



# General Assembly

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## Human Rights Council

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Agenda item 4

**Human rights situations that require the Council's attention**

## **Written statement\* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2020]

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\* Issued as received, in the language(s) of submission only.

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## State of Palestine refugees in Iraq

One of the tragedies of the Palestinian refugees that have not been highlighted is a marginalized group that sought refuge in the Iraq after the Israeli-Arab war in 1948. After the withdrawal of the Iraqi army from Palestine, dozens of Palestinian families from Jaffa, Nablus and Jerusalem who settled later in Ijzim, Jaba`, and Ain Ghazal villages in Haifa have accompanied the Iraqi army back to Iraq. These refugees have not been recognised as Palestinian refugees in accordance to UNRWA's definition, but Iraq considered them refugees within the state, and they earned great facilities, and have been treated like Iraqi citizens but not in naturalization and service in the army. These facilities were sorted through a number of laws, most notably Law No. 51 of 1971 and Law 202 of the Iraqi Revolutionary Command Council in 2001.

### The abolition of the previous resolution

On December 21, 2017, the former Iraqi President Fuad Masum issued a document showing his approval on the 'Residence of foreigners law No. 76.' And the new law stipulated repealing the previous laws issued by the "dissolved" Iraqi Revolutionary Command Council, including Law No. 202 issued by the Iraqi Revolutionary Command Council on September 12, 2001, which stipulated that the Palestinian should be treated like an Iraqi in all concessions and citizenship rights, except for having Iraqi citizenship. Thus, Law 76 places Palestinian refugees among foreign residents without any other privileges.

According to the Association of Palestinians in Iraq, the new law will deny more than four thousand Palestinian refugees - who live in Iraq - the issuance of travel documents and identity cards, and will be forced to pay entry fees to schools and universities while they were previously exempt from them.

On the other hand, the Iraqi government denied the dispossession of Palestinian refugee rights. On December 24, 2017, the General Secretariat of the Council of Ministers issued a statement, "The foreigners Residence Law voted by Parliament No. 76 for 2017 was issued to regulate the residence of foreigners and did not address the status of the Palestinians at all."

However, the statement of the former Iraqi Parliament Speaker, Salim al-Jubouri, confirms the validity of the abolition of the Palestinian refugees rights, who - at that time - was still holding the presidency of Parliament and promised to legislate a new and special law for the Palestinians in place of the previous abolished law (202) in a press statement a few days later.

The statement of the former Speaker of Parliament is a confirmation of the withdrawal of all concessions from the Palestinians in Iraq, most notably:

- Withholding the monthly food card from the Palestinians which represents the backbone of the family's life in Iraq.
- Blocking the retirement rights of a deceased Palestinians and depriving their heirs of the privileges.
- Re-imposing health, education and various services fees on Palestinians, after they were exempted. This means denying the Palestinians of Iraq from free treatment in Iraqi government hospitals and studying in government schools for free.
- Depriving the Palestinians of Iraq from applying for housing within government projects.
- Depriving the Palestinians in Iraq from Law "21" which recognize the compensation for victims of terrorist operations and military mistakes committed by Iraqi forces or United States of America forces during their occupation to Iraq. This means the loss of the rights of thousands of Palestinians in Iraq.
- Prevent Palestinians of Iraq from entering Iraq in the event of their absence for more than 3 months outside Iraq.

According to the Association of Palestinian in Iraq, the absence for more than three months period law was unknown to the Palestinian families. This is what happened with Fathi Helmy Saeed Saleh, and his five family members. They all left Iraq and went to Turkey for some time. Their living conditions got worse in Turkey, so they decided to return to their home in Topaji district in Baghdad. According to the Association, the family was denied from entering Baghdad Airport because they did not obtain a visa, knowing that they did not need a visa since they obtained a departure and return visa, as well as their IDs had been held in the Residence Department. However, the family reported that the airport authorities in Baghdad had told them that the reason for the ban was that they were "arrivals, not refugees, and do not have the status of residents." The family remained in this condition for four days in very poor conditions, and was forced to leave to the Islamic Republic of Iran while awaiting to obtain a visa to enter Iraq.

## **Palestinians of Iraq and the High Commissioner for Refugees**

Palestinian refugees are not subject to the mandate of UNRWA, and the agency does not include them within its operating areas, but they have been considered as refugees by Iraq since the 1950s. However, after the US invasion of Iraq and the loss of support offered to the government, the United Nations issued a special resolution in 2005 based on the Office of the United Nations High Commissioner for Refugees (UNHCR) to pay rent and food aid for the refugees who mostly reside in Baghdad.

Recently, UNHCR announced that it had stopped paying rents for Palestinian refugee families in Iraq, as the new resolution will be executed in early February 2020. The resolution effectively means the expulsion of families from their houses by the property owners.

According to the Palestinian ambassador in Baghdad, Ahmed Aqel, the resolution to suspend aid will include about a 100 Palestinian families out of 233. However the resolution of the High Commissioner will affect at least 300 Palestinian families living in difficult and tragic economic conditions. The UNHCR has followed a number of strict determinants of livelihood assessments for the Palestinian families in Iraq, started since the early October 2019. Amongst the determinants set by the UN Agency, it has asked refugees whether the family guardian is able to buy and consume rice every day, whether the family members can drink tea every day, and asked them about their possession of a TV or a refrigerator at home, which raised some criticisms and concerns from many families who need help.

## **Testimonies collected by the Palestinian Return Centre**

The Palestinian Return Centre conducted interviews with some of the Palestinian refugees residing in Iraq affected by this procedure and has found the following:

- The Palestinian refugee residing in Iraq, "M.S.", who is 58 years old and a father of 5 children, said in his testimony: "The monthly food card has been withheld from my family, which represents the backbone of the family's life and I don't know if the deceased Palestinian's rights are actually prevented, or his heirs are deprived of his privileges."

He added: "I know three Palestinian families residing in Iraq and have been deprived of governmental jobs, even though they have completed their university studies in Iraq."

He also said: "We applied to obtain housing within the governmental housing project" Basmaya, but our request was unfortunately rejected for reasons we still do not know, it even became very complicated, for example, obtaining a car's ownership can't be granted without obtaining a special approval from the Traffic Directorate."

- "A.M." said in his testimony: "Yes, they deprived my family and other families surrounding us of the health services that we were obtaining for free. Thus, we could not receive medical treatment in Iraqi hospitals, which led to incurring very large expenses and financial burden for getting medical services in private hospitals."

He added: "We were prevented of public servant roles at the official departments, as was the case previously, and I even heard from some Palestinian refugees that, according to the new law, they had been fired from their jobs on the pretext that they were governmental jobs restricted to the Iraqi citizen only."

"A.M" has also referred to the deprivation of the inheritance rights of some of his Palestinian refugee friends due to pension salaries for civilians, in addition to rejecting the request requested by his family to obtain housing within governmental projects.

- "A.Q.", 65 years old, stated that "the food card was withdrawn from my sister and several other families in Iraq. Moreover, health, education and various services fees were imposed on Palestinians, after they were exempted from them." He adds, "Unfortunately, the Palestinians of Iraq are deprived of free medical treatment in Iraqi governmental hospitals and also from studying in governmental schools for free."
- "A.Q" has also said that he was denied access to Law 21 to compensate victims of terrorist operations and military operations committed by US forces during their occupation of Iraq or Iraqi forces, as he was previously kidnapped by a militia.

He added in his testimony: "I was kidnapped for 23 hours, during which I was subjected to various types of torture. After that, I had to leave Iraq and travel to Jordan before the 72-hour time limit expired, which is the time limit given to me by the militias to leave the country as I was threatened that all my children and brother will be killed if I do not leave Iraq."

- Palestinian refugee "R.K.", a mother of three children, reported that she had been deprived of the food card and said that the last time she went to the authorized agent to deliver the parcel of the food card, he told them that the food card was not available and that her name was not on the lists. When asked about the procedures taken by the UNHCR regarding the living evaluation that was conducted for Palestinian families, she said that they had been done when they were asked about rice, TV, and refrigerator to determine the need of families for support by contributing to the rent of the house, for example, or any other assistance.

## **Recommendations**

- Request to the United Nations High Commissioner for Refugees to repeal the decisions negatively affecting Palestinian refugees in Iraq;
- The United Nations Relief and Works Agency for Palestinian Refugees should include Palestinian refugees in Iraq in its mandate;
- To form an international committee at the United Nations to talk with the Iraqi authorities to undo decisions against Palestinian refugees, as well as to request to reveal the numbers of detainees and try to search for those who have been forcibly disappeared;
- Establish an appropriate mechanism for resettling those refugees in Iraq who wish to live in a third country that is agreed upon by all parties;
- The Palestine Liberation Organization as the sole and legitimate representative should participate in devising solutions for these families whose calamities were renewed after 2003;
- To send a delegation from the United Nations to visit the Palestinian refugees in Iraq to find out the extent of the suffering they are experiencing, and the measures being taken against them.