian Refugees (UNRWA) on 8 December 1949 following the 1948 Arab-Israeli conflict.²¹ Its aim was to provide direct relief and works programs for Palestinian refugees, and similar to UNHCR, started with a temporary mandate that was continuously renewed, most recently extending it until 30 June 2017. Those Palestine refugees who fall under UNRWA's mandate are those "persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict."²² The descendents of Palestine refugee males, including legally adopted children, are also eligible for registration with UNRWA.²³

UNHCR/UNRWA Protection Gap

One of the biggest issues with Palestinian refugees seeking refuge in Iraq is the crack in international protection mandates within which they fall. As addressed above, UNHCR works within the confines of the 1951 Refugee Convention – it is the key legal framework of the agency and forms the basis of UNHCR's work.²⁴ The Convention, ratified by 145 states, defines the term "refugee" and outlines their rights, as well as the legal obligations of those states to protect them.²⁵ In contrast to earlier international apparatuses to assist refugees of which applied to specific groups of refugees, the 1951 Convention promoted a single definition of the term "refugee" in Article 1.²⁶ The Republic of Iraq is not one of the 145 states to ratify the 1951 Refugee Convention, demanding no legal obligations from Iraq in regards to Palestinian refugees.

Worth noting is the fact that under article 1D of the 1951 Refugee Convention UNHCR's mandate excludes refugees who are "at present receiving" protection or assistance from another UN agency – other agencies like UNRWA.²⁷ That would be sufficient for the protection of Palestinian refugees in Iraq only if UNRWA worked in Iraq – however, it doesn't. UNRWA only operates in Jordan, Syria, Lebanon, and the OPT. UNRWA generally does not register refugees without government consent, even if they meet the criteria. On the UNRWA website it states that "UNRWA services are available to all those living in its areas of operations who meet this definition who are registered with the Agency and who need assistance." So in this case, when the agency designed specifically for Palestinian refugees does not work in Iraq, UNHCR is mandated to serve those refugees who are not receiving "assistance from other UN agencies" under virtue of paragraph 2 of Article 1D of the 1951 Refugee Convention.²⁸ UNHCR has been able to assist some Palestinian families who, for example, who have been evicted from their homes in Baghdad, however working with a state that has not ratified the Convention from which UNHCR operates makes work in Iraq difficult.

But despite being under UNHCR's mandate, Palestinian refugees in Iraq do not seem to be able to fit into any of UNHCR's three principle long-term solutions discussed above:

- 1) *Voluntary repatriation to and reintegration in their homeland in safety and dignity* is near impossible as Israel consistently denies Palestinians the right to return to Israel or the



Occupied Palestinian Territories. The State of Israel has previously accused UNRWA of “perpetuating the Palestinian refugee problem” by allowing Palestinian refugees to carry their refugee status to their future offspring.²⁹ If Israel had accepted the right of return that was given to Palestinian refugees in the UN General Assembly Resolution 194 (1948)³⁰, then repatriation would be a solution to the Palestinian refugee problem in Iraq.

- 2) ***Integration into their countries of asylum***, in this case of Iraq has not proved to be a viable solution after 2003 as they have been subjected to various human rights violations such as murder, torture, kidnappings, beatings, lack of access to travel documents, lack of access to jobs, and much more. Widespread sectarian violence has targeted Palestine refugees in Iraq since 2003, and even more so since the bombing of the Shi’a holy shrine in 2006. Amnesty International catalogued a number of specific instances of kidnapping, torture, and murder in a 2007 report titled *Iraq: Human Rights Abuses Against Palestinian Refugees*. The report notes that “scores of Palestinian refugees in Iraq have been killed since the US-led invasion in 2003...most were abducted by armed groups and their bodies found a few days later in a morgue or dumped in a street, often mutilated or with clear marks of torture.”³¹ It’s no surprise then that in an UNHCR report, it noted that the current situation in Iraq is such that “effective protection in the country is generally unavailable.”³² UNHCR has on a number of occasions called on the Iraqi authorities to provide legal protection and increased security for Palestinians in Iraq.³³ Although their security situation has gotten better in recent years, most of the refugees still feel fearful and mistrustful of returning to their former communities in Iraq. Integration into Iraq since the fall of Hussein’s reign has proven to be an unviable solution to the refugee situation.
- 3) ***Resettlement into third countries***, or their attempt to resettle into third countries, has left many Palestinian refugees in Iraq stuck in border camps along the Jordanian and Syrian borders. Neighboring countries like Jordan, Saudi Arabia, Kuwait, and Syria refuse (with a few exceptions) to admit them. In 2003, when attacks against Palestinians became rife, many attempted to cross into Jordan. Jordan initially blocked the border for Iraqi Palestinians, only later allowing a few hundred into a barren and isolated al-Ruwaishid refugee camp about eighty-five kilometers inside Jordan from the Iraqi border.³⁴ Al-Ruwashid camp was so horrendous that many returned to Iraq to brave the dangerous conditions rather than remain in the camp. In spring of 2006 after violence against Palestinians escalated after the bombing, over 200 Palestinians were stuck on the Iraqi side of the Jordanian border – and when Jordan refused to let them into Jordan, Syria allowed these Palestinians to cross into Syria.³⁵ They allowed these 200 into Syria after a request from the Palestinian Authority’s foreign minister, but again closed its borders to Palestinian refugees immediately afterwards. Despite Syria’s history of providing shelter and services for Palestinian and Iraqi refugees, the Syrian government has for the most part refused entry to Palestinians coming from Iraq since 2003.³⁶ Palestinians from Iraq have found themselves living in harsh conditions in Syrian border camps such as al-Tanf and al-Hol camp.

Suggestions

The reality of the situation of Palestinian refugees in Iraq seems hopeless. They can no longer return to their homeland, because the Israeli state has not only invaded and taken over their country in the last seventy years, but they have refused Palestinians their right to return to a land that was once their home. The land in which those who fled took refuge has turned not only their backs on them since the Iraq War, but have also abused and mistreated them. Surrounding Arab



countries have refused them the opportunity for a third home. In addition, the international community including the UNHCR and UNRWA, have allowed this group of Palestinian refugees to be forgotten, to slip through the cracks in refugee law, to give up hope for a viable solution to their vulnerable situation.

Regardless of the fact that the Republic of Iraq is not a signatory to the 1951 Refugee Convention, they must ensure protection for all Palestinians in the country, especially those who are at risk of abuses by armed groups or other religious sects. To the Syrian and Jordanian governments: they must allow Palestinian refugees who wish to leave Iraq to enter their country, without fear of being stuck in a squalid border camp. Historically, both countries have been sympathetic to Palestinian refugees, and this past attitude must be applied to this specific group of particularly vulnerable Palestinian refugees. In alignment with international law, they are obligated to allow entry to those seeking protection from persecution. The legal status of Palestinian refugees in Iraq must be clarified. The state of Israel has refused to accept returning Palestinians, while the Republic of Iraq has made the process of issuing and renewing residency and travel documents for them. Their right to freedom of movement must be guaranteed by one of these states. The Arab League must also assume responsibility for these refugees – to call upon member states to help host this group by virtue of the Casablanca Protocol, and to urge Iraq to provide a safe and respectable environment for the Palestinian refugees to live. The Arab League did assist in 2008 by signing a tripartite agreement with UNHCR and the Government of Sudan to relocate refugees (on a voluntary basis) to Khartoum.³⁷ However, under this agreement, Palestinian refugees relocated to Sudan would be given residency permits but not citizenship or a passport, and “since Palestinians will not enjoy security of residence, they may again be subjected to expulsion and dispossession.”³⁸

In addition, other Arab States, especially to those who are signatories of the Casablanca Protocol, should actively work with UNHCR and UNRWA in resettling Palestinian refugees in communities that are willing to host these refugees in a dignified manner. The European Union and the international community must collectively commit to a solution for these refugees. The United States of America must recognize their involvement in the downfall of these Palestinians in Iraq, not only in their invasion of the country but also in the violence against refugees committed by American troops against Palestinians. A UNHCR report notes that “given the lack of required collective commitment from the international community, all UNHCR, UNAMI and UNRWA’s attempts to improve the protection of Palestinians in Iraq... have, so far, yielded no significant results.” It is time for this group to stop being forgotten by the international community.

The UNHCR and UNRWA must coordinate and better organize their assistance of this particular group of Palestinian refugees from/coming from Iraq. These refugees have tended to fall into the gap between the two agencies’ mandates, and this has been detrimental to their safety and wellbeing. For example, Syria and Jordan are countries that fall within UNRWA’s area of operations, and as discussed above, Palestinians registered by UNRWA would fall outside of UNHCR’s competence (paragraph 1 of Article 1D, Refugee Convention). Despite falling under UNRWA’s mandate in the refugee camps on the borders, these Palestinians in these camps are not registered nor assisted by UNRWA, and therefore fall under UNHCR’s mandate (which they did while inside Iraq). UNHCR and UNRWA must be urged to reinforce their coordination in order to register and aid the Palestinian refugees inside both Iraq and in border camps until they are able to return to their original homeland.



Most importantly, the state of Israel must be called upon to adhere by international law, allowing the return of these Palestinians. It is necessary to recognize that Israel is solely responsible for creating and perpetrating the Palestinian refugee problem by denying their right to return. However, given the precarious situation in Gaza and the OPT, any return must be strictly voluntary. Given Israel's unwillingness to aid in this process and lack of a solution to the general Palestinian refugee issue, the Palestinian National Authority must prioritize these refugees. Working with allied Arab states, the PNA must exercise its responsibility to find real and practical solutions for Palestinian refugees in Iraq.

Palestinian refugees in on the borders of Iraq are a particularly vulnerable group of people. Their extended stays in refugee camps and border areas and their dependency on humanitarian aid is not a legitimate nor long-term solution. Their citizenship, their homes, and their livelihoods have been stripped away from them. Their family members have been targeted or even killed. They have slipped through the cracks of international agency mandates and lack basic protection as refugees. All of these different actors must work together to ensure that Iraqi Palestinian refugees are not subjected to refoulement (the forcible return of refugees to a country where they may be subjected to persecution) and that they be treated with dignity and respect. On June 11th of this year, Israeli Prime Minister Netanyahu called for the dismantling of UNRWA, announcing after a meeting with US ambassador to the UN Nikki Haley, that "It is time the UNRWA be dismantled and merged with the United Nations High Commissioner for Refugees."³⁹ Unlike UNRWA, UNHCR does not insist on repatriation, but rather advocates for local integration into host countries and resettlement as well. Netanyahu wants to dismantle UNRWA because the agency allows Palestinian refugees to transmit their refugee status from one generation to the next – and this is what solidifies the right of return. This is what ensures their dreams of returning to their homeland. UNHCR and UNRWA must work to keep this hope alive and well.

"The twice-displaced Palestinian refugees are one of the worst-off groups in a country full of desperate people... They have no country to go to, no valid travel documents, no protectors inside of Iraq, and hardly anyone prepared to support them outside either... It is to everyone's dishonor that these human beings are still rotting [in border camps] and – worst of all – in Baghdad where one or more is being murdered virtually every day."⁴⁰

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Iraq War and Sectarian War against Palestinian Refugees in Iraq

Detention and Torture of Palestinians in Iraqi Jails

Abstract

The situation of the Palestinian refugees in Iraq is very difficult. The human rights violations are increasing. The article emphasises the literature review of the escalating incidents against the Palestinian refugees in Iraq and will concentrate on the human rights abuses. The article discusses the Palestinian political reactions and the Iraqi government's position, and displays the playing figures in the situation by showing some human rights organisations' reports and media outlets. The article will also show some statistics of the Palestinian refugees in Iraq who were subjected to human rights violations. It will also document official and political reactions and the playing figures in the Iraqi field.

Introduction

Palestinian refugees have been residing in Iraq since the beginning of the Nakba in 1948, due to the Arab -Israeli war, which caused large scale displacement in the region. In 1967 a group of Palestinian refugees fled to Iraq. In 1991, due to the Gulf war another group of Palestinian refugees fled to Iraq from the Gulf countries. The Palestinian refugees in Iraq have been ignored because they were never recognised as refugees as they are not registered in UNRWA records. During that period, the Palestinians were granted residencies and the right to work and were provided with government houses and access to the social services in Iraq. Before the American invasion in 2003, the number of Palestinian refugees in Iraq was 42,000, according to the Palestinian Refugee Affairs in Iraq.

The Beginning of the Suffering of Palestinian Refugees in Iraq

In 2003 the USA invaded Iraq and the regime was ousted. The new Iraqi government considered the Palestinian refugees effectively as foreigners living in Iraq. Militias appeared in Iraq after the fall of Hussein's regime and started to accuse Palestinians of being loyal or affiliated to the former regime and also target them for being Sunnis. The militias began to kill, kidnap and torture Palestinians in Iraq due to political and religious reasons. The number of Palestinians in Iraq has been decreasing each year because they were suffering from harassment and human rights violations by militias and the security forces.

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The militias and Iraqi Security forces first invaded Al Baladiyat compound in Baghdad, which is a governmental compound for Palestinian refugees. They also invaded Palestinian groups in Al Basra and the southern areas that led to dozens of killings and detainees. Many Palestinians fled to the Syrian and Jordanian borders seeking to enter those territories. Seven camps were established on the Syrian Jordanian borders such as Al Roaished, Tarbeel, and Al Karama near the Jordanian borders; Al Tanaf and Al Waleed on the Syrian borders. All camps hosted in total about 12,000 Palestinian refugees who were banned to enter either the Jordanian or Syrian territories. Many of these camps were closed and Palestinians were displaced to more than 50 countries, especially in Europe and Australia. Many refugees fled using the so-called “death boats” to European countries. According to the Academy of Refugee Studies: “the remaining number of the Palestinian refugees in Iraq is 4000 Palestinian refugees.” It is likely that all Palestinian refugees from Iraq will leave the country due to the unstable and dangerous situation they face.

The Palestinian refugees in Iraq between the Rock and a Hard Place

The Palestinians in Iraq suffered from threats coming from the American Occupation, the Iraqi Security forces and sectarian militias. They faced death threats, abduction, torture, death and displacement. In addition Palestinians also face arbitrary arrests and unfair trials. In 2005 it was the beginning of a new stage for Palestinian refugees in Iraq. This was due to a series of bombings in Baghdad Al Jadeeda, where 4 Palestinians were accused of these explosions and of being ‘terrorists’ but they were released for lack of evidence. However the campaigns against Palestinians did not stop. Some people affiliated to the sectarian militias wrote on walls and banners hateful messages and calling on the government to expel the Palestinians out of Iraq. Due to those escalations, Palestinian refugees faced abduction, torture and death. .

Threats to the Palestinian refugees in Iraq by the sectarian militias were widespread in 2006 in order to force them to leave Iraq to camps or to migrate a second time. For example, more than a hundred Palestinian families in al-Hurriya district in northern Baghdad received leaflets from an armed group which called them ‘traitors.’ The leaflet stated: “We warn you that we will eliminate you all if you don’t leave the area for good within days.” The leaflet was signed by a group calling itself Judgment Day Battalion. Sheikh Mahmoud El Hassani, a spokesman for the Mahdi Army, is reported to have said that “the Palestinians had brought their suffering on themselves... Shi’as believed they were in league with Sunni extremists and al-Qa’ida. We are sure that all the Palestinians in Iraq are involved in killing the Shi’a people and they have to pay the price now... They lived off our blood under Saddam. We were hungry with no food and [they were] comfortable with full bellies. They should leave now, or they will have to pay.”

Dozens of Palestinians were kidnapped, killed, imprisoned, and tortured by either Iraqi Security forces or armed militias. Among them is Mr. ‘Ali Hussain al-Zinati, a 56-year-old poet and education advisor, who was killed on 21 November 2006. He was abducted from outside his house in al-Ghazalia district by armed men who forced him into a car. A relative who is in al-Waleed camp told Amnesty International that some of the neighbours told the family that they had seen ‘Ali being forced at gunpoint into a police car. Three hours later the family was told by the police that they had found the body of ‘Ali and that they should go and collect it from al-Ghazalia police station. ‘Ali was reportedly shot twice in the head and the chest. A few days later ‘Ali’s elder son, Baha’uddin, a newly graduated medical doctor, was abducted outside a hospital in al-Kadhimiya district. His body was later found in a morgue bearing marks of torture, including the use of drills which left holes on parts of the body.



Another Iraqi Palestinian who had suffered at the hands of armed militias is Hamed 'Ali Mohammad al-Hanouti. Al-Hanouti was a trader from Hay al-Salam district born in 1961 who was married with five children. Al-Hanouti was driving his car on 13 March 2007 at around 7PM in the same district when another car stopped in front of him. Four armed men got out, forced him out of his car, leaving his two children in the car, and took him away. Witnesses told the family that they had seen Hamed being taken to al-Iskan, a predominantly Shi'a neighborhood, and shot by the four-armed men. The body was left lying in the street. The following day his family found his body in the morgue of the Forensic Medicine Department in Baghdad.

The Palestinian refugees were targeted by all parties in Iraq such as the Iraqi Security, the Shi'a militias, ISIS militias and the US troops. The Shi'a militants accused the Palestinians of fighting besides the Sunni's parties, which was not true because in the middle of 2014, ISIS threatened the Palestinians and about 1000 Palestinian refugees left their areas to Turkey, Jordan, and the rest of the northern Iraqi cities due to the battles of ISIS in Al Anbar governorate. There are many cases of Palestinians in the Iraqi detention centres held under inaccurate confessions obtained through torture. In one case, a Palestinian confessed to killing five Iraqi people, who are actually still alive. In 2015, the US department of State released a report that sectarian groups, extremists, criminals, and, in some alleged but unverified cases, government forces attacked and arrested refugees, including Palestinians in Iraq.

In the past years the Palestinian detainees in Iraq were exposed to torture such as burning, and electric shock to make them confess to crimes that they did not commit. These actions contradict Iraq's obligations under the Convention Against Torture, most specifically Article 15, which states that 'each state party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings.' Moreover, the conditions in which the Iraqi authorities detain the Palestinian refugees are inhumane ones that could in themselves amount to forms of torture. Detainees are denied food and water for long periods of time, and are also denied treatment and medicine when they need it. Likewise, the sectarian militias in Iraq broadcasted some confessions for Palestinian refugees that were taken from them under torture. The confessions are all similar in nature, declaring the person a member of a terrorist group whom had helped and planned to use explosives.

Statistics by International Human Rights Organisations and Media Outlets

There are no accurate figures for the numbers of Palestinians in Iraq who were killed, abducted, imprisoned, tortured or who had already fled Iraq. However there are still some statistics by international organisations and media outlets which will be used here. For example, The Telegraph UK wrote that more than 600 Palestinians are believed to have died at the hands of Shia militias since the war began in 2003, including at least 300 from the Baladiat area of Baghdad. Many were tortured with electric drills before they died. UNHCR has documented 74 security incidents involving Palestinian refugees between January 2014 and February 2017 (of which 21 were recorded in 2016). These incidents include 26 detentions, three disappearances, three abductions, five killings, two attempted murders, two cases of physical abuse, three cases of sexual and gender-based violence and 30 cases of threats to life. It should be noted that most cases are likely to go unreported. In 2015, around 70 Palestinian families reportedly left Baghdad due to the deteriorated security situation.

The number of the detained and kidnapped Palestinian refugees by sectarian militias reached 47 refugees, 5 are still abducted, 5 were sentenced to death, 8 were sentenced to life imprisonment,

one was sentenced to ten years imprisonment, one is in preventive detention and 27 are in prisons without any legal status. Some armed groups which are often protected by certain governmental bodies, kidnap Palestinian refugees and torture them, and then demand payments from their relatives in exchange for their release. The Palestinian families in Iraq, who have sons in prisons, are faced with two tough choices: leaving Iraq in order to protect the rest of the family, or staying in Iraq to remain close to the imprisoned offspring and live the uncertainty of losing more members. The only hope of Palestinian refugees to stay in Iraq was finished because there are no solutions to stay where there is much hatred plotted against them.

The Palestinian Official and Political Reactions

After 10 years of ignoring the difficult situation of the Palestinian refugees in Iraq, in 2012 the Palestinian president, Mahmoud Abbas, gave a list that contains about 39 prisoners' names to the Iraqi Prime Minister, Nuri Al Maliki, during the Arab League Summit in Bagdad. The Iraqi authorities promised to release the Palestinian prisoners but no such thing occurred and no one followed up with this file. However, the Arab Organisation for Human Rights tried to contact the embassy in Iraq to know what happened to the Palestinian prisoners in Iraqi prisons but no one answered. It is a major duty for the Palestine embassy in Iraq to serve and protect the Palestinian refugees in Iraq otherwise their numbers will diminish entirely. Unfortunately it seems that the establishment of the Embassy was just for communications between Palestinian and Iraqi officials.

Conclusion

Palestinian refugees in Iraq have been subjected to human rights violations such as: abduction, killing, torture, hostage-taking and other ill-treatment by sectarian armed militia groups, Iraqi Security forces and the US troops. They have been targeted due to the perceived privileged treatment that they received under the previous government of Saddam Hussein in comparison to the treatment received by the Shi'a before 2003. Many Palestinians were arrested and detained by the Iraqi security forces because they linked them to the terrorism that happened in Iraq. Some were allegedly tortured in detention and some of them were imprisoned and sentenced to death due to fake accusations. In each terror bombing against the Shi'a, Palestinians pay the price of being Palestinian refugees living in Iraq. The Palestinian refugees struggle to maintain their identity and now have no hope but to leave Iraq for another country, a new diaspora, and no international organisation has yet suggested a solution of returning them back to their original home country Palestine.

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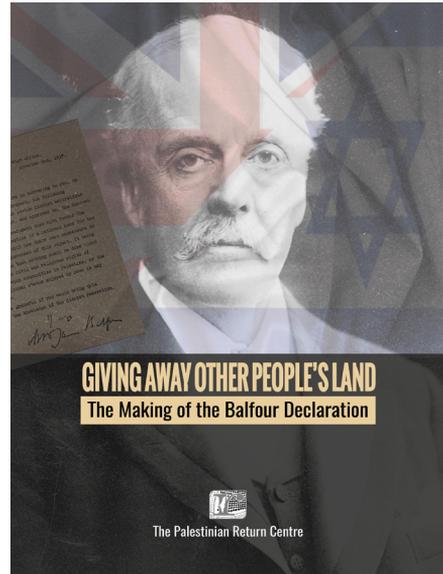
New Publication

GIVING AWAY OTHER PEOPLE'S LAND: THE MAKING OF THE BALFOUR DECLARATION

Editors: Sameh Habeeb and Pietro Stefanini

Research: Hannah Bowler

With the 1917 Balfour Declaration, Palestine became the victim of European colonialism, as Britain promised to establish a Jewish homeland in Palestine where the indigenous Palestinians amounted to over ninety percent of the total population. This report provides an in-depth analysis of the motivations and dynamics that culminated in the creation of the Balfour Declaration. The research is based primarily on archival documents from the National Archives in Kew Gardens, London. The reports begins with illustrating the objections to the Zionist project to settle in Palestine, strongly advocated by anti-Zionist British Jews. Contrary to the mainstream view that Britain had benevolent motivations in drafting the Declaration evidence in the archives proves that British government ministers used political Zionism to advance their own Imperial ambitions. The report also explores the accusation that the British ruling elite were anti-Semitic and thus driven by an age-long ambition to expel their Jewish communities. Lastly, this study argues that both the British government and the Zionist movement used Orientalist ideology to justify the dispossession of Palestinians from their lands.



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**Alaa
Barghouti***

The Palestinian Refugees in Iraq... Wartime Asylum

The Iraqi Palestinians: A Historical Review

In the Nakba of 1948, Zionist settlers committed dozens of massacres against Palestinian civilians and pushed almost 800,000 Palestinians out of their homeland. Palestinians sought refuge in neighbouring states, 5000 of them went to Iraq for safety. This followed the Royal orders to dissolve the Carmel Brigade, which comprised a majority of Iraqis at the time. Upon Royal orders, thousands of Palestinians accompanied the Brigade members returning to Iraq as “guests.”

These guests will be known later as “the Palestinians of Iraq” who lived in Al Baladiat districts, Al Houriya, Al Iwadya, Al Ameen, Al-Salam, New Baghdad, Zafariyah districts and other places without any clear legal cover, especially since the Relief and Employment Agency for Palestine Refugees in the Near East refused to provide assistance or protection on the pretext of their small number.

As a result of this tenuous situation - which persists to this day – Palestinian refugees in Iraq live in uncertainty, their lives most acutely affected by the changes in governance as they are the weakest link, even during the reign of the late Iraqi President Saddam Hussein. Instead of finding a new home for themselves, Palestinian refugees in Iraq found homes, which could more accurately be described as mere graves.

However, the situation took a melancholy turn shortly after the 2003 war, the overthrow of Saddam Hussein’s regime and Iraq’s entry into a spiral of sectarian violence in which the Palestinians paid high prices firstly because of their Sunni Muslim background, and secondly because of rumours that they were talking about their own dealings in the reign of Saddam Hussein? The number of Palestine refugees in Iraq fell from over 34 thousand before the war to a few thousands after.

Palestinians of Iraq the legal dimension

The legal status of “Iraqi Palestinians” has always been blurry. Since their arrival in Iraq, no international authority has assumed any responsibility to protect and support them. Iraq is not subject to the areas of operation of UNRWA which has refused to expand its areas of care to Iraq for various reasons, including the small number of refugees residing there.

Also the refugee relationship with the Office of the United Nations High Commissioner for Refugees (UNHCR) remained unclear until approximately 2003.

* Journalist and Palestinian researcher



While the Palestinian refugees in Iraq were obtaining residence permits in an acceptable and smooth manner by the Iraqi Ministry of Interior prior to the US invasion, they started living in a situation of unprecedented targeting by the new Iraqi government, which has placed many obstacles to the Palestinian refugees' residency attainment.

The human rights violations suffered by Palestinians of Iraq:

The human rights organisations which were following the developments in Iraq have registered numerous cases of violations and abuses suffered by Palestinian refugees in Iraq shortly after the American invasion. Human Rights Watch for example, enumerated a series of violations in its legal report entitled "Inevitable-the dangerous situation of the Palestinians in Iraq".

These violations against Palestinian refugees from Iraq, range from threats to eviction, murder and enforced disappearance of Palestine refugees at the hand of Interior Ministry of the new Government of Iraq. Moreover, sectarian militias also violated dozens of rights of Iraqi Palestinians.

Due to this disastrous situation, hundreds of Palestinian families were forced to flee to new camps put up at the Iraqi-Syrian-Jordanian border known as the Ruwaished camp, Al Karama camp and Al Tarbel camp near the Jordanian-Iraqi border, as well as the TANF-al-Walid and Al-Hol refugee camp near the Iraqi-Syrian border.

These desert camps, established between 2003-2006, lacked the minimum necessities for suitable living conditions, but security threats forced these families to endure the flames of the desert. Nonetheless these camps have not been the safe havens, which refugees hoped they would be as sectarian militias have repeatedly attacked the camps.

During that period, UNHCR began its timid work with the Palestinians of Iraq, and held the first official census of Iraqi Palestinians in September 2003. However, according to many rights reports UNHCR has not provided sufficient protection to Palestinian refugees residing in Iraq or in camps.

The tragic situation of Iraq's Palestinians has continued to worsen dramatically, reaching its peak in 2007, when activists started to report waves of emigration of Iraqi Palestinians from desert camps to outside Iraq. According to the statistical data from the Standing Committee for Refugees in Iraq, the number of Palestinian refugees at the end of 2009 dropped to only about 10,000.

After the war, the Interior Ministry of Iraq issued travel documents to Palestinian refugees in 2006, while their personal identification cards were not issued until 2009.

In the meantime, the Interior Ministry of Iraq continues to treat Palestinian refugees in Iraq in accordance with an unclear policy, as they deal with laws providing for residency in Iraq and sometimes they put sticks in the wheels and tighten the actions against them. In addition, some groups who are favoured by the Iraqi Government may even get involved in rights violations against Palestinian refugees in Iraq.

Some violations documented by legal actors:

A Palestinian family of five people was killed during their passage in Al Sadrya area in the central of Baghdad in October 2004.



A refugee was kidnapped by Sh'ia militiamen and killed on 27/6/2006 June, and three members of his family were then killed while they were going to receive his body.

Racist threats against Palestinian by the so-called "Al Iqab companies" as infidels, traitors and collaborators of the Kuffaar.

Iraqi refugee victims

The number of sectarian violence victims, which targeted the Palestinian refugees in Iraq is estimated at about 300, according to the statistics of Palestinian militants, indicating that there is no official body or an international census of Palestinian victims, but according to unofficial figures, the number of Palestinian victims in Iraq after the year 2003 has reached 300 at least.

Overview of the desert camps, which were established between 2003-2006:

- Ruwaished Camp:

- Established in 1/5/2003, near the Iraqi-Jordanian border to host nearly 700 Iraqi refugees. The camp was closed in 2007 after a number of refugees were admitted to Jordan and the remainder resettled.

- Al Karama Camp:

- o Established in 2003 on the border area between Iraq and Jordan, refugees were allowed to enter Jordanian territory and join the Ruweished camp.

- Al-Odeh camp:

- Established in 2003 in Baghdad, to host hundreds of Palestinian families who were pushed out of their homes in certain districts of Baghdad. The campground was a sports stadium, which was closed after the UNHCR intervention in 2005.

- Al-Holl camp:

- Established near the Syrian-Iraqi border in 2005 by some 20 Palestinian refugees who fled towards Syria. It was closed after its residents were permitted entry into Syria in 2006.

- Tarbel Camp:

- Founded in 2006 near the Jordanian border, with approximately a population of 83 Iraqi refugees. The camps was closed after the Syrian authorities allowed the refugees to enter their territory.

- Al-TANF camp:

- Established in 2006 at the Syrian-Iraqi border inside Syrian territory, it was closed in 2010 after its residents were allowed to enter Syria.

- Al-Walid Camp:

- Established in 2006 in the Iraqi desert near the Syrian-Iraqi border. It hosted 1700-1900 refugees who were unable to enter Syria or Jordan.



Neighbouring Countries' Agreements with Iraqi Refugees:

During the war, hundreds of Palestinian refugees in Iraq tried to flee from the border camps towards Syria and Jordan specifically. Jordan received the Palestinian refugees from Iraq in the Ruweished camp, and made 700 of them sign pledges to return to Iraq if conditions improved. Additionally almost 400 Palestinian refugees married to Jordanian women were allowed to enter Jordan with an acceptance from HM King Abdullah II of Jordan. The border was closed to hundreds of refugees, which later returned to

Iraq. In March 2006, about 83 refugees were returned into the Iraqi border from Al-Trebil camp, which was later closed after the remaining residents were allowed to enter Syrian territory.

In 2005, 19 refugees in Al Hull camp between the Syrian-Iraqi border were allowed by the Syrian authorities to enter their territory, as is the case with the hundred inhabitants of the Al-Tanf camp who, during the period 2006-2010, were allowed entry into Syria until the camp was closed.

New Asylum and Resettlement

UNHCR has worked to resettle Iraqi Palestinians in a number of countries around the world, including America, Canada, Europe, Latin America, Turkey and Australia.

Generally, the refugees who have arrived in those areas have obtained legitimate residences in those countries, but their economical living conditions vary according to the country.

For example, Iraqi Palestinian refugees in Europe have better freedom of movement, residence and employment than those in Latin America, particularly in terms of support which is provided by those States to their refugees. Whereas those who have taken refuge in poor European countries such as Cyprus and Italy suffer from poor living conditions because of the difficult economic situation on the one hand and complex legal procedures on the other.

The Palestinians of Iraq in Turkey are provided with very few aids from the UNHCR.

Today thousands of refugees who have been displaced to Jordan and Syria are under UNHCR protection. They are also benefiting from "UNRWA " services operating in Jordan and Syria without being registered in their records. The choices of these families are between staying in Syria or Jordan or waiting for a third country resettlement programme.

Rights violations again: Italy October 2011:

According to the International Network for Rights and Development approximately 157 Iraqi Palestinian refugees, which were resettled into Italy, suffer from numerous systematic violations. In accordance with the Rights Network, as soon as the refugees arrived in Italy from the AL-TANF camp on the Iraqi Syrian border, they were transported to houses confiscated by Mafia men in Kalibra municipality, which was already under the control of the Mafia.

According to the network, the refugees suffered many attacks, including "brutal assaults" by mafia men and often in front of the policemen who were complicit with them.

The city municipality has also refused to pay any financial benefits to them, although it was charged a first EU payment of EURO5 million.



The network also added that, scores of girls have been kidnapped during the first months and many documented cases of kidnapping and gang-rapes have been registered with the police. Children have also had their fair share of sexual harassment as shown in six documented cases, where there was no punishment for the perpetrators.

In addition The Italian local police refused to allow a forensic physician to disclose the body of the refugee, Hassan Mohammed Ibrahim Nets (45 years old), who was found hanging from a tree with his eyes lost. According to the International Network, after the Palestinian refugees had received serious threats of massacre, they preferred to mass escape from Italy and a 157 of them arrived in Sweden last May, where they were received by authorities and hosted at a hotel in the south of the country.

Renewed suffering and new asylum due to the war in Syria 2011

Once the Iraqi refugees who have sought refuge in Syria have been able to arrange their living and legalstatus somewhat ,they were overtaken by the war which began in 2011. The Iraqi Palestinian refugees in Syria were the targeted by both the Syrian government and the opposition. In the former's case some militias favoured by the Syrian government attacked the Iraqi Palestinians on the pretext that they were close to some Palestinian factions that had sided with the Syrian opposition. In the latter's case on the other hand opposition factions attacked Iraqi Palestinian refugees on the pretext that they are close to somePalestinian factions loyal to the regime.

Moreover, the presence of a large part of Iraqi Palestinians in the Palestinian camps in Syria that were not spared from the shelling and siege like the Yarmouk camp in Damascus, has pushed hundreds of them to re-migrate either toward Turkey or return to Iraq.

Recommendations

Following up the Palestine refugees' status in Iraq, their tragedy is still happening till today, as there remains a deterioration of the security status and sectarian conflict in Iraq. The writer urges for more concern by international organisations and more pressure to be placed on Iraqi governmental institutions to provide protection and to facilitate for the Iraqi Palestinians. The writer stresses on the need for more follow-up regarding the situation of Iraqi Palestinians in neighbouring hosting countries to ensure that they are not affected by crises and war situation such as those unfolding in Syria.

However, this does not mean that the Palestine Liberation Organisation, the Palestinian Authority and the Palestinian Embassy in Baghdad are exempted from their responsibilities towards refugees in Iraq, especially in countries that do not offer any assistance for the resettled Iraqi Palestinian refugees via UNHCR.

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**Hannah
Bowler***

The Suffocation of Gaza Strip:

The Protracted Closure of the Rafah Crossing and its Impact on Building a Successful and Self-Sustaining Society.

Introduction

The unlawful blockade of the Gaza Strip began in 2007, when Israel and Egypt effectively isolated nearly 2 million Gazans by enforcing a land, air and sea blockade, claiming it to be in proportionality to the security threat posed by Palestine. For the past 10 years Israel and Egypt have imposed severe and rigid travel restrictions on the citizens of Gaza. These restrictions affect and dictate nearly every aspect of life in the Strip.¹ Here the principle of freedom of movement is being denied, the right to freedom of movement is a prerequisite for a range of other rights, civil, political, social and cultural as well as being an essential condition to having a good quality of life. No other citizens in the world have to endure this form of claustrophobic trauma. The closure of Gaza Strip is illegal under international law, it contravenes Article 13 of the Universal Declaration of Human Rights (1) everyone has the right to freedom of movement and residence within the borders of each state (2) everyone has the right to leave any country, including his own and return to his country.² Israel and Egypt are also permitted by the fourth Geneva Convention which provides protections for people living under occupation. Restrictions to the freedom of movement are allowed under international law if related to issues of security, but the restrictions have to be proportionate to the threat and non-discriminatory in nature.³ In relation to Gaza these two conditions are not met thus rendering Israel's blockade illegal.

The blockade has created dependence on the crossing that links Egypt to the Gaza Strip, in the area known as Rafah. The crossing in Rafah has had an erratic and temperamental history, having largely unpredictable periods of being open and then closed leaving a strain on the people of Gaza. In recent years according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) the border had been open just 72 days in 2014, 32 in 2015 and 44 days in 2016. Up until August 15th it had only been opened 18 days over the whole of 2017.⁴ Its closure has left Palestinians stranded on both sides of the border, and the OCHA estimates that there are around 30,000 Palestinians registered as humanitarian cases waiting to leave Gaza.⁵ The unique situation of the Gaza Strip has left it being characterised as the 'world largest open-air prison'.⁶ The impact of the closure of the Strip has been immense. It

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undermines Gaza's prospects of building a successful and flourishing civil society and leaves Palestinians feeling powerless to change their future and build a better quality of life. This paper focuses on how the closure of Rafah has undermined the prospects of Palestinians being able to establish a stable state, develop economically and to create a thriving cultural society. It attempts to usher in a debate about how these factors are linked to the restrictions on the obtainment of higher education and the psychological impact of stifling ambition and feelings of hopelessness about the future.

History of the Rafah Crossing

The Rafah Crossing in Arabic is aptly known as 'Al Awda' in English 'the return'.⁷ Throughout Gaza's history the crossing has been seen as a lifeline connecting the Strip to the outside world, and being intrinsically linked to gaining freedom and autonomy. Access through the Rafah Crossing has been in a state of flux over the course of Gaza's history. Israel had maintained control over the Crossing keeping it largely shut until the 2005 disengagement of Gaza. It was then agreed that Egypt, along with the Palestinian Authority and the European Union (a body set up called European Union Border Mission in Rafah, EUBAM) would jointly manage the border under the Agreement of Movement and Access (AMA). The AMA allowed for the border to be opened facilitating the free movement of people alleviating the humanitarian situation. This relative piece of salvation was short lived as come 2006 Israeli forces demanded the border be shut once more as a form of collective punishment reacting to the abduction of Israeli soldier Gilad Shalit. After the capture of Shalit Israel closed all access into Gaza completely isolating it, Chomsky and Pappé condemn Israel for this seeing that the capture of Shalit turned Israel's unrelenting military attack against Gaza from merely vicious to 'truly sadistic'.⁸ This incident led to the suspension of the AMA and put the EUBAM on standby. At this point although Israel had effectively closed the border many Palestinians were still granted access through the crossing, but this ceased in 2007 when Hamas took control of the Gaza Strip. The Hamas control over Gaza keeps all other parties against Rafah's opening.

The domestic political situation in Egypt has helped shape the conflict over Rafah. Prior to the Egyptian Uprising in 2011 the Mubarak regime had opposed Hamas believing it to be an arm of the Muslim Brotherhood (the opposition party in Egypt). As a method to undermine the Hamas Administration of Gaza Mubarak aided Israel's enforcement of the blockade, including limiting access through the crossing. After the overthrow of Mubarak and the election of Mohamed Morsi, of the Muslim Brotherhood, Hamas and Fatah reached an agreement in May of 2011 that the border would be reopened permanently. Again, Rafah's opening was not to be in perpetuity, come 2013 Morsi had been removed from power in a military coup and President Abdel Fattah el-Sisi took power and the border was closed indefinitely.⁹ Since this point the crossing has been open for just a few days each month with the Palestinian Authority, Hamas, Fatah and Egypt keeping any debate about Rafah in a state of deadlock. The crossing has become a power struggle with no party willing to compromise on its demands which is causing the perpetuation of its closure.¹⁰ However, 2017 has ushered in the potential for a sustained change to the operation of Rafah, and the other crossings into Gaza. In October of 2017 a truce between Hamas and Fatah, facilitated by Egypt was formulated, as part of the truce it was agreed that Hamas would hand over control of Gaza's borders to the Palestinian Authority. The agreement will reintroduce AMA with the EUBAM being redeployed to monitor the crossing once again. On the 1st of October Hamas handed over control of the crossings with Rafah being prepared to be opened completely by the 15th of November allowing for Gaza's to regain access to the rest of the world.¹¹



Until that day, as Pelham explains ‘visitors approaching Rafah can be forgiven for thinking they have stepped back in time to the 1948 Nakba’¹² Haidar Eid, tells the story of his attempt to leave through Rafah which provides some tangible depiction of what leaving through Rafah has been like for the past 10 years:

‘Although I had good reasons to use the crossing and to leave Gaza, I was unsure about pressing my luck to escape, if only for a short while. Past experience has made me painfully aware that thousands of my fellow Gazans would also try to capitalize on this very rare opportunity suddenly available to us... Then reality hit us tens of thousands of people were waiting there. Children, old people, women and the worst of all, terminally ill people – all sitting under the baking hot sun of this semi-desert area... My heart sank!... The crossing itself was so tantalizing, mere meters away? And if we passed, what freedoms awaited us.’¹³

Education

The closure of Rafah has had a dramatic impact on education and academia in the Strip. Irfan identifies that education has historically been central to the empowerment of Palestinians.¹⁴ Being able to prove themselves to the international community that they are capable of building a thriving state of their own. Rafah’s protracted closure has impeded Gazan’s right to a decent education and thus served to limit the ambitions of many young men and women. There are nine universities in the Gaza Strip, their facilities suffer tremendously from the many restrictions and implications of the blockade. But in relation to Rafah the closure of the crossing means that universities are starved of teaching talent, cosmopolitanism and diversity which universities need to flourish. With foreign lecturers and students being denied access into Gaza it impoverishes the academic and cultural diversity of the university curriculum¹⁵ and prohibits foreign experts from sharing contemporary knowledge. Here the academic community has been disconnected from the communities in the West Bank, the Arab countries and the rest of the world impacting the entire education system, ‘which is stagnating and cannot develop’.¹⁶

Gaza not only has a lack of institutions but there is not the capacity to obtain a higher level than undergraduate degrees nor the opportunity to study certain courses like medicine. These implications mean most young people from Gaza choose to study abroad, gaining places at some of the world’s top institutions. But the perpetual closure of Gaza’s borders has resulted in thousands of students with places at foreign universities being forced to miss whole semesters. The vast majority of these students who cannot make it on time for their course are subsequently prohibited from undertaking their studies, and have to try to reapply to another university or abandon their hopes of studying abroad. An additional fallout from this has led many institutions to debate not offering places and scholarships to people from Gaza. Prospective students also carry the burden that they might encounter visa problems, or not be able to travel home to see their families throughout their studies. All of these factors that are caused by the crossings closure limit the ambitions of children growing up in the strip. A Palestinian student who missed out of the opportunity to study at three different foreign universities, perfectly encapsulates the trickledown effect this has on the rest of society:

‘What troubles me most, however, is not my personal plight, but the effect this experience has had on my talented younger brother after watching what I had endured as an innocent and politically unaffiliated student, he has conducted that he will no longer pursue the educational dream outside Gaza he once held’¹⁷

This anecdote demonstrates the worries, stress and lack of hope young people have to take upon them in response to their feelings of entrapment. Young people make up half of Gaza's population and the impact on them is accordingly severe.¹⁸ The blockade and closure of Rafah is justified for issues relating to security, but as a form of collective punishment it is harming young people rather than targeting Hamas or militant groups active in the Sani Peninsular.¹⁹ It is a widely agreed upon concept that education is the key to development. With many young people being dismayed from attempting to better their situation, and those who do penalised for doing so it leaves a very bleak picture for the development of Gazan society. The detrimental effect of Gazan's denial of access to higher education is preventing them from being able to use their education to help build 'an educated, robust and thriving society in the Gaza Strip'.²⁰

The travel restrictions leave Palestinians feeling isolated and that they lack control over their own destiny. A psychological study in 2015 revealed that only 12.5% of Palestinians included in the study evaluated their lives as good, and only 27.1% said they enjoy their life. The research also found a significant relationship between stress and the closure of Gaza.²¹ People in the Strip have found it difficult to construct a viable community. Professor of Political Science at Al-Quds Jihad Hamad wrote: 'we have become people who live only on the basics... they need to feel safety, openness, a connection with the world... I want to give, I want to contribute my skills. In Gaza today, that is impossible'²² The crossing has always been operated that people would not know if they would be allowed to pass through until their arrival at Rafah, when they arrive and they are not allowed to travel no explanation is provided.²³ It is this element which causes so much mental strain. It is often understood that this way of managing the borders is a way to harass the Palestinians designed only to make life insufferable.²⁴ Cumulatively the impact of these strains undermines the potential of Palestinians to achieve self-determination and 'to build an adequate standard of living'²⁵ for themselves, their families and their future generations.

Conclusion

The debate over Rafah is a political one, its closure in recent years has resulted from deadlock in peace agreements between Egypt, Israel and the Palestinian political parties. The regular opening of Rafah became the focal point for any future agreements on Gaza with the human element sometimes being neglected. The Crossing has become separated from the practicalities of it being opened and instead has become symbolic to the Palestinians for gaining control and autonomy of themselves. Hamas spokesperson Hazem Qassem declared: 'we hope that handing over control would lead to a better quality of life of the Palestinians of the Gaza Strip'.²⁶ And while this may be true it is dangerous to place too much importance to the immanent opening of the Crossing. While it can be said that the lifting of travel restrictions in and out of Gaza will alleviate some tensions, and provide some relief to the humanitarian situation we must be clear that this will not equate to a return to full freedom of movement.²⁷ The problems that need to be addressed in Gaza run much deeper than the opening of Rafah, and although Hamas and Fatah are celebrating this recent win to permanently open the crossing it is crucial to remember that Israel as the occupying power still have ultimate control over Gaza's borders and the fight for the right of freedom of movement does not end with Rafah. The real issues that need to be tackled in the Strip are access to crucial enmities, unemployment, education and poverty, Rafah is one element to this, it's a start but there is much more work to be done.



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Laila Taha*

Palestinians from Egypt

Naturalization issues (Palestinians born to Egyptian mothers were naturalized and then citizenship later revoked)

Introduction

Palestinians started to seek refuge all over the world due to the Israeli war in 1948\1949. There were two main phases of refuge; first in 1948 (Nakba), and the other in 1967 (Naksa), when almost 15,500 refugees arrived in Egypt.¹

The scarcity of research on Palestinians in Egypt calls for a survey to determine the actual number of Palestinians living there and to know their location and socio-economic conditions. They are dispersed and forgotten, often living in poverty, with little attention paid to their needs and demands.

Anything related to the numbers or the conditions of Palestinians in Egypt is considered as a matter of national security, therefore information about them is very hard to obtain for fear of investigation by the Egyptian authorities.

According to UNRWA statistics, the number of Palestinian refugees has increased from 711,000 in 1950 to 4.7 million refugees in 2010, two thirds of them distributed to Arab countries including Egypt.² Since UNRWA has no offices in Egypt, there is no accurate number or statistics about the Palestinian refugees in Egypt, however the approximate number is 50-70,000 refugees.

Egypt is considered as an exception compared to other Arab countries, as it has no camps for the Palestinian refugees. In 1948, there were only three camps for Palestinian refugees in Egypt, and these were evacuated a few years later.³ Despite the Egyptian policies of refusal to conduct any official census regarding the number of Palestinian refugees in Egypt, and the closure of the Palestinian camps, Gamal Abdel Nasser granted the Palestinian refugees some privileges and they were treated similarly to any Egyptian citizen.⁴

Palestinians as Foreigners in Egypt

After the death of Gamal Abdel Nasser, the Palestinian refugees were treated as foreigners and were deprived of all privileges, including free education, residency, travelling and health insurance.

* Laila Taha, a freelance Palestinian journalist and writer from Gaza, was born in UAE 1983 and lives now in the United Kingdom, studied Media and Translation at Al Azhar University of Gaza in 2003, worked for Rammattan News Agency, the New Arab Newspaper, and many local organizations in Gaza.



According to the Palestinian lawyer and human rights activist Fatma Ashour,⁵ from the death of Gamal Abdel Nasser in 1970 up to 2011, thousands of Palestinian families who resided in Egypt and carried an Egyptian travel document have suffered due to several issues.

Education

They were deprived of free education and not allowed to enroll in government schools. Instead they had to pay large amounts of money for universities and private schools.

Travel

Palestinians who held an Egyptian travel document, which was unrecognized by many countries, were obliged to have visas for many countries to enter their territories. In addition, they were affected by the decision of Interior Minister Major General Majdi Abdel Ghaffar in 2017 to raise the renewal fees for the travel document from LE 170 to LE 1500. Travelers, or those who were residents abroad wishing to enter Egypt again, had to either return to Egypt every six months or provide the Egyptian authorities in advance with proof of their employment or enrolment at an educational institution abroad. In those cases, they were obliged to obtain a one-year return visa.

Health

Palestinians could not benefit from humanitarian and development programs or receive treatment at the expense of the state, moreover, they were denied access to health insurance allowing them to receive treatment in government hospitals.

Business

Palestinians wishing to work in any private business had to have an Egyptian partner of at least 51%.

Real estate and land ownership

A Palestinian could not own more than two buildings for private housing for himself and his family, the area of each property could not exceed four thousand square meters, while construction had to start within a period not exceeding the five years following the month of the act.

Marriage procedures

Marriage was either carried out by the judiciary or through the Ministry of Justice Foreigner's Marriage Registration Office.

Egyptian nationality law

The first Egyptian nationality law, No. 26, was issued in 1956 and amended in 1975. Article 2 of law No. 26 stated that only the Egyptian father had the right to give his children Egyptian nationality, thus excluding the Egyptian mother.⁶



In 2004, Suzanne Mubarak, the wife of former Egyptian president Hosni Mubarak, demanded the Egyptian Shura Council to amend the Egyptian Nationality Law No. 26 of 1975, article 2, to include the right of the Egyptian mother, who is married to a foreigner, to give her children Egyptian nationality.⁷

The amendment was approved in the case of children of the Egyptian mother married to a foreigner born July 15, 2004 and beyond. These children are Egyptian citizens by force of law; however, anyone born before July 2004 should apply for the Egyptian citizenship.

Following this amendment, the League of Arab States issued a recommendation to ban member states from granting their nationality to the Palestinians in order to preserve the Palestinian identity and to keep the issue alive in the minds of the citizens of Palestine, because if every state grants citizenship to the Palestinians, there will be no one to defend their issue. This recommendation was based on a sovereign decision issued by the Egyptian government. Accordingly, from 2004 until 2011, the Egyptian authorities did not accept any applications from any Palestinian refugees.

Struggle for Egyptian Nationality

Some of the Palestinians, who were born to Egyptian mothers, and resided in Egypt, launched lawsuits demanding their right to obtain Egyptian nationality in accordance with the Egyptian nationality law. Indeed, the court agreed to their appeal and granted them judicial decisions, but the Interior Ministry refused to implement these decisions.⁸

In January 2011, a Facebook page was created called, “Egyptians by Law” “Masreyoun Behokm Alqanoun.” This page was set up by Palestinian youth who were born to Egyptian mothers and aimed to mobilize and lobby for this issue.

After the Egyptian revolution, in March 2011, many Egyptian mothers, in addition to their families, organized demonstrations demanding their right to grant their Palestinian children Egyptian nationality.

Mr. Adel Abdulrahman, Head of the Egyptian community in Gaza, a Palestinian born to an Egyptian mother, participated in organizing those demonstrations with the help of Maj. Gen. and former Assistant Minister of Interior Mr. Adel Afifi, Mr. Essam Sharaf, the former Egyptian prime minister, some media professionals, and human rights organizations.

According to Mr. Adel Afifi, he applied a memorandum to the former prime minister, Mr. Essam Sharaf, calling for not excluding Palestinians from the Egyptian Nationality Law.⁹

The Egyptian mothers and their Palestinian children implemented a sit-in in front of the Maspero television building, League of Arab State, and the Mogamma for one day.

Meanwhile, the Interior Minister said that the application of the Egyptian law for the Palestinian refugees violated the resolutions of the League of Arab States, which sought to preserve the Palestinian identity.

The families went to Dr. Essam Sharaf, former Prime Minister, in turn he told them that he could decide only after the decision of the League of Arab States, which recommended that “there is no objection to the naturalization of the Palestinians, while retaining their Palestinian nationality.”¹⁰

The families then demanded that the League of Arab States confirm that there was no objection to applying the Egyptian nationality law for the Palestinian refugees.

The League of Arab States denied the exemption of Palestinians from having Egyptian nationality; however the Palestinian refugees remained exempted.

The PLO, the Palestinian embassy, and the League of Arab States confirmed that there is no objection to applying the Egyptian nationality law for the Palestinian refugees who were born to Egyptian mothers.

According to Mr. Adel Abdulrahman, after several strenuous efforts and demonstrations, the Supreme Council of the Armed Forces led by Marshal Tantawi approved the application of the nationality law for the Palestinian refugees.

On 10th of May 2011, thousands of applications were officially accepted at the Administration of Passport, Immigration, and Nationality, provided that the required conditions are met by law.¹¹

The required conditions were:

1. Criminal record
2. Personal Photos
3. Mother's birth certificate
4. Grandfather's birth certificate
5. Marriage contract of mother and father
6. Applicant's birth certificate
7. Applicant's passport

Citizenship should be granted after the required documents and conditions had been completed and after a thorough security check, and in case of refusal, the applicant had the right to appeal within 60 days.

Following approval, the applicant was entitled to obtain full Egyptian identity card, birth certificate, and then he was entitled to obtain the Egyptian passport.

According to the Egyptian lawyer Mr. Mahmoud Al-Shafea, after the change of ministry, there was a slight change in the procedure for granting citizenship, which meant citizenship was to be granted after one year of applying with the force of law, if it was not refused.¹²

After obtaining the citizenship, the Palestinian was to be treated such as any Egyptian citizen, with some exceptions. The right to exercise political rights was not granted until five years after the date of obtaining nationality, and election or appointment as a member of any parliamentary body was only after ten years of residence in Egypt. This was according to the articles of the Constitution, said the Palestinian lawyer Mr. Ghassan AlQishawi.¹³

According to press reports in Alwaqae government newspaper, the Interior Minister said that from May 2011 to May 2014, about 24,000 applications were approved and 500 applications were rejected because of security reasons. However, some cases were appealed and were granted Egyptian citizenship.¹⁴

After President Mohamed Morsi was deposed, a committee was formed to examine the data of all Palestinians who had obtained Egyptian citizenship considering public security and national security, while the Ministry of Interior filed a memorandum to withdraw the Egyptian nationality from a large number of Palestinians.



In a press release, Major General Hussein Al-Raidi, Assistant Minister of Interior and Director of the Civil Administration, said that citizenship was withdrawn from a large number of Palestinians in accordance with article 16 of Law No. 124, which states that “a decision by the Council of Ministers may revoke Egyptian nationality for everyone who enjoys it in the following cases: if he lives outside Egypt and joined a foreign body whose purpose is to undermine the social or economic system of the state by force or by any means.” I believe that this applies to members of Hamas, yet, the result of political and criminal examination will determine, said Mr. Al-Raidi.”¹⁵

During the era of Abdel Fattah Sisi, following the events of June 30, and the media escalating tone of treachery and support of the Palestinians and the Islamic Resistance Movement (Hamas) of the Muslim Brotherhood, the Egyptian authorities decided to withdraw the nationalities from some of those Palestinians who obtained it.

Following the revolution of 25 January to March 2015, figures and statistics of rejection of naturalization of Palestinians, reveal that the number of rejected decisions was 460. This included 79 which were issued in the period of the Supreme Council of the Armed Forces, which lasted until 30 June 2013; 259 under Mohamed Morsi; 98 under former interim President Adli Mansour; and 24 under the current Egyptian President Abdel Fattah Sisi.

Hamas leader Mahmoud al-Zahar, along with 12 members of his family, are the most prominent cases who were threatened with withdrawal of their Egyptian nationality. On April 30, 2012, Zahar said in an interview with the BBC that he had obtained Egyptian citizenship after the citizenship law was enacted and it was not withdrawn.¹⁶

According to the Egyptian lawyer and writer, Mr. Saleh Hasaballah¹⁷, the ministry of interior has the right to withdraw the Egyptian nationality by Law No. 124, article 16, which states that a decision by the Council of Ministers may revoke the Egyptian nationality for everyone who enjoys it in the following cases:

- In case of fraud or based on false statements
- If he is sentenced in Egypt to a felony or a penalty restricting freedom in an offense against honor
- If he is convicted in a crime that is harmful to the security of the State from the outside or from the inside
- If he has been not staying in Egypt for two consecutive years without an excuse accepted by the Minister of Interior
- If he has entered a foreign nationality in violation of article 10
- If he enters the military service of a foreign country without a prior license issued by the Minister of War.
- If he resides abroad and joins a foreign body of its purposes to work to undermine the social or economic system of the state by force or by any illegal means.
- If he works for the benefit of a foreign state or government which is at war with Egypt or has cut diplomatic relations with it.

Article 16 emphasizes the importance of justifying such decisions and determining their causes. Therefore, a person has the right to submit an appeal before the competent courts. However, if the reasons are clarified, the appeal can only be submitted if the reasons presented are unconvincing.

Mr. Saleh Hasaballah stressed that the reasons for revoking Egyptian nationality for the Palestinians are “political” because usually there are no criminal cases amongst those applying for the citizenship, stressing that the decision of refusal for security reasons must be accompanied by the existence of a previous criminal judgment such as “murder, drug trafficking, Honor “, in which case the Ministry of the Interior has the right to revoke the citizenship.

Conclusion

The issue of granting Egyptian citizenship to Palestinian refugees born to Egyptian mothers is still ongoing. A just resolution would be an important step towards strengthening the existing Egyptian-Palestinian bonds by facilitating many aspects of life for Palestinians in Egypt in particular, and around the world in general. In addition, it would be valuable for Palestinians in the Gaza Strip, who are besieged and deprived of freedom of travelling. Particularly during times of war, those with Egyptian nationality would be able to leave Gaza as Egyptian citizens.

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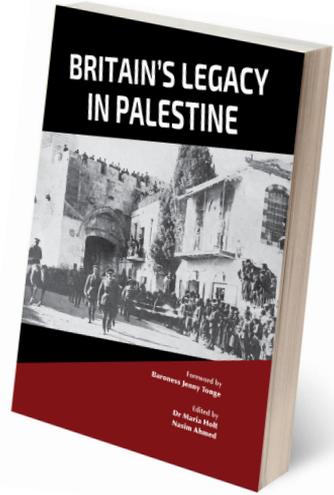
BRITAIN'S LEGACY IN PALESTINE

Foreword by Baroness Jenny Tonge

Edited by Dr Maria Holt and Nasim Ahmed

Britain's Legacy in Palestine is an international conference organised by the Palestinian Return Centre (PRC) to review British policy in Palestine from the Balfour declaration until the Nakba and beyond. Britain has left an indelible mark on Palestine and its catastrophic repercussions are still felt today. In enforcing the Balfour Declaration, Britain sold out Palestinian human rights, self determination and representative government to privilege the Zionist movement in Palestine which led to the 1948 Nakba and numerous massacres against the Palestinian people.

Academics, experts and senior politicians participated at the conference and delivered academic papers and speeches on the aspects of the British mandate policies. This book provides a documentation of the proceedings of the conference.



Participants

Salman Abu Sitta, Professor John Quigley, Dr Victor Kattan, Faysal Mikdasi, Dr Rev Stephen Sizer, Karl Sabbagh, Emile Badarin, Numan Abd al-Wahid, Dr Uri Davies, John Bond, Nasim Ahmed

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WORLD WAR I: IMPACT ON PALESTINE

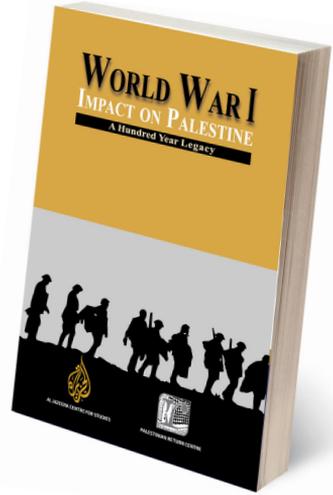
A HUNDRED YEAR LEGACY

Foreward by Richard Falk

Editor: Sophia Akram

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Great Britain recently marked the centenary to commemorate the First World War (World War I), 28 January 1914 – 11 November 1918. The Great War, as it was known, was not only the deadliest war in history but possibly the most transformative: its impact resonated through political change and revolutions throughout the world, defining new borders and determining dominions. One nation that knows this more than any other is that of Palestine, who's future played out after growing support for Jewish migration during the war. This transmutation of the demographics and politics of Palestine is vehemently palpable today as the nations of Israel and Palestine find themselves in a protracted conflict and the Palestinians stateless and displaced. This combination of injustice, resistance and humanitarian catastrophe that has profound geopolitical repercussions deserves astute historical and legal analysis. The Palestinian Return Centre and Al Jazeera Centre for Studies are no better placed to do so and have been pioneering research and contributing significantly to the discourse around this issue for almost a decade. It is therefore, of no surprise for it to convene fourteen leading historians, lawyers, academics and officials to evaluate events preceding, during and after World War I in order to inform the view surrounding the Palestinian crisis.



Participants

Yasin Aktay, Salman Abu Sitta, Oliver Miles, John Keay, Karl Sabbagh, Anthony Gorman, Ghada Karmi, Peter A. Shambrook, Malath Al agha, Jeff Handmaker, Gilbert Achcar, Mahmoud Haddad, Jafar Hadi Hassan

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PALESTINIAN REFUGEES IN THE ARAB WORLD REALITIES & PROSPECTS

This book, *Palestinian Refugees in the Arab World: Realities and Prospects* looks at the most significant aspects of the Palestinian refugee and explores the future possibilities of their plight through studies and papers presented by a group of experts and researchers. The papers were presented during a seminar organised by Al Jazeera Centre for Studies in cooperation with the Palestinian Return Centre on 14 and 15 April 2012 in the Qatari capital of Doha.

There are more than eight million Palestinian refugees in the world. The vast majority live in Arab countries, mainly neighbouring Palestine, with smaller numbers scattered in different parts of the world. They all live under extremely challenging conditions that differ according to the host country's socio-economic conditions and political climate; but include inadequate access to provisions, general treatment and attitudes and protection of human rights.

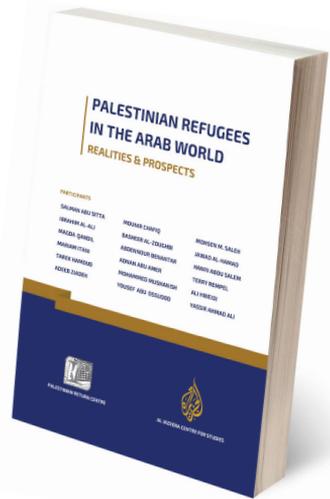
More than six decades have passed since the displacement of these refugees from their homes under Zionism. However they still continue to suffer and live under miserable conditions with no respite. So far, Arab and international efforts have failed to bring this suffering to an end due to Israel's intransigence compounded by American assistance to Israel and support for its occupation. Arab countries have also failed to address this historical injustice and take a balanced commensurate response to the severity of the refugee question, including the Palestinian cause in general.

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Participants

Salman Abu Sitta, Mounir Chafiq, Mohsen M. Saleh, Ibrahim Al-Ali, Basheer Al-Zoughbi, Jawad Al-Hamad, Magda Qandil, Abdennour Benantar, Hanin Abou Salem, Mariam Itani, Adnan Abu Amer, Terry Rempel, Tarek Hamoud, Mohammed Mushanish, Ali Hweidi, Adeb Ziadeh, Yousef Abu Ossuood, Yassir Ahmad Ali

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THE PALESTINIAN RETURN CENTRE KEEPING THE ISSUE ALIVE



Organisation in consultative status with
the Economic and Social Council since 2015

PRC was established in 1996, following the Oslo negotiations, which failed to address the plight of Palestinian refugees. Since its founding it has strived to defend the rights of Palestinian refugees, raise awareness of their plight and bring the issue of refugees back into the political agenda. It has also strived to preserve Palestinian identity and culture, especially across Europe. The work of PRC covers many arenas including academia, media and communications, consultancy, advocacy, lobbying and many more.

OUR GOALS

- 1 - Defend and Promote the Right of Return
- 2 - Raising Awareness
- 3 - Preserve Palestinian Identity
- 4 - Support Palestinian Refugees

OUR ACHIEVEMENTS

UN Accredited NGO

PRC is an organisation in consultative status with the Economic and Social Council since 2015. The centre is also an accredited NGO with the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People since 2003.

Support Palestinian Refugees

The Palestinian refugees are diverse and face many different challenges. More recently 35,000 Palestinian refugees fled violence and persecution in Iraq. Many of them took refuge in camps on the borders between Syria and Iraq. PRC coordinated a cross party delegation from the UK and coordinated with UNRWA, UNHCR and Syrian government for temporary resettlement.

Putting Palestinian Refugees in the Political Agenda

PRC ensures that all relevant institutions are made aware of the plight of refugees. In addition to its accredited role in the UN, PRC guarantees that its message is delivered to the EU and other national parliaments.

PRC has sponsored seminars in the EU, lobbied MEPs in Brussels including former and current EU presidents. PRC lead a very high profile delegation to the European Parliament to meet the president at the time Javier Solano and the Turkish Prime Minister Tayyip Erdogan.

Nationally PRC holds public meetings in Westminster in partnership with main-stream political parties.



RAISING AWARENESS

There is a great deal of misinformation about Palestinian refugees, including the birth of their plight in 1948, their status under international law, their current composition and their position within national law and the political process. PRC seeks to rectify this and address the refugee issue in its proper historical context.

Conferences

PRC organises conferences every year to highlight different aspects of the refugee issue. Our conferences draw a wide range of people including academics, politicians, ministers, human rights organisations and activists.

Publications

The centre has conducted and sponsored a wide range of studies. Our publications include, books, documentary films, exhibitions, research papers and educational CDs, in both English and Arabic.

PRC Online

PRC's online work has grown over the years and now includes a website, Facebook, Twitter and Youtube. The PRC website contains up to date news, information and studies about refugees.

Conference of Palestinians in Europe

PRC founded the European Conference which is now in its eighth year. This conference held in major cities in Europe, brings together up to 10,000 people in order to preserve Palestinian identity and to show solidarity with the people in Palestine.

Advocacy and Public Relations

The centre has developed strong relationships with MPs in the UK and in Europe. We regularly hold public seminars in the Houses of Parliament and European Parliament. Our strong relationship has encouraged PRC to embark on many joint initiatives with British and European MPs.

Exhibitions

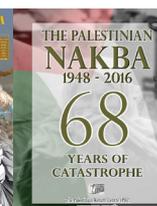
We have held a number of exhibitions, including on the issues of Gaza, prisoners, apartheid and the Nakba. Our exhibitions are held at universities, conferences, PRC events and also offered to other organisations.

Delegations

PRC successfully coordinated a number of delegations from Europe and the UK to Syria, Lebanon and Palestine. Its most high profile delegation was in 2011 when over 50 European parliamentarians visited Gaza.



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