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1 Introduction

A blacksmith went out to eat in a local restaurant and never came home. Two days later his body was found in a morgue bearing marks of torture. A trader, married with five children, was abducted from his car by armed men, leaving two of his children in the car. He was later shot and his body left lying in the street. A taxi driver waiting at a petrol station was abducted by armed men. Two days later the abductors used his mobile phone to tell his family to collect his body from the morgue. The body had clear marks of torture, including drill holes. Four men, including two brothers, were arrested by the Iraqi security forces. The same month they appeared on television confessing to a bombing in Baghdad. It transpired that they had been tortured for 27 days – beaten with cables, given electric shocks and burned with cigarettes. They signed confessions for six bomb attacks, including five that had never actually taken place.

These victims of such gross abuses have one thing in common. They are Palestinians. Amid all the violence in Iraq since the US-led invasion in 2003, the targeting of Palestinians and their increasing suffering have rarely been reported.

Scores of Palestinian refugees(1) 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. Many Palestinians have fled their homes, mostly in Baghdad, after receiving written threats warning them to leave the country or face death. Some are in hiding inside Iraq; others are stranded in makeshift camps near the Iraq/Syria border with no apparent solution to their plight. Some Palestinians have been arrested and detained by Iraqi security forces or by the Multi-National Force (MNF) on suspicion of involvement in insurgency activities or links with Sunni insurgents. Most of those arrested have been released without charge, but many say they were tortured or otherwise ill-treated in detention.

Palestinian refugees have been targeted by armed militia groups affiliated to Shi'a religious parties because of their ethnicity and because they are reputed to have received preferential treatment under the former Ba'ath government headed by Saddam Hussain. As Iraq plunged into chaos and the sectarian strife between Shi'a and Sunni intensified, Palestinians became more vulnerable because, unlike Iraqi Shi`a and Sunni communities, they do not have an armed group or militia to protect them or retaliate against those who attack them. Some Shi'a religious groups have tried to link Palestinians to insurgents fighting against Iraqi forces and the MNF. The fact that hundreds of Sunni volunteers from Arab countries went to Iraq and joined insurgents has led to a considerable anti-Sunni Arab sentiment among some Iraqis, especially the Shi'a.

The 15,000 or so Palestinians who are still in Iraq, including those in camps near the border with Syria, are in legal limbo. They are recognized as refugees by the UN High Commissioner for Refugees (UNHCR). However, few countries in the region or beyond are willing to accept them for resettlement. So far, the Iraqi government and the MNF have failed to provide them with adequate protection.

This report examines the precarious situation of Palestinian refugees in Iraq. It includes a historical background of this refugee community, descriptions of the serious human rights abuses being committed against them, and the appalling conditions in the camps near the Iraq/Syria border, particularly al-Waleed and al-Tanf camps. Among other recommendations, Amnesty International calls on:

- **the Iraqi government** to protect all Palestinians in Iraq; provide immediate assistance to refugees in al-Waleed and al-Tanf camps; investigate attacks and human rights violations against Palestinians and bring those responsible to justice; and charge Palestinian detainees with recognizably criminal offences or release them.
- **the MNF** to protect and assist Palestinians in Iraq; ensure that no Palestinian and other detainees are transferred to Iraqi security forces until adequate safeguards against torture and other ill-treatment are in place.
- **the Syrian and Jordanian governments** to allow entry to Palestinian refugees from Iraq seeking protection from persecution; ensure that they are not penalized for using forged passports; and respect and protect their human rights.
- **the US and UK governments and other members of the international community** to actively help with the resettlement of Palestinian refugees from Iraq.
- **leaders of armed groups in Iraq** to immediately stop attacks against Palestinian refugees and all other civilians, including abductions and hostage-taking, executions, torture and other ill-treatment, and threats of death or abduction; publicly commit to respecting international humanitarian law; and make clear to their fighters and supporters that attacks on civilians will not be tolerated.
- **religious and community leaders in Iraq and abroad** to publicly condemn all attacks by armed groups against Palestinian refugees and other civilians and call for these to cease.

2 Background

Thousands of Palestinians fled to Iraq after 1948 following the creation of the state of Israel. The first group of Palestinians came from villages around Haifa and Yaffa. Other waves of Palestinian migration to Iraq took place after the 1967 Arab-Israeli War and after the 1991 Gulf War when thousands of Palestinians were forced to leave Kuwait. In May 2006, UNHCR estimated that there were 34,000 Palestinians living in Iraq, the vast majority in Baghdad, but some in Mosul and Basra as well. Of these, 23,000 had been registered by UNHCR in Baghdad in 2003 before the evacuation of UN staff following a lethal bomb attack on the UN headquarters in Baghdad.(2)

The UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was established by UN General Assembly Resolution 302 of December 1949 to give emergency assistance to Palestinians displaced by the 1948 War. Its mandate has been regularly renewed and it continues to provide assistance, including essential education, health and relief services, to "Palestine refugees". These are defined by UNRWA as:

"persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict… [the] definition of a refugee also covers the descendants of persons who became refugees in 1948. The number of registered Palestinian refugees has subsequently grown from 914,000 in 1950 to more than 4.4 million in 2005, and continues to rise due to natural population growth."(3)

The mandate of UNRWA is limited to Palestinian refugees who reside in Jordan, Lebanon, Syria, the Gaza Strip and the West Bank. Displaced Palestinians in other countries and those who have been displaced by, among other things, the 1967 Arab-Israeli conflict are considered to be refugees but they do not fall under UNRWA's mandate; UNHCR is the agency that has responsibility for addressing their protection needs. .

Palestinian refugees constitute the world's largest and longest standing refugee population as they remain without a durable solution to their plight. They have virtually no prospect in the foreseeable future of being allowed to return to the lands and homes that they left when they departed from what is now Israel and the Israeli-Occupied Palestinian Territories (OPT), even though they have a well-established right to return under international law.(4)

The mandate of UNHCR does not cover Palestinians registered with UNRWA in its countries of operation. However, Palestinian refugees in Iraq, including more than 2,100 refugees who are now stranded in camps at the Iraq-Syria border, are not registered with UNRWA and thus fall under UNHCR's remit.

Iraq has not ratified the 1951 Convention relating to the Status of Refugees (the Refugee Convention). Successive Iraqi governments have not granted Palestinians refugee status or citizenship,(5) and have barred them from owning houses or land. However, prior to the US-led invasion of Iraq in 2003 Palestinians had good access to services. They were issued with special travel documents and given residence permits. They were allowed to work and had full access to social services, including health and education. Most Palestinians lived in state-owned apartments provided by the Iraqi authorities. Others lived in privately-owned apartments but their rent payments were subsidized by the Iraqi authorities. Some Iraqi owners of such apartments were said to have been pressurized by the government to rent them cheaply to the Ministry of Social Affairs so that Palestinians could live in them. Palestinians in Baghdad were concentrated mainly in the neighborhoods of al-Baladiyat, al-Hurriya, al-Dura, Hay al-Saha, Hay al-Salam, Tel-Mohammad and Hay al-Amin al-Thaniya.

Immediately after the fall of Baghdad in April 2003, Palestinians began to be targeted for various forms of ill-treatment, intimidation, death threats and abduction by militia groups. Others suffered arbitrary arrest, detention, torture and other ill-treatment by Iraqi and MNF forces on suspicion that they may have been involved in or have supported Sunni insurgents groups. Many Iraqi Shi'a, including Shi'a political and religious groups such as followers of Muqtada al-Sadr and the Supreme Council for the Islamic Revolution in Iraq (SCIRI), the two largest Shi'a political blocks, resented the privileged treatment that Palestinians had received before 2003. The military wings of these two groups, respectively the Mahdi Army and Badr Organization, have been responsible for gross human rights abuses against civilians, including abduction, hostage-taking, torture and unlawful killing, including the murder of people they have abducted.

Palestinian families who were living in rented apartments that belonged to Iraqi landlords were evicted from these homes by force by their landlords, and Palestinians have been abducted, tortured and killed by armed men, reportedly belonging to the Mahdi Army, and arrested and detained.

Hundreds of Palestinian families attempted to flee Iraq and cross the border to Jordan. The Jordanian authorities admitted 386 Palestinian refugees married to Jordanian nationals, but refused entry to other Palestinians from Iraq. Some Palestinian refugees who managed to enter Jordan were housed, together with Iranian Kurds, in al-Ruweished camp, about 50km from the border. They remained in the camp for about four years. UNHCR wanted to close the camp in 2006 because of the harsh living conditions, but no country in the region would take the refugees. Eventually, Canada and New Zealand agreed to take 54 and 22 Palestinian refugees, respectively. Ninety-seven others remained in the camp until July 2007, when the Brazilian government agreed to resettle them in Brazil. The transfer of this group has been scheduled for mid-September 2007, according to UNHCR.(6)

Palestinians remaining in Iraq must renew their residence permits every two months at the Ministry of the Interior, where they are reportedly intimidated and humiliated by staff. These documents are essential. Without them the risk of being arrested at a checkpoint is very high.

Some statements by Iraqi government officials have encouraged anti-Palestinian sentiments. UNHCR expressed its concern in October 2005 about a statement by the Iraqi Minister of Displacement and Migration, whose ministry is responsible for refugee issues, that called for the expulsion of Palestinians from Iraq to Gaza.(7)

The situation of Palestinians worsened considerably after the bombing of the Shi'a holy shrine in Samarra on 22 February 2006, for which no group has claimed responsibility. The attack triggered widespread sectarian violence in Iraq between Shi'a and Sunni Muslims, which led to the killing of thousands of civilians. Palestinians were not spared. On the contrary, hatred of them increased and they suffered numerous attacks in the weeks and months following the bombing. In March 2006 about 180 Palestinians fled Baghdad and went to the Iraq-Jordan border, but were not allowed into Jordan. Some were joined by close family members and they all remained stranded at the border until Syria agreed to take them in May 2006.(8) On 22 April 2006 the Syrian government announced that it would welcome the group into Syria, under the auspices of UNRWA. Arrangements for the transfer reportedly took two weeks due to the security situation in Iraq. This group of 305, including more than a hundred women and children, were settled in al-Hol refugee camp in al-Hassakah governorate, north-east Syria, near the Iraq border.(9)

There are also around 400 Palestinians in al-Tanf camp in the no-man's land between Syria and Iraq, and around 1,550 in al-Waleed camp in Iraq about 3km from the border with Syria.

According to UNHCR estimates, fewer than 15,000 Palestinians are still living in Iraq. Almost all are believed to want to leave the country because of the precarious security situation. Members of this group are especially vulnerable to human rights abuses, including murder, abduction, hostage-taking, arbitrary detention, and torture and other ill-treatment. Thousands are believed to have left Iraq with forged Iraqi passports, but the whereabouts of most are unknown. A few have apparently been to UNHCR offices, especially in Asian countries, to seek assistance.

3 Abduction, hostage-taking, torture and killing of Palestinians by armed groups

There are no exact figures for the number of Palestinians killed in Iraq since the 2003 war. A joint Palestinian-International Middle East Media Centre statement put the number of those killed in Iraq at more than 320 by early 2007.(10) UNHCR stated that between April 2004 and January 2007 at least 186 Palestinians were confirmed murdered in Baghdad. On 24 January 2007 the Representative of the Palestine Liberation Organization (PLO) in Lebanon sent Amnesty International a list of nearly 500 Palestinians reportedly killed in Iraq since 2003.

The increased targeting of Palestinians led Ayatollah Sistani, the highest Shi'a spiritual leader in Iraq, to issue a fatwa (edict) on 30 April 2006 which forbade all attacks on Palestinians and urged the Iraqi authorities to provide them with protection.(11) However, the fatwa has had little impact and violence against Palestinians has continued unabated.

On 22 February 2006, the day the Shi'a shrine in Samarra was bombed, two Palestinian brothers, **Nazzar** and **Ziyad 'Abdel-Rahman**, were abducted by armed men, reportedly from the Mahdi Army, in al-Amin district of Baghdad. Their bodies were found three days later in a morgue bearing clear marks of torture.

Also on 22 February, **Samir Khaled `Issa al-Jayyab** went to pick up his son from school in al-Baladiyat and never returned. Three days later his body was found in the morgue. The family was reportedly told that police from al-Rafidain police station had found the body in al-Sadr city in Baghdad and transferred it to the morgue. The body apparently bore marks of torture.

Mohammad al-Jayyab, a relative of Samir al-Jayyab, aged around 35 and married with children, was abducted by armed men from his workplace in al-Baladiyat at the end of February 2006. His abductors reportedly phoned his family and asked for US$20,000 as a ransom for his release. After some negotiations the family paid US$10,000. However, the body of Mohammad al-Jayyab was delivered to the family with marks of torture.

Sabah 'Abdel-Qader 'Abdel-Khaledq, a 31-year-old blacksmith, went out to have dinner on 16 May 2006 in a local market situated near his home in the district of Hay al-Salam. He never returned home. When his family made inquiries in the area, witnesses told them that a body had been found the night of 16 May. On 18 May the family identified his body in the morgue of the Forensic Medicine Department in Baghdad. They were told that it had been found in al-Iskan district of Baghdad and that Sabah 'Abdel-Khaledq had been shot in the head. The body reportedly bore marks of torture.

Nadeem Ibrahim Mahmoud, aged 23 from al-Jami'a district in Baghdad, had fled with his family from Kuwait to Iraq in 1991, and in January 2007 fled again to al-Waleed camp. He told Amnesty International that he has cancer and suffers from heart problems. He was working with the Iraqi satellite channel Baghdad TV, which had been bombed.(12) A month before he left the capital he received an e-mail telling him to leave his job or else he would suffer serious consequences. He said the e-mail was signed by al-Qa'ida in Iraq. A few days later he received a written message delivered to his door. It said "Leave in 24 hours or else". The message was not signed but he believes it was from either the same group that sent him the e-mail or from a Shi'a militia group. Nadeem Ibrahim Mahmoud immediately left Baghdad with his family, his parents and his brothers and sisters, and went to the border. The doctor in the camp referred him to al-Qa'im Hospital in April 2007. He spent 24 hours there but said the hospital lacked vital equipment and medicines. He was only given painkillers. Just before the family went back to al-Waleed camp they went to a restaurant in al-Qa'im. In the restaurant a group of policemen and security forces threatened them with arrest because they thought they were "terrorists" or Arab volunteers. It took some time before they could convince the armed security men that they were Palestinian refugees from al-Waleed camp.

Ziyad Mohammad 'Abdullah, a 37-year-old security guard, married with two children, was detained and taken away by armed men when he was walking to his workplace in the district of Karrada on 28 November 2006. The following day, his family was contacted by telephone by men claiming to be holding him. They demanded a US$60,000 ransom. After 10 days of negotiations, the family reduced the amount to US$6,500. Ziyad's brother took the money by car to meet the abductors at an agreed place in al-'Ubaidi. When he arrived five armed men, who apparently had been following him, arrived. They took the money and told him to go back and that his brother would be released in two hours. The brother, however, was not released. The family received other similar ransom requests and they paid on two other occasions sums of US$4,000 and US$1,000. As of June 2007, the fate and whereabouts of Ziyad Mohammad 'Abdullah are not known.

Aysser Badi Hussain, a 35-year-old taxi driver from al-Mansour district, married with two children, was abducted on 29 November 2006 by armed men, allegedly from the Mahdi Army. The armed men took him and the taxi. On the day of his abduction, someone called a relative using Aysser's mobile phone to ask whether Aysser was Sunni or Shi'a. The relative lied and said he was Shi'a. For 12 days there was no news. His family visited police stations and the morgue of the Forensic Medicine Department in Bab al-Ma`dham district, but to no avail. On 11 December 2006 his family was told that a body had been discovered by the police in Hay al-Khadhra district. The family went to the morgue and discovered that the body was indeed Aysser's. One of his brothers told Amnesty International that neither he nor other male relatives wanted to go to the morgue because they feared they would be abducted or killed. They sent female relatives with money to bribe officials in order to collect the body. The body allegedly bore clear marks of torture, which according to the brother consisted of the use of a drill and electric shocks on different parts of the body, as well as bruising.

One of Aysser's brothers, **Ra'id Badi Hussain**, aged 37, was abducted in March 2006 and held captive for about five days. He was released after his family paid a US$6,000 ransom. He is said to have been tortured during captivity.

Hamed 'Ali Mohammad al-Hanouti, a trader from Hay al-Salam district born in 1961, married with five children, 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 neighbourhood, 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.

A number of Palestinians were killed or seriously injured as a result of missile attacks on predominantly Palestinian areas, especially al-Baladiyat. On 2 February 2006, two missiles hit an area in al-Baladiyat injuring two Palestinian men, **Mohammad 'Ali Hussain al-Nimr**, a mechanic, and his business partner, **Feras Jabr Mes`ad,** who was in the same building. Mohammad sustained serious injuries to his left arm and his right leg. He had received threats from armed militia that he must leave Iraq or be killed. He left Baghdad on 17 July 2006 and went to Syria. He was held in Syria for about six months because he entered the country with a forged passport, and was then forcibly returned to Iraq. Feras left Baghdad again on 27 January 2007. Both men are now living in al-Waleed camp.

On 13 December 2006 militia men reportedly shelled the Palestinian district of al-Baladiyat for nearly three hours. Seven Palestinians were killed, including a woman, **'Aysha Ahmad Ishaq**, and several children. At least 32 others were injured, some seriously. According to a UNHCR statement issued on 14 December 2006, the attack lasted three hours with no attempt by Iraqi police or the MNF to stop it. Further, the militia men blocked ambulances from taking the dead and wounded to hospital.(13)

On a number of occasions leaflets were found in Palestinian districts threatening to kill Palestinian families if they did not leave Iraq within 10 days. These leaflets often accuse Palestinians of being "traitors", "Saddamists", "Ba'athist", and of supporting Sunni insurgents or "Wahabists", as they call them. For example, on 24 March 2006 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.(14)

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."(15)

Mostafa Ahmad, a 27-year-old taxi driver from al-Baladiyat, was waiting at a petrol station near al-Baladiyat on 13 August 2007 when he was attacked by armed men believed to be from the Mahdi Army. He was abducted and the car was stolen. Two days later the abductors used his mobile phone to tell his family to collect his body from the morgue. On 16 August Mostafa Ahmad's sister and other female relatives went to the morgue to identify and collect the body. They were told that they must have authorization from the police. On 18 August they collected the body after obtaining the police authorization. A relative who saw the body told Amnesty International that it had severe marks of torture, including drill holes on different parts of the body, and that the teeth had apparently been taken out by pliers. Mostafa Ahmad had also been shot six times in the head and upper body.

4 Arrest and torture of Palestinians by Iraqi security forces

Dozens of Palestinians have been arrested and detained by Iraqi security forces, mostly by special units belonging to

the Interior Ministry. In many cases those detained have been tortured.

In May 2005, for example, four Palestinians – brothers **Faraj 'Abdullah Mulhim**, aged 42, **'Adnan 'Abdullah Mulhim**, aged 32, and **'Amir 'Abduallah Mulhim**, aged 27, and **Mas`ud Nur al-Din al-Mahdi**, aged 34 – were detained and tortured by Iraqi security forces. During the night of 12 May security forces from the Wolf Brigade, a unit under the control of the Interior Ministry, stormed a block of flats in the Baladiyat Palestinian Building in Baladiyat Camp in Baghdad, and arrested the four men on suspicion of being responsible for a bomb attack earlier that day in al-Jadida district in Baghdad. Members of the Wolf Brigade were said to have beaten the four men with rifle butts when they arrested them. On 13 May, the authorities announced the arrests and the four men were shown on the satellite television channel *al-'Iraqiyya*. On 14 May they were paraded on *al-'Iraqiyya* and shown "confessing" responsibility for the bomb attack. Relatives who watched the programme said the four men had injuries on their faces suggesting that torture was used to extract the "confessions". An Iraqi national who had been apprehended in the street for violating the curfew, appeared on the television programme as a witness. He had reportedly informed the security forces that one of the four men, whom he knew well, was responsible for the bomb attack. Amnesty International was told that this person was "mentally disturbed", but details of his medical condition are not known to the organization.

Some two months after the arrests, the families of the four men learned that they were being held at the headquarters of the Major Crimes Directorate(16) in al-'Adhamiyya district of Baghdad. The families arranged for a lawyer to visit them in July 2005. The men described to the lawyer how they suffered systematic torture for 27 days while being held by the Wolf Brigade in a Ministry of the Interior building in al-Ziyouna district in Baghdad. They said that they were beaten with cables, received electric shocks to the hands, wrists, fingers, ankles and feet, were burned on the face with cigarettes, and were left in a room with water on the floor while an electric current was applied to the water. The men signed confessions claiming responsibility for five other bomb attacks elsewhere in Baghdad. When the lawyer investigated these five alleged bomb attacks, he obtained documents showing that the attacks never actually took place. After the men's transfer to the Major Crimes Directorate, torture apparently stopped and from August 2005 relatives were able to visit the men once a week.

The four men were eventually released on 21 May 2006 on the orders of the Iraqi Central Criminal Court, which found there was no evidence that they had been involved in bomb attacks. Following their release, the four men went into hiding and then fled the country.

On 22 May 2005 **Kamal Saleem Ghannam**, a Palestinian teacher, was arrested at his home in al-Baladiyat district by armed men from the special forces of the Ministry of the Interior. On 7 June 2005 an Iraqi television channel, *al-Furat*, showed Kamal Saleem Ghannam and two other Palestinians confessing to planning attacks with explosives. On 1 December 2005 Kamal Saleem Ghannam was released. He was rearrested and then released again, and then left the country.

Zuhair Hassan Ghannam, a blacksmith aged around 55, was arrested with six other Palestinians on 25 June 2005 in al-Na'eeriya district of Baghdad by armed men, reportedly members of the Wolf Brigades. The six others were released some weeks later, but on 2 July 2005 the body of Zuhair Hassan Ghannam was found in a morgue, reportedly with clear marks of torture.

Rami Jamal 'Ali Shafiq, born in 1979 and single, was in his family's house in Karrada district of Baghdad when armed men in police cars stopped outside the house on 26 July 2006. The uniformed armed men stormed the house and took Rami with them. His brother told Amnesty International that the family did not know Rami's fate and whereabouts until the end of July 2007 when, by chance, they saw Rami on *al-Sharqiyya* television. The station reported that US troops had stormed a secret detention facility, said to belong to the Ministry of the Interior, near al-Sha`ab international football stadium, and found hundreds of prisoners held secretly. Some of these prisoners, including Rami, were shown on television. The family was told by friends that these prisoners were going to be interrogated by US troops, but as of 15 August 2007 the fate and whereabouts of Rami remained unknown. Rami's brother told Amnesty International that the family did not inquire about the fate of his brother because as Palestinians they were too scared to ask questions at the Ministry of the Interior. He added that he feared being arrested or killed if he went anywhere near an Interior Ministry building.

'Ali Hussain al-Zinati, a 56-year-old poet and education advisor married with children, 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.

On 14 March 2007 Iraqi security forces carried out a raid in the Palestinian district of al-Baladiyat, during which firearms were used. According to UNHCR, the Iraqi police and the MNF tated that the raid was part of the Baghdad security plan or "surge". As a result, one Palestinian died of a gunshot wound in the head and nearly 60 people were arrested. Most were released a few days later but four remain held (see below). At least 41 other Palestinians fled Baghdad immediately after the incident and went to the border with Syria. According to UNHCR, the Palestinians who arrived at the border said that their homes had been raided by Iraqi special forces, their furniture thrown out and that they were told they only had two days to leave their homes. Other Palestinians alleged that they had been detained and ill-treated before being released.(17) UNHCR added that it had recently "received reports that the families of

several detained Palestinians have been forced to pay thousands of US dollars to some members of the Iraqi security forces – allegedly for protection from torture and mutilation of their family members while in detention. Higher sums have reportedly been demanded to ensure their release."(18)

The four Palestinians who remain held are **Ra'fat Mahmoud 'Awadh**, **Mohammad Khaled Ahmad Mohammad**, **Saleh Mostafa** and someone known as **Kamal**. They were arrested by police officers from their homes in al-Baladiyat on 14 March. 2007. They were taken to al-Rashad police station in al-Mashtal district in Baghdad where they were held for 15 days. They were reportedly beaten on the first day of detention during interrogation. Then they were transferred to the Major Crimes Directorate, al-'Adhamiya district branch. A few weeks later they were moved to the headquarters of the Major Crimes Directorate in al-Andalous Square. At the beginning of July 2007 they were transferred to al-Tasfirat Prison near the headquarters of the Ministry of the Interior in central Baghdad. As of mid-August they were still held without charge or trial. A Palestinian lawyer and vice-president of the Palestinian Human Rights Association in Iraq, **Sa`eed Mostafa Sa`eed Ahmad al-'Amer**, aged 58 and married with seven children, took up the case of the four. On 21 June 2007 he left home in his car but never returned. Three days later his body was found in a morgue reportedly with marks of torture. His car, mobile and a briefcase which contained files of the four detained Palestinians were all stolen. His family does not know who was behind the murder. A few days after the discovery of the body, Sa`eed al-'Amer's wife and children fled Iraq because they feared for their lives.

Some Palestinians have been arrested by US soldiers on suspicion of involvement in insurgency activities or having contact with or assisting Sunni insurgents. A few are still being held without charge or trial. For example, **'Awni Rif`at al-Madhi**, aged 66 and reportedly suffering ill-health, including high blood pressure and diabetes, has been held without charge or trial for more than two and a half years. He was arrested by US soldiers on 2 December 2004 from his house in Baghdad's al-Jadida district. Apparently, US soldiers were looking for his brother, Qusay Rif`at, but when they did not find him arrested 'Awni as a substitute prisoner until Qusay should give himself up. According to a relative contacted by Amnesty International, no one knows what happened to Qusay. 'Awni continues to be held in Camp Bucca near Basra. His family visited him several times, but for the past 14 months they have not visited him for security reasons.

5 Conditions at camps on the Iraq/Syria border

The on-going violence in Iraq and the persistent threats against them has led hundreds of Palestinians to flee their homes in Baghdad and go to the border with Syria. They were hoping to enter Syria, but ended up stranded in camps where living conditions are precarious. By and large, no country has shown any willingness to take these refugees.

During a fact-finding visit to Syria in June 2007, Amnesty International delegates raised the situation of the Palestinian refugees who are prevented from entering Syria with the Syrian authorities. Amnesty International was told that Syria will not let any Palestinian enter the country or pass through Syrian territory unless in transit to Israel or areas controlled by the Palestinian Authority. Amnesty International requested to visit two camps, but the Syrian authorities refused, arguing that it was not safe to go there. At the end of July 2007 Israel agreed to allow 41 Palestinian refugees, originally from northern Israel but living in the camps at the Iraq-Syria border, to enter the West Bank and be reunited with relatives.(19) However, a request made by 10 other Palestinian refugees in Iraq to join relatives in Gaza was rejected by the Israeli authorities.

There are three camps housing Palestinians at the Iraq-Syria border and they are administered by UNHCR:

al-Hol camp is situated in al-Hassakah governorate in north-east Syria and houses 304 Palestinians, the vast majority of whom were stranded at the Iraq-Jordan border before being admitted into Syria in May 2006. The rest are close relatives who joined them. Palestinians in this camp do not have safety concerns. They send their children to nearby Syrian schools and can go to local doctors for treatment. They stay in the camp during the evening, but during the day they can move in the area. Only on rare occasions can a Palestinian from this camp travel to Damascus, usually for urgent medical treatment. UNRWA and UNHCR provide humanitarian assistance to the refugees in the camp. Both agencies organize vocational activities such as computer training, sewing and knitting workshops. In June 2007 Amnesty International was told by UNHCR staff in Damascus that 19 Palestinian refugees in al-Hol camp had been accepted for resettlement in Canada through a private sponsorship scheme. The 19 had been interviewed and were waiting to travel to Canada.

al-Tanf camp is located in the no-man's land on the border between Syria and Iraq. The 389 Palestinians there have been refused entry by the Syrian authorities since May 2006. Living conditions in the camp are difficult, with temperatures in the summer reaching 50 degrees or more. The camp is very close to a highway, which makes it dangerous, especially for children. Amnesty International was told by UNHCR that a boy had recently been killed after he had been hit by a car while playing on the highway. On 25 April 2007 the camp was engulfed by a fire said to have been caused by a spark from an electric cable in a tent which ignited a diesel can and gas cylinder. Three Palestinian refugees were reported to have been severely burned and 25 others, mostly children, suffered from minor burns and smoke inhalation.(20) A UNHCR official declared: "This is the second time a fire has broken out in this camp. It is an example of how inappropriate and dangerous this place is for humans to live in and underlines the need to move these refugees to an appropriate and safe place."(21)

Both UNHCR and the World Food Programme (WFP) distribute food in the camp. UNRWA provides health services, including weekly visits by a medical doctor and a nurse, as well as a dental mobile unit. UNRWA, together with the UN Children's Fund (UNICEF), established a school for 86 pupils in primary and preparatory schooling, as well as a kindergarten for 28 children. UNHCR organizes almost daily visits to the camp from their headquarters in Damascus to

see if anyone needs urgent medical attention. In those situations, UNHCR transfers the patients to Damascus for treatment.

al-Waleed camp is in Iraq just over 3km from the border with Syria. It opened in December 2006 and as of August 2007 there were 1,550 Palestinians living there. UNHCR (Jordan) administers the camp, but for security reasons it can only send staff infrequently, sometimes once a month. According to UN agencies and humanitarian organizations, conditions at this camp are the harshest of the three. A UNHCR team visited al-Waleed camp on 13 May 2007 and two days later issued a statement saying that living conditions there were appalling.

The tented camp is overcrowded and many people are suffering from various illnesses, including respiratory problems, which need proper medical treatment in a hospital. However, the nearest hospital in Iraq is in al-Qa'im, four hours away by car, and the road runs through areas where armed groups regularly carry out attacks. At least three people, including a six-month-old baby, have died from treatable illnesses since the camp opened.(22) The UNHCR team was only able to give first aid treatment to some pregnant women, a Palestinian man who had been tortured while abducted in Baghdad and a suicidal woman traumatized by the murder of her son and husband.(23) UNHCR warned that living conditions would deteriorate during the summer months with the high temperatures.

On 24 May 2007 an Iraqi government delegation visited al-Waleed camp. The delegation comprised a senior official at the Interior Ministry, the director of the General Directorate for Nationality, Passports and Residency, and senior military and security officers. According to Palestinian refugees in the camp contacted by Amnesty International, the delegation said to them that no Arab country wanted them. The delegation made three proposals: the refugees could return to their homes in Baghdad and the Iraqi authorities would take care of their protection and safety; they could return to their homes and wait for UNHCR to arrange their resettlement outside Iraq; or the authorities could establish and keep secure a large refugee camp in al-Baladiyat in Baghdad that could host at least 750 families. The refugees rejected these proposals because they believed that the Iraqi government was unable to guarantee them protection.

The security situation prevents international humanitarian organizations and UN agencies, including UNHCR, from maintaining a presence in al-Waleed camp. The agencies can only visit the camp during the day and the visits are infrequent. The International Committee of the Red Cross (ICRC), for example, occasionally brings humanitarian relief from Damascus and this is distributed by people in the camp. Palestinians living in al-Waleed camp told Amnesty International by telephone that only one international NGO, the Italian Consortium of Solidarity (ICS), employing Palestinians and Iraqis, manages to distribute humanitarian relief. According to the Palestinians interviewed, living conditions in al-Waleed camp are dreadful, with inadequate supplies of drinking water and bread, and food that is distributed often passed its expiry date. Temperatures soar in the summer, with blinding heavy sandstorms, and the area is infested with dangerous species of animal, including venomous snakes and scorpions.

A particularly serious problem is access to health care. There is shortage of medicine and there is only one doctor in the camp. Once a fortnight the ICS collects seriously ill people and takes them in vans on the dangerous four-hour drive to al-Qa'im hospital. The most common illness is asthma. Some residents of the camp have serious heart problems, cancer and other illnesses. At the beginning of August 2007 the Syrian authorities allowed four seriously ill young Palestinians from the camp to enter the country for urgent medical treatment.(24) Two will be allowed to remain in Syria with relatives while undergoing treatment; the other two will go to third countries for specialist treatment.(25) At the end of June 2007 UNHCR said that at least a dozen Palestinian refugees in the camp needed urgent medical treatment.(26)

Amnesty International was informed by Palestinians contacted by telephone, but also by relief workers in Damascus, that there is a serious security problem in al-Waleed camp. Apparently, Iraqi security forces stationed nearby frequently visit the camp, and Palestinians there feel scared and intimidated by such visits. Sometimes members of the security forces use abusive language towards Palestinians. Further, the refugees recounted that many clashes between insurgents and the MNF, together with Iraqi forces, had taken place close to the camp. Also, unknown people in cars with no plates come to the camp. According to reports, these outsiders have sexually harassed women and girls living in the camp.

6 International law

The international legal framework governing the armed conflict in Iraq consists of rules and principles contained in treaties and customary international law. This law applies to all parties to the armed conflict. In Iraq, the current situation is classified as a non-international armed conflict, with parties to the conflict comprising the Iraqi government and various armed groups. Although the conflict is a non-international armed conflict, it is internationalized by the presence of the MNF. It is therefore governed by Article 3 common to the four Geneva Conventions, which applies to "armed conflict not of an international nature", and is a rule of customary international law. It is also governed by the rules of customary international humanitarian law applicable in non-international armed conflicts.(27) Finally, international human rights law also applies to the conduct of Iraqi forces and the MNF.(28)

The principle of non-discrimination runs throughout international law, including international humanitarian law and human rights law. Under customary international humanitarian law, "[a]dverse distinction in the application of international humanitarian law based on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria is prohibited."(29) In accordance with Article 2(1) of the International Covenant on Civil and Political Rights (ICCPR), to which Iraq is a party,(30) the state must also respect and ensure human rights without such distinction.

Under international humanitarian law, parties to an armed conflict must at all times distinguish between non-combatants (including civilians, prisoners of war, the wounded and sick, and others) and combatants, and between civilian objects and military objectives. It is never permitted to target civilians, other non-combatants or civilian objects. This principle, known as the principle of distinction, is codified in the four Geneva Conventions and their two Additional Protocols. The principle of distinction is also a rule of customary international humanitarian law, binding on all parties to armed conflicts, whether international or non-international. International humanitarian law defines a civilian as any person who is not a member of the armed forces of a party to the conflict.(31) Members of the armed forces comprise all organized armed forces, groups and units that are under a command responsible to the party, including militia and volunteer corps forming part of such forces.(32)

Common Article 3 extends protection to people taking no active part in the hostilities. The Article provides that "in all circumstances" such people "shall be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria". This provision prohibits certain acts against these people "at any time and in any place whatsoever", including: "(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment".

Under customary international humanitarian law, responsibility for war crimes may arise for conduct engaged in during international and non-international armed conflicts. Conduct amounting to war crimes includes, but is not limited to, acts such as wilful killing; torture or inhuman treatment; taking of hostages; intentionally directing attacks against the civilian population; intentionally directing attacks against people involved in humanitarian assistance or peacekeeping; and indiscriminate attacks, which violate fundamental principles of international humanitarian law, including distinction between civilians and civilian objects on the one hand, and members of armed forces and military objectives on the other.

As the examples in this report show, many of the acts perpetrated by armed groups in Iraq against Palestinians, including murder, hostage-taking, torture and inhumane treatment, and attacks against civilians and civilian objects, may constitute war crimes.

The Iraqi authorities and the MNF are obliged to respect the relevant human rights standards and to protect the human rights of all people in Iraq, irrespective of nationality. The prohibition against torture or cruel, inhuman or degrading treatment or punishment, contained in Article 7 of the ICCPR, is absolute under international law. In cases where detained Palestinians were allegedly tortured or otherwise ill-treated by the Iraqi security forces, the Iraqi authorities are obliged to investigate such claims, bring the suspected perpetrators to justice, and provide full reparation for victims.(33) Evidence extracted under torture may not be used in proceedings against the detained.(34)

Under human rights law, no one shall be subjected to arbitrary arrest or detention or be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law (Article 9(1) of the ICCPR). The ICCPR also provides that anyone who is arrested shall be informed, at the time of arrest, of the reasons for arrest and shall be promptly informed of any charges.

Article 9 provides that "[a]nyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement".

All states have an obligation not to return anyone to a country where they would be at risk of serious human rights violations (the obligation of *non-refoulement*). This is a customary norm of international law binding on all states. It implies not only an obligation not to expel individuals who are already in the territory of a state, but also not to refuse entry to such individuals seeking entry to the state.

The principle of *non-refoulement* can also be found in treaties such as the Refugee Convention and the Convention against Torture. Both Jordan and Syria are parties to the Convention against Torture, Article 3 of which states that "no State Party shall expel, return (‘*refouler*’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."

7 Conclusion

Palestinian refugees in Iraq have been subjected to gross human rights abuses, including abduction, hostage-taking, unlawful killing, torture and other ill-treatment at the hands of armed militia groups said to be linked to some political parties and religious groups. They have been targeted as a minority group because of the reported preferential treatment that they received under the previous government of Saddam Hussain because of its discrimination and grave human rights abuses against the Shi’a. As mainly Sunni Arabs, they have also been suspected of supporting or sympathizing with Sunni Iraqis involved in the insurgency against the predominantly Shi’a government and the MNF. Many Palestinians were arrested and detained by the Iraqi security forces for the same reasons. Some were allegedly tortured in detention. The targeting of Palestinians increased sharply after the bombing of the Shi’a holy shrine in Samarra on 22 February 2006.

At least 2,100 Palestinian refugees are stranded in three makeshift camps at the border with Syria in horrendous conditions, especially those in al-Waleed camp, with no apparent solution for their plight.

About 15,000 Palestinians are still in Iraq and, as demonstrated in this report, are vulnerable to attacks by armed groups and serious human rights violations by Iraqi security forces. They are in desperate need of protection. Both the Iraqi government and the MNF have been unable or unwilling to provide effective protection to this refugee community. UNHCR has on numerous occasions called on the Iraqi authorities and the MNF to provide increased security and legal protection for Palestinian refugees in Iraq.

8 Recommendations

To the Iraqi government:

- Provide immediate assistance to Palestinian refugees in al-Waleed and al-Tanf camps to meet their needs, including regular and sufficient supplies of food, water, medication and medical care.
- Investigate attacks on Palestinians by armed groups and militias and bring those responsible to justice in fair trials and without the use of the death penalty.
- Set up prompt and impartial investigations into allegations of torture and other forms of ill-treatment against Palestinians and other detainees by Iraqi security forces.
- Charge with recognizably criminal offences and provide prompt, fair trials for Palestinians and others deprived of their liberty, or release them.
- Issue clear instructions that violations against Palestinians by Iraqi officials will not be tolerated and will be investigated, and that those found responsible will be brought to justice without recourse to the death penalty.
- Ensure protection for all Palestinians in Iraq, including those who have received threats or who are at risk of abuses by armed groups.

To the MNF, particularly the US government:

- Provide protection for Palestinians in Iraq.
- Ensure that no Palestinian or other detainees are transferred to Iraqi security forces until adequate safeguards against torture and other ill-treatment are in place.
- Co-operate with the governments of Iraq and Syria to ensure that assistance is immediately provided to Palestinian refugees in the three camps near the Iraq-Syria border through the provision of financial, technical and in-kind assistance.
- Take immediate steps to increase resettlement of Palestinian refugees who have fled Iraq and those who are still in Iraq to the USA, giving priority to the most vulnerable cases. This should go far beyond token numbers, be part of a general increase in resettlement of refugees displaced by the conflict in Iraq, and constitute a significant part of the solution to the current crisis.

To the Syrian and Jordanian governments:

- Allow Palestinian refugees who wish to leave Iraq to enter their territory in accordance with their obligations under international law to allow entry to those seeking protection from persecution.
- Ensure that Palestinian refugees are not arrested or penalized in any other way for using forged passports to leave Iraq.
- Fully respect and protect the human rights of Palestinian refugees coming from Iraq.

To other states bordering Iraq, Arab states, the European Union and other members of the international community:

- In the spirit of responsibility-sharing, actively collaborate with UNHCR, as well as the Jordanian and Syrian governments, to resettle Palestinian refugees from Iraq and those who are still in Iraq, giving priority to the most vulnerable cases in accordance with UNHCR guidelines on resettlement.
- Stop the transfer of arms and equipment being used to commit serious human rights abuses and violations of international humanitarian law in Iraq.

To leaders of armed groups in Iraq:

- Immediately stop all attacks against civilians, including Palestinian refugees, including abductions and hostage-taking, executions, torture and other ill-treatment, and threats of death or abduction.
- Publicly commit to respecting international humanitarian law.
- Make clear to all fighters and supporters that attacks on civilians and other serious violations of international humanitarian law will not be tolerated.
- Remove from the ranks those suspected of committing serious violations of international humanitarian law.

To religious and community leaders in Iraq and elsewhere where they could be influential:

- Publicly condemn all attacks by armed groups against Palestinian refugees and other civilians,

including indiscriminate and disproportionate attacks, hostage-taking, executions, torture and ill-treatment, and declare and disseminate widely that such acts are never justified and must not be carried out under any circumstances.

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(1) All Palestinians in Iraq, including those who managed to flee Iraq and those who are stranded at the border with Syria, are considered to be refugees.

(2) UNHCR Briefing Notes, 2 May 2006 (Iraq: UNHCR welcomes Grand Ayatollah's Fatwa on Palestinians); UNHCR: Aide-Memoire, Protecting Palestinians in Iraq and Seeking Humanitarian Solutions for Those Who Fled the Country, p. 1. http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=SUBSITES&id=45b9c1672

(3) The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), http://www.un.org/unrwa/refugees/whois.html

(4) Amnesty International calls for the recognition of the right of those who are forcibly exiled to return to their country. The right to return applies not just to those who were directly expelled and their immediate families, but also to those of their descendants who have maintained what the UN Human Rights Committee calls "close and enduring connections" with the area. The same principles apply to Israeli citizens who were once citizens of Iraq and who fled or were expelled from such countries. If they have maintained genuine links with such countries and wish to return, they should be allowed to do so.

(5) This is a position taken by most Arab states pursuant to an Arab League resolution taken on 11 September 1965, in order not to prejudice the right of return to Palestinian refugees.

(6) UNHCR press briefing by Jennifer Pagonis on 3 July 2007 at the Palais des Nations in Geneva.

(7) Gabriela Wengert and Michelle Alfaro: "Can Palestinian refugees in Iraq find protection?" in Forced Migration Review, issue 26, 04/09/2006, p.19. http://www.fmreview.org/FMRpdfs/FMR26/FMR2609.pdf

(8) UNHCR Briefing Notes, 2 May 2006. http://domino.un.org/UNISPAL.NSF/db942872b9eae454852560f6005a76fb/d6ee7b3f6c95b3f6852571620049ab35!OpenDocument

(9) Palestine Monitor: "Palestinians allowed into Syria after two months on the Iraq-Jordan border", May 9, 2006. http://www.palestinemonitor.org/nueva_web/updates_news/pngo/palestine_syria_jordan.htm

(10) The International Middle East Media Centre: "Attacks against Palestinian refugees in Iraq continues…", February 14, 2007. http://www.imemc.org/article/47012?print_page=true

(11) http://www.sistani.org/local.php?modules=extra&eid=2&sid=124

(12) On 5 April 2007 a suicide attacker driving a truck packed with explosives detonated near the main entrance of the television offices in al-Jami'a neighbourhood. One man, the deputy director of the television station, was killed and 12 were injured. The building was severely damaged. The television station is owned by the Islamic Party, the largest Sunni political party in Iraq which has participated in the political process.

(13) UNHCR Press Releases, 14 December 2006. http://www.unhcr.org/cgi-bin/texis/vtx/print?tbl=NEWS&id=4581769e4

(14) The New York Times: "As Palestinians Wait at Iraqi Border, Others Get Threats", by Kirk Semple, March 25, 2006. http://www.nytimes.com/2006/03/25/international/middleeast/25iraq.html?ei=5070&e...

(15) Sunday Telegraph, 21 January 2007. http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2007/01/21/wirq121.xml

(16) Mudiriyat al-Jara'im al-Kubra.

(17) UNHCR Briefing Notes, "Iraq: UNHCR disturbed by security forces raid in Palestinian area", 16 March 2007. http://www.unhcr.org/cgi-bin/texis/vtx/prin?tbl=NEWS&id=45fa703ab

(18) Ibid

(19) Ha'aretz: "Israel to grant West Bank entry to Iraqi Palestinians", by Akiva Eldar, 30/07/2007. This decision was said to have been taken following pressure from the US and the UN, but also as a gesture to Mahmoud 'Abbas in his rivalry with Hamas. According to the same article, the Israeli government does not consider granting entry to Iraqi refugees a precedent heralding the return of Palestinians to the territories. The 41 Palestinians who will enter the West Bank, will be registered as regular citizens of the Palestinian Authority, but not as refugees.

(20) UNHCR News Stories: "Fire sweeps through Al Tanf camp, injures 28 Palestinian refugees", 25 April 2007. http://www.unhcr.org/cgi-bin/texis/vtx/print?tbl=NEWS&id=462f8b634

(21) Ibid.

(22) UNHCR Briefing Notes, 15 May 2007, UNHCR concerned about conditions for Palestinians at border camp. http://www.unhcr.org/cgi-bin/texis/vtx/iraq?page=news&id=4649d40c2

(23) Ibid

(24) Reuters, 3 August 2007.

(25) Ibid

(26) UNHCR News Story "Palestinians stuck on the border with Syria in desperate need of help", 26 June 2007. http://www.unhcr.org/cgi-bin/texis/vtx/iraq?page=news&id=468112b094

(27) For a discussion of international law applicable to armed groups in Iraq, see Amnesty International, Iraq: In cold blood: abuses by armed groups, AI Index: MDE 14/009/2005, 25 July 2005.

(28) The International Court of Justice has affirmed that human rights law remains operative in times of armed conflict. See Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 July 2004, ICJ Reports 2004. See also the UN Human Rights Committee, General Comment 31 on the Nature of the General Legal Obligation Imposed on State Parties to the Covenant on Civil and Political Rights, UN Doc. CCPR/21 /Rev.1/add. 13.

(29) Jean-Marie Henckaerts and Louise Doswald-Beck, Customary International Humanitarian Law,

2 volumes: Volume I. Rules, Volume II. Practice (2 Parts), Cambridge University Press, 2005, Rule 100.

(30) Iraq ratified the ICCPR in 1971 (it entered into force in 1976). The change of government in Iraq does not in any manner entail a termination or change to the applicable human rights law in the country. The Human Rights Committee, responsible for overseeing the implementation of the ICCPR, has stated that "rights enshrined in the Covenant belong to the people living in the territory of the State party. The Human Rights Committee has consistently taken the view, as evidenced by its long-standing practice, that once the people are accorded the protection of the rights under the Covenant, such protection devolves with territory and continues to belong to them, notwithstanding change in government of the State party …." See Human Rights Committee: General Comment No. 26: Continuity of obligations, 08 December 1997, CCPR/C/21/Rev.1/Add.8/Rev.1, para. 4.

(31) Additional Protocol I, Article 50.

(32) Additional Protocol I, Article 43.

(33) ICCPR article 3.

(34) See Human Rights Committee, General Comment No. 20: Replaces general comment 7 concerning prohibition of torture and cruel treatment or punishment (Art. 7), 10 March 92.

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