



March 7, 2022

Submission to:

**The United Nations Independent International Commission of
Inquiry on the Occupied Palestinian Territory,
including East Jerusalem, and Israel"**

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Introduction

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A UN commission of inquiry titled "The United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel" has invited submissions.¹ The submission which follows responds to this invitation by presenting an overview of the discrimination against Jews from Arab countries. By way of example, cited are specifics of the discrimination against Jews in Egypt, Iraq and Libya, which have occurred as companions to attacks on Israel from its inception.

Why such a submission is being made to such a commission of inquiry requires an explanation. The Commission was established as a result of a resolution of the United Nations Human Rights Council which decided to

"to urgently establish an ongoing independent, international commission of inquiry, to be appointed by the President of the Human Rights Council, to investigate in the Occupied Palestinian Territory, including East Jerusalem, and in Israel all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law leading up to and since 13 April 2021, and all underlying root causes of recurrent tensions, instability and protraction of conflict, including systematic discrimination and repression based on national, ethnic, racial or religious identity;"²

The resolution asks for an inquiry on root causes of "recurrent tensions, instability and protraction of conflict". Systematic discrimination and repression are included within "recurrent tensions, instability and protraction of conflict". The resolution just assumes

¹ <https://www.ohchr.org/EN/HRBodies/HRC/CoIOPT-Israel/Pages/Index.aspx>

² <https://undocs.org/A/HRC/RES/S-30/1>

that systematic discrimination and repression exist and asks the commission established by the resolution to inquire into the root causes of this systematic discrimination and repression. Yet, the submission which follows here does not just assume discrimination and repression against Jews in Arab countries since the creation of the State of Israel. It demonstrates its existence.

Making a submission against systematic discrimination to a Commission which, by its very title, is dedicated to systematic discrimination may seem to be a forlorn exercise. Nonetheless, opposing systematic discrimination is a worthwhile exercise no matter who the immediate audience is. Even if the Commission itself is unlikely to be persuaded, others might well be.

To be concerned about discrimination against Palestinians and not against Jews is on its face discriminatory. The problematic nature of the mandate of the Commission, as telegraphed by its title, is not just its dedication to an anti-Israel perspective. It is its dedication to a focus on discrimination against Palestinians to the exclusion of discrimination against Jews as individuals, as well as to the exclusion of discrimination against Jews as a people.

The attached submission attempts to redress this balance by an overview of the discrimination against Jews from Arab countries and, by way of example, specifics of the discrimination against Jews in Egypt, Iraq and Libya, which has occurred as companions to attacks on the Jewish state. Whatever one can say about discrimination against Palestinians in Israel, the West Bank and Gaza, the very consideration of that discrimination requires, to respect the principle of equality, consideration of the discrimination against Jews in Arab countries and Iran spurred by the same reality. Indeed, the two matters are part and parcel of the same reality. Any effort to divorce the two and focus on discrimination against Palestinians alone is an effort to discriminate against Jews.

One "root cause" of the conflict is intolerance of Jews, bigotry against Jews, discrimination against Jews, antisemitism, hatred of Jews, rejection of the existence of a non-Arab, non-Muslim state in the Middle East, anti-Zionism.

One can see that this is so from the horrific treatment of Jews in Arab countries which the submission that follows details. That mistreatment tells us not only what has been happening in those countries. It shows us in minute detail of real victimization what are the root causes of "recurrent tensions, instability and protraction" of the troubles in Israel, the West Bank and Gaza.

The Commission, because of its mandate, may well be required to be blind and deaf to this discrimination against Jews in Arab countries and Iran. But fair minded people should not be. I ask those who wish to try to be fair to read this submission and take it into account when evaluating the situation which the Commission has been asked to address.



The Displacement of Jews from Arab Countries as a Root Cause of the Arab-Israeli Conflict³

Introduction

When the issue of refugees is raised within the context of the Middle East, people invariably refer to Palestinian refugees, virtually never to Jews displaced from Arab countries.

In point of fact, two major population movements occurred as a result of over a half century of turmoil in the Middle East. Securing rights for these former Jewish refugees has never been adequately addressed by the international community. For any peace process to be credible and enduring, it must address the rights of all Middle East refugees, including Jewish and other minority populations that were displaced from Arab countries.

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.

The uprooting of ancient Jewish communities from some 10 Muslim countries did not occur by happenstance. 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.

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 – indeed collusion - against Jews by Arab governments.

³ Excerpted from: Urman, Stanley, *"The United Nations and Middle East Refugees: The Differing Treatment of Palestinians and Jews"*, PhD dissertation, Rutgers University, 2010; and Cotler, Irwin, Matas, David, and Urman, Stanley, *"Jewish Refugees from Arab Countries: The Case for Rights and Redress"*, Justice for Jews from Arab Countries, 2007

Since its inception, dozens of resolutions were passed by the U.N. Commission on Human Rights in relation to the Middle East, including resolutions specifically concerning Palestinian refugees. Not one resolution ever dealt with Jewish refugees from Arab countries.

In perhaps the most egregious demonstration of U.N. injustice, the U.N. Council on Human Rights – the successor to the U.N. Commission on Human Rights – adopted 11 resolutions of condemnation in 2006-7, its first year of operation; all 11 resolutions of condemnation were passed against one member-state of the international community, namely Israel. Not one resolution of condemnation was adopted against any of the other 191 member states of the international community.

This report is not arguing that the UN should not have dealt with the issue of Palestinian refugees. But for the U.N. to deal only with the issue of Palestinian refugees - and not to have addressed at all - in any of its resolutions or deliberations, the issue of Jewish refugees from Arab countries, is not only a matter of a distorted narrative, but is a fundamental injustice on its own.

If one looks at UN involvement, as per SC Res 242, in the matter of “a just resolution of the refugee problem,” the exclusion of Jewish refugees raises serious questions about the integrity of the United Nations. It is inconceivable and unjust for this U.N. Commission not to allow reference to the plight of Jewish refugees from Arab countries as one of the seminal root causes of the Arab-Israeli conflict.

Historical Context

Historically, Jews and Jewish communities have resided in the Middle East, North Africa and Gulf region for over 2,500 years. These ancient Jewish communities existed some 1,000 years before the Arab Muslim conquests of these regions – including the Land of Israel.

COUNTRY/REGION	DATE OF JEWISH COMMUNITY
Iraq	6 th century BCE
Lebanon	1 st century BCE
Libya	3 rd century BCE
Syria	1 st century CE
Yemen	3 rd century BCE
Morocco	1 st century CE
Algeria	1 st – 2 nd century CE
Tunisia	200 CE

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.

Over the centuries, through a process of Arabization and Islamicization, these regions have become known as the “Arab world.” Yet, non-Arab and non-Muslim minorities, the original indigenous inhabitants, remained as minorities in their own lands.

It is within the last 73 years that the world has witnessed the mass displacement of over 850,000 Jews from the totalitarian regimes, the brutal dictatorships and monarchies of Syria, Trans-Jordan, Egypt, Lebanon, Yemen, Iran, Iraq, Algeria, Tunisia and Morocco.

Mass Violations of Human Rights and the Mass Displacement of Jews from Arab Countries

When Arab countries gained independence, coupled with the rise in Arab nationalism, Jews in Arab countries were subjected to a wide-spread pattern of persecution by Arab regimes. Official decrees and legislation enacted by Arab regimes denied human and civil rights to Jews and other minorities; expropriated their property; stripped them of their citizenship; and other means of livelihood. Jews were often victims of murder; arbitrary arrest and detention; torture; and expulsions.

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.

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. Bombs in the Jewish Quarter of Cairo, Egypt killed more than 70 Jews. 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 numerous countries, Jews were expelled or had their citizenship revoked. In other states, the reasons that many Jews felt compelled to leave or flee varied by country, individual, community and family. Some of the reasons included: discrimination/ anti-Jewish legislation;

fear of violence/ rioting; Arab collusion with Fascist/Nazi persecution of Jews in North Africa; and the rising tension of the Arab Israeli conflict.

The Statistics of This Mass Displacement Jews from Arab Countries, 1948-2018

	1948	1958⁴	1968⁵	1976⁶	2001⁷	2018 (est.)
Aden	8,000	800	0	0	0	0
Algeria	140,000	130,000	3,000	1,000	0	0
Egypt	75,000	40,000	2,500	400	100	15
Iraq	135,000	6,000	2,500	350	100	5
Lebanon	5,000	6,000	3,000	400	100	50
Libya	38,000	3,750	500	40	0	0
Morocco	265,000	200,000	50,000	18,000	5,700	2,500
Syria	30,000	5,000	4,000	4,500	100	15
Tunisia	105,000	80,000	10,000	7,000	1,500	1,500
Yemen	55,000	3,500	500	500	200 ⁸	100
SUBTOTAL	856,000⁹	475,050	76,000	32,190	7,800	4,185¹⁰

After 1948, since virtually all Arab countries were at war with Israel, many Arab countries began to treat their own Jewish citizens as ‘enemy nationals’. Many governments began to enact officially legislated discriminatory laws against Jews, denying them most basic human and civil rights, including: expropriating their property; removing them from civil service and other forms of employment; subjecting them to countless arrests, physical attacks, torture, and even public executions. All of these sinister acts appear to be part of a discernable pan-Arab pattern to force a mass Jewish displacement from Arab countries. By way of example:

⁴ American Jewish Yearbook (AJY) v.58 American Jewish Committee.

⁵ AJY v.68; AJY v.71

⁶ AJY v.78

⁷ AJY v.101

⁸ AJY v.102

⁹ Roumani, *The Case 2; WOJAC'S Voice* Vol.1, No.1

¹⁰ Estimates derived in discussions with the recognized leadership of the World Organizations representing Sephardi/Mizrahi communities from these respective countries.

EGYPT

Discriminatory Decrees and Violations of Human Rights in Egypt (Intended merely as a sampling and not an exhaustive compilation)

The first Nationality Code was promulgated by Egypt on May 26, 1926. According to this Nationality Code, a person born in Egypt of a 'foreign' father, (who himself was also born in Egypt), was entitled to Egyptian nationality only if the foreign father "*belonged racially to the majority of the population of a country whose language is Arabic or whose religion is Islam.*" (Article 10(4) of the Code qtd. de Wee 35)

The requirement to belong "*racially to the majority of the population of a country whose language is Arabic or whose religion is Islam*" operated for the most part against colonialists who came to Egypt, including Christians and Jews, a great proportion of whom, though Ottoman subjects, could not acquire Egyptian nationality. Later, during the fifties, having failed to become 'Egyptian', this provision served as the official pretext for expelling many Jews from Egypt. On July 29, 1947, an amendment was introduced to the Egyptian Companies Law that made it mandatory for at least 75% of all employees of every company, to be Egyptian nationals. This resulted in the dismissal and loss of livelihood for many Jews since only 15% of them had been granted Egyptian citizenship. (Cohen 88)

In 1954, under the Proclamation of a State of Siege in Egypt, the Military Governor of Egypt was authorized, "*to order the arrest and apprehension of suspects and those who prejudice public order and security.*" At least 900 Jews, without charges being laid against them, were detained, imprisoned or otherwise deprived of their liberty. ("Proclamation" February 26, 1960) A mass departure of Jews was sparked when Egypt passed an amendment in 1956 to the original Egyptian Nationality Law of 1926. Article 1 of the Law of November 22, 1956, stipulated that "Zionists" were barred from being Egyptian nationals. (Law No.391 80) Article 18 of the 1956 law asserted that "Egyptian nationality may be declared forfeited by order of the Ministry of Interior in the case of persons classified as Zionists." Moreover, the label of "Zionist" was never defined, leaving Egyptian authorities free to interpret this term as broadly as they pleased. A telling signal as to the dire future of Egyptian Jewry was the promulgation in 1957 of Army Order No. 4 relating to the administration of the property of the so-called people and associations ("Zionist" i.e. Jewish) subject to imprisonment or supervision. (*Egyptian Official Gazette*) Once again, the Law itself did not specify who was a "Zionist," but was defined as "*not a religion but the spiritual and material bond between Zionists and Israel.* (*Revue egyptienne* 87)

A more precise definition is found in a subsequent amendment, published by the Egyptian Interior Minister in the Official Gazette on April 15, 1958. This regulation prescribes, in unambiguous terms, that all Jews ("Zionists") between the ages of 10 and 65, leaving Egypt, are to be added to the list of persons who are prohibited from returning to Egypt. ("Egypt" E10)

A provision in both the 1956 and 1958 laws permitted the government to take away citizenship of any Egyptian (Jew) absent from United Arab Republic territory for more than six consecutive months. That this provision is aimed exclusively at Jews is shown by the fact that the lists of denaturalized persons published time and again by the Official Journal contains Jewish names only, despite the fact that there were many non-Jewish Egyptians who stayed abroad for over six months. (“Confidential Memorandum.” February 26, 1960)

Economic Discrimination in Egypt

(Intended as a sampling and not an exhaustive compilation)

Law No. 26 of 1952 obligated all corporations to employ certain prescribed percentages of “Egyptians.” A great number of Jewish salaried employees lost their jobs, and could not obtain similar ones, because they did not belong to the category of Jews with Egyptian nationality. (Laskier, “Egyptian Jewry”)

Military Proclamation No. 4 appeared under the heading of “Regime of Sequestrations.” Between November 1st-20th 1956, official records reveal that by a series of sequestration orders issued under Military Proclamation No. 4, the property of many hundreds of Jews in Egypt was taken from their owners and turned over to Egyptian administrators. (“Confidential Memorandum” February 21, 1957)

A government decision, taken in 1959, required that all employees, foreign or Egyptian, to apply for a work card. It is significant that the card asked for, immediately after the person’s name, his/her religion. (Laskier, “Egyptian Jewry”)

The effects of these sequestration measures, enacted in 1956-1957, affected Egyptian Jews, stateless Jews as well as Jews of other nationalities (except British and French citizens). With the people listed in the published decrees already interned or placed under surveillance, in fact, the provision of this Proclamation No. 4 was carried into effect almost exclusively against Jews. (“Confidential Memorandum.” February 26, 1960)

Of the published lists of 486 persons and firms whose properties were seized under Military Proclamation No. 4, at least 95 per cent of them are Jews. (Egyptian Official Gazette, No. 88)

In addition to the vast sequestration of property and other discriminatory treatment, Directive No. 189 issued under the authority of Military Proclamation No. 4, authorized the Director General of the Sequestering Agency to deduct from the assets belonging to interned persons, or persons under surveillance, or others, 10% of the value of the sequestered property, presumably to cover the costs of administration. Hence, without regard to the question of whether a property was legally sequestered, the Jews of Egypt were being taxed to pay for the machinery that was

involved in the sequestration and withholding of their own properties (“Confidential Memorandum” February 21, 1957)

The Jews leaving Egypt were subjected to additional deprivations and inconveniences. A regulation was promulgated which prevented Jews leaving Egypt from taking with them travelers checks or other international exchange documents exceeding the value of 100 Pounds Sterling. Moreover, they received documents that were not freely negotiable abroad. The Bank of Egypt provided Jews leaving the country with instruments specifically drawn on Egyptian accounts in Britain and France, when Egyptian authorities knew well that those accounts were blocked in reciprocation for the Egyptian blocking of British and French assets in Egypt. (Levin 115)

IRAQ

Discriminatory Decrees and Violations of Human Rights

(Intended merely as a sampling and not an exhaustive compilation)

Beginning in 1948, Iraqi authorities enacted a number of legislative and other decrees against their Jewish citizens.

The first piece of legislation promulgated that violated the rights of Jews, was the 1948 amendment to the 1938 supplement (*Official Iraqi Gazette* 24 July 1938. 475 {English edition}) to the Penal Code of Baghdad, which detailed the provision regarding communism, anarchy and immorality in section 89A (1). The section generally prohibits the publication of anything that, “*incites the spread of hatred, abuse of the government or the integrity of the people.*” This amendment, enacted in 1948, added “*Zionism*” to communism, anarchism and immorality, the propagation of which constituted an offense punishable by seven years imprisonment and/or a fine. (*Official Iraqi Gazette*. 14 November 1948. 591 {English edition}).

There were discriminatory provisions that Jews were subjected to. There were reports that: “*In Iraq, no Jew is permitted to leave the country unless he deposits £5,000 (\$20,000) with the Government to guarantee his return. No foreign Jew is allowed to enter Iraq, even in transit.*” (*New York Times*, May 16, 1948)

Law No. 1 of 1950, entitled “*Supplement to Ordinance Canceling Iraqi Nationality*,” allowed any government an avenue to deprive Jews of their Iraqi nationality. Section 1 stipulated that “*the Council of Ministers may cancel the Iraqi nationality of the Iraqi Jew who willingly desires to leave Iraq....*” (*Official Iraqi Gazette*. March 9, 1950. n.p. {English edition}) The allowed any Council of Ministers of the day to make a determination as to whether any Jew “*desires to leave Iraq*” and thereby “*cancel*” the individual’s Iraqi nationality.

Subsequently, a special law was passed which allowed the government to seize the assets of any Jew who “*forfeited their Iraqi nationality*” and was forced to leave. Under Law No. 5 of 1951, entitled “*A Law for the Supervision and Administration of the Property of Jews who have Forfeited Iraqi Nationality,*” Section 2(a) “freezes” Jewish property. (Official Iraqi Gazette. 10 March 1951. 17 {English edition})

There were a series of laws that expanded on the confiscation of assets and property of Jews who “*forfeited Iraqi nationality.*” These included Law No. 12 of 1951. (*Official Iraqi Gazette.* 27 January 1952. 32 {English edition}); Law No. 64 of 1967 relating to ownership of shares in commercial companies; and Law No. 10 of 1968 relating to banking restrictions.

LIBYA

Discriminatory Decrees and Violations of Human Rights

(Intended merely as a sampling and not an exhaustive compilation)

Article 1 of Law No. 62 of March 1957 provided, inter-alia, that persons or corporations were prohibited from entering directly or indirectly into contracts of any nature whatsoever with organizations or persons domiciled in Israel, with Israel citizens or their representatives. Provision of this article also enabled the Council of Ministers to register residents in Libya who were relatives of persons resident in Israel. Libya “*publicly supported the Arab position of hostility to Israel. The local Jewish community is distrusted both as foreigners and as potential Israel sympathizers.... Libyan Jews are subjected to various restrictions although they are not actively persecuted and their synagogues continue to function.*”(Gruen, “Background” 11)

On December 31, 1958, a decree was issued by the President of the Executive Council of Tripolitania that ordered the dissolution of the Jewish Community Council and the appointment of a Muslim commissioner nominated by the government. (UNHCR. Confidential memorandum. May 8, 1970.)

On May 24, 1961, a law was promulgated which provided that only Libyan citizens could own and transfer property. Conclusive proof of the possession of Libyan citizenship was required to be evidenced by a special permit that was reported to have been issued to only six Jews in all. (UNHCR. Confidential memorandum. May 8, 1970.)

On August 8, 1962, a Royal Decree proclaimed, inter-alia, that a Libyan national forfeited his nationality if he/she had had any contact with ‘Zionism’. Forfeiture of Libyan nationality under this provision extending to any person who had visited Israel after the proclamation of Libyan independence, and any person deemed to have acted morally or materially in favor of Israeli

interests. The retroactive effect of this provision enabled the authorities to deprive many Jews of Libyan nationality at will. (UNHCR. Confidential memorandum. May 8, 1970.)

With the first law No. 14 of February 7, 1970, the Libyan Government established that all property belonging to “*Israelis*” who had left Libyan territory “*in order to establish themselves definitely abroad*” would pass to the General Custodian. In spite of the precise wording of the law, the Libyan Government started to take possession of property belonging to Jews without bothering about the fact that these Jews could not be considered as “*Israelis*” and had not “*established themselves definitely abroad.*” (Note to File, UNHCR Archives, dated August 24, 1970. See also De Felice, *Jews in an Arab Land*, see full text of petitions by Jews seeking the recovery of their assets. 394-96).

On July 21, 1970, the Government decreed a law to control “*the restitution of certain assets to the State.*” The “*Law Relative to the Resolution of Certain Assets to the State*” declared that the General Custodian would administer liquid funds of the property of Jews as well as the companies and the company shares belonging to Jews. (Note to File, UNHCR Archives, dated August 24, 1970. See also De Felice, *Jews in an Arab Land*, see full text of petitions by Jews seeking the recovery of their assets. 394-96).

Conclusions

Decrees and practices discriminating against Jews in Arab countries – particularly the mass displacement of the Jews from the Arab countries, as described above, has been a flagrant breach of international law. The 1945 Nuremberg Charter made wartime mass deportation a crime against humanity, and the 1949 Geneva Convention Relative to the Treatment of Civilians in Time of War also prohibits deportations and forcible transfers, whether mass or individual.

It would be an injustice to ignore, in the Israeli-Arab conflict, the rights of Jews from Arab countries. Yet, that is exactly what appears to be happening.

These people were not, for the most part, voluntary migrants seeking to leave their home countries for economic reasons or wanting to immigrate to Israel for religious or ethnic reasons. They were mainly refugees forced to flee to save themselves. Before they were displaced, they were threatened, harassed and persecuted. Before they were displaced, as part and parcel of the persecution they suffered, or after, their property was forfeited or confiscated. 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.

Their victimhood and suffering at the hands of Arab entities must be seen as a root cause of the original conflict.