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Relevant COI on the Situation of Palestinian Refugees in Baghdad

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This document provides an overview of factual elements on the situation of Palestinian refugees in Baghdad, based on UNHCR information and publicly available sources. It has been updated as of 30 March 2017.

Palestinian refugees in Iraq, who arrived in the country during several waves of displacement since 1948,¹ were never formally recognized as refugees by former Iraqi governments; however, they enjoyed a favourable protection environment in Iraq in line with key resolutions of the League of Arab States and the 1965 Protocol for the Treatment of Palestinians in Arab States (“Casablanca Protocol”).² Although they could not obtain Iraqi nationality, were not permitted to vote, and were not required to perform military service, their socio-economic circumstances were on par with Iraqi nationals.³ However, following the fall of the former government of Saddam Hussein in April 2003, the situation of Palestinian refugees was reported to change dramatically as they became the target of hostility and harassment by segments of the Iraqi population, particularly armed militias, on account of their perceived association with and preferential treatment by the former regime, as well as their perceived support for Sunni militant groups.⁴ They were reported to be subjected to targeted attacks, including arbitrary arrest and detention, torture, kidnappings, extra-judicial killings, bombings and mortar attacks in Al-Baladiyat, the main Palestinian residential area in Baghdad, as well as discrimination, dismissal from employment, denial of education, and forced eviction from government and rented housing.⁵ By 2007, thousands of Palestinians had fled Iraq, mainly to Syria and Jordan.⁶

¹ Palestinian refugees have been residing in Iraq since 1948, when the Arab-Israeli conflict caused large-scale displacement throughout the region. That movement was followed by another group who fled the Occupied Territories as a result of the 1967 Arab-Israeli war and later by a third group who fled from the Gulf countries in the aftermath of the 1991 Gulf War. For an overview, see, e.g. UNHCR, *Aide-Mémoire: Protecting Palestinians in Iraq and Seeking Humanitarian Solutions for Those who Fled the Country*, December 2006, <http://www.refworld.org/docid/45b0fc2e2.html>.

² League of Arab States, *Protocol for the Treatment of Palestinians in Arab States* (“Casablanca Protocol”), 11 September 1965, <http://www.refworld.org/docid/460a2b252.html>. For more information on laws regarding Palestinian Refugees in Iraq, see Institute for International Law and Human Rights (IILHR), *Iraq’s Minorities and Other Vulnerable Groups*, May 2013, <http://bit.ly/1PuYy4x>, pp. 26-27, 50-51, 62-63, and 119-125.

³ Palestinians were granted residency permits, benefited from the right to work, had access to social services and were provided with government-owned housing in Al-Baladiyat residence complex in Baghdad, or fixed, subsidized rent in privately-owned dwellings; UNHCR, *Aide-Mémoire: Protecting Palestinians in Iraq and Seeking Humanitarian Solutions for Those who Fled the Country*, December 2006, <http://www.refworld.org/docid/45b0fc2e2.html>.

⁴ Asharq Al-Awsat, *Iraq Continues to Deny Palestinian Refugees Right to Hajj*, 1 September 2016, <http://bit.ly/2bFoGxU>; Joshua Castellino and Kathleen A. Cavanaugh, *Minority Rights in the Middle East*, Oxford University Press, 10 June 2013, p. 220.

⁵ The post-2003 treatment of Palestinians in Iraq is documented in numerous reports, see e. g. IILHR, *Iraq’s Minorities and Other Vulnerable Groups*, May 2013, <http://bit.ly/1PuYy4x>, pp. 119-122; UNHCR, *Update of UNHCR Aide-Memoire of 2006. Protection Considerations for Palestinian Refugees in Iraq*, July 2012, <http://www.refworld.org/docid/500ebee2.html>; Gabriela Wengert and Michelle Alfaro, *Can Palestinian Refugees in Iraq Find Protection?*, in: *Forced Migration Review* 26, August 2006, <http://bit.ly/1T5RBbF>, pp. 19-21; HRW, *Nowhere to Flee: The Perilous Situation of Palestinians in Iraq*, 10 September 2006, <http://www.refworld.org/docid/4517ca7e4.html>; Amnesty International, *Iraq: Human Rights Abuses against Palestinian Refugees*, 1 October 2007, <http://www.refworld.org/docid/47009e3b2.html>.

⁶ The pre-2003 population of Palestinians country-wide was believed to be more than 34,000. Prior to the evacuation of UN staff from Iraq in August 2003, UNHCR registered 23,000 Palestinians as part of a registration campaign. Following the violence in 2006 and 2007, thousands of Palestinians fled Iraq and at the end of 2006 the population of Al-Baladiyat had decreased from 8,000 to 4,000. In 2008, an update of the registration of Palestinians was conducted throughout the country by the Permanent Committee for Refugee Affairs of the Ministry of Interior (PC-MoI), with technical support from UNHCR, during which some 10,500 individuals were registered. A 2013 verification exercise resulted in the verification of over 8,400 Palestinians, of whom

The situation of Palestinian refugees reportedly improved to a certain degree between 2008 and 2012, although the general sentiment among the Iraqi population that Palestinians had received preferential treatment from the previous regime continued to result in harassment, verbal abuse, discrimination (e.g. in relation to employment), arbitrary arrests, and in some cases, targeted attacks.⁷ However, the renewed escalation of violence in Iraq since 2014 as a result of the advances of ISIS and the corresponding rise of Shi'ite militias has once again resulted in a reported significant deterioration of the security and human rights situation for Palestinians in Iraq, including in Baghdad, Mosul and Al-Anbar. Palestinian refugees remaining in areas that fell under the control of ISIS are exposed to widespread human rights abuses and restrictions on their freedom of movement on the same basis as the population at large in such areas.⁸

The majority of Palestinian refugees continues to reside in Baghdad, where they are reported to be increasingly subjected to targeted attacks based on nationality and perceived affiliation with ISIS and other Sunni armed groups, including harassment, threats, arbitrary arrest and prolonged detention under the anti-terrorism law, physical abuse, kidnapping, extortion, killings and house-to-house searches, at the hands of both state and non-state actors.⁹ Al-Baladiyat, where most Palestinian refugees in Baghdad reside, is located at a short distance from Shi'ite-majority Sadr City, which is a regular target for attacks by ISIS. As a result, Palestinians in Al-Baladiyat are reported to be frequently targeted for house-to-

about 98 per cent live in Baghdad city (noting that locations outside Baghdad could not be visited at the time). The number of Palestinians in Baghdad has further dropped since mid-2014 as a result of the deteriorated security situation and increasing attacks against Palestinians. As at 1 March 2017, and following a verification exercise launched in April 2016, a total of 6,279 Palestinians remain registered with UNHCR in the Centre and South of Iraq. The majority of Palestinian refugees reside in Baghdad. A total of 1,732 individual records were inactivated during the verification exercise due to no-shows, and 453 individual records were closed due to spontaneous departures and deaths; UNHCR information, March 2017.

⁷ Landinfo, *Palestinians in Iraq*, 7 March 2014, <http://www.refworld.org/docid/531ecfdb4.html>, pp. 9, 10; IILHR, *Iraq's Minorities and Other Vulnerable Groups*, May 2013, <http://bit.ly/1PuYy4x>, p. 121; UNHCR, *Update of UNHCR Aide-Memoire of 2006. Protection Considerations for Palestinian Refugees in Iraq*, July 2012, <http://www.refworld.org/docid/500ebaea2.html>, pp. 5-6, 8-9; Euro-Mid Observer for Human Rights, *Palestinian Refugees in Iraq, and whom under Threat of Deportation back to Iraq*, 2012, <http://bit.ly/1nOG5V2>, pp. 8-9. See also, Ma'an News Agency, *Palestinians in Iraq Appeal to Abbas over Discrimination*, 28 March 2012, <http://bit.ly/201dugi>.

⁸ According to the Palestinian Embassy in Baghdad, close to 200 Palestinian refugees remain in areas controlled by ISIS. Twenty-four individuals were able to flee from Mosul to Baghdad in February 2017; UNHCR information, March 2017. See also, Haaretz, *In Iraq, ISIS Chases Palestinians from One Refugee Camp to the Next*, 15 May 2015, <http://bit.ly/1Riv1qi>; Mondoweiss, *Palestinian Refugees Displaced again as They Flee Islamic State in Iraq*, 6 August 2014, <http://bit.ly/1oLLGvy>.

⁹ 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 SGBV 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 for reason of the deteriorated security situation; UNHCR information, March 2017. A Lifos report dated 18 July 2016 on the security situation in Baghdad described the situation for Palestinian refugees as follows: *The growing presence of Shia militias in Bagdad has also affected minority groups. Christians, like Sunni Muslims and Palestinians, have been subject to kidnapping, extortion and harassment by various criminal gangs and Shia militias patrolling the capital;* (emphasis added) Lifos, *Irak: Säkerhetsläget – Första Halvåret 2016*, 18 July 2016, <http://bit.ly/2mgpqfk>. According to the US State Department, "There were reports that sectarian groups, extremists, criminals, and, in some alleged but unverified cases, government forces attacked and arrested refugees, including Palestinians, Ahwazis, and Syrian Arabs. During the year UNHCR reported cases of abuse of Palestinian refugees in Bagdad, including intimidation at checkpoints, arbitrary arrests, abductions, and disappearances. There were also reports of threats against Palestinians who reported abuses to local police"; United States Department of State, *2015 Country Reports on Human Rights Practices - Iraq*, 13 April 2016, <http://www.refworld.org/docid/571612576.html>, p. 41. See also, Asharq Al-Awsat, *Iraq Continues to Deny Palestinian Refugees Right to Hajj*, 1 September 2016, <http://bit.ly/2bFoGxU>; The Palestinian Information Center, *Iraqi Militia Kills Palestinian Refugee near Bagdad*, 18 June 2016, <https://english.palinfo.com/699>; The New Arab, *Palestinian 'Kidnapped by Militias' Found Dead in Iraq*, 24 May 2016, <http://bit.ly/2msaE67>; The Palestinian Information Center, *Iraqi Gunmen Kidnap Palestinian Refugee in Bagdad*, 17 August 2015, <https://english.palinfo.com/13770>; Al Karama Foundation, *Iraq: Enforced Disappearance of Palestinian Refugee in Bagdad since 8 July 2015*, 27 November 2015, <http://bit.ly/20srz3e>; Landinfo (in Norwegian), *Respons Irak: Palestinerne i Bagdad*, June 2015, http://landinfo.no/asset/3158/1/3158_1.pdf, pp. 2-3.

house searches and campaigns to arrest suspects following such attacks.¹⁰ As of March 2017, 47 Palestinians are known to UNHCR to be in detention, mostly in Baghdad, or remain missing.¹¹ The majority of these Palestinians were detained by the Iraqi Security Forces, mostly on suspicion of terrorist activities. While some of these detainees have been charged under Article 4(1) of the Anti-Terrorism Law (Law No. 13 for 2005), others reportedly remain in detention without having been charged. Most of these detainees are kept *incommunicado* and UNHCR and its partner organizations do not have access to them nor are they able to locate their place of detention.¹² Reports describe the widespread use of torture and ill-treatment of persons held for terrorism-related offences during pre-trial detention.¹³

Human rights organizations have documented cases of Palestinian refugees who were sentenced on the basis of coerced confessions, including one who was sentenced to death.¹⁴ Whilst evidence remains largely anecdotal, reports suggest that persons who were detained by security forces and who are subsequently released without having been charged, are often subject to repeated searches and interrogation following release.¹⁵

Although Palestinian refugees hold ID cards issued by the Permanent Committee for Refugee Affairs of the Ministry of Interior (PC-MoI) on the basis of a registration exercise undertaken in 2008, these ID cards can be distinguished from those held by Iraqi nationals, making Palestinian refugees easily identifiable targets, including at checkpoints run by state or non-state actors. Government ID cards issued to Palestinian refugees are reportedly often not recognized or respected at security checkpoints. Fearing high levels of violence in Baghdad,¹⁶ but also harassment, intimidation and arbitrary arrest at checkpoints, Palestinian refugees reportedly seek to restrict their movements outside of Al-Baladiyat. Palestinian women and girls, especially those without male family members, are also reported to face

¹⁰ UNHCR information, March 2017. See also, IILHR, *Iraq's Minorities and Other Vulnerable Groups*, May 2013, <http://bit.ly/1PuYy4x>, pp. 121, 122; UNHCR, *Update of UNHCR Aide-Memoire of 2006. Protection Considerations for Palestinian Refugees in Iraq*, July 2012, <http://www.refworld.org/docid/500ebaea2.html>, p. 7. Reports that Palestinians from Gaza had joined ISIS in Iraq may have further strengthened perceptions among the Iraqi population that Palestinians in Iraq may be sympathizing with or supporting ISIS. See e.g. Ma'an News Agency, *Gazan Accused of Killing Italian Activist Dies Fighting for IS in Iraq*, 28 November 2015, <http://bit.ly/1QyOx5X>; Iraqi News, *Palestinian Member of ISIS Killed in Iraq, Family Raises ISIS Flag in Gaza*, 26 October 2014, <http://bit.ly/1Riv1qi>; Vocativ, *Palestinians Flee Gaza to Join ISIS in Iraq*, 21 August 2014, <http://voc.tv/1AE3NCH>.

¹¹ Two Palestinians recorded as "missing" by UNHCR have been kidnapped by unknown militias; UNHCR information, March 2017. See also, Landinfo, *Respons Irak: Palestinerne i Bagdad*, June 2015, http://landinfo.no/asset/3158/1/3158_1.pdf, p. 3.

¹² UNHCR information, March 2017.

¹³ "The Human Rights Ministry confirmed that allegations of torture and systematic abuses were pervasive within prisons and detention centers. International human rights organizations documented credible cases of torture and abuse in facilities of the Ministry of Interior and to a lesser extent in detention facilities of the Ministries of Justice and Defense (...)" ; US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, p. 8. See also pp. 3, 9, 15 and 25 of the same report and Amnesty International, *Amnesty International Report 2016/17 - Iraq*, 22 February 2017, <http://www.refworld.org/docid/58b033ee13.html>; UN Committee Against Torture, *Concluding Observations on the Initial Report of Iraq*, 7 September 2015, <http://www.refworld.org/docid/57a9c1a24.html>, para. 15; UNAMI, *Report on the Death Penalty in Iraq*, October 2014, <http://www.refworld.org/docid/5445189a4.html>, pp. 13, 24-25. UNHCR received credible accounts of torture and forced confessions made under torture in detention from Palestinian refugees released from government detention. In 2016, UNHCR received at least three such reports involving Palestinian refugees, including the case of a Palestinian refugee who had disappeared at the end of May 2016 and was found dead a few days later at the Forensic Institute in Baghdad, reportedly with noticeable signs of torture. Two survivors of torture were submitted for resettlement by UNHCR in 2016; UNHCR, March 2017. See also Asharq Al-Awsat, *Iraq Continues to Deny Palestinian Refugees Right to Hajj*, 1 September 2016, <http://bit.ly/2bFoGxU>; HRW, *Iraq: Protect Palestinians in Iraqi Prisons*, 13 December 2012, <http://www.refworld.org/docid/50d02a132.html>. On pre-trial detention conditions and the widespread use of torture, see UNHCR, *UNHCR Position on Returns to Iraq*, 14 November 2016, <http://www.refworld.org/docid/58299e694.html>, para. 28.

¹⁴ Amnesty International, *Iraq: Submission to the UN Human Rights Committee*, 9 June 2015, p. 11; HRW, *Iraq: Protect Palestinians in Iraqi Prisons*, 13 December 2012, <http://www.refworld.org/docid/50d02a132.html>.

¹⁵ UNHCR information, March 2017.

¹⁶ See UNHCR, *UNHCR Position on Returns to Iraq*, 14 November 2016, <http://www.refworld.org/docid/58299e694.html>, para. 29; UNHCR, *Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative (IFA/IRA) in Baghdad for Sunni Arabs from ISIS-Held Areas*, May 2016, <http://www.refworld.org/docid/575537dd4.html>, pp. 18-23.

harassment, threats and physical and verbal abuse by Shi'ite militias and ISF. For fear of harassment and kidnapping, many Palestinian teenage girls are reported to have dropped out of school.¹⁷ Restrictions on the freedom of movement affect all aspects of daily life, including access to education and employment, with often severe cumulative effects.¹⁸

Access to fair judicial proceedings and state protection is reported to be a particular challenge for Palestinians, which renders them easy targets for abuse and exploitation by militias and tribes, including for confiscation of properties and forced eviction from their homes.¹⁹ Palestinians are reportedly often reluctant to report incidents to the authorities for fear that this would negatively affect their situation due to either real or perceived links between perpetrators and state agents, or the real or perceived negative bias of the police towards Palestinians.²⁰

¹⁷ UNHCR information, March 2017.

¹⁸ UNHCR information, March 2017. See also, Landinfo, *Respons Irak: Palestinerne i Bagdad*, June 2015, http://landinfo.no/asset/3158/1/3158_1.pdf, p. 4; UNHCR, *Update of UNHCR Aide-Memoire of 2006. Protection Considerations for Palestinian Refugees in Iraq*, July 2012, <http://www.refworld.org/docid/500ebaea2.html>, p. 9.

¹⁹ UNHCR information, March 2017. See also Asharq Al-Awsat, *Iraq Continues to Deny Palestinian Refugees Right to Hajj*, 1 September 2016, <http://bit.ly/2bFoGxU>.

²⁰ UNHCR has learnt of numerous instances in which Palestinians did not approach the police for these reasons. In cases in which they reported security/protection incidents, Palestinians often either faced negative consequences or inaction by the police. Lack of access to efficient state protection leaves Palestinian refugees exposed to human rights abuses by both state and non-state actors such as militias or tribes; UNHCR information, March 2017. See also Landinfo, *Respons Irak: Palestinerne i Bagdad*, June 2015, http://landinfo.no/asset/3158/1/3158_1.pdf, p. 3.