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Human rights situation in Palestine and other occupied Arab territories

**Racism, racial discrimination, xenophobia and related forms of intolerance,
follow-up and implementation of the Durban Declaration and Programme of Action**

Written statement* submitted by the World Union for Progressive Judaism (WUPJ), a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 March 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Palestine Partition Plans (1922 & 1947): Right to the Truth on Refugees

1. On 29 November 1947, the UN General Assembly adopted Resolution 181 [II], the second 'Partition Plan' of the Mandatory area of Palestine. The aim was to divide the land west of the river Jordan into "independent Arab and Jewish States" within the remaining area – roughly 23 percent of the designated League of Nations Palestine area of 120,000 km², with Jerusalem as a *corpus separatum* administered directly by the United Nations.

2. In 1922, all the League of Nations designated area east of the Jordan river (about 77 percent, 94,000 km² of Palestine) was offered to Britain's World War I ally, the Emir Abdullah (exiled by the Saudis from Arabia), thus creating a *de facto* Hashemite Emirate of Trans-Jordan, which declared its independence in 1946. The major part of the Cisjordan area, designated as an independent Arab State in 1947 was occupied during the 1948 war against Israel by the Arab Legion, commanded by British General John Bagot Glubb ("Glubb Pasha") and became known as the 'West Bank' of the Hashemite Kingdom of Jordan after the 1949 Rhodes Armistice Agreements with Israel (by Egypt, Lebanon, Jordan, Syria, while the Iraqi forces withdrew). The Old City of Jerusalem was also annexed by Jordan – all Jews were either killed or expelled and their ancient quarter, synagogues and tombs were all destroyed. Egypt occupied the Gaza Strip.

3. The 1947 UN 'Partition Plan' was categorically refused by all Arab League countries and by the Arab Higher Committee leader, Haj Amin al-Husayni, the Grand Mufti of Jerusalem. Installed in Berlin during World War II, he was received by Hitler on 28 November 1941 to discuss an Arab-Nazi alliance; he then created several Muslim Bosnian divisions (Handschar) to fight with the Waffen SS units and an Arab legion (Arabische Freieitkorps) with the Nazi army. Known for his "ominous role in the extermination of European Jewry"¹, he broadcast to the Arab world in Arabic on Radio Berlin as a loyal ally of Nazi Germany until the war's end: "Arabs, rise as one man and fight for your sacred rights. Kill the Jews wherever you find them; this pleases Allah, history, and religion. This saves your honour. Allah is with you."² (1 March 1944). Denounced as a war criminal, al-Husayni found asylum in Cairo, where he encouraged the Egyptian government to lead the Arab War against a Jewish State.

4. On 24 November 1947, at the Political Committee of the UN General Assembly five days before the vote, Egypt's delegate Heykal Pasha gave a clear warning: "The United Nations ... should not lose sight of the fact that the proposed solution might endanger a million Jews living in the Muslim countries. ... If the United Nations decides to partition Palestine, it might be responsible for very grave disorders and for the massacre of a large number of Jews ... if a Jewish state were established, nobody could prevent disorders. Riots would spread through all the Arab states and might lead to a war between the two races."³

5. On 18 January 1948 the President of the World Jewish Congress Dr. Stephen Wise appealed to U.S. Secretary of State George Marshall to intervene, while his political director Dr. Robert Marcus detailed al-Husayni's involvement in the bloody June 1941 Baghdad *farhud*, giving a warning of the menacing situation for Jews in Arab countries.⁴ The title of a *New York Times* article (16 May 1948: "Jews in Grave Danger in all Moslem Lands: Nine Hundred Thousand in Africa and Asia Face Wrath of Their Foes"), a day after five Arab League armies invaded the newly-proclaimed State of Israel, echoed Heykal Pasha's words and those of the Grand Mufti, repeated in Arabic on Radio Berlin till the end.

Stateless Jews from Arab Countries flee or seek refuge in Israel or elsewhere after 1948

6. During the first half of the 20th century, thousands of Jews — men, women and children, the young and the old — were brutally massacred in Arab North Africa and the Middle East (still under French, Italian and British colonial rule), and also in Palestine by lawless gangs after the British conquest in 1918 and during the Mandate period. Some of the most brutal killings took place in Hebron (1929), Iraq (1936 and the Baghdad *farhud* of 1941), in Syria (1944, 1945, 1947), in Egypt and Libya (1945) and in Aden (1947). These bloody massacres killed and wounded thousands of peaceful Jews before Israel's rebirth.⁵

7. At that period, about 140,000 Jews lived in Iraq; nearly 60,000 in Yemen and Aden; 40,000 in Syria; 5,000 in Lebanon; 90,000 in Egypt; 40,000 in Libya; 150,000 in Algeria; 120,000 in Tunisia; and nearly 300,000 in Morocco, including Tangiers – a total of almost 950,000 in ten Arab countries, and a further 200,000 or more in Iran and Turkey. Today, scarcely 40,000 out of almost 1,250,000 persons remain from these indigenous Jewish communities dating from biblical times – less than 4,000 in Arab countries, scarcely half of 1% of those in 1948.

8. Pogroms and persecutions and grave fears for their future preceded the mass expulsions and exodus of these indigenous dhimmi Jews, whose ancestors had inhabited these regions from two to three millennia before the successive *jihads* conquests of Arab invaders from the seventh century. From 1948–1972 more than 650,000 Jewish refugees from Arab countries were integrated into the area of 20,000 km² (7,993 m² – half the size of Switzerland) of the nascent State of Israel, constantly threatened with destruction by its neighbours. More than 300,000 Jews from these regions found refuge in Europe and the Americas

9. Today, about half of Israel's roughly 5½ million Jewish population out of a total of over 7 million – of whom 1½ million or 20% are Arab, Druze and Bedouin Israelis – is composed of these Sephardic and Middle East Jewish refugees and their descendants. They received no humanitarian aid from the United Nations; alone, Israel, aided by Jewish communities worldwide, succeeded in providing for the survival and integration of these stateless and dispossessed Jewish refugees.

Arab Refugees from Palestine: Tragic Result of Arab Refusal of 1947 UN Resolution 181

10. No parallel commitment was made for the integration of the Arab refugees from Palestine, numbering about 550,000 in 1949 – although a first UN estimate indicating 750,000 is cited, rising to a total of from 4 to 6 million today with their descendants. UNRWA still defines a “refugee” as a person – “whose normal place of residence was Palestine between June 1946 and May 1948 or June 1967”; it also considers all descendants of the 1948 refugees as “refugees”. Such a definition does not apply to any other group from the tens of millions worldwide, who became refugees since World War II.

11. Arab countries cover an area of 15 million km² – about 10% of the world's land surface – and many possess immense oil and gas reserves, yet their leaders did little to alleviate the plight of their Arab brethren from Palestine. A large number still live in UNRWA ‘refugee camps’ which provide basic health, education and relief and social services, but where hopelessness, frustration and a constant culture of hate is nourished by an ideology of jihad-inspired ‘martyrdom bombers.’

12. The Palestinian leadership's defiance of international legality in 1947 was echoed as late as 2003 by Farouq Al-Qaddoumi, then head of the PLO's political bureau and secretary-general of Fatah's Central Committee: “The problem was created by the United

Nations when it decided on a partition resolution.”⁶ In fact, the refugee tragedies resulted from a unilateral decision to make war rather than peace then.

13. Twenty years later, UN Security Council Resolution 242 (22 November 1967) was rejected by the Khartoum Arab League Summit Conference categorically: “No peace with Israel, no recognition of Israel, no negotiation with Israel, no concessions on the questions of Palestinian national rights.”

There are Jewish refugees; they have the same rights as others do – President Jimmy Carter (1977)

14. There is also the divisive question of a return of, or compensation for, Arab refugees from the former Mandatory Palestine resulting from attempts to destroy the nascent State of Israel by all and every means. The refusal by the Arab League and all Arab leaders to recognize a Jewish State in any part of the biblical ‘Land of Israel’ was the basic reason for this dual tragedy of Arab refugees and Jewish refugees. However, the Jews were deliberately targeted as a religious group in Arab countries, many of which, 60 years later, are virtually *Judenrein* (‘cleansed’ of Jews), while the Arab refugee tragedy took place during a war begun by five Member States of the Arab League.

15. The transfer of populations on a large scale has been a characteristic of human history, particularly in the Orient – deportations, expropriations and expulsion of dhimmis (Jews, Christians and other indigenous peoples) was a constant factor over a long history of dhimmitude – after the Arab *jihad*-wars of conquest, expropriation and occupation. This policy continues,⁷ while a historically-flawed memory systematically spotlights only Arab refugees from a part of Mandatory Palestine as a result of war while forgetting others – particularly dhimmi Jews in their ancestral homeland, expropriated and expelled over the centuries, and their numerous brethren in the Arab-Muslim *dar al-Islam*. Jews were forbidden to reside in Arabia since the advent of Islam (except for Yemen and a part of the Gulf region), and in the eastern part of Palestine since 1922, when it became the Hashemite Emirate.⁸

16. The hardship endured by the great majority of these indigenous Jewish refugees from Arab countries has never been examined by UN bodies, nor the loss of their inestimable heritage dating back two and three millennium – nor their vast personal and property rights. This great injustice should be addressed at the United Nations and elsewhere, all within the context of an equitable global solution for a peaceful, international recognition of a two-State solution.⁹ A noteworthy document – with references to specific references to Jewish refugees by both President Jimmy Carter and President Bill Clinton was adopted by the U.S. House of Representatives as Resolution 185 on 1 April 2008.¹⁰

17. The major stumbling block to peace in the Middle East remains a total absence of true democratic institutions in the Middle East – above all, the refusal by the Arab League, the Palestinian Authority and Hamas – to accept the inalienable and legitimate *de jure* rights and existence of the State of Israel as a Jewish State within a formally agreed area of about 18% of the historic 1921 designated area on both sides of the Jordan river, known as ‘Land of Israel’ (to Jews) / ‘Palestine and Jordan’ (to Arabs)

18. It should also be allowed under international law for Jews to live in the whole League of Nations area of Palestine (within both the Arab Kingdom of Jordan and the future Arab State of Palestine), just like Arabs, Druze and other non-Jews do in Israel, either as Israeli citizens or foreign residents.

19. On 23 February 2010 Israel’s Knesset passed a bill aimed at securing compensation for Jewish refugees from Arab countries and Iran as part of peace negotiations in the Middle East. Before the vote former Canadian Justice Minister Irwin Cotler stated: “We’re

not speaking about financial compensation or indemnification [only], we're talking about justice for Jews from Arab countries. There have been more than 160 UN resolutions on the matter of refugees; all deal with Palestinian refugees only; there's no justice and no truth if it does not also address the plight of Jews from Arab countries."¹⁰

20. The World Union for Progressive Judaism calls on the High Commissioner for Human Rights, the High Commissioner for Refugees, all competent UN bodies, particularly the Human Rights Council, as well as the Arab League and the Organization of the Islamic Conference (OIC), to recognise the equal human rights of all refugees – including all those Jewish refugees, who with their descendants, represent today almost half of the Jewish population of Israel.

Notes:

- ¹ Lucasz Hirszowicz, *The Third Reich and the Arab East* (1966), p. 26; see also Bat Ye'or, *Islam and Dhimmitude. Where Civilizations Collide*, 2002/2006), p. 172, 283, 300.
 - ² Maurice Perlman, *Mufti of Jerusalem. The Story of Haj Amin el Husseini* (1947), p. 51.
 - ³ UN Official Records of the Second Session of the General Assembly, Ad Hoc Committee on the Palestinian Question. SR., 25 September to 25 November 1947, p. 185.
 - ⁴ "This conspiracy is inspired by the Mufti, a notorious war criminal, who participated in the Nazi plans to exterminate the Jews of Europe ... Acts of violence already perpetrated, together with those contemplated, being clearly aimed at the total destruction of the Jews, constitute genocide which under the resolutions of the General Assembly is a crime against humanity." Full details in a full page article by Richard A. Yaffe, 'Arab Pogroms Endanger 800,000. Outside Palestine: Jews Slain, Homes and Synagogues Burned Down,' PM (World Jewish Congress), 18 January 1948.
 - ⁵ For one example, see Renzo di Felici, *Jews in an Arab Land: Libya, 1835-1970* (1985), pp. 193-94, p. 365, n. 19.
 - ⁶ Interview with Qaddoumi, published in *Kul Al-Arab* (Israeli Arab newspaper), 3 January 2003.
 - ⁷ For documentation, see Bat Ye'or, *The Dhimmi: Jews and Christians under Islam* (1985/2010); idem, *The Decline of Eastern Christianity under Islam. From Jihad to Dhimmitude: 7th to 20th century* (1996/2008); idem, *Islam and Dhimmitude*.
 - ⁸ Jordanian Law no.6, §3 of 3 April 1954 (following Mandate Law) reactivated in law no. 7 of 1 April 1963, sect. 2.
 - ⁹ Malka Hillel Shulewitz (ed.), *The Forgotten Millions. The Modern Jewish Exodus from Arab Lands* (1999 / 2000); Shmuel Trigano (ed.), *L'exclusion des Juifs des pays arabes. Aux sources du conflit israélo-arabe (2003)* <http://www.jimena.org/> <http://www.justiceforjews.com/> . <http://www.justiceforjews.com/Reg.html>
 - ¹⁰ <http://www.govtrack.us/congress/bill.xpd?bill=hr110-185>
 - ¹¹ Rachelle Kliger, "Israel adds Mideast Jewish refugees to negotiations", *Jerusalem Post*, 2 February 2010; Rebecca Anna Stohl, "Legislation gives refugee status to Jews who fled Arab lands", *JP*, 23 February 2010.
- * This written statement — with modifications, enlargements and updating — is based on *The Forgotten Refugees. An Exchange of populations* by David G. Littman, *The National Review Online*, (New York, 3 December 2002): www.nationalreview.com/script/asp?ref=/comment/comment-littman120302.asp. (Littman is a representative of the World Union for Progressive Judaism to the United Nations in Geneva)