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IRAQ/JORDAN

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-- Human Rights Watch interview with Muhammad (last name withheld), refugee camp outside al-Ruweished, Jordan, April 28, 2003.

The refugee camp near the Jordanian town of al-Ruweished, which houses Palestinians displaced by violence in Baghdad.

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FLIGHT FROM IRAQ: Attacks on Refugees and other Foreigners and their Treatment in Jordan

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SUMMARY

This report documents the plight of refugees and other non-nationals in Iraq after the fall of the government of Saddam Hussein on April 11, 2003.¹ As of April 30, 2003, more than 1500 people, of whom some 560 were Palestinians² had fled Iraq for Jordan, where they were being held in refugee camps in difficult conditions at the border.

For a variety of reasons, all foreigners, but particularly Palestinians, are especially vulnerable to abuse by segments of the Iraqi population in U.S. occupied Iraq. In research in Baghdad and two refugee camps in Jordan, Human Rights Watch documented harassment and insecurity amongst many nationalities of foreigners in Iraq. Human Rights Watch also documented physical threats against and forced evictions of Palestinians by Iraqis who expressed resentment for the preferential treatment afforded Palestinians under the Saddam Hussein government.

In part, foreigners are suffering like other residents of Baghdad from the general lack of security—almost no police and many armed men. Others who had been living as refugees in Iraq felt particularly vulnerable when U.N. agencies stopped work in the country, starting in late February and continuing until March 18, when all international staff were evacuated in advance of imminent war, which began on March 20, 2003.³ Their fears intensified when law and order broke down after the fall of the Saddam Hussein government.

Palestinians have been particularly prone to abuse by persons angered by the government's subsidies for Palestinians. Some families were threatened by armed men, who told them to leave. Others left after guns were fired at their homes. A key point of contention is the former housing policies of the Iraqi government. Under the Saddam Hussein government and previous governments in Iraq, Palestinians were provided either free or highly subsidized houses or apartments. In many cases, Iraqis were forced to freeze the rents for Palestinian families—across time resulting in rental payments of less than the equivalent of \$1 a month. Alternatively, the government paid rents for Palestinian refugees, which they were unable to pay themselves once the government fell. After Baghdad's fall, Iraqi property owners, many of them Shi'a Muslims evicted their Palestinian tenants by force.

This report is divided into four main parts. The first addresses the harassment and physical attacks that prompted refugees and other foreigners to flee Iraq, and urges the United States and its allies to prevent human rights abuses against vulnerable populations in Iraq, including refugees and other non-nationals. The second part addresses their reception and conditions inside or near the Jordanian border, and recommends that all refugees, including those currently trapped in the no-man's land, receive effective protection and assistance inside Jordan. The third part of this report gives some background on conditions for refugees and other foreigners inside Iraq before the U.S.-led war began. The fourth part gives Human Rights Watch's detailed recommendations on the situation for refugees and other non-nationals in Iraq and Jordan, including some forward-looking recommendations on what conditions must be in place before voluntary returns can be considered.

Research for this report was conducted by a team of Human Rights Watch researchers in Amman, Jordan from March 21 until April 17, at the refugee camps near al-Ruweished in Jordan from April 26 – 28, and in Baghdad from April 27 – 29 and May 7. It has been supplemented by additional research performed by Human Rights Watch staff in New York.

I. CAUSES OF FLIGHT FROM IRAQ

Since the fall of the government of Saddam Hussein, refugees and other non-nationals living in Iraq have been subjected to harassment, violent attacks, and forced evictions from their homes. Small groups of Iraqi men typically perpetrated the attacks, usually warning those targeted to leave Iraq. Hundreds of foreigners, particularly Palestinians,

¹ U.S. troops took over Baghdad and British forces took over Basra on April 7, 2003. On April 11, U.S. General Tommy Franks announced, "the Saddam regime has ended," and White House spokesman Ari Fleischer added, "the regime is gone." See "Major Events in Iraq Since the War Started," *Associated Press*, May 1, 2003.

² Joint NGO Emergency Preparedness Initiative (JNEPI), "Update," Jordan, April 30, 2003. See also United Nations Department of Public Information, "Update," April 30, 2003.

³ See e.g. "U.N. Reduces Humanitarian Staff in Iraq," *Associated Press*, February 21, 2003. See also "Inspectors Poised to Leave Iraq," *The Guardian*, March 17, 2003.

Iranian Kurds, Sudanese, Somalis, among other nationalities, chose to flee as a result, feeling that their lives were at risk and that Iraq was no longer a safe place for them.

Palestinians

Direct Attacks and Threats of Physical Violence

Human Rights Watch interviewed eighteen Iraqi Palestinian refugees at the refugee camp outside the town of al-Ruweished near the Jordanian-Iraqi border. Human Rights Watch also visited two of the affected neighborhoods in Baghdad, al-Hurriyya and al-Baladiyyat, and spoke to many of the residents there. Scores of families had already been expelled from their homes or left after being given notice. The threats against some families and throughout neighborhoods known for housing Palestinians served to frighten still others, causing the refugees to arrive in Jordan in at least two waves. The first Palestinians who reached Jordan on April 19, after the fall of Baghdad, “arrived with almost nothing.”⁴ The second wave, arriving as of April 30, came “with personal effects, indicating they had time to organize themselves and pack.”⁵

In one case, on April 11, violence against a Palestinian family in Baghdad led to the death of an infant and the wounding of six others. In a refugee camp at al-Ruweished, Jordan on April 27, Human Rights Watch interviewed Nazima Sulaiman, a mother aged fifty, three of whose children were wounded in an attack on the family home, located off Mukhtar Street in the neighborhood of al-Hurriyya, close to al-Khashab Mosque. She said that on the day Baghdad fell, “fifteen armed men came to our house. They were not from our area ... They told us ‘This home is for Iraqis, you own nothing. Saddam was protecting you, go and ask Saddam to find you another home.’” Two days later the attack took place. “Had we known they were serious we would have gone,” Nazima said.⁶

In the Baghdad neighborhood of al-Hurriyya on April 29, Human Rights Watch located Nazima’s nephew, ‘Imad al-Din ‘Abdul-Ghani Muhammad, a thirty-seven year-old employee of the Iraqi Accounting Commission. He told Human Rights Watch:

It was at about noon on the Friday after the fall of Baghdad. I was here at home when someone came and told me what had happened. Jamal [Nazima’s husband] and his family lived on the second floor of a housing shelter. Two bombs were thrown from the street up towards the balcony of their home. One of them exploded and the other did not. The house was completely wrecked. My sister-in-law, Suha Kamal Mahmoud [aged twenty-nine] was badly wounded in the liver, leg and arm from the shrapnel. My maternal cousin, Said Muhammad Sulaiman [aged seventeen], was injured in the leg and back and his colon was torn. Both of them had to have operations at the hospital. Saif’s mother, Wafa’ ‘Abdul-Fattah [aged thirty-five] was slightly wounded in the legs, hands and stomach. Her wounds were light because she was carrying her seven-month old baby in her lap. The baby girl, Rawand Muhammad Sulaiman, died in her arms. Parts of her arms and legs were severed. My maternal cousin, Riman Muhammad Sulaiman [aged fourteen], was also injured in her legs. Another cousin, Walid Jamal Mahmoud [aged twenty-eight], was injured in his right arm and right leg, and pieces of shrapnel became lodged in his urinary bladder and another penetrated his diaphragm. Walid’s brother, Muhammad Jamal Mahmoud [aged twenty-two], was lightly wounded in his leg and hand.

The wounded were taken to al-Yarmuk and ‘Adnan Khairallah hospitals in the city. ‘Imad al-Din told Human Rights Watch that he did not know who was responsible for the attack:

There are all sorts of incidents happening here. There is no safety. An Iraqi from our neighborhood was killed recently because he confronted some looters in the area. They had left after the confrontation but came back the next day and threw a hand grenade into his house and he died. The local clinic and a private pharmacy in our area were looted. So people are scared and they don’t want

⁴ United Nations Department of Public Information, “Update,” April 30, 2003.

⁵ Ibid.

⁶ Human Rights Watch interview with Nazima Sulaiman, al-Ruweished, Jordan, April 27, 2003.

to talk. Even if there were eyewitnesses who saw those responsible for throwing the cluster bombs into my relatives' house, they are not going to talk now.⁷

Murtadha M., a taxi driver, lived in an old school in the neighborhood of al-Za'faraniyya with eighty Palestinian families. An Iraqi Shi'a friend warned them that people might attack the compound, so the Palestinians deployed armed guards. Arms were readily available for purchase on the street after the looting of the nearby al-Rashid military base, he said. Kalashnikovs sold by children went for as little as 5,000 dinars (about \$2.50).

The first attack occurred on April 22. "They came in a Land Cruiser, about four guys," Murtadha said. "Three of them went into the school and one of them shot in the air." The Palestinians shot at the attackers and into the air, scaring the men off.⁸ Unknown civilians soon came to the building shouting threats: "Leave al-Za'faraniyya like you left Palestine!"⁹ Murtadha decided it was best to leave. He came to Jordan to inspect the conditions, leaving his family behind.

A widowed woman named Ibetsam and her teenage children left al-Za'faraniyya after U.S. forces entered Baghdad because as Palestinians they felt vulnerable to violence. She told Human Rights Watch: "Palestinians were afraid, saying the Shi'a will attack us. I left due to the general insecurity, but the possibility of a Shi'a attack was a factor."¹⁰

Other families were more directly targeted. One man, a baker named Samer, told Human Rights Watch how he and his wife fled their apartment in Baghdad's al-Baladiyyat neighborhood after armed men came to their building, shooting and demanding that Palestinians leave. Five days after U.S. troops entered Baghdad, he said, armed civilians stood in front of the main door, yelling that Palestinians had caused the war. "It's because of you!" they yelled. "Saddam gave you one million Euros and us nothing!"¹¹

Samer and his wife moved to an old school in al-Hurriyya neighborhood where many Palestinians lived. The next day, they were visited by civilian men with Kalashnikovs, grenades, revolvers and knives. "They came in the afternoon to the entrance of the refugee center, yelling 'Get out!'" Samer said. "They came to each room. [They] were Shi'a."¹²

A man named Muhammed, who worked as a customs official, said he and his family had left their apartment in Baghdad's Ta'mim neighborhood around April 21, after ten days of shooting and threats. The apartment was in a government-owned compound of three large buildings known in the neighborhood as the "Palestinian buildings." Forty-five Palestinian refugee families lived there rent free. He told Human Rights Watch:

They were holding Kalashnikovs and they shot at the building. We were inside and they sometimes entered the building into the corridor. They were drunk... They were threatening us, saying they'll bring bombs. 'We'll burn you,' they said. 'We want you to leave. This is our country. You like Saddam and now he's gone.'¹³

⁷ Human Rights Watch interview with 'Imad al-Din 'Abdul-Ghani Muhammad at his home in al-Hurriyya, Baghdad, April 29, 2003. He also told Human Rights Watch that several days after the incident, "some people came and said they wanted to move into the house, even though it was completely wrecked. We told them that there was an unexploded bomb in the house, so they got scared and left. I picked up the bomb and placed it on the roof of the building. I didn't know what else to do with it. There are still families living on the lower floor. They know there's a bomb there but they have nowhere else to go. About ten days ago we decided to talk to some Americans to tell them about the bomb so they could come and remove it. We tried to see someone senior but it was difficult. Finally we spoke to one of the soldiers stationed nearby. He spoke on his telephone to someone and then told us they would come and look at the bomb within five days. We wanted them to come straight away but they wouldn't. Maybe they thought it was a trap or an ambush. Anyway no one has come. It has been ten days since we told them about it, and the bomb is still there."

⁸ Human Rights Watch interview with Murtadha M. (last name withheld), refugee camp outside al-Ruweished, Jordan, April 28, 2003.

⁹ Ibid.

¹⁰ Human Rights Watch interview with Ibetsam Yahya al-Assad, refugee camp outside of al-Ruweished, Jordan, June 27, 2003.

¹¹ Human Rights Watch interview with Samer (last name withheld), refugee camp outside of al-Ruweished, Jordan, June 27, 2003.

¹² Ibid.

¹³ Human Rights Watch interview with Muhammad (last name withheld), refugee camp outside al-Ruweished, Jordan, April 28, 2003.

After ten days of threats, Muhammed decided to move his wife, four children and one grandchild to the neighborhood of al-Baladiyyat, where many Palestinians live, but he soon decided to flee Iraq for Jordan. “There is no safety in Baghdad and I’m afraid for my daughters,” he said from his tent in Jordan.¹⁴

Several of the Palestinian men in the neighborhoods of al-Baladiyyat and al-Hurriyya told Human Rights Watch that they were now armed and kept regular watch over their homes in shifts. One [name withheld] who was wounded in the shoulder in an exchange of fire during his shift in al-Hurriyya, said: “At the beginning they came to shoot in the air, just to scare us. They wanted to see how we would react, and whether we were armed. We are armed, we have to protect ourselves and our families. We are on watch duty all the time, day and night, on the lookout for any attackers.”¹⁵ Another man, newly-married Ahmad Muhammad Sa’id, told Human Rights Watch: “We carry guns and other weapons left behind by the Iraqi army. We do that to protect ourselves and our families. Many people have died. I personally took part in the burying of bodies we found lying in the street. Because they were decomposing and smelling bad, we buried them near here.”¹⁶ Most incidents appeared to have taken place late at night or in the early hours of the morning, but occasionally there are attacks during the day, such as having glass bottles thrown at homes inhabited by Palestinians. Sometimes they would receive advance warning of an impending attack from their Iraqi neighbors.

Expulsion of Palestinians from their Homes

Many of the Palestinian families interviewed by Human Rights Watch said that threats and harassment during rent disputes were the primary cause for their departure from Baghdad. Expulsions of Palestinian refugees from their homes began almost as soon as the war started. Ibrahim Khalil Ibrahim, a sixty-two-year-old retired businessman, told Human Rights Watch how he lost the home he had been renting for twenty-two years:

The Iraqis took the opportunity of the war to get us out of our home. They came at the beginning of the war, the owners came with guns. They said, “Get out of our home—because there is no government, we need our homes. Now, we will put a bullet into each of your heads.”—meaning me and the kids. “If you don’t go, we will shoot you.” So we thought, there is a war, so if they kill us no one will protect us. So we left and ran away. Not only us, but a lot of people. They kicked out anyone who is not Iraqi, their whole families. ... Once Saddam was gone, we had no-one to protect us.¹⁷

The family of Khairiyya Shafiq Ali also lost their government-provided rent-free apartment in Baghdad: “People came to our house four times, only Shi’a. They had machine guns and rifles, and came in groups of three to five each time. They said, ‘Either you leave your home or pay 300,000 dinars a month (about \$150). They threatened they would empty their guns in our heads. They started after the fall of the government, approximately a week after. ... They shot bullets at our house. They told us, ‘Saddam is gone, you are nothing here. You own nothing in Iraq, if you want to leave, take only your clothes.’”¹⁸

Jihad J., aged twenty-four, explained to Human Rights Watch how his family had moved into their rent-free home in the al-Tobji area of Baghdad during the 1980s. He described how his family had been evicted:

We were sitting in our home, two days after the fall of Saddam. At six p.m., five armed people came, armed with automatic weapons and rocket-propelled grenades. They were Iraqis. They broke down the door and entered. They told us to get out or they would kill us, and had their guns pointed at us. They were telling us to get out, that Iraq was their country. They insulted Saddam, saying he had tortured them because of us, and things like this. They gave us twenty-four hours to leave.¹⁹

¹⁴ Ibid.

¹⁵ Human Rights Watch interview with a Palestinian man [name withheld], al-Baladiyyat nursery, Baghdad, April 28, 2003.

¹⁶ Human Rights Watch interview with Ahmad Muhammad Sa’id, al-Baladiyyat nursery, Baghdad, April 28, 2003.

¹⁷ Human Rights Watch interview with Ibrahim Khalil Ibrahim, refugee camp outside al-Ruweished, Jordan, April 27, 2003.

¹⁸ Human Rights Watch interview with Khairiyya Shafiq Ali, refugee camp outside al-Ruweished, Jordan, April 27, 2003.

¹⁹ Human Rights Watch interview with Jihad J., refugee camp outside al-Ruweished, Jordan, April 27, 2003.

A crane driver named Wisam A. explained how he, his wife and four children were forced to leave the house they had rented in the neighborhood of al-Khadra', where there are few Palestinians. Unlike many other Palestinians, he had paid substantial rent, 400,000 dinars per year (about \$200), for his home.

Armed men surrounded his home three times, he said, each time shooting in the air and demanding the family leave. Each time he and his neighbor, a Shi'a, were able to scare off the armed men by firing automatic weapons into the air. After the third attack, on April 25, Wisam decided to leave.²⁰

Between April 9 and May 7, 344 families were either expelled from or were forced to leave their homes in Baghdad [comprising 1612 individuals], according to a list with names and addresses compiled by the Palestine Liberation Organization in Baghdad.²¹ Many of those evicted who did not flee to Jordan went instead to a makeshift relief center set up inside the Haifa Sports Club in al-Baladiyyat. As of May 7, 107 Palestinian families comprising 500 people were living in tents provided by the Iraqi Red Crescent on the football pitch of the sports club.²² In the middle of the football pitch is what camp organizers believe to be an unexploded American mortar or missile lodged under the ground, and roped off from camp residents. Despite repeated promises, as of May 7, U.S. forces had not come to take the weapon away.

Those made homeless also included twenty-four families whose two apartment blocks in al-Baladiyyat had been destroyed during the U.S.-led bombing of Baghdad. The director of the sports club and physical education instructor, Qusay Rif'at, told Human Rights Watch that he and his colleagues at the club were expecting the number of expelled families to continue rising, and were attempting to make arrangements to accommodate them.²³ Some of those already expelled had been renting private homes from Iraqis, but they also included some families living in shelter accommodation or state-funded homes. They came from various neighborhoods in Baghdad.

A father of three, thirty-six year-old Saber Jamil Shahin, was obliged to leave his home in al-Mashtal on around April 21:

I was forced out of my home a week ago. We were living in a three-room apartment and we were comfortable. I was working as a boxing trainer at the Haifa Sports Club, but work stopped about a month ago and I haven't been paid. Our rent used to be 20,000 dinars a month. The landlord told me that starting next month the rent was going to be 100,000 dinars, which I cannot pay. He told others that he wanted to get rid of us. So I decided to leave before anything worse happened. We packed our belongings and our furniture and came here to the nursery [in al-Baladiyyat]. There are fifteen families living here now, each with a room. All of us share one toilet.²⁴

According to other families, they were given notice to leave their homes without the option of paying a higher rent. Some received notice to vacate their home in al-Baladiyyat within twenty-four hours, such as fifty-six year-old Musa 'Abdul-Muttaleb and his family of five. He was also being accommodated at the nursery.²⁵ Others received two weeks' notice, including the family of Muhammad Ahmad Abdul-Jawad, who were living in an apartment in al-Habibiyya. Human Rights Watch met them at the relief center at the Haifa Sports Club, registering their names for tent accommodation. Muhammad's wife said:

Four days ago the owners of the apartment came and told us to get out. They gave us fifteen days to move out. Where are we going to go? My husband is retired and has diabetes. My divorced daughter and her child live with us. We have lived in our apartment for thirty years and have spent a lot of money on it. Am I to live in a tent now that I have grown old? I can put up with that, but what about

²⁰ Human Rights Watch interview with Wisam A., refugee camp outside al-Ruweished, Jordan, April 28, 2003.

²¹ Palestine Liberation Organization, Public Committee, Committee of Relief and Funds, "The Families Evicted From Their Homes," May 7, 2003.

²² Human Rights Watch interviews with 'Abdul-Salam Yusuf 'Uthman, Haifa Sports Club, al-Baladiyyat, Baghdad, April 28, 29, and May 7.

²³ Human Rights Watch interview with Qusay Rif'at, Haifa Sports Club, al-Baladiyyat, Baghdad, April 28, 2003. He also provided Human Rights Watch with information he had recorded of fatalities and injuries among Palestinians in several neighborhoods during the war, most of which he attributed to sniper fire and cluster bombs.

²⁴ Human Rights Watch interview with Saber Jamil Shahin, al-Baladiyyat nursery, Baghdad, April 28, 2003.

²⁵ Human Rights Watch interview with Musa 'Abdul-Muttaleb, al-Baladiyyat nursery, Baghdad, April 28, 2003.

my young daughter? She goes to college and has a child of her own. How can she live in a tent among strangers, and in front of passers-by? Before we were given notice to leave, five men came to our building and asked us to leave. We chased them away. Some of them even try to occupy apartments damaged during the bombing. They come from other provinces, having heard that the Palestinians are moving out.²⁶

Twenty-seven-year-old Bassam Rizq, a Palestinian salesman from the Baghdad neighborhood of al-Baladiyyat, had been renting his apartment for the rate of 50,000 dinars per year (about \$25). In June 2001, the owner of the apartment went to court to challenge the locked-in rental agreement, but lost. Four days after the fall of the Saddam Hussein government, the Shi'a owner arrived at the apartment with a group of armed relatives, and told Bassam to leave: "They gave me three days to leave. They said, either we will kill you, or we will take one of your children."²⁷

Bassam also lost his car, which he had registered in the name of an Iraqi friend, as Palestinians were not allowed to own cars in their own name. When the government collapsed, the friend appeared and took the car, telling Bassam, "sue me."²⁸ Bassam expressed the difficulty faced by many Palestinians from Baghdad: "I don't want to return to Baghdad. Where would I live or work?"²⁹

Other Palestinians lost their homes in less violent ways, but their prospects for finding new housing is poor, given the general hostility to Palestinians in Baghdad. "Fatima," (not her real name) a forty-two-year-old resident of al-Jadida, described how she and many other families lived rent-free in a seven-apartment building for which the Iraqi government paid an annual rent of 20,000 dinar (about \$10). When the government collapsed, the landlord demanded that all of the Palestinian residents leave the building, explaining he needed to get market-rate rents.³⁰

In talking to a group of some fifteen Palestinian men about their current predicament, the following views were expressed which reflected the feelings of many of those interviewed by Human Rights Watch:

We are afraid all the time. We have to keep watch over our houses night and day. We are waiting for something to happen and the longer we are here, the more likely it is that something will happen. Why should we wait? Frankly we don't want to stay here. We want to go to another country. We need urgent help from UNRWA [U.N. Relief and Works Agency for Palestine Refugees in the Near East]. It is true that when Saddam was here we felt safe, but we have not been living in the paradise some people imagine. Look at our homes. They are not fit for families to live in, and these are the better homes. We can show you far worse places where children are living next to raw sewage. In winter our homes become flooded knee deep because there is no drainage system. It is true that the Iraqi governments in the past forced Iraqis to rent us homes at very low prices, but that is not our fault. At the time, when Abdul-Karim Qassem³¹ was here, the rents we paid were five dinars a month. That was real money then, but it gradually lost its value and especially after 1991, with the sanctions and the economy suffering, that rent was meaningless. The Iraqi government did not raise these rents, and we can understand that the house owners feel resentful, but this is not the way to deal with the problem. Please find us a solution before something really serious happens.³²

Third Country Nationals

Human Rights Watch also interviewed other foreign nationals who fled the insecurity in Iraq. These foreign nationals were living in Jordan, in refugee Camp B near al-Ruweished. Predominantly single young men from Sudan and Somalia, they generally fled due to the prevailing situation of lawlessness. As single foreigners, they lacked the support network of family and friends that had protected many Iraqis.

²⁶ Human Rights Watch interview with Muhammad Ahmad 'Abdul-Jawad and family, Haifa Sports Club, al-Baladiyyat, Baghdad, April 29, 2003.

²⁷ Human Rights Watch interview with Bassam Rizq, refugee camp outside al-Ruweished, Jordan, April 27, 2003.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Human Rights Watch interview, refugee camp outside al-Ruweished, April 28, 2003. Name withheld on request of the witness.

³¹ Prime Minister of Iraq between 1958-1963.

³² Human Rights Watch discussion with a group of Palestinian men at a state-funded shelter, al-Hurriyya, Baghdad, April 29, 2003.

Thirteen Somali men were forced from the Baghdad home where they all lived. “They came with guns and said ‘leave our country,’” said a Somali man named Salah A., aged thirty-five. The thirteen men left their house and set out for the bus station. On the Falluja highway, they were stopped by a group of armed Iraqis, two of the men said. The Iraqis forced the Somalis to line up on the road, saying they would be shot. At that moment, there was shooting down the road. The Iraqis turned in that direction and the Somalis, sensing their chance, quickly left. “We became safe from the danger,” Salah remarked.³³

Another Somali, twenty-three-year-old Muhammad, was wounded in a U.S. coalition strike on Baghdad on April 9 and hospitalized with a shrapnel wound to the leg. When the government of Saddam Hussein collapsed in Baghdad, angry armed Shi’a civilians came to his hospital bed three times, asking how much money he had received from the Iraqi government, and threatened to kill him. Other Iraqis intervened, but when Muhammad’s wound was healed, they advised him to leave Iraq because the situation was too dangerous for foreigners.³⁴

Iranian Kurds

On April 27, 2003, Human Rights Watch visited al-Tash Garrison, a UNHCR-administered refugee camp located some 145 kilometers west of Baghdad, on the outskirts of the town of al-Ramadi in the province of al-Anbar. Just prior to the U.S.-led air strikes on Iraq, the garrison was home to an estimated 13,000 men, women and children,³⁵ all of them Iranian Kurd refugees. After the fall of Baghdad some 1,136 people from the garrison fled towards the Jordanian border, where they are currently being housed in tents in the no-man’s-land between Iraq and Jordan. Human Rights Watch did not have the opportunity to conduct research in the no-man’s-land camp, whose population also includes some forty members of the Iranian opposition group Mojahedin e-Khalq, and approximately forty Iraqis. Based on interviews with humanitarian organizations active in the zone and UNHCR, as well as research in Baghdad, a general picture has emerged.

At the al-Tash refugee camp, Human Rights Watch spoke to scores of the residents, most of whom had been living there since 1982 or were born there. Of these, the majority were civilians living in border areas in Iran occupied by Iraq during the first year of the Iran-Iraq war, including Qasr-e-Shirin. They were displaced and brought by the Iraqi authorities to al-Tash. Other camp residents are members of Iranian Kurdish opposition groups, principally the Kurdistan Democratic Party of Iran (KDPI), and had fled because of continuing crackdowns on opposition activity in Iran.

One spokesperson for the camp residents and a KDPI member, Abdullah Hassan Zadeh, told Human Rights Watch: “We are refugees in name but in reality we are hostages. The Iraqis took us from our homes and brought us here. We have been in this camp for twenty-three years and no one has come to see us before.”³⁶ He went on to say that since the end of the war, the refugees in the camp have been very apprehensive about their security and welfare, given that there was no state control over law and order. Abdullah continued:

Since this war ended, we have been afraid of armed gangs who come from other provinces to loot. The tribes in this area are also armed.³⁷ Both during and since the war, we have received verbal messages like “We are coming for you.” The tribes here do not attack us but there are armed gangs. We went to some of the tribal leaders to ask for their help in protecting us. They said they would do what was in their power. The Iraqi police who used to guard this camp told us, after Baghdad was surrounded, that armed looters would be coming for us. Over the past two weeks, about 1,000 families have left the camp for Jordan. Today seven families left. There is no official authority left to secure our situation here. We are afraid for the safety of our families, and we are also afraid that we will be forgotten and end up staying here for another ten years.³⁸

³³ Human Rights Watch interview with Salah A. and Oskar M., April 28, 2003, Camp B outside al-Ruweished, Jordan.

³⁴ Human Rights Watch interview with Muhammad (last name withheld), June 28, 2003, Camp B outside al-Ruweished, Jordan.

³⁵ Comprising some 2,300 families, according to the camp residents.

³⁶ Human Rights Watch interview with ‘Abdullah Hassan Zadeh, al-Tash Garrison, Iraq, April 27, 2003.

³⁷ The principal Arab tribe in the province of al-Anbar is the Dulaim. Other tribes are also present in smaller numbers, including al-Jubbur, al-Shummar, al-‘Ubaidat and al-Hamdan.

³⁸ Human Rights Watch interview with ‘Abdullah Hassan Zadeh, al-Tash Garrison, Iraq, April 27, 2003.

Several of the men interviewed by Human Rights Watch said they had bought AK-47s, handguns and other weapons on the black market for protection, and that they kept regular watch over the camp. One of them [name withheld] said:

A few days after the fall of Baghdad I saw about twenty armed men with their faces covered. They had come to steal the medicines from the camp clinic. We tried to confront them but they threatened us with their weapons and told us to go away. We had anticipated this and had moved the medicines and equipment and hid them in one of the houses. At that point we formed a committee to manage the affairs of the camp. UNHCR had left at the beginning of March. Two members of our committee went to the tribal leaders to ask for help.³⁹

Many of the camp residents also expressed concern about their personal safety if they traveled outside the camp, namely to the town of al-Ramadi to buy goods. They said their fears were based on incidents in the past in which a number of the young men living in the camp had gone missing or were found dead. One twenty-one year old resident who was born in al-Tash, Anwar 'Abdul-Rahman Muhammad, told Human Rights Watch: "Some people from the camp have disappeared. For example, there was Muhammad 'Ali Mirza, who has been missing since 1996. He was about thirty-five years old. He went out of the camp one day to buy some goods and never came back. There was also Mukhtar Hussain, aged twenty-one. His body was found near the camp and he had been killed."⁴⁰ The residents said these incidents had taken place when the Iraqi government had the law and order situation under control, and feared that because there was no official authority left, such incidents might recur or become more frequent.

Fears over the security situation was the major reason cited by most refugees for their flight out of al-Tash camp. However, they also expressed concern about their economic situation and their dwindling food and water supplies. They told Human Rights Watch that they used to receive twenty-five dinars per person from the Iraqi government, but that since 1991, the general decline in the economy had made this sum worthless. Consequently, they generated income by buying goods in al-Ramadi and selling them on the black market, and that this economic activity was no longer possible since many of the refugees felt unsafe to leave the camp. A member of the camp committee, Muhammad Reza'i, told Human Rights Watch that a delegation representing the refugees had gone to Baghdad on April 22 to seek help from the ICRC, principally because of the dire humanitarian situation in the camp. He said that their food supplies were running out and they had no medical staff to run the clinic:

The camp clinic used to be run by the Iraqi Ministry of Health. Now we have no doctors or medical staff. Some of the families here have opened up local pharmacies. They buy and sell medicines and serve the camp residents but without being medically qualified. Our children have various illnesses, especially asthma and diarrhea... For the past four years, WFP has been distributing food in the camp but we have very few provisions left. Just days before the war the government gave us six months' worth of flour. We have neither water nor electricity. In the days of the government we had three hours of electricity per day, and one hour of running water every fifteen days. Now we have no running water at all. We have dug wells but the water is salty. We use that to wash ourselves and our clothes. Our drinking water is what we had in the tanks before the war, and we are trying to use it very sparingly.⁴¹

While Human Rights Watch was at al-Tash, military personnel from the U.S. Army's Third Armored Cavalry Regiment, based in al-Ramadi, arrived at the camp. They said they had been charged with making an assessment of the needs of the residents, and discussed with camp representatives matters relating to basic services, including water, electricity, medical needs and security issues.

As for the future, the camp residents called for a durable solution to their plight. According to their spokespersons, the majority of the refugees wanted to return to Iran, particularly those civilians who had been displaced during the Iran-Iraq war. They said many had returned through illegal means between 1996 and 1999, mainly through paying Iraqi Intelligence (Mukhabarat) personnel 300,000 dinars per family in return for being smuggled into Iran. Those among them who were politically active in opposition groups said they wanted to be resettled in other countries.

³⁹ Human Rights Watch interview with an Iranian Kurd [name withheld], al-Tash Garrison, Iraq, April 27, 2003.

⁴⁰ Human Rights Watch interview with Anwar 'Abdul-Rahman Muhammad, al-Tash Garrison, Iraq, April 27, 2003.

⁴¹ Human Rights Watch interview with Muhammad Reza'i, al-Tash Garrison, Iraq, April 27, 2003.

Since 1991, when the camp's population numbered some 30,000, an estimated 4,000 people were resettled in other countries through the UNHCR. A number of refugees in al-Tash told Human Rights Watch that they had been accepted for resettlement in Canada, Australia and other countries, but that Iraqi intelligence personnel prevented their departure unless they were paid large sums of money.

Responsibility to Protect Refugees and other Foreigners in Iraq

The former government of Iraq, as the authority in power, was responsible⁴² for preventing and punishing human rights abuses committed against all people within its territory – including refugees and other non-nationals.⁴³ Now that the Iraqi government has fallen, the obligation to protect refugees and other foreigners in Iraq from human rights abuse passes to the United States and its allies, as occupying powers under the Fourth Geneva Convention.⁴⁴

Military commanders on the spot must prevent and where necessary suppress serious violations involving the local population under their control or subject to their authority. The occupying force is responsible for protecting the population from violence by third parties, such as newly formed armed groups or forces of the former regime.⁴⁵

Ensuring local security includes protecting persons, including refugees and other foreigners, minority groups, and former government officials, from reprisals and revenge attacks. Unless the forces of the occupying powers are facing hostilities, the use of force is governed by international standards for law enforcement. That is, only absolutely necessary force may be used and only to the required extent, in accordance with the principle of proportionality.⁴⁶

The occupying power should prevent third parties from attacking or forcibly displacing civilians, especially particularly vulnerable groups such as the 128,000 refugees who were living in Iraq just prior to the war. All women, including refugees, should be protected against any attack, in particular rape. Child refugees must also be afforded appropriate protection and humanitarian assistance. All civilians inside Iraq must be treated with the same consideration by the occupying powers without any adverse distinction based, in particular, on national origin, race, religion or political opinion. Finally, the occupying powers must ensure that humanitarian assistance reaches all civilian populations in need, including foreigners or refugees.⁴⁷

Iraq's civilian population has pressing humanitarian needs. Even before the war, 60 percent of the Iraqi population was dependent on monthly food distributions from the central government. Medical care has been further constrained by the fighting and looting of the past month. A shortage of clean water supplies has the potential to spread water-borne disease, including diseases like diarrhoea and cholera that can quickly devastate populations with large numbers of poorly nourished children. As documented in this report, refugees and other non-nationals have been particularly affected by these shortages.

As the occupying power, the coalition is responsible for ensuring that food and medical care is available to the population under its control, facilitating assistance by relief agencies, and ensuring and maintaining public health and hygiene. The United States and its allies must provide humanitarian personnel with safe and unimpeded access to populations in need, and allow humanitarian agencies to operate independently from any military or political authority. Where the military directly provides humanitarian assistance, this should be distinguished clearly from the efforts of humanitarian agencies, so as to avoid confusion about the latter's neutrality.

⁴² State responsibility under international law is linked to each state's sovereign right to exercise its jurisdiction. See e.g. *The Case of the S.S. Lotus*, P.C.I.J. Ser. A. No. 10, 1927.

⁴³ See e.g. *Mavrommatis Palestine Concessions*, P.C.I.J. Ser. A. No. 2, 1924.

⁴⁴ Hague Convention (IV) respecting the Laws and Customs of War on Land (1907), art. 43 (the occupying power "shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety.").

⁴⁵ Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949) (Fourth Geneva Convention), arts. 29, 47 (art. 29: "The Party to the conflict in whose hands protected persons [civilians] may be is responsible for the treatment accorded to them by its agents...").

⁴⁶ See, e.g. U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990).

⁴⁷ See Fourth Geneva Convention, art. 55 ("To the fullest extent of the means available to it the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.").

II. ENTRY TO AND CONDITIONS IN JORDAN

The harassment and physical insecurity documented in this report and experienced by Palestinians, Iranian Kurds, and other non-nationals inside Iraq prompted some of them to flee Iraq for Jordan. This section describes how they have been received and treated in Jordan.

Prior to the U.S.-led war in Iraq, Jordan had prepared for a refugee influx with the help of the United Nations High Commissioner for Refugees, the International Organization for Migration, as well as several non-governmental organizations such as Médecins Sans Frontières, Oxfam, Jordanian Red Crescent Society, International Federation of Red Cross and Red Crescent Societies, Médecins Du Monde, Japan Platform, and the Hashemite Charity Organization.

Camps were set up, across from the border crossing of al-Karama between Iraq and Jordan. Space for approximately 10,000 new arrivals was provided near al-Ruweished, which is the last Jordanian town before the border with Iraq, in two camps: one for Iraqi refugees (al-Ruweished Camp A) and one for third country nationals (al-Ruweished Camp B).⁴⁸ Starting from March 20, the first wave of refugees fleeing the conflict and insecurity in Iraq were third country nationals, coming originally from countries like Sudan, Somalia and Eritrea. These third country nationals were housed at al-Ruweished Camp B. The main functions in this camp were coordinated by the International Organization for Migration.

The second wave of refugees arriving to the border region were also third country nationals, but this time mostly Palestinians and Iranians who had been living in Iraq as refugees. By April 20 more than 1,000 Palestinians and Iranians were trapped in the no-man's land between Iraq and Jordan in difficult humanitarian conditions. They were not allowed to enter Jordan until May 1, at which point the Jordanian authorities allowed some 550 Palestinians to enter al-Ruweished Camp A.⁴⁹ The United Nations High Commissioner for Refugees coordinated the services provided in this camp.

As of this writing, a third makeshift camp has been established in the no-man's land between Jordan and Iraq, because the Jordanian authorities have refused to allow the Iranians sheltering there to enter the country. The camp holds some 1,136 people, almost all Iranian Kurds who had been living in Baghdad's al-Tash refugee camp since 1991. Approximately forty people are from the Iranian opposition group Mojadehin eKhalq, a group listed on the United States' list of terrorist organizations.⁵⁰ UNHCR and relief organizations such as Médecins Sans Frontières and Oxfam worked to deliver water and medical assistance to them in their windswept location, in the no-man's land near the Jordanian border. Due to time constraints, Human Rights Watch did not request permission to conduct research in this camp.⁵¹

The conditions at all three camps are difficult due to the harsh weather. Frequent windstorms whip fine sand into every tent, and some of the humanitarian aid workers have resorted to wearing goggles in order to work in the difficult conditions. Respiratory problems among camp residents are growing. As summer approaches, the heat will become debilitating. Scorpions are also a concern to the refugees, who are accustomed to a more urban lifestyle. Children, who make up a high percentage of those trapped in the no-man's land camp, are at special risk of illness and death in these conditions.

Palestinians

Many of the Palestinians interviewed by Human Rights Watch had to wait for days in the no-man's land outside the border crossing of al-Karama before the government allowed them to enter Jordan. Conditions were precarious for all the no-man's land residents. The dust contributed to respiratory problems and sore eyes. Initially, lack of clean water was causing dehydration and diarrhea, especially among the some 60 percent of the population who are

⁴⁸ "Jordanian Red Crescent Says Preparing for "First Shot" of 10,000 Refugees," *Agence France Presse*, March 11, 2003.

⁴⁹ UNHCR, Briefing by Spokesperson Peter Kessler, May 1, 2003.

⁵⁰ Douglas Jehl and Michael R. Gordon, "American Forces Reach Cease-fire with Terror Group," *New York Times*, April 29, 2003

⁵¹ Information on conditions in the "no man's land" camp is based on Human Rights Watch interviews with refugees in Jordan who had passed through the camp, conversations with U.N. and non-governmental humanitarian aid workers who had visited the camp, and public statements by U.N. and relief organizations.

children.⁵² Although latrines were built, water was obtained, and tents erected, the situation remained difficult mostly because the people remained in limbo – neither allowed into relative safety in Jordan, nor able to return to central Iraq.

As of May 1, the Jordanian authorities allowed some 550 Palestinians to enter al-Ruweished Camp A.⁵³ In subsequent days, almost all the Palestinians resident in the no-man's land were allowed in to the country. However, they left behind some 1,136 Iranian Kurds who were refused entry by the Jordanian government.

With this part of their ordeal behind them, the Palestinians were presented with a new challenge. In order to enter Jordan, many claimed they had to sign a vaguely-worded waiver undertaking to return to Iraq once the current crisis was over.⁵⁴ Neither Human Rights Watch nor UNHCR was able to view a copy of this document, since it had been signed by each Palestinian family as they entered the country, and subsequently collected by Jordanian officials. However, the vague wording in the waiver, as confirmed to Human Rights Watch by several refugees, meant that the Palestinians agreed to return to Iraq when the situation there stabilized. The tenuousness of Jordan's offer of asylum was exacerbated by a time limit originally suggested by UNHCR itself. In the first days of the conflict in Iraq, on March 26, UNHCR recommended to all governments that individuals fleeing Iraq should be afforded temporary protection for a period of three months, at least until June 25.⁵⁵ It is unclear what the Jordanian government will do with the Palestinians when this time period expires.

The Palestinians who fled Iraq for Jordan arrived with a variety of identity documents. Human Rights Watch researchers were shown passports from other middle eastern countries by a few of the refugees. The vast majority, however, have special travel documents issued by the government of Iraq and recently renewed in 2002. These travel documents, the Palestinians explained to Human Rights Watch, allowed them to prove their identities to Iraqi authorities, but they were not sufficient documents with which to apply for visas to exit Iraq under the Saddam Hussein government.⁵⁶ Therefore, the Palestinians living in Iraq were unable to leave or enter the country freely.

Human Rights Watch is particularly concerned that the Palestinians will be coerced to return to Iraq after June 25, or as soon as the government of Jordan unilaterally decides the situation is safe enough. Involuntary returns of refugees to any territory where they may potentially face persecution violates international standards that require any such returns to be voluntary, on the basis of accurate information about conditions in the potential country of return, and without negative push factors, such as reductions in humanitarian relief supplies. All such voluntary returns should be in conditions of safety and dignity, which necessitates careful human rights monitoring and protection.⁵⁷

Third Country Nationals

The Palestinian refugees were part of a larger group of third country nationals who fled instability and war in Iraq to Jordan. The first wave of third country nationals made up of 250 individuals arrived at the Jordanian border on March 20.⁵⁸ By March 23 a total of 474 third country nationals fleeing Iraq had entered Jordan.⁵⁹ They included families fleeing Iraq but coming originally from Sudan, Somalia, Chad, Eritrea, Djibouti, Mali and Egypt. By March

⁵² "Over 1,000 People in 'No Man's Land,'" *IRIN News*, April 20, 2003. See also Médecins Sans Frontières, "Stuck in Unsuitable Camp in 'No Man's Land,'" April 28, 2003.

⁵³ UNHCR, Briefing by Spokesperson Peter Kessler, May 1, 2003.

⁵⁴ Human Rights Watch interviews in al-Ruweished camps. See also "Amman Allows 200 People to Enter From No-Man's-Land," *IRIN News*, April 23, 2003.

⁵⁵ UNHCR, "UNHCR Urges States to Grant Temporary Protection to Iraqis," May 7, 2003.

⁵⁶ Human Rights Watch interview with Palestinian refugees, Baghdad, April 29, 2003.

⁵⁷ See UNHCR, *Handbook on Voluntary Repatriation*, 1996, pp. 10-12. The Handbook states that voluntary returns require that "the positive pull-factors in the country of origin are an overriding element in the refugees' decision to return rather than possible push-factors in the host country or negative pull-factors, such as threats to property, in the home country." Also, returns should "take place in conditions of safety, dignity and security." This standard necessitates return "which takes place under conditions of legal safety. . . physical security. . . and material security. . . . [Returnees should be] treated with respect and full acceptance by their national authorities, including the full restoration of their rights." The handbook contains guidelines derived from international law by which the behavior of UNHCR and governments during repatriation may be judged. It is also based on several ExCom Conclusions, such as ExCom Conclusion No. 18 (1980), ExCom Conclusion No. 40 (1985), ExCom Conclusion No. 74 (1994), which reflect international human rights norms as well as interpretations of the Refugee Convention.

⁵⁸ "First Refugees From Iraq Arrive in Jordan," *Milwaukee Journal Sentinel*, March 21, 2003.

⁵⁹ "474 Third Country Nationals Have Arrived at Ruweished Camp," *Xinhua News Service*, March 22, 2003.

25, 595 third country nationals had entered Jordan.⁶⁰ These people mostly left Iraq due to the general lack of security. In some cases, they were threatened by Iraqi civilians and told to “leave our country.”⁶¹

The numbers of third country nationals in Jordan peaked at about 600, because they began to leave Jordan even as others were still arriving. As of April 28, some 1,116 third country nationals had passed through Jordan, although only 218 remained in the country.⁶² The swift reduction in third country nationals was due to a policy set up by the government of Jordan, with the cooperation of the International Organization for Migration (IOM).⁶³ The policy focused on ensuring that the third country nationals left Jordan for their countries of origin with the assistance of the International Organization for Migration, preferably within seventy-two hours.⁶⁴ The third country nationals were given an opportunity to decide for themselves whether or not they wanted to return home. However, the seventy-two hour deadline created time pressure that called into question whether individuals had adequate time to be made aware of their rights and to make an informed decision about returning to their home countries.

The policy of returning individuals within seventy-two hours raised concerns that Jordan, with the assistance of the International Organization for Migration, was violating its customary law obligation not to return refugees to a country where their lives or freedom are threatened because of persecution (the principle of *nonrefoulement*), which is the cornerstone of international refugee protection. Some of these concerns were allayed when, on March 21, 160 of the 300 Sudanese nationals scheduled to depart for Sudan were allowed to remain in Jordan once they expressed their fears of persecution if returned home.

However, serious problems remained. Human Rights Watch learned that the Sudanese government sent embassy representatives from Amman to the camps at the border to counsel and reassure Sudanese who originally were reluctant to return home.⁶⁵ IOM, which was in charge of Camp B at al-Ruweished, did not impose controls on these contacts between the government of Sudan and the refugees.

Permitting Sudanese government officials to contact Sudanese individuals potentially harboring fears of persecution constitutes a breach of refugee law. Refugees should not have their identities disclosed to the government of their country of origin. UNHCR’s *Refugee Status Determination Handbook* states unequivocally that, “It will be necessary for the examiner to gain the confidence of the applicant in order to assist the latter in putting forward his case and in fully explaining his opinions and feelings. In creating such a climate of confidence *it is, of course, of the utmost importance that the applicant’s statements will be treated as confidential and that he be so informed.*”⁶⁶

Finally, IOM should have been particularly careful when sending third country nationals home from Jordan. IOM itself had published a list of the countries of origin for the majority of migrant workers in Iraq in March 2003. That list included India, Egypt, Philippines, Pakistan, Bangladesh and Sri Lanka⁶⁷ – but the nationalities of many of those sent home by IOM from Jordan, such as Somalis and Sudanese, are noticeably absent from this list. The implication that the third country nationals fleeing Iraq were migrant workers and did not fear persecution if returned home is questionable given the list of migrant workers published by IOM and the fact that the countries of origin for many of

⁶⁰ “Saddam’s Regime Bars Iraqis from Leaving the Country,” *Agence France Presse*, March 25, 2003.

⁶¹ Human Rights Watch interviews with third country nationals, al-Ruweished Camp B, April 27, 2003.

⁶² IOM Third Country Nationals Map, April 28, 2003.

⁶³ Since the International Organization for Migration does not have a protection mandate, its involvement with third country nationals may reflect an underlying assumption that they are economic migrants and not refugees, and may result in affording them lesser protection than what they are entitled to under international law.

⁶⁴ IOM Press Release, March 21, 2003 (stating that IOM was arranging for bus convoys and flights to send third country nationals home within a seventy-two hour deadline).

⁶⁵ Human Rights Watch interview with UNHCR representative, Amman, Jordan, March 24, 2003.

⁶⁶ See UNHCR, *Handbook On Procedures And Criteria For Determining Refugee Status*, UN Doc. HCR/1P/4/Eng/REV.2, 1979, (edited 1992) para. 200 (emphasis added). The Handbook on Procedures and Criteria for Determining Refugee Status was prepared at the request of states members of UNHCR’s ExCom for the guidance of governments. See Guy Goodwin-Gill, *The Refugee in International Law*, 1996, p. 34. The Handbook is an authoritative interpretative guide and is treated as such by governments. For example, the U.S. Supreme Court has found the Handbook’s guidance “significant.” See *INS v. Cardoza-Fonseca*, 480 U.S. 421, 439 n.22 (1987) (stating that the Handbook “provides significant guidance in construing the Protocol, to which Congress sought to conform... and has been widely considered useful in giving content to the obligations that the Protocol establishes.”).

⁶⁷ See United Nations, *Flash Appeal for the Humanitarian Requirements of the Iraq Crisis*, Six Month Response, p. 19.

these people, such as Somalia and Sudan, were places from which tens of thousands of refugees have fled from persecution or civil war for several years.

Iranian Kurds in No-Man's Land

Some 1,136 Iranian refugees remain in desolate and difficult conditions in the no-man's land inside Iraq, near the Jordanian border. The government of Jordan had earlier assured UNHCR that the group of mostly Iranian Kurd refugees would be admitted without delay, however this has not happened yet.⁶⁸ In the meantime, the dry air and constant dust have been causing respiratory problems and eye infections, particularly among the very high proportion of children – some 60 percent of the group are under fifteen years old.⁶⁹ Oxfam has set up latrines, showers, and water tanks for the refugees in this makeshift camp, but the desert conditions remain difficult,⁷⁰ including severe sandstorms that have caused damage to the refugee's tents.⁷¹ Médecins Sans Frontières carried out mental health assessments amongst the trapped refugees, finding that they were in great distress because they were “very uncertain about their future.”⁷²

The most pressing need for these refugees is that they be allowed to enter Jordan. Jordan has an obligation to keep its borders open and to “always admit [asylum seekers] at least on a temporary basis and provide them with protection. . . without any discrimination,” while other governments are obliged to “take all necessary measures” to assist Jordan as a host country.⁷³ If any government forces refugees who have entered its territory, or who are standing at its borders, to return to conditions that are not safe, it will violate their obligations under international refugee law.

It is unclear what will happen to these refugees while conditions in Iraq are unsafe. In the face of Jordan's unwillingness to allow the Iranians in, UNHCR is contemplating resettling them in a camp near the border inside Iraq, as opposed to the mostly empty refugee camp already set up for this purpose at al-Ruweished. The camp in Iraq would be guarded by U.S. troops. The Iranian Kurds are said to be adamantly against this option, and some have threatened to commit suicide if they are moved.⁷⁴

Responsibility Towards Refugees in Jordan

Jordan

Before the recent conflict in Iraq, Jordan already hosted 1.6 million Palestinian refugees⁷⁵ and between 250,000 and 300,000 Iraqis.⁷⁶ The number of Iraqis could be much higher since Iraqis in Jordan doubt the benefits of registering with UNHCR and therefore often fail to do so. Approximately 5,000 refugees are registered with UNHCR, awaiting resettlement to another safe country.⁷⁷ In accordance with an agreement signed between UNHCR and Jordan in April 1998, refugees are granted temporary asylum for a maximum period of six months, after which they become illegal aliens, subject to daily fines and at risk of return to Iraq.⁷⁸ The *de facto* presence of refugees waiting for resettlement is tolerated by the authorities pending their departure, although they have no permission to work and they are subject to regular round ups⁷⁹ and instances of *refoulement*.

⁶⁸ U.N. Office of the Humanitarian Coordinator for Iraq, *Humanitarian Situation Report No. 32*, May 6, 2003.

⁶⁹ Médecins Sans Frontières, “Stuck in Unsuitable Camp in 'No Man's Land,’” April 28, 2003.

⁷⁰ Oxfam, “Oxfam Aids Refugees on Jordanian Border,” April 28, 2003.

⁷¹ CARE, “CARE Relief Supplies, Emergency Team Arrive to Baghdad,” April 28, 2003.

⁷² Médecins Sans Frontières, “Stuck in Unsuitable Camp in 'No Man's Land,’” April 28, 2003.

⁷³ See “Protection of Asylum-Seekers in Situations of Large Scale Influx,” ExCom Conclusion No. 22, 1981, para. IIA(1) and IV(1). See also “Temporary Refuge,” ExCom Conclusion No. 19, 1980, para. (b)(i).

⁷⁴ Human Rights Watch interview with relief organization, April 28, 2003.

⁷⁵ See UNHCR, *Statistical Yearbook 2001*, October 2002, p. 92-95. See also UNRWA in Figures, June 30, 2002, available at www.un.org/unrwa/pr/pdf/uif-june02.pdf.

⁷⁶ Correspondence from UNHCR Branch Office Jordan, December 3, 2002 (on file with Human Rights Watch).

⁷⁷ Ibid.

⁷⁸ See Géraldine Chatelard, “Iraqi Forced Migrants in Jordan: Conditions, Religious Networks, and the Smuggling Process” September 2002 (on file with Human Rights Watch).

⁷⁹ Ibid.

While the government of Jordan is not party to the 1951 Convention Relating to the Status of Refugees (Refugee Convention),⁸⁰ it is bound by the international customary law norm of *nonrefoulement*, which protects refugees from being returned to a place where their lives or freedom are under threat.⁸¹

If Jordan should send anyone on its territory to a country where their lives are seriously at risk, the government would violate its obligations of *nonrefoulement*. This obligation applies to Sudanese who may be returned to unsafe conditions in Sudan, or Palestinians who may be returned to Iraq where they will suffer from discrimination and physical attacks. This obligation also applies, for example, to Somalis who might suffer abuse in Iraq if sent there. In other words, *nonrefoulement* protects refugees from being sent to *any* country where they will suffer serious human rights abuse, whether it is their country of origin or not.

UNHCR

Although primary responsibility resides with governments, when they fail to protect refugees, the U.N. General Assembly has entrusted the United Nations High Commissioner for Refugees with “providing international protection. . . to refugees,” and with “seek[ing] permanent solutions for the problem of refugees by assisting governments.”⁸² UNHCR has promulgated several important policies and guidelines that give detailed guidance on how the agency should perform these functions. The agency’s role in camp settings is governed by its *Handbook for Emergencies*,⁸³ which gives detailed guidelines for setting up and administering assistance and protection in refugee camps.

Other protection functions that the agency works with governments to perform include: ensuring that refugees are not subjected to human rights abuse, ensuring that refugees have a secure legal status, and ensuring that governments work to find durable solutions to their plight. The three primary solutions that UNHCR is entrusted to implement are: voluntary return to a refugee’s country of origin in conditions of safety and dignity,⁸⁴ resettlement to a safe third country, or local integration in the host country the refugee is currently living in.

UNRWA

UNRWA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, was established in 1949 by United Nations General Assembly resolution 302 (IV) to carry out direct humanitarian relief, medical and social assistance programmes for Palestine refugees throughout the Middle East. In the absence of a solution to the Palestine refugee problem, the General Assembly has repeatedly renewed UNRWA’s mandate, most recently extending it until June 30, 2005.

Since its inception, UNRWA was only intended to be an assistance agency. Protection was supposed to be provided by the United Nations Conciliation Commission for Palestine (UNCCP).⁸⁵ The UNCCP was given the mandate to seek durable solutions to the Palestinian refugee problem – a role usually assigned to UNHCR in other refugee situations. Stymied by the political stalemate over the question of repatriation and the inability of the Arab states and Palestinians and the Israeli government to reach an agreement, the UNCCP declared it could not fulfill its mandate and by the early 1950’s ceased to be an operational protection agency.⁸⁶ This effectively left the Palestinian

⁸⁰ Convention relating to the Status of Refugees, 189 U.N.T.S. 150, entered into force April 22, 1954.

⁸¹ International customary law is defined as the general and consistent practice of states followed by them out of a sense of legal obligation. That *nonrefoulement* is a norm of international customary law is well-established. See, e.g. ExCom Conclusion No. 17, Problems of Extradition Affecting Refugees, 1980; No. 25, General Conclusion on International Protection, 1982; *Encyclopedia of Public International Law*, Vol. 8, p. 456. UNHCR’s ExCom stated that *nonrefoulement* was acquiring the character of a peremptory norm of international law, that is, a legal standard from which states are not permitted to derogate and which can only be modified by a subsequent norm of general international law having the same character. See ExCom Conclusion No. 25, General Conclusion on International Protection, 1982.

⁸² *Statute of the Office of the United Nations High Commissioner for Refugees*, GA Res. 428(V), December 14, 1950.

⁸³ See *UNHCR, Handbook for Emergencies*, January 2000.

⁸⁴ See footnote 57, above, for a discussion of the standards required for voluntary returns.

⁸⁵ The UNCCP was entrusted under General Assembly Resolution 194 to “take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them” – specifically, to ensure repatriation and compensation.

⁸⁶ See *Progress Report of the United Nations Conciliation Commission for Palestine*, Article 87, covering the period from January 23 to November 19, 1951, (Stating that “[t]he Commission is of the opinion, however, that the present unwillingness of the parties fully to implement the General Assembly resolutions under which the Commission is operating, as well as the changes which have

refugees in a protection vacuum. No agency was authorized to intervene on their behalf to protect their human rights, to negotiate to seek a just solution, or to deal with their claims for repatriation, compensation or restitution.

However, Article 1D of the Refugee Convention and paragraph 7 of UNHCR's Statute extends the competence of UNHCR to include protection activities for refugees who do not have another organization already fulfilling these functions. In other words, in the absence of UNCCP protection, the Palestinian refugees should receive the same protection and durable solutions as afforded to other refugees under the international refugee regime.⁸⁷ UNHCR, in fulfillment of its mandate, should seek to facilitate and promote these durable solutions, including voluntary repatriation,⁸⁸ through international fora and bilateral or tripartite negotiations.

IOM

The International Organization for Migration (IOM) is not a U.N. agency, but is an inter-governmental organization set up to address the challenges presented by migration management, and to advance understanding of migration issues, and the needs of migrants. As such, the agency has played a key role with regard to the treatment of third country nationals in Jordan. The agency has been involved in seeing to the humanitarian needs to these individuals and has arranged for their transport to their countries of origin.

However, IOM has no refugee protection mandate. Certain aspects of the programs established in Jordan for third country nationals, such as the seventy-two hour deadline for arranging flights home for individuals and the visits to the camps by Sudanese government officials have raised serious refugee protection concerns. Given Jordan's overall unwillingness to host refugees for more than a six month period, IOM may have come under pressure to create a program in which third country nationals spent the least possible amount of time in the country. Regardless, IOM should never succumb to such pressures when they involve potential breeches of refugees' safety or subjecting them to *refoulement*.

International Community and Donor Governments

The government of Jordan cannot and should not have to shoulder the burden of hosting refugees alone. The international community is obliged to help meet the humanitarian needs of refugees. The Preamble to the Refugee Convention underlines the "unduly heavy burdens" that sheltering refugees may place on certain countries, and states "that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international cooperation." Numerous ExCom Conclusions also reiterate the need for international responsibility sharing to assist host countries in coping with refugee influxes during emergencies.⁸⁹

The international community also has a responsibility to provide longer-term solutions to the plight of refugees in Jordan. Not only should donor countries provide Jordan with financial and logistical assistance, but all industrialized governments should also be prepared to assist the government of Jordan in providing a permanent solution for some of these refugees through refugee resettlement schemes, particularly those who cannot safely remain in Jordan or who cannot return safely to Iraq or to their places of origin. The United States and Britain, as the occupying powers in Iraq, have a heightened responsibility in this regard. Donor governments are playing a critical protection and responsibility function when they agree to take in, or "resettle" refugees. On several occasions UNHCR's ExCom has emphasized that "[a]ctions with a view to burden-sharing should be directed towards facilitating. . . resettlement possibilities in third countries."⁹⁰

occurred in Palestine during the past three years, have made it impossible for the Commission to carry out its mandate, and this fact should be taken into consideration in any further approach to the Palestine problem. ").

⁸⁷ The international refugee regime includes the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol; the Statute of UNHCR; the Conclusions and documents of UNHCR's Executive Committee; UNHCR guidelines and policies; and international customary law.

⁸⁸ See footnote 57, above, for a discussion of the standards required for voluntary returns.

⁸⁹ Between 1979 and 2000, the ExCom passed fourteen Conclusions citing the need for international responsibility-sharing to assist host countries to cope with mass influxes of refugees. The Conclusions also stipulate the fundamental obligation of first countries of asylum to keep their borders open to refugees and to provide them with full refugee protection on at least a temporary basis, while being assisted in meeting that obligation with financial assistance from other governments.

⁹⁰ See "Protection of Asylum-Seekers in Situations of Large Scale Influx," ExCom Conclusion No. 22, 1981, para. 3. See also ExCom General Conclusion on International Protection No. 79 (1996), ExCom General Conclusion on International Protection No. 85 (1998). In addition, as one authoritative commentary on the Travaux Préparatoires to the Refugee Convention has noted, "the Preamble, by referring to the international nature of the refugee problems which has, inter alia, been affirmed in General Assembly

III. BACKGROUND: REFUGEES AND OTHER NON-NATIONALS IN IRAQ

Palestinians

Iraq, like most countries in the Middle East, has played host to a significant Palestinian refugee population since the establishment of Israel in 1948 and ensuing armed conflict, an event that caused large-scale displacement of Palestinians from inside the borders of Israel.⁹¹ Unlike Egypt, Syria, Lebanon, and Jordan, Iraq did not sign an agreement with UNRWA, preferring to address the needs of the Palestinian refugees directly through the Iraqi state. Iraq was the only country to reject UNRWA help. There are no accurate statistics for the Palestinian refugee community in Iraq. Estimates range from 34,000⁹² to 90,000.⁹³ Palestinians refugees from Iraq interviewed by Human Rights Watch for this report put the number between 35,000-75,000.

The Palestinian refugee population can be roughly divided into three groups: Palestinian refugees from the 1948 conflict; Palestinians who fled or were expelled from Kuwait and other Gulf States following the 1991 Gulf War, when Yasser Arafat's then public support for Saddam Hussein's invasion of Kuwait inflamed anti-Palestinian sentiments; and a significant number of Palestinians from other Arab states who had come to work or had resettled in Iraq.

Almost the entire Palestinian population lives in the capital of Baghdad, a small population, approximately 4,000, lives in the northern city of Mosul, and an estimated 700 are in the southern city of Basra.⁹⁴ A large percentage of Iraq's Palestinian population is originally from Haifa. In Baghdad, Palestinians live primarily in the following neighborhoods: al-Mashtal, Baghdad al-Jadida, al-Salam, al-Doura, Karrada al-Sharqiyya, al-Batawin, al-Za'faraniyya, al-Baladiyyat and al-Hurriyya, although others are dispersed throughout the city. Many Palestinians lived in low apartment buildings built by the government. Some families were in government shelters, such as in schools. In al-Za'faraniyya, for instance, eighty families lived in a former school for the blind. Another eighty lived in a former orphanage. In some neighborhoods, families rented private homes.

Following the 1948 expulsions, Palestinian refugees who arrived in Iraq were housed in schools and military camps. Soon after, the Iraqi government began constructing temporary "shelter residential systems" to house the Palestinian refugees. Thereafter, in the 1970s, the government of Iraq constructed housing complexes for Palestinian refugees with basic services such as water, sewage, and electricity. The conditions in such shelters were poor. The government-constructed housing was inadequate for the rapidly growing Palestinian population. In response to housing needs, the Iraqi government began to rent private housing for Palestinian refugees, providing the housing free of charge. An estimated 63 percent of Palestinians in Iraq benefited from such government-provided housing.⁹⁵

As Iraq's economy began to deteriorate and massive inflation set in following the 1991 Gulf War, the Iraqi government froze the rents it was paying to the landlords of homes occupied by Palestinians. By the end of the 1990's, the mostly Shi'a landlords were receiving next to nothing for the homes occupied by Palestinians—many of the Palestinians interviewed by Human Rights Watch stated that their monthly rent (paid by the government) amounted to the equivalent of less than \$1 a month. According to Iraqi law, landlords were prohibited from breaking rental agreements. Landlords forced to rent to Palestinians for inconsequential sums were, in effect deprived of their property. In 1999, a group of Shi'a landlords from the al-Tobji neighborhood tried to challenge the unfair rental agreements in court. They lost their case.⁹⁶

Resolution 6(I) of February 12, 1946, and the need of international cooperation, proclaims the principle of burden-sharing.... It is clear from the debate that not only international cooperation in the field of protection but also in the field of assistance was meant." See *The Travaux Préparatoires Analysed with a Commentary* by Dr. Paul Weis, Cambridge International Documents Series, Vol. 7, The Refugee Convention, 1995.

⁹¹ See Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947-1949* (Cambridge: Cambridge University Press, 1987).

⁹² See *Palestinian Refugees in Iraq*, Department of Refugee Affairs, Palestine Liberation Organization, 1999 (on file with Human Rights Watch).

⁹³ U.S. Committee for Refugees, Iraq Country report, 2002.

⁹⁴ See *Palestinian Refugees in Iraq*, Department of Refugee Affairs, Palestine Liberation Organization, 1999 (on file with Human Rights Watch).

⁹⁵ See *Palestinian Refugees in Iraq*, Department of Refugee Affairs, Palestine Liberation Organization, 1999 (on file with Human Rights Watch).

⁹⁶ Human Rights Watch interview with I.J., refugee camp outside al-Ruweished, Jordan, April 29, 2003.

The favorable housing arrangements enjoyed by Palestinians was only one source of the resentment against them held by some Iraqis. In order to improve his standing as an Arab leader, President Saddam Hussein manipulated the Palestinian cause (thereby fostering resentment amongst ordinary Iraqis), particularly after the second Palestinian intifadah began in October 2000, and the “Jerusalem Army” was created to aid the Palestinian cause.⁹⁷ In addition, some Iraqis suffering under a strict sanctions regime were distressed by the government’s announcement that it would be sending one billion euros to aid Palestinians living throughout the Middle East.⁹⁸

While Palestinians living in Iraq were exempt from all forms of military service, including in the Jerusalem Army, they were subjected to other restrictions. Since 1950, Palestinians in Iraq have been provided with refugee travel documents.⁹⁹ Those that were resettled in Iraq in the aftermath of 1948 remained registered as refugees. They still held Palestinian travel documents issued by the state, which they said made travel outside Iraq very difficult. They were also subjected to other travel restrictions imposed on Iraqis generally in the 1990s, such as the requirement to pay 400,000 dinar to obtain an exit visa. In early 2000, the Hussein government announced a new policy that Palestinians who had resided in the country since 1948 would be granted the right to own property in Baghdad.¹⁰⁰ However, many of those interviewed by Human Rights Watch for this report said that until about a year ago, legal restrictions prohibiting them from registering homes, cars or telephone lines in their own name remained in force.¹⁰¹

Yasser Arafat’s public support for Iraq’s 1991 invasion of Kuwait led to a closer identification in the public mind’s between the Iraqi leadership and Palestinians. Many Iraqi opposition figures also resented the attention given to the Palestinian intifadah, feeling this drew attention away from the struggles of the Iraqi opposition.

However, the grievances expressed against the Palestinian refugee population should be addressed more appropriately to the government of Saddam Hussein, which cynically manipulated the Palestinian cause for its own purposes. It was the government of Saddam Hussein, not the Palestinian refugees, which appropriated private Shi’a homes to house Palestinian refugees, for example. Given the destitution of much of the Palestinian population, most had little choice but to accept what the Iraqi government gave them.

Other Refugees and Non-nationals

Foreigners in Iraq, including non-Palestinian refugees and other migrants interviewed by Human Rights Watch for this report had mostly been living in Iraq for many years. There were more than 128,000 refugees (including Eritreans, Iranian Kurds, Palestinians, Sudanese, Syrians, and Turkish Kurds) living in Iraq in 2001.¹⁰² There were also more than 70,000 third country nationals (many of whom were migrant workers) living in Iraq in early 2003.¹⁰³ Conditions in Iraq were difficult for refugees, although they were somewhat better for migrant workers.

Refugees mostly lived in camps ringing Baghdad, others lived in neighborhoods described as “slums” inside Baghdad and some groups, particularly Iranian Kurds, lived in northern Iraq. In and around Baghdad, the government of Iraq did not permit refugees to work, and their movement was restricted.¹⁰⁴ In northern Iraq, outside of government-

⁹⁷ In February 2001, President Saddam Hussein announced the formation of a new paramilitary force, the *Jaysh al-Quds* [Jerusalem Army], with the aim to “liberate” Jerusalem. Iraqi males of military age, particularly Shi’a and Kurds, were often forced to “volunteer” for service in the Jaysh al-Quds. In addition, Saddam Hussein has openly provided “martyr” payments of \$25,000 to families of Palestinian suicide bombers and \$10,000 to the families of other Palestinians killed in the intifadah. See Human Rights Watch, *Erased in a Moment: Suicide Bombing Attacks Against Israeli Civilians* (New York: Human Rights Watch, 2002), pp. 100-101. In July 2002, an official from the Iraq-affiliated Arab Liberation Front (ALF) told reporters that President Saddam Hussein had provided an estimated \$20 million in aid to Palestinians in the occupied territories since the outbreak of the second intifadah. Sky TV Broadcast of July 17, 2002.

⁹⁸ Saddam Says Palestinian Solution Must Include Refugee Right of Return, *Agence France Presse*, January 16, 2001.

⁹⁹ See *Palestinian Refugees in Iraq*, Department of Refugee Affairs, Palestine Liberation Organization, 1999 (on file with Human Rights Watch).

¹⁰⁰ “Palestinians Resident in Baghdad Since 1948 to Own Houses,” *Agence France Presse*, March 29, 2000 (quoting Zidane Khalaf al-Tae, Director General of Housing Registration in Baghdad).

¹⁰¹ In accordance with Decree No. 23 of 1992 passed by Iraq’s Revolutionary Command Council (RCC).

¹⁰² See U.S. Committee for Refugees, 2002 World Refugee Survey, p. 170.

¹⁰³ See United Nations, *Flash Appeal for the Humanitarian Requirements of the Iraq Crisis*, Six Month Response, at 19.

¹⁰⁴ See U.S. Committee for Refugees, 2002 World Refugee Survey, p. 173.

controlled Iraq, Iranian refugees lived in uncertain and unsafe conditions. Unknown assailants, allegedly agents from Iran, have assassinated about 300 Iranian refugees in recent years before 2001.¹⁰⁵

Refugees from all nationalities sought protection and resettlement in other safe countries through the auspices of UNHCR. However, the government of Iraq assisted more refugees in Iraq than UNHCR – UNHCR assisted almost 39,000; but the government of Iraq provided basic food and medicines for some 89,000 refugees under U.N. Security Council Resolution 968.¹⁰⁶ Acknowledging the contributions of the government of Iraq to refugees in its territory, the UNHCR mission chief in Baghdad, Daniel Bellamy said prior to the U.S.-led attacks that “the government of Iraq has been very, very generous with the refugees and they are treating them the same way they treat Iraqis.”¹⁰⁷ Migrant workers in Iraq were mostly self-sufficient.

IV. RECOMMENDATIONS

To the United States and Allied Forces as Occupying Powers

- Recognize and fulfill the obligation to provide security for all civilians inside Iraq, including refugees and other non-nationals. Affirmative measures should be taken, including:
 - Deploying police forces to provide security in neighborhoods and camps where refugees and other non-nationals normally reside. Such forces must fully assume their responsibilities to provide security for non-nationals as well as Iraqi nationals. U.S. coalition forces should provide security where local forces are unable to do so.
 - Preventing evictions of non-nationals by ensuring immediate responses by the appropriate authorities to reports of threatened evictions.
 - Protecting all women, including refugees, against any attack.
 - Affording appropriate protection and humanitarian assistance to child refugees.
 - Bringing individuals accused of perpetrating crimes against non-nationals to justice in procedures and applying standards that accord with international human rights law.
- Ensure immediate, full, and free access for UNHCR and humanitarian aid organizations to all civilians in need, including vulnerable groups such as refugees and other non-nationals in Iraq.
- Provide emergency resettlement places to refugees in Jordan who are unable or unwilling to voluntarily return to Iraq, to their regions of origin, or to remain safely in Jordan with full protections for their human rights, including their specific rights as refugees.

To The Government of Jordan

- Allow all refugees in the no-man’s land area of Iraq to enter Jordan, at least on a temporary basis.
- Provide protection and assistance to all refugees inside Jordan with the cooperation and financial assistance of the international community.
- Ensure that no refugee in Jordan, regardless of his or her country of origin, is subjected to *refoulement*.
- When and if conditions become appropriate to contemplate refugee returns, in coordination with UNHCR and UNRWA, allow refugees to choose between voluntary repatriation to their place of origin, to Iraq, or local integration in the country of asylum on an individual, free and informed basis. Whatever solution the refugees choose should be entirely voluntary and under no circumstances should they be forced or coerced into making a particular choice.

To the United Nations Relief and Works Agency

- When and if conditions become appropriate to contemplate refugee returns, in coordination with the government of Jordan and UNHCR, allow refugees to choose between voluntary repatriation to their place of origin, to Iraq, or local integration in the country of asylum on an individual, free and informed basis. Whatever solution the refugees choose should be entirely voluntary and under no circumstances should they be forced or coerced into making a particular choice.

¹⁰⁵ See U.S. Committee for Refugees, *2002 World Refugee Survey*, p. 173.

¹⁰⁶ UNHCR, *Global Report 2001*, p. 266.

¹⁰⁷ “U.N. Refugee Body Ready to Accept 600,000 Refugees in Case of War,” *Xinhua News Service*, February 25, 2003.

To the Office of The United Nations High Commissioner For Refugees

- Immediately resume protection and assistance activities for all refugees in Iraq.
- Continue to advocate with the government of Jordan to allow all refugees to enter its territory, at least on a temporary basis.
- When and if conditions become appropriate to contemplate refugee returns, in coordination with the government of Jordan and UNRWA, allow refugees to choose between voluntary repatriation to their place of origin, to Iraq, or local integration in the country of asylum on an individual, free and informed basis. Whatever solution the refugees choose should be entirely voluntary and under no circumstances should they be forced or coerced into making a particular choice.
- Secure resettlement places in safe third countries, with the active cooperation of the international community, particularly the governments of the United States and Britain. Those refugees who are unable to integrate locally in Jordan, to return to their place of origin, or to return to Iraq should be afforded resettlement places in safe third countries.
- Insist that the relevant authorities in Iraq, including the U.S. as the occupying power guarantee the protection of all refugees, as well as the full reintegration of any future returnees and protection of their social, economic, cultural, civil and political rights.

To the International Organization for Migration

- Continue to ensure that any decisions made to return to their places of origin by third country nationals are truly voluntary
- Refer cases of individuals requiring refugee status determination to UNHCR
- Prevent government officials from meeting with third country nationals unless individuals specifically agree to such visits voluntarily, and do not express any fears of refoulement.

To Donors and the International Community

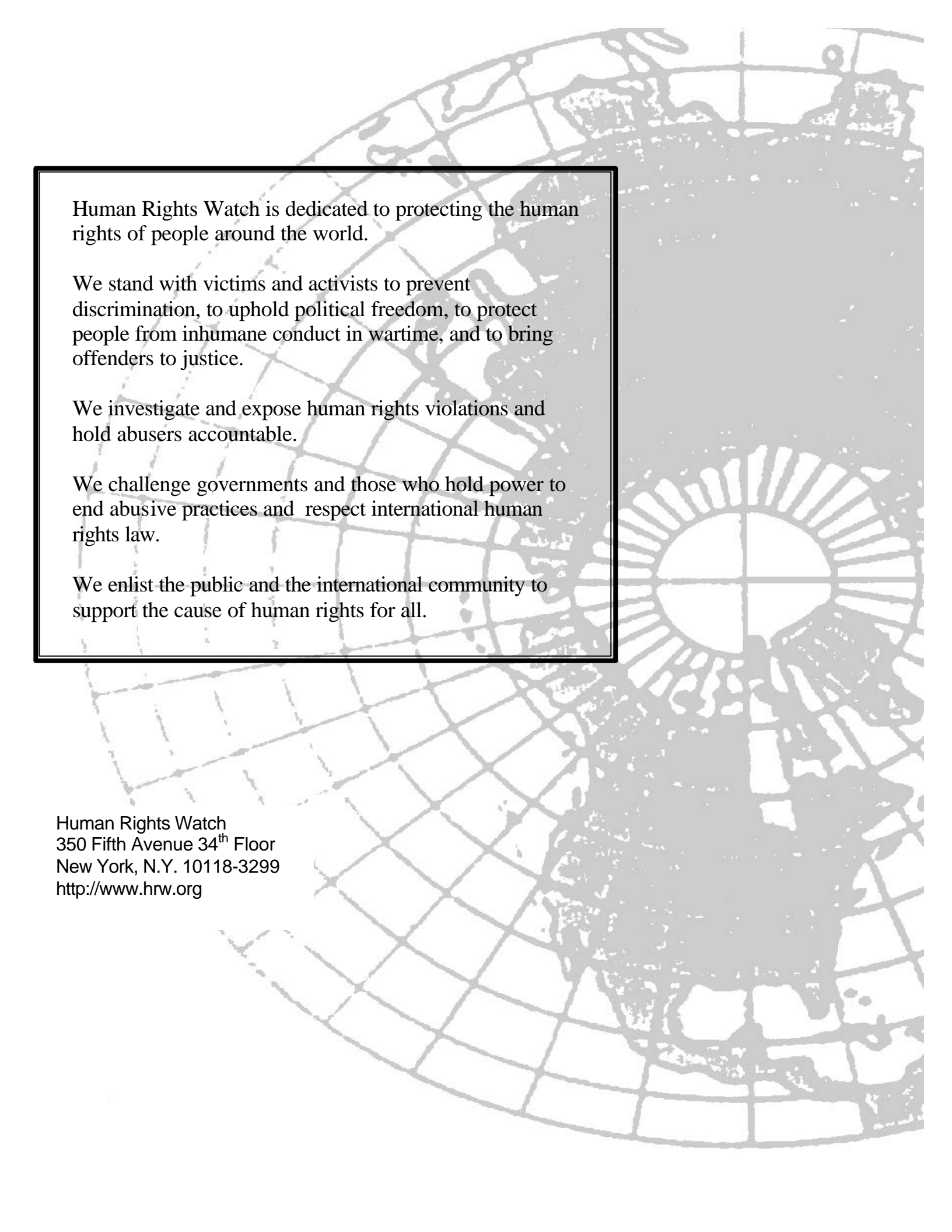
- Governments should urge the government of Jordan to allow all refugees into Jordan, including those currently trapped in the no-man's land, at least temporarily.
- Donor states should uphold their legal and humanitarian obligations to share responsibility for refugees by committing to financially support protection and assistance activities for refugees in Jordan, including Palestinians, Iranian refugees displaced in the no-man's land, and any other refugees fleeing Iraq.
- Donor states should plan and fund any return programs for refugees in Jordan so that they meet all international standards, particularly those stipulated in UNHCR's 1996 *Handbook on Voluntary Repatriation* and in ExCom Conclusions.
- The international community should provide third-country resettlement possibilities as a durable solution for those who are unable or unwilling to return to Iraq or to their home areas, and who cannot safely remain with a secure refugee status in Jordan.

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