



## JEWISH REFUGEES FROM ARAB COUNTRIES

### *The Case for Rights and Redress*

Jews and Jewish communities have existed in the Middle East, North Africa and the Gulf region in substantial numbers for more than 2,500 years - fully one thousand years before the advent of Islam.

With the creation of the State of Israel in 1948, the status of Jews in Arab countries changed dramatically as virtually all Arab states in the region declared war or backed the war to destroy Israel. These events triggered a dramatic surge in a longstanding pattern of discrimination and abuse that made the lives of Jews in Arab countries simply untenable. Jews were either uprooted from their countries of birth or became subjugated political hostages in the Arab world's struggle against Israel. In virtually all cases, as Jews fled, individual and communal properties were seized and/or confiscated without any compensation provided by the Arab governments involved.

The international definition of a refugee clearly applies to Jews who fled the persecution of Arab regimes:

*A refugee is a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country..."*

*The 1951 Convention relating to the Status of Refugees*

When the issue of refugees is raised within the context of the Middle East, people invariably refer to Palestinian refugees, not former Jewish refugees from Arab countries. Yet, there were two major population movements that occurred during years of turmoil in the Middle East. In fact, there were more former Jewish refugees uprooted from Arab countries (over 850,000)<sup>1</sup> than there were Palestinians who became refugees in 1948. (UN estimate: 726,000)

The legitimate call to secure rights and redress for Jews who were forced to flee Arab countries is not a campaign against Palestinian refugees; nor is it about launching legal proceedings to seek compensation. It is an initiative to ensure that the plight of former Jewish refugees from Arab countries be placed on the international political agenda as a quest for truth and justice and that their rights be secured as a matter of law and equity.

No just, comprehensive Middle East peace can be reached without recognition of, and redress for, the uprooting of centuries-old Jewish communities in the Middle East and North Africa by Islamic regimes hostile to the State of Israel. It would not be appropriate, and would constitute an injustice, were the United States to recognize rights for Palestinian refugees without recognizing equal rights for former Jewish and other refugees from Arab countries.

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<sup>1</sup> [Estimates based on UN document "Trends and Characteristics of International Migration since 1950 - Refugee Movements and Population Transfers" (UN Department for Economic and Social Affairs, Demographic Study No. 64 ST/ESA/Ser. A/64)]

## Legal and Political Bases for the Rights of Former Jewish Refugees

In 2002, ***Justice for Jews from Arab Countries*** convened an international Committee of Legal Experts, Chaired by Prof. David Matas, that produced a report entitled: ***"Jewish Refugees from Arab Countries: The Case for Rights and Redress"***. This report documents strong political and legal arguments for the legitimate rights of Jews displaced from Arab countries. The following are examples:

### **A) United Nations High Commissioner for Refugees**

On two occasions, in 1957 and again in 1967, the ***United Nations High Commissioner for Refugees*** (UNHCR) determined that Jews fleeing from Arab countries were refugees who fell within the mandate of the UNHCR.

*"Another emergency problem is now arising: that of refugees from Egypt. There is no doubt in my mind that those refugees from Egypt who are not able, or not willing to avail themselves of the protection of the Government of their nationality fall under the mandate of my office."*

Mr. Auguste Lindt, United Nations High Commissioner for Refugees, Report of the UNREF Executive Committee, Fourth Session – Geneva 29 January to 4 February, 1957.

*"I refer to our recent discussion concerning Jews from Middle Eastern and North African countries in consequence of recent events. I am now able to inform you that such persons may be considered prima facie within the mandate of this Office."*

Dr. E. Jahn, Office of the UN High Commissioner, United Nations High Commissioner for Refugees, Document No. 7/2/3/Libya, July 6, 1967:

### **B) UN Resolution(s)**

On November 22<sup>nd</sup>, 1967, the Security Council unanimously adopted, Resolution 242, laying down the principles for a peaceful settlement in the Middle East. Still considered the primary vehicle for resolving the Arab-Israel conflict, Resolution 242 stipulates that a comprehensive peace settlement should necessarily include *"a just settlement of the refugee problem."* No distinction is made between Arab refugees and Jewish refugees.

The international community's intention to have Resolution 242 include the rights of Jewish refugees is evidenced by the fact that during the UN debate, the Soviet Union's delegation attempted to restrict the "just settlement" mentioned in Resolution 242 solely to Palestinian refugees. (S/8236, discussed by the Security Council at its 1382<sup>nd</sup> meeting of November 22, 1967, notably at paragraph 117, in the words of Ambassador Kouznetsov of the Soviet Union). This attempt failed clearly signaling the intention of the international community not to restrict the "just settlement of the refugee problem" merely to Palestinian refugees.

Moreover, Justice Arthur Goldberg, the United States' Chief Delegate to the United Nations, who was instrumental in drafting the unanimously adopted U.N. Resolution 242, has pointed out that:

*"A notable omission in 242 is any reference to Palestinians, a Palestinian state on the West Bank or the PLO. The resolution addresses the objective of 'achieving a just settlement of the refugee problem.' This language presumably refers both to Arab and Jewish refugees, for about an equal number of each abandoned their homes as a result of the several wars...."*<sup>2</sup>

### C) **Multilateral Initiatives**

- The Madrid Conference, which was first convened in October 1991, launched historic, direct negotiations between Israel and many of her Arab neighbors.

In his opening remarks at a conference convened to launch the multilateral process held in Moscow in January 1992, then-U.S. secretary of state James Baker made no distinction between Palestinian refugees and Jewish refugees in articulating the mandate of the Refugee Working Group as follows: *"The refugee group will consider practical ways of improving the lot of people throughout the region who have been displaced from their homes."*<sup>3</sup>

- The Roadmap to Middle East peace currently being advanced by the Quartet (the U.N., EU, U.S., and Russia also refers in Phase III to an *"agreed, just, fair and realistic solution to the refugee issue"*, language applicable both to Palestinian and Jewish refugees.

### D) **Bilateral Arab-Israeli Agreements**

Israeli agreements with her Arab neighbors allow for a case to be made that Egypt, Jordan and the Palestinians have affirmed that a comprehensive solution to the Middle East conflict will require a "just settlement" of the "refugee problem" that will include recognition of the rights and claims of all Middle East refugees:

- Israel – Egypt Agreements

The *Camp David Framework for Peace in the Middle East* of 1978 (the "Camp David Accords") includes, in paragraph A(1)(f), a commitment by Egypt and Israel to *"work with each other and with other interested parties to establish agreed procedures for a prompt, just and permanent resolution of the implementation of the refugee problem."*

Article 8 of the *Israel – Egypt Peace Treaty* of 1979 provides that the *"Parties agree to establish a claims commission for the mutual settlement of all financial claims."* Those claims include those of former Jewish refugees displaced from Egypt.

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<sup>2</sup> Goldberg, Arthur J., "Resolution 242: After 20 Years", published in Security Interests, National Committee on American Foreign Policy, April 2002.

<sup>3</sup> Remarks by Secretary of State James A. Baker, III before the Organizational Meeting for Multilateral Negotiations on the Middle East, House of Unions, Moscow, January 28, 1992.

- Israel – Jordan Peace Treaty, 1994

Article 8 of the *Israel – Jordan Peace Treaty*, entitled "Refugees and Displaced Persons" recognizes, in paragraph 1, "*the massive human problems caused to both Parties by the conflict in the Middle East*". Reference to massive human problems in a broad manner suggests that the plight of all refugees of "*the conflict in the Middle East*", includes Jewish refugees from Arab countries.

- Israeli-Palestinian Agreements, 1993-

Almost every reference to the refugee issue in Israeli-Palestinian agreements, talks about "refugees", without qualifying which refugee community is at issue, including the Declaration of Principles of 13 September 1993 {Article V (3)}, and the Interim Agreement of September 1995 {Articles XXXI (5)}, both of which refer to "refugees" as a subject for permanent status negotiations, without qualifications.

## **E) Recognition by Political Leaders**

- Former **U.S. President Bill Clinton** made the following assertion after the rights of Jews displaced from Arab countries were discussed at 'Camp David II' in July, 2000 (From White House Transcript of Israeli television interview):

*"There will have to be some sort of international fund set up for the refugees. There is, I think, some interest, interestingly enough, on both sides, in also having a fund which compensates the Israelis who were made refugees by the war, which occurred after the birth of the State of Israel. Israel is full of people, Jewish people, who lived in predominantly Arab countries who came to Israel because they were made refugees in their own land".*

- Former **U.S. President Jimmy Carter**, after successfully brokering the Camp David Accords and the Egyptian-Israeli Peace Treaty, stated in a press conference on Oct. 27, 1977:

*"Palestinians have rights... obviously there are Jewish refugees...they have the same rights as others do."*

- **Canadian Prime Minister Paul Martin** stated, in a June 3<sup>rd</sup>, 2005 interview with the Canadian Jewish News which he later reaffirmed in a July 14, 2005 letter:

*"A refugee is a refugee and that the situation of Jewish refugees from Arab lands must be recognized. All refugees deserve our consideration as they have lost both physical property and historical connections. I did not imply that the claims of Jewish refugees are less legitimate or merit less attention than those of Palestinian refugees."*

**Justice for Jews from Arab Countries (JJAC)** is a coalition of Jewish communal organizations operating under the auspices of the **Conference of Presidents of Major American Jewish Organizations**, the **American Sephardi Federation** and the **World Organization of Jews from Arab Countries** in partnership with the **American Jewish Committee**, the **American Jewish Congress**, **Anti-Defamation League**, **B'nai Brith International**, the **Jewish Public Council for Public Affairs** and the **World Sephardic Congress**.

15 West 16<sup>th</sup> Street, New York, NY 10011 Tel: (973) 669-9788 Fax: (973) 669-9789 E-Mail: [info@justiceforjews.com](mailto:info@justiceforjews.com)



## **Jewish Population in Arab Countries 1948-2001**

	<b>1948<sup>1</sup></b>	<b>1958</b>	<b>1968</b>	<b>1976</b>	<b>2001</b>
<b>Aden</b>	8,000	800	0	0	0
<b>Algeria</b>	140,000	130,000	1,500	1,000	0
<b>Egypt</b>	75,000	40,000	1,000	400	100
<b>Iraq</b>	135,000	6,000	2,500	350	100
<b>Lebanon</b>	5,000	6,000	3,000	400	100
<b>Libya</b>	38,000	3,750	100	40	0
<b>Morocco</b>	265,000	200,000	50,000	18,000	5,700
<b>Syria</b>	30,000	5,000	4,000	4,500	100
<b>Tunisia</b>	105,000	80,000	10,000	7,000	1,500
<b>Yemen</b>	55,000	3,500	500	500	200
<b>TOTAL</b>	856,000	475,050	72,600	32,190	7,800
	(Roumani 83)	(AJY 58)	(AJY 69; Yemen: AJY 70)	(AJY 78)	(AJY 01; AJY 88)

On two separate occasions, the **United Nations High Commissioner for Refugees** (UNHCR) determined that Jews fleeing from Arab countries were refugees that fell within the mandate of the UNHCR.

*"Another emergency problem is now arising: that of refugees from Egypt. There is no doubt in my mind that those refugees from Egypt who are not able, or not willing to avail themselves of the protection of the Government of their nationality fall under the mandate of my office."*

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# Jewish Refugees from Arab Countries: The Case for Rights and Redress



"The real test  
of a civilized society  
is not how it treats  
its majority,  
but how it treats  
its minorities"



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## **JEWISH REFUGEES FROM ARAB COUNTRIES**

### **THE CASE FOR RIGHTS AND REDRESS**

## **EXECUTIVE SUMMARY**

**Founding Chairman**

S. Daniel Abraham  
*USA*

Prepared by:

David Matas and Stanley A. Urman  
July, 2003

**Executive Director**

Stanley A. Urman

***Justice for Jews from Arab Countries (JJAC)*** is a coalition of Jewish communal organizations operating under the auspices of the **Conference of Presidents of Major American Jewish Organizations**, the **American Sephardi Federation** and the **World Organization of Jews from Arab Countries** in conjunction with the **American Jewish Committee**, the **American Jewish Congress**, **Anti-Defamation League**, **B'nai Brith International**, the **Jewish Public Council for Public Affairs** and the **World Sephardic Congress**.



## I) EXECUTIVE SUMMARY

*This Report is based on 3 fundamental principles: **Truth, Justice and Reconciliation.***

- A) The history and truth about the plight of former Jewish refugees from Arab countries must be returned to the narrative of the Middle East from which it has been expunged;*
- B) Compelling evidence supports the call for justice to redress the victimization of Jews who lived in Arab countries and the mass violations of human rights that they were victims of; and*
- C) In the absence of truth and justice, there can be no reconciliation, without which there can be no just, lasting peace between and among all peoples of the region.*

## II) THE HISTORICAL NARRATIVE

Historically, Jews and Jewish communities have existed in the Middle East, North Africa and the Gulf region for more than 2,500 years.

Fully one thousand years before the advent of Islam, Jews in substantial numbers resided in what are to-day Arab countries. Following the Moslem conquest of the region, for centuries under Islamic rule, Jews were considered second class citizens but were nonetheless permitted limited religious, educational, professional, and business opportunities.

Upon the declaration of the State of Israel in 1948, the status of Jews in Arab countries changed dramatically as virtually all Arab countries declared war, or backed the war against Israel. This rejection by the Arab world of a Jewish state in their ancient homeland was the event that triggered a dramatic surge in a longstanding, pattern of abuse and state-legislated discrimination initiated by Arab regimes and their peoples to make life for Jews in Arab countries simply untenable. Jews were either uprooted from their countries of residence or became subjugated, political hostages of the Arab-Israeli conflict.

Little is heard about these Jewish refugees because they did not remain refugees for long. Of the hundreds of thousands of Jewish refugees between 1948 and 1972, some two-thirds were resettled in Israel at great expense – others emigrated elsewhere – all without any compensation provided by the Arab governments who confiscated their possessions.

Securing rights and redress for Jews displaced from Arab countries is an issue that has not yet been adequately addressed by the international community. In fact, there were more former Jewish refugees uprooted from Arab countries (over 850,000) than there were Palestinians (UN estimate: 726,000) who became refugees as a result of the 1948 war when numerous Arab nations attacked the newly established State of Israel.



***There is a moral and legal imperative to ensure that justice for Jews from Arab countries assumes its rightful place on the international political and juridical agenda and that their rights be secured as a matter of law and equity.***

### **III) THE MASS VIOLATIONS OF HUMAN RIGHTS**

Immediately before and after the Arab world sought to destroy the newly created State of Israel between 1948-49, the rights and security of Jews resident in Arab countries came under legal and physical assault by their own governments and the general populations. By way of example, in **Syria**, as a result of anti-Jewish pogroms that erupted in Aleppo in 1947, 7,000 of the town's 10,000 Jews fled in terror. In **Iraq**, 'Zionism' became a capital crime. More than 70 Jews were killed by bombs in the Jewish Quarter of Cairo, **Egypt**. After the French left **Algeria**, the authorities issued a variety of anti-Jewish decrees prompting nearly all of the 160,000 Jews to flee the country. After the 1947 United Nations General Assembly Resolution on the Partition Plan, Muslim rioters engaged in bloody pogroms in **Aden** and **Yemen**, which killed 82 Jews. In numerous countries, Jews were expelled or had their citizenship revoked (e.g. **Libya**). Varying numbers of Jews fled from 10 Arab countries, becoming refugees in a region overwhelmingly hostile to Jews.

In a word, state-sanctioned repressive measures, coupled often with violence and repression, precipitated a mass displacement of Jews and caused the Jewish refugee problem in the Middle East. The uprooting of ancient Jewish communities from some 10 Muslim countries did not occur by happenstance. There is evidence that points to a shared pattern of conduct amongst a number of Arab regimes, that appear intended to coerce Jews to leave and go elsewhere, or to retain them as virtual political hostages. These are evidenced from: (a) statements made by delegates of Arab countries at the U.N. during the debate on the partition resolution representing a pattern of ominously similar threats made against Jews in Arab countries; (b) reports on multilateral meetings of the Arab League from which emerged indications of a coordinated strategy of repressive measures against Jews; (c) newspaper reports from that period; and (d) strikingly similar legislation and discriminatory decrees, enacted by numerous Arab governments, that violated the fundamental rights and freedoms of Jews resident in Arab countries.

From the sheer volume of such state-sanctioned discriminatory measures, replicated in so many Arab countries and instituted in such a parallel fashion, one is drawn to the conclusion that such evidence suggests a common pattern of repressive measures, if not collusion, against Jews by Arab governments.

The Report contains country reports that describe these unmistakable trends. The situations in Egypt, Iraq and Libya are described in greater detail. General 'snapshot' profiles are provided on 7 other countries, including Algeria, Tunisia, Morocco, Yemen, Aden, Syria and Lebanon.

### **IV) THE DISCRIMINATORY RESPONSE OF THE UNITED NATIONS TO THE PLIGHT OF JEWISH REFUGEES**

From 1948 onward, the response of the international community to assist Palestinian refugees arising out of the Arab-Israeli conflict was immediate and aggressive. During that same period, there was no concomitant United Nations' response, nor any comparable international action, to alleviate the plight of Jewish refugees from Arab countries.

The sole comparison that can be made between Palestinian and Jewish refugees is that both were determined to be *bona fide* refugees under international law, albeit each according to different internationally accepted definitions and statutes – the former covered by UNRWA and the latter by the UNHCR.

As far as the response of the United Nations is concerned, the similarity ends there. The contrasts, however, are stark:

- a) Since 1947, there have been over 681 UN General Assembly resolutions dealing with virtually every aspect of the Middle East and the Arab Israeli conflict.
- b) Fully 101 of these UN resolutions refer directly and specifically to the 'plight' of Palestinian refugees.
- c) In none of these 681 UN resolutions on the Middle East is there a specific reference to, nor any expression of concern for, the 856,000 Jews living in, or having been displaced from, Arab countries.
- d) Numerous UN agencies and organizations were involved in a variety of efforts, or others were specifically created, to provide protection, relief, and assistance to Palestinian refugees. No such attention and assistance was forthcoming from these UN agencies for Jewish refugees from Arab countries.
- e) Since 1948, billions of dollars have been spent by the international community - by the UN, its affiliated entities and member states - to provide relief and assistance to Palestinian refugees. During that same period, no such international financial support was ever provided to ameliorate the plight of Jewish refugees.

#### **IV) THE LEGAL CASE FOR RIGHTS AND REDRESS**

In the context of the Middle East, it would be an injustice to ignore the rights of Jews from Arab countries. As a matter of law and equity, it would not be appropriate to recognize the claim of Palestinian refugees to redress without recognizing a right to redress for former Jewish refugees from Arab countries. The legal case of displaced Jews to redress is as strong as, if not stronger than, the case of Palestinian refugees.

A recognition of the past is essential to the integrity of the Middle East peace process. Rejection of memory is a rejection of peace. This Report argues that justice in the Middle East requires acknowledgement of the historical narrative and rights of Jews uprooted from Arab countries.

The Report argues for redress as a matter of international law. Jews from Arab countries are entitled to invoke the right to redress because of the injustices inflicted upon them that caused their displacement. The Report author states:

"The Jews who were displaced from Arab countries are a victim population, people who suffered human rights violations at the hands of the governments and populations in the countries in which they lived."

The report contains an extensive canvassing of the remedies available to assert the right to redress. The remedies considered include the Office of the High Commissioner for Refugees, the United Nations Convention on the Status of Refugees, a Compensation Fund established under an Arab-Israeli comprehensive settlement, and litigation in the courts of the countries where Jews displaced from Arab countries are now found.

## **JUSTICE FOR JEWS FROM ARAB COUNTRIES**



### **I. PURPOSE**

*There exists a moral imperative to ensure that justice for Jews from Arab countries assumes its rightful place on the international political and judicial agenda and that their rights be secured as a matter of law and equity.*

### **II. OBJECTIVES**

1. To educate public opinion on the causes, and plight, of Jews who were displaced from Arab countries; and
2. To advocate for, and secure rights and redress, for former Jewish refugees who suffered as a result of the Arab-Israeli conflict.

### **III. STRUCTURE AND LEADERSHIP**

***Justice for Jews from Arab Countries (JJAC)*** is a coalition of Jewish communal organizations operating under the auspices of the **Conference of Presidents of Major American Jewish Organizations**, the **American Sephardi Federation** and the **World Organization of Jews from Arab Countries** in conjunction with the **American Jewish Committee**, the **American Jewish Congress**, **Anti-Defamation League**, **B'nai Brith International**, the **Jewish Public Council for Public Affairs** and the **World Sephardic Congress**.

### **IV) PROPOSED ACTIVITIES**

1. ***To complete the compilation of records in order to preserve the historical narrative as well as to document the claims for physical and material losses suffered by Jews displaced from Arab countries.***
2. ***To document the bases, in international law and jurisprudence, for potential claims to rights and redress for the loss of individual and communal property.***
3. ***To encourage relevant governments and international bodies, in any and all Middle East peace process discussions, and pursuant to principles of international law and equity, to support the legitimate call for rights and redress for Jews displaced from Arab countries.***
4. ***To mobilize political, legal and other support, from a variety of national and international entities, on behalf of the rights of Jews from Arab countries.***
5. ***To undertake a public education and information campaign in support of the international efforts to secure rights and redress for Jews displaced from Arab lands.***

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