



Displacement of Jews from Arab Countries 1948-2012

	1948	1958 ¹	1968 ²	1976 ³	2001 ⁴	2005 ⁵	2012 (est.)
Aden	8,000	800	0	0	0	0	0
Algeria	140,000	130,000	3,000	1,000	0	0	0
Egypt	75,000	40,000	2,500	400	100	100	75
Iraq	135,000	6,000	2,500	350	100	60 ⁶	50
Lebanon	5,000	6,000	3,000	400	100	~50 ⁷	40
Libya	38,000	3,750	500	40	0	0	0
Morocco	265,000	200,000	50,000	18,000	5,700	3,500	3,000
Syria	30,000	5,000	4,000	4,500	100	100	50
Tunisia	105,000	80,000	10,000	7,000	1,500	1,100	1,000
Yemen	55,000	3,500	500	500	200 ⁸	200	100
TOTAL	856,000⁹	475,050	76,000	32,190	7,800	5,110	4,315

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¹ American Jewish Yearbook (AJY) v.58 American Jewish Committee.

² AJY v.68; AJY v.71

³ AJY v.78

⁴ AJY v.101

⁵ AJY v.105

⁶ Saad Jawad Qindeel, head of the political bureau of the Supreme Council for the Islamic Revolution in Iraq, as reported in *The Jerusalem Post*: July 18, 2005.

⁷ *Time Magazine*. February 27, 2007.

⁸ AJY v.102

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



JUSTICE FOR JEWS FROM ARAB COUNTRIES

I) The Issue

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

II) The Facts

- For over 2,500 years, Jews in substantial numbers resided in the Middle East, North Africa, and the Gulf region - fully 1,000 years before the advent of Islam.
- Following the Muslim conquest of the region, under Islamic rule, Jews were considered second-class citizens but were, for a period of time, permitted limited religious, educational, professional and business opportunities.
- This changed in the 20th century, as witnessed by a wide-spread pattern of persecution and the mass violations of the human rights of Jewish minorities in many Arab countries. Official decrees and legislation enacted by Arab regimes denied human and civil rights to Jews, 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's independence in 1948, the status of Jews in Arab countries worsened as many Arab states 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 uprooted from their countries of birth and in virtually all cases, as they fled, individual and communal properties were seized and/or confiscated without any compensation provided by Arab governments.
- The result - from an estimated 1,000,000 Jews resident in North Africa, the Middle East and the Gulf region at the turn of the century, today less than 4,500 Jews remain in Arab countries.
- Yet, when referring to Middle East refugees, the international community refers only to Palestinians. In fact, there were more Jews displaced from Arab countries (856,000)¹ than there were Palestinians who became refugees as a result of the 1948 Arab Israeli war (726,000)².

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

² United Nations Conciliation Commission for Palestine, P. 18; United Nations. *Annual Report of the Director General of UNWRA*, Doc. 5224/5223. 25 November 1952

- The international definition of a refugee clearly applies to Jews who had “*a well-founded fear of being persecuted for reasons of race, religion...*” (*The 1951 Convention Relating to the Status of Refugees*)
- On two separate occasions the United Nations High Commissioner for Refugees (UNHCR) ruled that Jews fleeing from Arab countries were indeed ‘*bona fide*’ refugees who “*fall under the mandate of my (UNHCR) office*”.³
- In reality, there were two refugee populations created as a result of the longstanding dispute in the Middle East - Palestinians and Jews displaced from Arab countries. Yet, since 1947, the United Nations’ predominant focus has been on Palestinians:
 - i) 1088 resolutions on the Middle East, including 172 resolutions on Palestinian refugees;
 - ii) Thirteen UN agencies and organizations mandated or newly created to provide protection and relief to Palestinian refugees; and
 - iii) Over the last 58 years, tens of billions of dollars have been disbursed by the international community to provide services and assistance to Palestinian refugees.
- During that same period, there were no UN resolutions; no support provided by UN agencies; nor any financial assistance forthcoming from the international community to ameliorate the plight of Jewish and other refugees from Arab countries.
- In all relevant international bilateral or multilateral agreements, (i.e. UN Resolution 242, *The Road Map*, *The Madrid Conference*, etc.), the reference to ‘refugees’ is generic, allowing for the recognition and inclusion of *all* Middle East refugees - Jews, Christians and others.
- The legitimate call to secure rights and redress for Jews displaced from Arab countries is not a campaign against Palestinian refugees. In any Middle East peace proposals, the rights and claims of Palestinian refugees will be up for negotiation. It is important to ensure that the rights of hundreds of thousands of Jews displaced from Arab countries be similarly recognized and addressed.
- It would constitute an injustice, were the international community to recognize rights for one victim population - Palestinians - without recognizing equal rights for other victims of that very same Middle East conflict - former Jewish, Christian and other refugees from Arab countries
- Recognizing rights for Jews displaced from Arab countries is a call for truth and reconciliation. For any peace process to be credible and enduring, it must ensure that all *bone fide* refugees receive equal rights and treatment under international law.

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

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³ Mr. Auguste Lindt, United Nations High Commissioner for Refugees, Report of the UNREF Executive Committee, Fourth Session - Geneva 29 January to 4 February, 1957; and Dr. E. Jahn, Office of the UN High Commissioner, United Nations High Commissioner for Refugees, Document No. 7/2/3/Libya, July 6, 1967.



Legal and Political Bases for the Rights of Jewish Refugees

In 2002, *Justice for Jews from Arab Countries* convened an international Committee of Legal Experts that produced a report entitled: “*Jewish Refugees from Arab Countries: The Case for Rights and Redress*” (Second Printing – 2007 - <http://www.justiceforjews.com/jjac.pdf>). This report documented 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, UN 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 22nd, 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.

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The international community's intention to have Resolution 242 include the rights of Jewish refugees is evidenced by the UN debate, as discussed by the Security Council at its 1382nd meeting of November 22, 1967. The international community adopted a resolution with generic language that does not restrict the "just settlement of the refugee problem" merely to Palestinian refugees. This was the intent of the Resolution's drafters and sponsors. (See attached, page 4: UN Resolution 242": "Just Settlement of the Refugee Problem")

Moreover, Justice Arthur Goldberg, the United States' Chief Delegate to the UN, 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...."*¹

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."*²

- The Road map 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."*

¹ Goldberg, Arthur J., "Resolution 242: After 20 Years", published in Security Interests, National Committee on American Foreign Policy, April 2002.

² 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.

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.

- *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 3rd, 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”



UN Resolution 242”: “Just Settlement of the Refugee Problem”

At the United Nations, on November 22nd, 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. This was the intent of the Resolution’s drafters and sponsors.

On Thursday, November 16, 1967 the United Kingdom submitted their draft of Resolution 242 [S/8247] to the UN Security Council. The UK version of 242 was not exclusive, and called for a just settlement of “the refugee problem.” Just four days after the United Kingdom submission, the Soviet Union’s U.N. delegation submitted their own draft Resolution 242 to the Security Council [S/8253] restricting the just settlement only to “Palestinian refugees” [Para. 3 (c)].

On Wednesday, November 22, 1967, the Security Council gathered for its 1382nd meeting in New York at which time, the United Kingdom’s draft of Resolution 242 was voted on and unanimously approved.³ Immediately after the UK’s version of 242 was adopted, the Soviet delegation advised the Security Council, that “*it will not insist, at the present stage of our consideration of the situation in the Near East, on a vote on the draft Resolution submitted by the Soviet Union*” which would have limited 242 to Palestinian refugees only.⁴ Even so, Ambassador Kuznetsov of the Soviet Union later stated: “The Soviet Government would have preferred the Security Council to adopt the Soviet draft Resolution...”⁵

Thus the attempt by the Soviets to restrict the “just settlement of the refugee problem” merely to “Palestinian refugees” was not successful. The international community adoption of the UK’s inclusive version signaled a desire for 242 to seek a just solution for all – including Jewish refugees - arising from the Middle East conflict.

Moreover, Justice Arthur J. Goldberg, the US Ambassador to the United Nations who was seminally involved in drafting⁶ the unanimously adopted Resolution, told The Chicago Tribune that the Soviet version of Resolution 242 was “not even-handed.”⁷

He went further, in pointing 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....”*⁸

³ Security Council Official Records - November 22, 1967 - S/PV.1382 - Paragraph 67

⁴ Security Council Official Records - November 22, 1967 - S/PV.1382 - Paragraph 117

⁵ Security Council Official Records - November 22, 1967 - S/PV.1382 - Paragraph 117

⁶ Transcript, Arthur J. Goldberg Oral History Interview I, 3/23/83, by Ted Gittinger; Lyndon B. Johnson Library. March 23, 1983; Pg I-10

⁷ “Russia stalls UN Action on Middle East.” The Chicago Tribune. November 21, 1967 pg. B9

⁸ Goldberg, Arthur J., “Resolution 242: After 20 Years.” The Middle East: Islamic Law and Peace (U.S. Resolution 242: Origin, Meaning and Significance.) National Committee on American Foreign Policy; April 2002. (Originally written by Arthur J. Goldberg for the American Foreign Policy Interests on the occasion of its twentieth anniversary in 1988.)



PROPOSAL FOR AN INTERNATIONAL MIDDLE EAST PEACE FUND

During two, seminal Palestinian-Israeli negotiations, discussion took place on the need to create an 'international fund' as part of any comprehensive Middle East peace.

- In July 2000, immediately after at 'Camp David II', President Clinton was interviewed on Israeli television and stated (*See below for full text*):

...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..."

- In January 2001, during the negotiations held between Palestinians and Israelis in Taba, Egypt (*See below for full text*):

"Both sides agreed to the establishment of an International Commission and an International Fund as a mechanism for dealing with compensation in all its aspects..."

As discussed at both venues, such an International Peace Fund would, *inter alia*:

- 1) provide funding to develop the infrastructure of a new Palestinian state (e.g. hospitals, schools, roads, sanitation facilities, etc.);
- 2) provide funding to Israel to establish secure defense perimeters along the new borders that would be agreed upon by both parties; and
- 3) provide compensation for all refugees who were victims of the Arab-Israeli conflict.

RATIONALE AND POLICY CONSIDERATIONS

- 1) As part of a final, comprehensive Middle East peace plan, such a fund would redress historical injustices and ensure adequate compensation for all victims of the Arab-Israeli conflict;
- 2) The establishment of such a multilateral fund, to be endowed by the G-8 countries and others, would ensure international involvement and legitimacy for any comprehensive Middle East peace plan;
- 3) To-day, over 50% of all Israeli citizens are descendants of Jews displaced from Arab countries. In addition to Palestinian refugees, were the rights of Jewish refugees from Arab countries to be recognized, and addressed by such an international fund, this would serve as a strong inducement for the government of Israel to engage in comprehensive negotiations to resolve the overall issue of refugees; and
- 4) A useful international precedent is the United Nations Compensation Commission and Fund established by UN Security Council (S/RES/692) adopted by the Security Council at its 2987th meeting on 20 May 1991) to compensate foreign nationals, companies and governments for injuries suffered as the result of the Iraqi invasion of Kuwait. A Middle East 'Compensation Commission' could serve an important vehicle to address some seminal rights and remedies that could be negotiated as part of a comprehensive Arab-Israeli agreement.

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Interview with President Bill Clinton

Conducted by Israel Television on July 28, 2000 (Excerpt from White House Transcript)

"But if there is an agreement, Israel will have further security needs, there will be human costs involved. 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.

That's another piece of good news I think I can reveal out of the summit. The Palestinians said they thought those people should be eligible for compensation, as well. So we'll have to set up a fund and we will contribute. I went to the G-8 in Okinawa in part to give them a report, and I asked the Europeans and the Japanese to contribute, as well. And there will be other costs associated with this. So it will not be inexpensive...

I will try to get as much support as I possibly can for the United States, but also as much support as I possibly can from Europe, from Japan and from other people in the world."

"Moratino Document"

***Excerpt from Report, Prepared by EU Middle East Envoy Miguel Moratino ,
Summarizing the Palestinian- Israeli Negotiations held in Taba, Egypt in January 2001,
(First published in Ha'Aretz Newspaper, on February 14, 2002 and by Arab Gateway.
<http://www.al-bab.com/arab/docs/pal/tab2001.htm>)***

3.3 Compensation

Both sides agreed to the establishment of an International Commission and an International Fund as a mechanism for dealing with compensation in all its aspects. Both sides agreed that "small-sum" compensation shall be paid to the refugees in the "fast-track" procedure, claims of compensation for property losses below certain amount shall be subject to "fast-track" procedures.

There was also progress on Israeli compensation for material losses, land and assets expropriated, including agreement on a payment from an Israeli lump sum or proper amount to be agreed upon that would feed into the International Fund. According to the Israeli side the calculation of this payment would be based on a macro-economic survey to evaluate the assets in order to reach a fair value. The Palestinian side, however, said that this sum would be calculated on the records of the UNCCP, the Custodian for Absentee Property and other relevant data with a multiplier to reach a fair value."



Frequently Asked Questions and Answers

- **Who were the Jews from Arab Countries?.....** **1**
- **What was the Status of the Jews in Arab Counties?.....** **1**
- **Why Did They Leave?.....** **1**
- **Was there any Coordination between Arab governments in the Displacement of the Middle Eastern and North African Jews?.....** **3**
- **Were Jews Displaced from Arab Countries really Refugees?.....** **3**
- **Didn't Jews fleeing Arab Countries come to Israel to fulfill the Zionist dream of Aliyah and not Because they were Refugees?.....** **4**
- **Why Has Little Been Heard About These Jewish Refugees?.....** **4**
- **Were Jewish refugees from Arab states treated any differently than the Palestinian Arab Refugees.?.....** **4**
- **Even if they were refugees, do they have any Rights to-day, over half a century later, when they are no longer Refugees?.....** **5**
- **What is the Estimated Value of Properties Lost?.....** **5**
- **Shouldn't the Palestinian issue be dealt with separately from the Jewish refugees from Arab states?.....** **6**
- **Isn't this Just an Attempt to Divert Attention away from the Rights of Palestinian refugees?.....** **7**
- **Why not just give Jews from Arab states the 'right of return' to their former homes?.....** **7**
- **Why is it important to deal with now? Isn't this another impediment in the Peace Process?.....** **8**

Q. Who were the Jews from Arab Countries?

A. There has been an uninterrupted presence of large Jewish communities in North Africa, the Middle East and the Gulf Region for thousands of years.

In the eighth and sixth centuries BCE, Assyria and Babylon respectively conquered the ancient Kingdoms of Israel and Judea. With the subsequent dispersion of the Jewish people, this marked the beginnings of the ancient Jewish communities of the Middle East, the Gulf Region and North Africa. Jews were living in these lands some 1,000 years before the Arab Muslim conquests of these regions -- including the Land of Israel -- and about 2,500 years before the birth of the modern Arab states.

COUNTRY/REGION	DATE OF JEWISH RESIDENCY
Egypt	Since Biblical times
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

In the 7th century CE, Arab armies under the banner of the new religion of Islam conquered the vast regions of the Middle East and North Africa, encountering indigenous peoples living in their own lands. Over the centuries, 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.

Q. What was the Status of the Jews in Arab Counties?

A. The 1,400 year history of the Jews under Arab and Muslim rule is a long and varied one. Jews (and Christians) were considered *dhimmi*, "**the people of the Book**", a 'protected' group of second-class citizens. The status of Jews living in Muslim lands was marked by some golden periods of prosperity. These periods were often marked by Jewish advances in medicine, business and culture. Jewish philosophy and religious study also flourished. Often, however, Jews were subjected to punishing taxes, forced to live in cramped ghetto-like quarters (*mela*) and relegated to the lower-levels of the social strata.

Q. Why Did They Leave?

A. The situation for Jews worsened in the 20th century, as witnessed by a consistent, wide-spread pattern of persecution and the mass violations of the human rights of Jewish minorities in Arab countries. After achieving independence, 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.

The situation became most perilous upon the declaration of the State of Israel in 1948, when many Arab countries declared war, or backed the war against Israel. Jews were either uprooted from their countries of longtime residence or became subjugated, political hostages of the Arab-Israeli conflict.

This made the situation for Jews in Arab countries untenable, and caused a mass exodus from most countries.

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Israel absorbed more than 620,000 of these former Jewish refugees, providing a safe haven for Jews and fulfilling the Zionist dream of their ingathering to the homeland of the Jewish people. The rest – some 1/3 of all Jews displaced from Arab countries - found refuge in Europe, North and South America, and elsewhere.

Q. Was there any coordination between Arab governments in the displacement of the Middle Eastern and North African Jews?

There is ample evidence that points to a pattern of conduct amongst a number of Arab regimes that appeared intended to coerce Jews to leave, or to use them as **weapons in the Arab world's struggle against the State of Israel**. This is evidenced from: (a) The drafting of a Law by the Political Committee of the Arab League that recommended a coordinated strategy of repressive measures against Jews; and (b)

¹ *American Jewish Yearbook (AJY) v.58 American Jewish Committee.*

² *AJY v.68; AJY v.71*

³ *AJY v.78*

⁴ *AJY v.101*

⁵ *AJY v.105*

⁶ Saad Jawad Qindeel, head of the political bureau of the Supreme Council for the Islamic Revolution in Iraq, as reported in *The Jerusalem Post*: July 18, 2005.

⁷ *Time Magazine*. February 27, 2007.

⁸ *AJY v.102*

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

strikingly similar legislation and discriminatory decrees, enacted by numerous Arab governments that violated the fundamental rights and freedoms of Jews resident in Arab countries.

In 1947, the Political Committee of the Arab League (League of Arab States) drafted a law that was to govern the legal status of Jewish residents in all Arab League countries. In fact, members of the Arab League were colluding to encourage state sanctioned discrimination against Jews in all of its member states – at the time, Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Jordan, and Yemen.

This Draft Law of the Arab League provided that "...all Jews – with the exception of citizens of non-Arab countries – were to be considered members of the Jewish 'minority state of Palestine,'; that their bank accounts would be frozen and used to finance resistance to 'Zionist ambitions in Palestine; Jews believed to be active Zionists would be interned as political prisoners and their assets confiscated; only Jews who accept active service in Arab armies or place themselves at the disposal of these armies would be considered 'Arabs.'"

Arab countries then enacted discriminatory legislation against Jews. From the sheer volume of these subsequent state-sanctioned discriminatory decrees, 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 (For example, see "State Sanctioned Persecution of Jews in Egypt (<http://www.justiceforjews.com/egypt.htm>) and Iraq (<http://www.justiceforjews.com/iraq.html>)

Q. Were Jews Displaced from Arab Countries Really Refugees?

A. The answer is definitively yes.

The international definition of a refugee, as detailed The 1951 Convention Relating to the Status of **Refugees clearly applies to Jews who had "a well-founded fear of being persecuted for reasons of race, religion..."**

Moreover, 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, UN 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.

Therefore, according to international law, Jews fleeing Arab countries were indeed '*bona fide*' refugees, who were determined to fall under the mandate of the United Nations High Commissioner for Refugees.

Q. Didn't Jews fleeing Arab countries come to Israel to fulfill the Zionist dream of Aliyah and not because they were refugees?

Jews in Arab countries were caught in a 'push-pull' scenario. Due to the longstanding and mounting persecution, Jews realized that there was no long term future for them and their families in the Arab country in which they were born - the 'push' theory. In deciding where to go, the 'pull' theory was paramount – most Jews deciding to resettle in Israel, the homeland of the Jewish people.

Either way, whether they resettled in Israel for Zionist reasons or elsewhere, Jews displaced from Arab countries were legally considered refugees under international law.

Q. Why has little been heard about these Jewish refugees?

A. The international community paid little attention to the plight of Jews fleeing Arab countries. Moreover, these displaced Jews did not remain refugees for long. They were successfully integrated into Israel and other host countries and did not become wards of the international community.

Q. Were Jewish refugees from Arab states treated any differently than the Arab Palestinian refugees?

A. History reveals that there were two refugee populations created as a result of the longstanding dispute in the Middle East - Palestinians and Jews displaced from Arab countries.

Yet, when the issue of 'refugees' is raised within the context of the Middle East, people invariably refer only to Palestinian refugees. Neither the mass violations of human rights nor the displacement of Jews from Arab countries has ever been adequately addressed by the international community.

Since 1947, the United Nations' predominant focus has been on Palestinians:

- i) 1088 resolutions of the UNGA and UNSC on the Middle East, including 172 resolutions on Palestinian refugees;
- ii) Thirteen UN agencies and organizations mandated or newly created to provide protection and relief to Palestinian refugees; and
- iii) Over the last 60 plus years, tens of billions of dollars have been disbursed by the international community to provide services and assistance to Palestinian refugees.

During that same period, there were no UN resolutions; no support provided by UN agencies; nor any financial assistance forthcoming from the international community to ameliorate the plight of Jewish and other refugees from Arab countries.

Moreover, there is one fundamental distinction between Palestinian refugees and Jewish refugees that must be underscored. Israel, under attack from six Arab armies, with scarce and scant resources, tried as best she could to integrate the Jews from Arab countries who arrived at her borders. By comparison, Arab countries, with the sole exception of Jordan, turned their backs on displaced Palestinians and sequestered them in camps to be used as a political weapon in the Arab world's struggle against the state of Israel.

Q. Even if Jews fleeing Arab countries were refugees, do they have any rights to-day, over half a century later, when they are no longer refugees?

There is no statute of limitations on the rights of refugees. The passage of time does not negate refugee rights to petition for redress for mass violations of human rights as well as for losses.

If a refugee left behind assets, including bank accounts, pension plans, they do not lose their rights to these assets, notwithstanding how many years have passed.

Therefore Jewish refugees, even though many years later and resettled, still have rights under international law.

Q. What is the estimated value of properties lost?

A. In virtually all cases, as Jews left their country, individual and communal properties were confiscated without compensation provided to rightful owners. Most recent analyses have determined that Jews lost considerably more in assets than Palestinians.

One of the most credible estimates for assets left behind by Palestinians fleeing the 1948 war was prepared by John Measham Berncastle, who undertook the task in the early 1950s under the aegis of the United Nations Conciliation Commission for Palestine (UNCCP). He was a British land value estimator who had worked in Palestine since 1935. His estimate was 120 million Palestinian pounds of which about 100 million was for land and buildings and 20 million for movable property. Other estimates would add some 4-5 million Palestinian pounds for Arab bank accounts that were blocked.¹⁰

This total of 125 million Palestinian pounds would have amounted to \$350 million in 1948. This is equal to some \$650 per 1948-1949 refugee. This number is comparable to per capita assets for Poland, the Baltic States, and southeast European countries during the late 1930s, which ranged from \$550 to \$700.¹¹

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¹⁰ Fishbach, Michael R. *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict*. New York: Columbia UP, 2003. P. 98.

¹¹ Zabłudoff, Sidney. "The Palestinian Refugee Issue: Rhetoric vs. Reality." Jerusalem Center for Public Affairs, *Jewish Political Studies Review*. 20:1-2., Spring 2008. P. 2.

To this must be added the assets and losses for an additional 100,000 Palestinians who fled in the aftermath of the 1967 war and the 40,000 Internally Displaced Persons (IDP). At \$700 per capita, that would amount to another \$100 million in lost Palestinian assets. Thus the total of assets lost by Palestinians is some \$450 million. In 2007, using the U.S. Consumer Price Index to allow for grow, this would amount to \$3.9 billion.¹²

In terms of Jewish refugee assets, one of the most recent analyses was prepared by Sidney Zabłudoff, an economist who worked for the White House, CIA, and Treasury Department for more than thirty years. **Zabłudoff's assessment concludes that** Jewish refugees from Arab countries suffered significantly greater losses (\$6 billion) than Palestinian refugees (\$3.9 billion). This disparity could be attributable to the fact that Jews had higher per capita assets than others, as most Jews lived in urban areas and held a large share of the professional jobs. The same demographic structure existed in virtually all countries of the Middle East and North Africa. For example, while Jews made up only three percent (3%) of the Iraqi population in 1948, they accounted for 20 percent of the population of Baghdad. The Palestinian population, as a whole, was more rural dwelling.

Moreover, any calculations for Jews refugees must include both communal (e.g. schools, synagogues, hospitals cemeteries) and individual assets (e.g. homes, businesses, land, pensions, benefits). **The Palestinians' figure includes only** lost individual assets as there were no communal properties.

It must be stressed that seeking rights for Jewish refugees from Arab countries is not only about compensation. It is an attempt to seek truth and justice; that the rich 2,500 year history of Jews in the region is not expunged from the history of the 20th century; that Arab governments take responsibility for their ill-treatment of their Jewish populations; and that the suffering of Jewish refugees be recognized and redressed.

Q. Shouldn't the Palestinian issue be dealt with separately from the Jewish refugees from Arab states?

A. As part of any Middle East peace negotiations, all issues must be dealt with legally and equitably.

The Jews who were forced out of their homes by the actions of Arab governments, were victims of an aggression that was carried out by these same Arab states against the newly founded State of Israel. Two populations of refugees emerged.

This is reflected in all relevant international bilateral or multilateral agreements that have focused on promoting peace in the region. By way of example, UN Resolution 242, *The Road Map*, *The Madrid Conference*, all had references to 'refugees' – not Palestinian refugees – the language of which is generic, allowing for the recognition and inclusion of *all* Middle East refugees - Jews, Arabs and others.

¹² Zabłudoff, p. 2

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

This clearly demonstrates the predisposition of all parties to deal with both refugee populations in the context of any Middle East peace negotiations.

Q. Isn't this just an attempt to divert attention away from the rights of Palestinian refugees?

A. The legitimate call to secure rights and redress for Jews displaced from Arab countries is not a campaign against Palestinian refugees or an attempt to prevent discussion or resolution of any issue.

In any Middle East peace negotiations, there is no doubt that the claims of Palestinian refugees will be on the agenda and up for discussion. As a matter of law and equity, it is important that the rights of hundreds of thousands of Jews displaced from Arab countries be similarly placed on the international political and judicial agenda and that their claims also be recognized and addressed.

Q. Why not just give Palestinians and Jews the 'right of return' to their former homes?

A. There are legal and practical reasons why this is not a solution.

Legally, according to many international law experts, when Palestinian representatives talk about the right of return, it is a gross misappropriation of international law. **There is no 'right of return'**, because:

- It is not enshrined in customary law;
- It is not recognized as a general principle of international law; and
- When referred to in UN resolutions, it is advisory, not legally binding.

Therefore, **the Palestinian claim to a 'right of return' is a canard** intended to put Israel on the defensive and is a catchphrase for the destruction of the state of Israel. Moreover, it is intended to neutralize the legitimate claims of Jews displaced from Arab countries who have no desire to return to their countries of origin.

At various times, some Arab leaders have made statements saying that Jews could return to their former homes. It is illogical to think that Jews, who were subjected to mass violations of human rights, should return to those very countries where they were subjected to such persecution. Arab states have not retracted the discriminatory laws that forced Jews to leave. Anti-Semitism in Arab countries is much stronger and more intense today than when Jews were originally displaced. For Jews to resettle in Arab countries would be to subject themselves to persecution and repression.

Q. Why is it important to deal with Jewish refugees now, more than 60 years after the fact? Isn't this just another impediment in the peace process?

A. For any peace process to be legitimate, credible and enduring the rights and claims of all parties must be addressed and reconciled.

The plight of the Jewish refugees is an unresolved human rights issue that is inextricably tied to the Middle East conflict. There is a moral imperative that justice be done and that the rights of Jewish refugees from Arab countries assume its rightful place on the international agenda.

Moreover, rather than being an impediment to the peace process, securing rights for Jewish refugees from Arab countries is an inducement towards peace.

Over the years, a number of Israeli Prime Ministers have assured Israeli citizens that any final peace agreement would be submitted to the Israeli public for approval, either in the form of an election or by referendum. If Israelis, almost 50% of whom are themselves, or are descendants, of Jews from Arab countries are presented with **a peace proposal that deals only with Palestinian refugees i.e. a 'one way' deal** skewed in favor of Palestinians, they will be adamant against accepting it.

If however, Sephardi-Mizrahi Jews are presented with a proposed agreement that deals with Palestinian refugees but also addresses their legitimate concerns and claims as former refugees, then they will be more likely to vote in favor.

Therefore, for Israel, dealing with Jewish refugees from Arab countries is an inducement to peace.

Lastly, the first injustice was the mass violation of the human and civil rights of Jews resident in Arab countries. Today, one must not allow a second injustice; namely, that any peace agreement would recognize rights for one victim population - Palestinian refugees - without recognizing equal rights for other victims of that very same Middle East conflict – Jewish refugees from Arab countries.



Response to the Claim that there is “No Such Thing as Jewish Refugees”

In the comfortable confines of our homes, few of us can fully understand the abject fear and suffering that refugees, displaced from their countries of birth, are forced to endure.

“...the atmosphere in the streets became terrifying, so much so that my family could not leave our house... My parents and I, along with my seven brothers and sisters, sat frightened at home for days. And then the mob came for us”.

Giulia Boukhobza, International Herald Tribune, July 1, 2003

The international community would have everyone believe, that in the Middle East, such a fate befell only Palestinians who became refugees as a result of the Arab-Israeli conflict. However, Ms. Boukhobza’s story is about the plight of one Jewish family that became refugees, from a Jewish community in Libya that had maintained a continual presence there for over two thousand years.

The international definition of a refugee, as delineated in the 1951 Convention Relating to the Status of Refugees clearly applies to Jews who had *“a well-founded fear of being persecuted for reasons of race, religion...”*

Moreover, 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 legally refugees who fell within the mandate of the UNHCR.

In the first instance, referring to Jews displaced from Egypt, the UN High Commissioner for Refugees, Mr. Auguste Lindt, in his Report to the UNREF Executive Committee’s Fourth Session (Geneva 29 January to 4 February, 1957) announced that: *“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.”*

The second reference to Jews from Arab countries as refugees was discovered in a July 6, 1967 letter from Dr. E. Jahn, of the Office of the UN High Commissioner for Refugees which confirms: *“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.”*

Therefore, under international law, Jews displaced from these Arab countries were indeed *bona fide* refugees, subject to the full protection of the United Nations High Commissioner for Refugees.



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The UNHCR made this determination in light of the persecution suffered by Jews in many Arab countries. As compared to other minorities, Jews were specifically singled out in many decrees enacted by numerous Arab regimes which stripped Jews of their citizenship, and deprived them of civil and human rights. By way of example:

➤ On March 9, 1950, the Official Iraqi Gazette_ published Law No. 1 of 1950, entitled “Supplement to Ordinance Cancelling Iraqi Nationality,” which was enacted 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...*” a decree singling out Jews.

➤ The first Nationality Code, Article 10(4), promulgated by Egypt on May 26, 1926, established that a person born in Egypt of a ‘foreign’ father 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.*” The requirement operated against Jews in Egypt, a great proportion of whom could not thus 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 Aug 8th 1962, the Council of Ministers announced a Royal Decree which provided that a Libyan national forfeited his nationality if he had had any contact with Zionism, defined as any person deemed to have acted “*morally or materially in favor of Israel interests*”. The vague language enabled the authorities to deprive Jews of Libyan nationality at will.

It is true that many Jews displaced from Arab countries immigrated to Israel to fulfill the Zionist dream of returning to the ancient homeland of the Jewish people. However, of the estimated 856,000 Jews displaced from Arab countries, some two-thirds emigrated to Israel, while roughly one-third - or 285,000 Jews - sought a safe haven in countries other than Israel. Zionism played no role in their departure and many would have preferred to stay.

Jews have lived in North Africa, the Middle East and the Gulf Region for over 2,500 years – fully 1,000 years before the birth of Islam. In the twentieth century, all were caught in a "push-pull" scenario. Due to longstanding and mounting persecution, Jews in most Arab countries realized that there was no long term future for them and their families in their countries of birth - the push theory. In deciding where to go, for many, the pull theory was paramount - resettle in the Jewish homeland in Israel. However, whether Jews displaced from Arab countries resettled in Israel or elsewhere, they were still considered by the UNHCR, under international law, to be refugees.

There is a fundamental distinction between the treatment of Palestinian refugees and Jewish refugees. The newly-established State of Israel, under attack from six Arab armies, with scant and scarce resources, opened her doors to hundreds of thousands of Jewish refugees from Arab countries, granted them citizenship, and tried, under very difficult circumstances, to absorb them into Israeli society.

By contrast, the Arab world, with the sole exception of Jordan, turned their backs on displaced Palestinian Arabs, sequestered them in refugee camps to be used as a political weapon against the State of Israel for the last 64 years.

While there is no symmetry between the two narratives, there is one important fact that must be recognized – that two populations of refugees emerged as a result of the Arab world’s struggle against the establishment of the State of Israel. For any peace process to be credible and enduring, it must ensure that both parties receive equal recognition and treatment under international law.

Without truth - that there were two populations of refugees; - there will be no justice. And without justice, there will be no reconciliation between and among all peoples of the region.

(Dr. Stanley A. Urman is the Executive Vice President of *Justice for Jews from Arab Countries*.)



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JIMENA - Jews Indigenous to the Middle East and North Africa	News, views, historical survey and statistics about Jews indigenous to the Middle East and North Africa http://jimena.org/
Jews of Africa	History and narrative of the Jews from North Africa including Morocco, Tunisia and South Africa. Developed by freelance journalist, historian and activist Jay Sand. http://www.mindspring.com/~jaypsand/
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Justice for Jews from Arab Countries is a coalition of major Jewish communal organizations operating under the auspices of the Conference of Presidents of Major American Jewish Organizations and the American Sephardi Federation in partnership with the American Jewish Committee, Anti-Defamation League, B'nai B'rith International, Jewish Council for Public Affairs and the World Jewish Congress.

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ABOUT THE WORLD JEWISH CONGRESS

The World Jewish Congress leads the global Jewish diplomatic efforts at both grass roots and the highest governmental levels to protect Jewish rights and defend Jewish communities. Established in 1936 in Geneva, Switzerland in response to the rise of Nazism and the growing threat of anti-Semitism in Europe, the WJC is the international umbrella organization of Jewish communities and affiliate organizations in more than 100 countries on six continents.

As the permanent address for world Jewry, the WJC

- Protects Jewish rights in Israel and the Diaspora
- Combats international anti-Semitism and the political assault against Israel
- Champions the restoration of justice and restitution for Jewish refugees of Arab countries
- Advocates on behalf of Holocaust survivors and their heirs
- Promotes interfaith consultation and cooperation

Since our founding more than 75 years ago, the WJC has protected Jewish interests around the world; today the WJC defends Israel's rights as the nation-state of the Jewish people to live peacefully in secure, defensible and recognized borders; WJC promotes freedom and democracy in a world respectful of human rights and human dignity.

The WJC also works, on-the-ground, with governments and parliaments and international organizations, along with the democratically elected representatives of local Jewish communities, to infuse their regional and international agendas with sensitivity to leading global Jewish concerns.

The WJC's longstanding efforts have been essential in securing tens of billions of dollars in post Holocaust restitution of Jewish assets seized from Germany and other European countries, as well as compensation funds for slave and forced laborers and other victims of the Nazi regime. Today, the WJC is generating international attention to the neglected and unresolved plight of Jewish refugees from Arab countries, a third of whom settled in Diaspora communities officially represented by the World Jewish Congress. These refugees were forced to flee their homes after the establishment of the State of Israel, their assets were illegally seized and their history has been all but forgotten.

With five regional affiliates, including WJC North America, the Latin American Jewish Congress, the European Jewish Congress, the Euro-Asian Jewish Congress and WJC Israel, the World Jewish Congress continues to serve as the guardian of Jewish rights across the world.