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جامعة القدس

Palestinian Refugees in Iraq:

Reality & Solutions

March 22 & 23 2008

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Palestinian Refugees in Iraq: Reality & Solutions

Conference Report



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First Edition

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Contents

Introduction	4
Conference Steering Committee	6
Introductory about the Human Rights Clinic	9
Abstracts of the First Panel: Political & Historical Background	13-29
Abstract Presented by Musalam Abu Hilou	15
Abstract Presented by Radhouance Nouicer	17
Abstract Presented by Saeed Salameh	20
Abstract Presented by Ibrahim Samour	22
Abstract Presented by Abdullah Abu Eid	29
Abstracts of the Second Panel: Legal Dimensions	31-36
Abstract Presented by Karine Allister	33
Abstract Presented by Muhammad Shalalkeh	35
Abstract Presented by Laila Hilal	36
Abstracts of the Third Panel: Temporary Solutions & Recommendations	37-43
Abstract Presented by Adam Shapiro	39
Abstract Presented by Amelia Templeton	41
Abstract Presented by Aiman Moeen Shaaban	43
Closing Statement of the Conference	46

■ Introduction

Since the occupation of Iraq in 2003, the Palestinian refugees there have suffered great atrocities. They have been targeted for kidnapping and killing, which has led to a large number of them being displaced from their place of refuge in Iraq. Those Palestinian refugees that did not flee and chose to remain in Iraq live in constant fear for their lives. Despite the numerous and varied proposals and initiatives for the temporary resolution of their precarious situation, at the time of the printing of this booklet, the problem of the Palestinian refugees in Iraq is not close to being solved.

On March 22-23, 2008, the Al-Quds Human Rights Clinic in the Faculty of Law at Al-Quds University hosted a conference that brought together politicians, academics, and experts to explore the problem of the Palestinian refugees in Iraq. The first day of the conference was divided into three sessions in which the following topics were discussed: the historical and political background of the Palestinian refugees in Iraq, the legal dimensions

of the situation, and temporary solutions and recommendations. The second day brought together the conference presenters and moderators from the first day, in addition to Palestinian politicians and foreign diplomats for the purpose of coming up with practical recommendations.

This booklet contains abstracts of each presentation made at the conference, in addition to the closing statement of the conference, and the final recommendations that came out of the roundtable discussion that took place on the second day of the conference.

■ Steering Committee

Dr. Mohammed Shaladeh

Dear respectable Dr. Sari Nusseibeh / President of the University

Dear honorable Dr. Sa'eb Erekat

Dear Mr. Osama al-Shannar/ Head of Refugees Committee/ PLO

In the name of God, the Merciful, the Compassionate, Greetings,

On the behalf of the members of the Conference's Preliminary Committee, I would like to welcome you to your university, Al-Quds University, and to welcome your participation in the conference held by the school of law at our university, titled "Palestinian Refugees in Iraq: Reality and Solutions".

This conference is held to discuss the Palestinian refugees in Iraq, amidst violations of the humanitarian laws of the Palestinians in Iraq. This comes in the light of the continuous reasons that extract people from their homes and abandon them in the pits of darkness, leaving them to struggle with poverty, deprivation, humiliation, and frustration.

One of the reasons that encourage Palestinian scholars to investigate in the cases and problems of refugees and their persecution in the Arab world is the fact that the Arab world exports more refugees than it imports. It is the home of the oldest and biggest dilemma of refugees

in the world, since the establishment of the United Nations. This dilemma is that of the Palestinian refugees which can be traced back to 1948.

Despite the perseverance of the International Community that Resolution number 194 regarding the Right of Return should be applied immediately, Israel is yet to accept it. Israel places obstacles in front of the application of the Right of Return, and committes the most repulsive crimes against the unarmed Palestinians, through daily shelling, destruction of properties, elimination, which have all led to the displacement of hundreds of thousands of civilians.

The Gulf War and the American Occupation of Iraq has caused the displacement of hundreds of thousands of people, among which are the Palestinian refugees. They all fled out of fear of revenge or the consequences of the war.

Thus, this important conference is being held, with the cooperation and participation of scholars, scientists, researchers, and college educators, who have come from different parts of the globe and from various universities and research centers.

The number of papers that were presented to this conference has reached (13). All of those papers are centered on three main focal points;

First: the historical background of the Palestinian refugees in Iraq.

Second: the legal status of the Palestinian refugees in Iraq.

Third: the temporary solutions for the Palestinian refugees in Iraq.

This conference, with its various papers, forms a huge step and a solid platform for shedding the light on the crisis of the Palestinian refugees in Iraq.

And so we welcome the participants and bless their efforts, and we ask God to grant us luck and success in order to reach conclusions and solutions which would form a pioneer step towards realistically protecting, empowering and applying the rights of the Palestinian refugees.

On behalf of the school of law, and the legal clinic which has handled the management and organization of this unique scientific meeting, I would like to welcome the honorable scholars and participants, and our respectable audience, may God bless you all and grant you success.

And on the behalf of the members of the Conference's Preliminary Committee, and the staff of the legal clinic, I would like to express our gratitude towards the Canadian Institution of IDCR, represented by Mrs. Rula Rufa'i, for their continuous generosity, support and participation in this conference.

■ **Al-Quds University, Faculty of Law**

The Al-Quds Human Rights Clinic

The First Accredited Clinical Legal Education Program in Palestine

Introduction

Believing in the importance of the role of the schools of laws in defending the rights of the society and the individuals, and in improving the culture of law, Al-Quds University launched a law clinic to integrate the education of the Human Rights and the practical defense of those rights. The Clinic aims at providing the students in with opportunities in the schools of laws at al-Quds University, in order to receive training in practical human rights advocacy. During the first year, the students worked in two practical fields: the field of offering free legal services to the public in Jerusalem, and the field of documenting the violations of human rights and international humanitarian law in the West Bank.

Clinical Legal Education

The clinical curriculum is comprised of a practical and a

theoretical component. The theoretical part of the program consists of weekly sessions and seminars, to build the students' wealth of knowledge which they will use in their work to combat human rights abuses. For the practical side, the students are divided into two groups - those working on projects in Jerusalem, and others working in the West Bank, including Jerusalem. During the legal services project, students work on providing free legal services to the Palestinian public. As for the West Bank, students document human rights and international humanitarian law violations, and report on them. This aims at raising awareness of this issue through active legal institutions in Palestine.

The immediate and long-term objectives of the Clinic:

Al-Quds Human Rights Clinic had many objectives, some of which are:

1. Helping the Palestinians society: the Palestinian society lacks economical resources and therefore in need for aid and help. Thus, Palestinian students can participate in building and integrating with their society prior to their graduation through this Clinic which will send them to work with institutions which have similar goals in mind.
2. Developing human rights advocacy skills of the law graduates at Al-Quds University. This program focuses on the skills and methods of human rights advocacy through general lectures on international human rights advocacy, and through other lectures that deal specifically with Palestine, and Jerusalem in particular.

3. Enhancing the knowledge of the Al-Quds University students concerning Israeli laws. This program offers the students basic training and education in Israeli laws. Jerusalem residents are forced to deal with this law as long as Occupation remains. Therefore, it is our duty to understand the Israeli law in order to defend ourselves and our rights.
4. Increase employment opportunities for the Al-Quds students post their graduation. Practical work experience that they gain through this program will convince employers or practicing lawyers, that Al-Quds university students are both qualified and responsible. Employers always prioritize those with experience.
5. To introduce a new model for teaching law in Palestine. This project will offer a modern method of teaching to the Palestinian academics, where Al-Quds University will be a pioneer in applying it throughout the country. Trials and experiences around the world have proven the efficiency of learning through practice. This offers students a chance to learn about the real problems facing the society, and approaching them professionally during their educational years. A student and a lawyer are both alike in the sense that both do not memorize all the laws, but they search for the laws that apply on certain cases through law textbooks and judicial sentences. By that, Al-Quds University will have succeeded in developing educational methods in Palestine.
6. On the long run, this project aims at giving the students of the Palestinian Law School at Al-Quds University a key role in serving their society and people.

The Clinic's Partners:

Al-Quds Human Rights Clinic has partnered with Al-Haq and Adalah Organizations, which are both renowned for their Human Right advocacy. Lawyers and experts from both institutions have participated in teaching our students the skills of practicing law, and human rights advocacy. They provided them with chances to practice the methods that they use to combat human rights abuses. In addition to that, the Clinic has partnered with Mandela Institute, Addameer Association, United Against Torture, Badil Center, Palestinian Prisoners' Society, and many other dedicated legal institutions.

Funding of the Clinic:

The Clinic has received financial support from Diakonia, a Swedish NGO, in order to enhance the Clinic's activities and programs for two and a half years. In addition to the grant received from the Open Society Institute to cover start-up costs like furniture and equipment used at the Clinic.

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First Panel

Historical & Political Background

- ▶ Musalam Abu Hilou
- ▶ Radhouance Nouicer
- ▶ Said Salameh
- ▶ Ibrahim Samour
- ▶ Abdullah Abu Eid



■ **“Palestinian Refugees in Iraq: an ongoing journey of suffering since 1948”**

Dr. Musalam Fayez Abu Hilou

Head of the Department of Geography and Urban Studies, Faculty of Arts, at Al-Quds University

The declaration made by Ehud Olmert, the current Prime Minister of Israel, during the Annapolis Summit is not different than the ones made by the pioneers and advocates of Zionism. The Russian Jew Joshua Yochmeal demanded the transfer and displacement of Palestinians to Iraq and Syria since 1911, during the Tenth Zionist Congress. This reaffirms that the suggestions and plans made for the resettlement of Palestinians out of their homeland have not stopped since 1948 until now.

Despite the Palestinians official and popular refusal to the notion of resettlement, and despite the failure of the displacement plans so far - which can be considered a Palestinian victory- the Palestinian refugees, however, have lived under very difficult conditions during that time. These hardships were characterized in them not obtaining even the lowest standards of the necessities of a good life, which would have lessened their suffering and provided them with the simplest meanings of dignity preached by all international laws and conventions.

The displacement that the Palestinians have endured during the last six decades, and the circumstances they were subjected to in their exile, have made it difficult to identify and track their cases.

Despite the decreasing percentage of Palestinian refugees that were exiled to Iraq, being less than 1% of the total number of Palestinian refugees registered at UNRWA, however, they were in no better condition than the rest of the Palestinian refugees in exile. They have suffered from ongoing difficult asylum conditions that have been deteriorating since the beginning of the third millennium.

Giving the fact that these Palestinian refugees are not affiliated with any international organization or committee, and that the current political situation in Iraq since the early 90's, with its implications on the lives of the Palestinian refugees, giving all that, there is an urgent need to increase the efforts made to identify the persecution, torture, exile and killings that they have been subjected to since 2003 until now. Efforts should also be made to figure out what can be done to save them, and to fail the displacement plans which were and still are rejected by Palestinians both on the official and popular levels.

There is a lack of information obtained about Palestinian refugees in Iraq, since they were not part of the UNRWA operations or control. They were under the authority of the country, and in order to change the country's view of them from time to time, and follow up on the changes in their status since the first Gulf War, this study aimed at focusing on the agony of asylum since their displacement until now. It also is an attempt to tackle different sources and to identify their demographic attributes. It also focuses on their constant plight during the never ending displacement since 1990. The study also sheds the light on their plight of asylum post the American occupation of Iraq in 2003, the solutions in debate for their future, and what could be done to protect them, and provide them with safety, security, and dignity.

■ **The role of the UNHCR regarding the Palestinian Refugees in Iraq**

Radhouane Nouicer

Head of the Middle East and North Africa Office,
UNHCR

In 2003, as an act of precaution from the anticipated displacement of the Palestinian group inside Iraq caused by the expected war on Iraq back then, , the UNHCR embarked on registering Palestinian refugees. 22,542 refugees were registered before the eviction of the UN employees from Baghdad, following an attack on the UN headquarters in August 2003. It is believed that currently there are around 10,000 Palestinians still living in Iraq.

Since the fall of the former regime in Baghdad in March 2003, the conditions on the Palestinians in Iraq have deteriorated. They became targets of all forms of violence, animosity and discrimination, and some of them were forced to leave their homes or the country in search of a safe place outside Iraq. After the war was over, around 400 Palestinian families gathered in Haifa al-Riyadh neighborhood in Baghdad. A camp was set up for them and the UNHCR rushed to provide them with the needed help, with the cooperation of the Palestinian Red Crescent. As a result of the continuously deteriorating security state, and the increasing violent acts, groups of Pal-

estinians left Baghdad to neighboring countries; fleeing from violence and seeking safety and security.

In search of permanent solutions, the UNHCR has sought after drawing the attention of the international community towards the difficult conditions in Iraq. It issued several appeals, reports, and announcements, calling upon many Arab countries to accept numbers of Palestinian refugees, even if it was temporarily, until they were able to retune voluntarily to Iraq. The UNHCR also carried out extensive diplomatic calls with many Arab countries and Israel, in search of a humanitarian solution. None of the countries answered the call, except for Jordan and Syria, which both accepted few hundreds of them. This forced the UNHCR to consider transferring them to other countries.

Among the options that the UNHCR considered at first, was returning to Iraq. However, it was soon clear that this option was unrealistic and undoable due to the lack of the needed physical, financial and legal security, as well as the deterioration of the situation. That is in addition to considering the tragic conditions of the Palestinians stranded on the borders. Thus, the option of relocating to other countries inside or outside the area became an unavoidable humanitarian emergency, and a last resort to solving this deteriorating humanitarian crisis.

Sudan has recently extended an offer to host Palestinians in the country as a sign of generosity and sharing the international burden needed to solve this humanitarian plight. With the coordination with the PLO, the government of Sudan, and the UNHCR, an agreement was reached regarding the roles of each party and the means of follow-up and implementation. The UNHCR now explores the possibility of signing a manifesto and collecting the needed sources to implement this project.

Canada has also granted asylum to 64 Palestinians from al-Ruwayshid refugee camp in Jordan, followed by Brazil which accepted 114 refugees mostly from the same camp, as well as from al-Tanf and al-Waleed camps. Most recently, Chile has accepted 117 refugees, as well as Norway, Denmark and New Zealand, which all accepted other meager numbers.

Finally, in general, the situation has improved due to the interventions of the UNHCR and other humanitarian organizations, as well as the humanitarian aid sent to provide protection and other basic needs. However, despite all that, the situation of the refugees stranded on the borders is still very bad. Therefore, it is the responsibility of the international community to rush to provide them with international protection, and relocate them with coordination with the PLO and other concerned humanitarian organizations. It should be noted that such relocation does not strip the Palestinians from their right of return, according to the related international conventions, when the opportunity arises.

It is currently known that in addition to the 10,000 Palestinians who are still inside Iraq, specifically in Baghdad, there are around 270 Palestinian refugees stranded on the Iraqi-Syrian borders. They are divided into 1962 refugees in al-Waleed camp, and 723 in al-Tanf camp, according to the latest census in March 2008.

■ **Department of Refugee Affairs Workshop: “Palestinian Refugees in Iraq”**

Said Salameh

General Management for Studies and Information,
Department of Refugee Affairs

In the light of the continuous suffering and displacement of the Palestinians in Iraq, and those who escaped taking refuge in desert camps on the Jordanian-Syrian borders due to the refusal of those countries to host them, the Department of Refugee Affairs organized a workshop in the beginning of the year 2007, in order to discuss the status of Palestinians in Iraq, as well as the legal dimensions after 2003; the year of the occupation of Iraq. That is in addition to studying the official Palestinian efforts that were made in an attempt to put an end to this plight. Options and alternatives were evaluated in the light of the Israeli veto on the return of those refugees to their lands from which they were displaced, and on their return to the Palestinian National Authority territories. Those options included providing safety and protection to the Palestinians in their areas of residence, due to the lack of security provided by the occupation forces and the Iraqi government, in addition to moving the Palestinians to safe areas inside Iraq, or to get them out of Iraq.

Nearly 21,000 Palestinians have left Iraq since 2003, and only around 13,000 of them have stayed. Some of the Palestinians who were forced to leave Iraq have been living for years in refugee camps on the Jordanian-Syrian borders. While the efforts and endeavors to provide them with shelter in the PNA territories, Jordan and Syria, have all failed, the efforts of the PLO, the UNHCR, and other parties succeeded recently in providing them with shelter in their countries.

In November 2007, al-Ruwayshid refugee camp, which is located on the Jordanian side of the borders with Iraq, was evacuated. The last of the remaining families there left to Brazil, which accepted 107 Palestinian residents of this camp for 4 years. One year ago, Canada granted asylum to 54 Palestinian residents of that camp.

It is estimated that about 2000 Palestinians are living under extreme conditions in camps along the borderline of Iraq and Syria, and they are denied access to Syria. Despite the efforts made to find solutions for all those people since last year, only Sudan demonstrated willingness to cooperate.

The official Palestinian stand emerges from the popular stand which rejects the concept of adapting the refugees to their shelters or to resettle them in other countries. It also considers that providing them with safe refuge anywhere does not strip them from their individual and collective Right of Return and reparation, according to the International Legitimacy Resolutions.

■ “Palestinian Refugees in Iraq and the Unknown Fate Conspiracy”

Ibrahim Samour

TV Director, Palestinian TV & Radio Agency

Oh dear home... if only I could turn back the time, I would paint your walls with gold. They promised our exile would last 3 days and nights, but we spent our entire life banished here.

What I will say became forbidden, but please hear me out, truth shall prevail and justice shall be done. Two verses from the Holy Koran will explain what we have become as Palestinians, Arabs and Muslims. We no longer please our friends, nor do we even spite the enemy! God says in al-Mumtahina:

In the name of Allah, the Compassionate, the Merciful.

“Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loveth those who are just.”

This is one of the verses, the other one that follows immediately says:

“Allah only forbids you, with regard to those who fight you for (your) Faith, and drive you out of your homes, and support (others) in driving you out, from turning to them (for friendship and protection). It is such as turn to them (in these circumstances), that do wrong.”

This compels us to differentiate between those who are with us, and those who are against us. The most dangerous are those who pretend to be on our side, but are actually on the side of the enemy. Thus, I say to all the Palestinians, Arabs, and Muslims... despite their status on the hierarchy:

The injustice of the relatives is more painful on the soul than the blow of the sword.

I was born here, in Palestine, in the village of Jaba', District of Haifa. I was born here among my family, my relatives, and my town folks. So this is my land, this is my home, here is my orchard, and here stands tall the mountain of (Naqar Samour) whose name we carry from one generation to the other. The truth which my people, the rest of the Arabs, and all of those who seek to know the truth around the world, should realize and be aware of, the truth is that here, in this Arabian area and on a dark night, people conspired with the enemy during World War I, and inflicted evil on the area. They executed the conspiracy plan of occupying, dividing, and separating this land. They cuffed it with secret agreements and outspoken promises. They set unnatural borders and shared the land. The divided Palestine was placed under the British Mandate, which facilitated the entry of strangers to my homeland. They provided them with armory and tools to execute the most atro-

cious crime of piracy in the 20th century. They empowered the Zionist Gangs to establish their entity on the Palestinian soil and called it (Israel). The Allies, headed by Britain, are held accountable for the historical and moral responsibility of what Palestine went through, and what became of the Palestinians inside Palestine and outside in exile. My beautiful village and the adjacent villages became mere rubbles after 21-7-1948. The British air force, artilleries and the variety of weaponry were handed to the Zionist gangs to destroy the villages and to force the villagers out. People fled from the burning fires of Hell on Earth, they sought the help of the Iraqi forces located in Jenin. The Iraqi army transferred the villagers from Jaba', Ijzm, and 'Ayn Ghazzal specifically, as well as people from other adjacent villages to Baghdad. They lived there in shelters, schools, and old clubs and collages.

At first, the Iraqi Ministry of Defense was in charge of them, and responsible for providing them with food. In 1950, the duty shifted to the Ministry of Work and Social Affairs- Department of Refugee Affairs until 2003, which is when Baghdad fell and was occupied. This department was assigned the duty of following up and dealing with the status and needs of the Palestinian refugees. The department worked tirelessly in order to create solutions for their problems within the abilities of Iraq and limited by the situation it was going through. Palestinians lived side by side with their Iraqi brothers and sisters. They shared the same social and economical status as the Iraqi laws emphasized treating the Palestinian as an equal to the Iraqi in all aspects of life. That included education, employment, work, and social security. These laws excluded acquiring property or a citizenship... add to that some restrains here and there, but they were not the basis for communication...

In general- with the exception of the problem of residency which was not solved despite the efforts made, due to the siege imposed on Iraq- what mattered was that Palestinians were respected both on the official and popular levels. This had Palestinians looking up at Iraq with eyes full of hope of liberating Palestine and refugees returning home. The Iraqi stand on the Palestinians Cause was one of the main reasons which drove the United States of America, Britain, and other Allied countries to occupy Iraq on April 2003. They occupied it under the slogan of American Democracy in the Arab region. The real reason behind it was to impose their military control on the entire region, in order to implement their plans, and to force it under the logic of lethal power, so as to achieve their announced and hidden goals.

Iraq was the first to pay the high price, and was maliciously torn apart. The atrocities they committed in Palestine in 1948 were repeated in Iraq in 2003. The only differences were the time, the place and the goals. The result is what you hear and read about daily of destruction, devastation, murders, displacement, and suffering without an end in sight. Palestinian refugees in Iraq were left to seek safety and security after going through what their Iraqi brothers and sisters went through. All they can do is call for mercy which can only be answered by God.

Here, I don't want to go into too many details which most of you already know. What you do not know, however, is that my family, relatives, and clan are over 1000 person. I do not know much about them, where they are, or how they live inside or outside Iraq. I heard that some fell as martyrs, some were tortured, and others were imprisoned. There are others who fled from this hell to the camps that were set to host and humiliate them, or to many of the Arab and European countries.

The bitter truth which must be known by all is that the new conspiracy of the unknown fate, which is being practiced against the Palestinians everywhere, will only make them more determined to demand their Right of Return. No matter how long it takes, everything comes to those who wait.

To be honest with ourselves, all the well intended efforts that were made along the past five years are appreciated. We thank those who made the effort, and those who went the extra mile. Our meeting here today is merely a continuation and a persistence to keep working together to save our people in Iraq. Those efforts did not shelter them from death, detention, torture, or displacement. They did not provide safety or security, nor did they provide them with food, which is the major problem in their life. For this meeting to be effective, I am reminded by the saying of the famous international playwright William Shakespeare in his play Hamlet. Hamlet said: to be or not to be? That is the question! Palestinians were destined to fight back, and to stand tall in the face of all challenges. In order to be efficient, and for us to reach positive steps, we have to:

First: on the Palestinian level:

1. Work on the return of the Palestinian refugees in Iraq to their homeland Palestine. This includes those who remained in Iraq and those who were exiled and displaced once, twice and three times to the borders or to other Arab or foreign countries. This should be one of the major and important files to be discussed in meetings and conferences with the Israelis.

2. Provide urgent and needed aid and relief to the Palestinians refugees wherever they are.
3. Provide a Palestinian passport that is recognized internationally and by the Arabs, and to ensure an equal treatment and respect as that given to other passports.

Second: on the Arab level:

The Palestinian leadership, headed by the President Abu Mazzen, should adopt the Palestinians refugees' case as a whole, and the Palestinians refugees in Iraq specifically. This file is to be on the agenda for the upcoming Arab Summit in Damascus. Arabs should take responsibility towards the Palestinians Cause. The plight of the Palestinians should not be looked upon with pity or as a charity case. They should not offer humanitarian aid simply to get rid of the burden that was forced upon them. What matters the most is the dignity of the Palestinian which is part of their own dignity too. They should fear God and aid this nation and stop those stranger and bizarre methods that they follow in dealing with the Palestinians who are paying the price on behalf of them.

Third: on the international level:

1. To awaken the international consciousness in all the international assemblies, to stand beside the Palestinians and stop the occupation of their land, the shedding of their blood, the torture they suffer from, and the displacement that they go through over and over again. They should uphold the resolutions of the UN which recognize this eternal right, and to establish an independent Palestinian state, with Jerusalem as its capital.

2. To follow up with all the Palestinian, Arab and international efforts made with the international organizations and committees which have the power to save the Palestinian refugees in Iraq from the dilemma that they were placed in.
3. To emphasize the role and importance of the media in explaining the dimensions and dangers of what is being plotted against our people inside the country and abroad. That is in addition to upholding the Right of Return, and to reject marginalizing the Palestinian cause and turn into a mere case of refugees that lack food. They should also make it very clear to everyone that this is the right of a nation as a whole to live in their country and on their land.

Dr. Abdullah Abu Eid

Former co-lecturer of International Law and International Relations at al-Najah and Beir Zait Universities and currently works at Bethlehem University

This paper reviews the plight of tens of thousands of Palestinian refugees in Iraq. It looks for their fate and their previous and future legal status as refugees being displaced by force for the second or the third time.

Tens of Palestinian refugees in Iraq were killed, raped or injured .Such atrocities forced the majority to leave Iraq. They were stranded in few camps in the desert between Iraq and Syria and Jordan.

The paper explores their legal status, as refugees, stressing that it is the responsibility of several parties to afford them with protection and assistance in accordance to the 1951 international convention relating to the status of refugees. At top of these parties is the UNHCR. Besides, it is the humanitarian duty of neighboring countries to admit them entrance and necessary help until the international community, represented by the UNHCR, takes care of them.

The Paper further draws a comparison between them and the Palestinian refugees of Nahr el-bared in Lebanon, who were also displaced in the same period, in terms of their legal status and the responsibility of those who caused both crimes and atrocities.

The Paper also shows the «international legal system dealing with refugees ». It also sheds the light on (The Arab Regional System of Palestinian Refugee Protection) which was declared in The Casablanca Protocol in 1965.

The Paper ends with some proposals relating to the activation of the Arab Regional System for the Protection of Refugees

The ninth paper titled “Palestinian Refugees in Iraq: an ongoing journey of suffering since 1948” was presented by Dr. Musallam Fayeze Abu Helw, who is the • The tenth paper titled “A Summary and Recommendations of the Plight of the Palestinian Refugees in Iraq” was presented by Sheikh and the engineer Ayman Mo’een al-Sha’ban. He is a specialized researcher of Palestinians in Iraq at the External Relations and Media Officer, at the Bayt al-Maqdis Center for Cultural Studies, Yemen.

Second Panel

Legal Dimensions

- ▶ Karine Mac Allister
- ▶ Muhammad Shalalkeh
- ▶ Laila Hilal



■ **What happens to the Status and Rights of Palestinian Refugees who are Relocated/Resettled?**

Karine Mac Allister

A coordinator for Legal Advocacy at Badil Resource Center for Palestinian Residency and Refugee Rights

The fundamental rights of Palestinian refugees are protected by the fact that they are human beings (human rights and humanitarian law), refugees (refugee law) and victims of war crimes and violations of human rights law entitled to reparations (law of nations and state responsibility). As human beings, refugees and victims, their rights to return to their home of origin, property restitution and compensation are guaranteed.

Refugee status (under the 1951 Refugee Convention) is acquired as a result of having fled one's country or place of habitual residence because of loss of national protection (i.e. persecution). Refugees have the right to protection and assistance by their host country and international organizations. Protection includes the search for durable solutions in order to end the plight of the refugee. Available solutions include repatriation (i.e. right of return), local integration in the host country and resettlement in a third country. In the case of Palestinian refugees, however, no UN agency or international organization is currently searching for a durable solution to all

Palestinian refugees; at best, solutions are sought on an ad hoc and case by case basis when emergencies arise.

Palestinian refugees have been displaced numerous times since their first mass displacement in 1948 as a result of conflict, lack of access to basic rights in the host country and/or persecution – ongoing Nakba – in their host countries (e.g. Lebanon, Lybia, Kuwait, Iraq, etc.). Host countries have thus often breached the principle of non-refoulement and Palestinian refugees have been obliged to leave in search of safety and security. When this happens, refugees may be relocated elsewhere and keep their refugee status – a form of temporary, humanitarian protection – or be resettled in a third country and acquire citizenship or an equivalent status on par with the treatment granted to citizens of the host country. In this case, refugees may lose their refugee status because they are no longer in need of international assistance and protection (under the 1951 Refugee Convention). In order to be genuine, the acquired citizenship or equivalent status must, however, meet two conditions: it must have been acquired voluntarily and provide effective protection of basic rights, including political rights. If these conditions are not met, refugee status remains.

Although the legal status of a Palestinian refugee who acquires another nationality changes from refugee status to citizen, he/she remains a Palestinian refugee in the sense of UN General Assembly Resolution 194 and UN Security Council Resolution 237, which reaffirm their right of return and reparations. Hence, if a solution is found based on international law and UN Resolutions 194 and 237, Palestinian refugees who have acquired another citizenship are to be included in the agreement. Moreover, Palestinian refugees' fundamental rights – right of return, restitution and compensation - are guaranteed by the fact that they are human beings and victims of war crimes and violations of human rights law (e.g. forced population transfer) entitled to reparations.

■ **“Palestinians’ Right of Return, Reparation, and the International Law”**

Dr. Muhammad Shalaldeh

Dean of Law School at Al-Quds Univeristy

This paper focuses on shedding the light on the refugees’ case, their return to their homeland and their reparation according to the law. It also tackles the legal adaptation to the Partition Plan and the refugees’ problem. It deals with the legal foundation to any legal solutions to the refugees’ problem, according to the Partition Plan which specified the financial boundaries of the establishment of the country, and its effect on the refugees’ Right of Return and reparation.

This paper clarifies the legal status of the Palestinian refugee. It focuses on the definition of the Palestinian refugee, and the condition of the Palestinian refugees and their legal status in the hosting country.

The paper focuses on the Right of Return and reparation according to the general international law. Based on that, it discusses the concept of the Right of Return according to the international law and to the humanitarian law. It also tackles Resolution 194, right of return, and refugees’ right of reparation.

■ “The Right to Reparation and Palestinian Refugees”

Laila Hilal

A former Legal Adviser on Refugees at the Negotiations Support Unit from September 2002 until 2006

The right to reparation is a fundamental principle of international law and transitional justice. Reparation is frequently confused with compensation when in fact it is a reference to a wide range of remedies for persons who have suffered human rights abuses and from violations of international humanitarian law. This paper explains the concept of the right to reparation under international law, including a review of the substantive forms of reparation. It draws on UN guidelines to provide examples of reparation that are particularly relevant to Palestinian refugees such as return, property restitution, compensation for pain and suffering, and apology. It argues that even though Israel continues to evade its international responsibilities to the Palestinian refugees, the right to reparation may be useful for promoting concrete end of conflict scenarios in the immediate term.

Third Panel

Temporary Solutions & Recommendations

- ▶ Adam Shaprio
- ▶ Amelia Templeton
- ▶ Aiman Moeen Shaaban



■ **Adam Shapiro**

Documentary Filmmaker and Human Rights Activist

In September 2006, my colleague Perla Issa and I first learned of the Palestinian refugees from Iraq stranded at the Al-Tanf and Ruwayshid refugee camps. We also learned that there were virtually no efforts underway to try to find ways for these refugees to leave their miserable and dangerous temporary living conditions, which were becoming increasingly permanent. Following inquiries with UNHCR, the PLO and other agencies, we decided that an independent effort on our part might create new opportunities. In October 2006 we traveled to these two camps and met refugees in both places, interviewed them about their experiences and consulted with them about what they wanted. Empowered by these talks, we then set about trying to open doors for these refugees, wherever it was possible.

By winter 2006, it was clear that no Arab country was going to be willing to accept the Palestinian refugees from Iraq – either those in the border camps or those still in Baghdad who were living in mortal danger. European countries had overwhelmingly rejected Palestinians;

Canada had accepted a meager number; the US was well behind in receiving Iraqis it had promised asylum; and the UNHCR had virtually given up seeking options. We took it upon ourselves to approach Chile, given the large Palestinian population in Chile and the general pro-human rights outlook of the government. Following positive talks there, we also proceeded to pursue options in Venezuela and Brazil, for similar reasons. These efforts resulted in Chile and Brazil accepting Palestinian refugees from the two camps.

Other efforts have been made to get other countries to accept Palestinian refugees from Iraq, but in these cases, there is a demand that the PLO play a formal role in requesting assistance. While the PLO has organized an arrangement with Sudan, to date that remains a promise unfulfilled. Meanwhile, the PLO has been unwilling to follow up on leads we have created to try to open other doors, including temporary asylum situations, whereby refugees could be interviewed by other countries such as Australia and Canada, which have more recently indicated a willingness to take Palestinian refugees from Iraq if they had access for interviews (which Syria is denying for Al-Tanf, while such countries are unwilling to send their representatives to Al-Walid, inside the Iraqi border).

What is needed now is for the PLO to dedicate a person to pursue aggressively all possible options in order to save the lives of these Palestinian refugees. There can be opportunities, but as our experience has shown, these opportunities have to be manufactured. A fully dedicated person, reporting directly to President Abbas is imperative (with coordination with the PLO's Refugee Affairs Department, UNHCR and Azzam Al-Ahmed).

■ **“How the different US actors view efforts to assist and resettle refugees”**

Amelia Templeton
Human Rights First, USA

To date, most U.S. refugee resettlement and refugee rights organizations have focused on broad efforts to educate the public and policy makers as to the scope of the refugee crisis and its impact on neighboring countries. The only particular group of Iraqi refugees that has benefited from the focused interest of the media and policy makers is Iraqis who are affiliated with the United States, primarily because it was believed this was the best group to highlight in order to challenge the administration's opposition to greater refugee resettlement on the grounds that admitting refugees from Iraq creates a risk of admitting terrorists. U.S. advocacy groups, including Human Rights First, Human Rights Watch, Amnesty International, and Refugees International have engaged in some particular advocacy on behalf of Palestinians in Iraq, with Amnesty and Human Rights Watch issuing reports. However, this advocacy has been a small part of the larger effort to improve the U.S. response to the refugee crisis. There is, however, renewed concern over Palestinians in Iraq, in part because advocacy groups

are trying to shift their focus to the most vulnerable groups of refugees (of which the Palestinians are very high priority) and also in the light of recent reports from UNHCR of a wave of deportations to the Syrian border camps and lack of access to medical care. Several good opportunities for advocacy for Palestinians exist in the near future, including General Petraeus and Ambassador Ryan Crocker's testimony before congress in early April and world refugee day in June.

■ **“A Summary and Recommendations of the Plight of the Palestinian Refugees in Iraq”**

Sheikh and Engineer Aiman Moeen Shaaban

The plight of the Palestinian refugees in Iraq during the past years represents a painful reality, a dark period, and a sad era, which passed through several stages immediately after the occupation of Iraq. Those stages are as follows:

Post occupation stage (apprehension stage), in 2004 (vigilance and caution stage), and in 2005 (the beginning of targeting stage) after the emergence of a wave of extensive media incitement against the Palestinian entity. This led to oppression, targeting, and pursuit, and a new stage that was different than any other. The year 2006 is considered one of the most severe and voracious years, where the violations reached a new level and the Palestinians were ruthlessly suppressed in all aspects of life. Thus, as a natural result of the plight, the year 2007 witnessed the largest mass emigration and displacement in over 30 countries, after being in Iraq. And so, the year 2008 remains as the year of the collapse of the social construction of the families and the society.

This tragic reality, and this realistic description which was observed on the field, calls for an inevitable need for effective solutions and practical recommendations to salvage what is left, or at least to lessen the suffering and hardship of life, even if it was partially done. Those recommendations include:

1. Forming an official popular committee emerging from the conference, titled «Palestinians in Iraq», which would research, follow up, and evaluate all the matters relevant to the Palestinians in Iraq and the areas of their displacement.
2. Conduct an extensive, thorough, and centered study which reveals the negative effects of the occupation of Iraq, and the oppression practiced on the Palestinians in Iraq in all aspects of life. That is in addition to the manifestations of those effects on the legal, security, economical, cultural and social levels.
3. To consider the case of the Palestinians in Iraq as an undivided part from the main Palestinian cause, and to address its different aspects and levels, as well as investing in all of the official and popular assemblies and congregations.
4. The case of the «Palestinians in Iraq» should be dealt with on a pure humanitarian level, without creating political excuses or obstacles in the way of moving them to safety, even if it was done partially.
5. To intensify the official efforts represented by the PLO, the members of the Executive Committee, the Department of Refugee Affairs, the PNO, and all of the national and Islamic resistance factions,

in addition to working hard to put an end to this tragedy.

6. The importance of vigorously addressing and discussing the cause, and placing it on the agenda of the upcoming Arab Summit which is scheduled to take place in Damascus. As well as the importance of practicing pressure on the Arab countries to provide all of the facilities to the Palestinians in Iraq, especially granting them entry to work and reside with a Palestinians Authority passport or a travel document.
7. All of the legal and civic Palestinians organization should work on forming an authorized and legal committee to investigate facts in matters of violations, crimes, and massacres. Then to bring forward those who are held responsible to justice, and to consider them as war criminals and violators of the humanitarian rights. That is in addition to following up with the conditions and status of the detainees, and the circumstances under which they were imprisoned in the American and Iraqi detention centers.
8. The Palestinian, Arab and international media, whether it was visual, audio, printed or electronic, should intensify the efforts made, create specialized programs, and address all of the matters concerning Palestinians in Iraq objectively, neutrally, and thoroughly.
9. To work on facilitating the issuance of Palestinian Authority passports to the Palestinians in Iraq, and to exempt them from paying the needed fees considering their tragic conditions.

■ **Closing Statement of the Conference: “Palestinian Refugees in Iraq: Reality and Solutions”**

Politicians, academics, activists, and diplomats gathered at the «Palestinian Refugees in Iraq: Reality and Solutions» Conference, all view the tragic situation of the Palestinian refugees in Iraq with worry and disapproval.

The eternal and perpetual Right of Return was reaffirmed, as well as its being an individual right of every refugee, and a collective right of the Palestinians. It was also emphasized that the refugee acquiring a citizenship or residency of an Arab or a foreign country does not result in the refugee's loss of this right.

The importance of the Palestinians reaching a national unity was also emphasized, which would result in focusing the Palestinian struggle on the political issues.

Subsequently, most conferees had the following recommendations:

First: most conferees demand the PLO to do as follows:

1. The PLO should make the issue of Palestinian refugees in Iraq a top and urgent priority, and should also assign a specialized unit dedicated to working on solving their problem as soon as possible.
2. The PLO should issue Palestinian passports to the Palestinian refugees in Iraq.
3. The PLO should demand listing the Palestinian refugees' case on the agenda of the upcoming Summit Conference in Damascus.
4. The PLO should intensify its visits and communication with the refugees wherever they are, and should follow up with their humanitarian and living status.
5. The PLO should set aside a balance to cover the basic needs of those refugees; such as their health, educational, and relief needs.
6. The PLO should pursue a permanent solution for the refugees to return to their country, or to seek temporary solutions for them; such as granting them refuge in the Occupied Palestinian Territories or in other countries if needed.
7. The PLO should expand its communication network with countries that might host refugees from Iraq, such as Sweden, South Africa, and Venezuela, with emphasizing their right of return to their homeland in Palestine.
8. The PLO should work on spreading awareness

among refugees regarding their rights, especially their eternal right of return which they cannot lose despite acquiring citizenship or residency in any country.

Second: as for the Arab governments, the majority of conferees have:

1. Called upon both the Syrian and Jordanian governments to provide more facilities to the Palestinian refugees in Iraq, especially for the urgent humanitarian cases which require urgent medical treatment, or any other urgent humanitarian cases.
2. Demanded the concerned governments to facilitate the visits of the representatives of the countries that are willing to accept Palestinian refugees, in order to evaluate their condition and interview them.
3. Demanded the Iraqi authorities to take responsibility towards the safety and security of the Palestinians in Iraq, in accordance to the international law.
4. Demanded the Arab countries to commit and apply the Casablanca Protocol.

Third: the majority of the conferees have called upon the UNHCR to:

1. Issue a triple report concerning the status of the Palestinian refugees in Iraq.

2. Create a specialized unit dedicated to following up with the conditions of the Palestinian refugees in Iraq.
3. Intensify communications with the countries that are willing to host Palestinian refugees in Iraq, in order to allow them temporary residence there until their problem is solved and they would be able to return to their homeland.
4. Support and protect unregistered refugees who are suffering from difficult conditions in some of the Arab countries.

Fourth: as for the international community, the majority of conferees have:

1. Demanded the international community to provide financial aid to the refugees in Iraq in general, and specifically to the Palestinian refugees.
2. Demanded the American occupation forces and the other multi-nationals in Iraq to take responsibility for protecting the Palestinian refugees in Iraq, in accordance to the international law.

Fifth: the conferees invite both the civil organizations and the media to:

1. To place the issue of the Palestinian refugees in Iraq on top of their priorities.
2. Work on spreading the legal and cultural awareness concerning the plight of the Palestinian refugees in Iraq.