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Seeking Justice for Jews from MENA Countries through International Law:
Comparing the Cases of Morocco and Iraq

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Abstract

Little is known of the Jews of Middle Eastern North African (MENA) origin whose long standing history in the region did not protect them from discrimination, persecution, and ethnic cleansing. Although much of the research on contemporary Jewish history and persecution revolves around the Holocaust and European events and its implications for Jews and international law, far less is researched about the uprooting of nearly one million Jews from the MENA region. In this investigation, I aim to reconstruct that narrative, applying international law to Jewish refugees from Arab countries. My thesis will be a comparative analysis of Morocco and Iraq. These two MENA countries differ in many aspects, including their geographic location, their history of European colonization, their relationship with Israel, the type and degree of discrimination Jews of their nation faced, the impact of the Holocaust, and their current Jewish population. The factors of comparison between the two countries will allow my study to cover the variation throughout the region while doing an in depth analysis of both countries and their relevant laws and events that affected the Jews in those nations. Using the toolbox of Transitional Justice, I will focus on how international human rights law can be utilized to gain justice for Jewish refugees from Morocco and Iraq. My research will establish a legal basis for redress for Jewish refugees of these two nations, comparing how the differences in their histories and legal frameworks translate into the available remedies for victims. Ultimately, these findings will be an integral part of the puzzle of Jewish history in the Middle East which may illuminate the way for a more just and inclusive future for the region.

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Chapter 1: Introduction

Jewish history is rife with persecution, antisemitism, and discrimination. Contemporary scholarship in modern antisemitism and Jewish events are centralized around the topic of the Holocaust and Europe. Yet, one major part of Jewish history remains overlooked: the expulsion of Jews from Middle Eastern and North African (MENA) countries. A large segment of the Jewish population was forced, often brutally, out of the land their ancestors had lived in for millennia. In 1948, the MENA region had close to one million Jews living in deeply rooted communities as vibrant citizens and participants in society and the larger community. Today, that number is less than 10,000¹, less than 2% of its peak, with many of the communities completely wiped out. The question remains: how could this happen? The long standing communities of Jews in the MENA region did not just one day pick up and leave. The uprooting of these Jews is a story of suffering, brutality, violence, and force, that caused them to leave behind their lives, possessions, and lands, and face the unknown to find safety. The deeply rooted antisemitism throughout the MENA region dates back to the 9th century, when Jews were legally classified as “Dhimmis,” codifying them as second class citizens who had to pay a tax to Muslims for “protection.”² This antisemitism continued for centuries and with Europe’s colonization in the 20th century throughout the MENA region, Jews had a short lasting period of respite, in which forced secularization allowed them to live in relatively better circumstances, but this all ended with independence movements classifying Jews as the enemy and antisemitism from the Nazis spreading throughout the colonized regions.

¹“Jews From Arab Lands” *World Jewish Congress*. See full article here: <https://www.worldjewishcongress.org/en/focus-areas/jews-from-arab-lands> (accessed April 29, 2023). The official numbers on how many Jews remain in MENA countries is hard to find given the political context of the countries and the danger that many Jews have in being openly Jewish.

² Jacob Marcus, *The Jew in the Medieval World: A Sourcebook*, (Holiday House, 1969): 315-1791.

Although the Holocaust is studied extensively in academia, not much is known about its effect in the MENA region. Events like the Farhud, a pogrom of Jews in Iraq, is directly linked to Nazi propaganda. Jews in North African countries such as Tunisia, Libya, Algeria, and Morocco were all directly affected by the Nazis, some taken to concentration camps and murdered.³ Independence movements in many of the colonized countries reinforced the fact that Jews were not considered “real” citizens, but guests who lived in constant fear of retaliation. Just as colonizers were deemed as enemies, so too were the Jews who had lived in the land for thousands of years. With Zionism gaining traction and the establishment of the State of Israel becoming a near reality, the perfect coverup for the abuse of Jews had emerged, as the criminalization of Zionism became an excuse to torture, expel, and murder Jews throughout the Middle East and North Africa. Centuries of antisemitism, colonization, independence, Nazi propaganda, and the rise of Zionism all culminated in the complete upheaval of deeply rooted Jewish communities. After thousands of years of culture, civilization, community, and history in the region, Jews would be forced to flee, violently and with no choice of their own. Little has been said about this dark time in history.

The case of Jews from MENA countries is not an isolated or unique experience. Many victimized groups across the globe have been ignored and understudied, and their story remains untold. Although international human rights movements and laws created a standard for justice around the world, many groups remain neglected. The Jews from MENA countries who were brutally forced out of their homes have yet to gain widespread recognition, with their stories only coming to light recently. As human rights and international law becomes widespread, victims of historical injustice who have been overlooked will have avenues to bring truth to light and create

³ Sheryl Ochayon, “The Jews of Algeria, Morocco and Tunisia” (Yad Vashem). See the full article here: <https://www.yadvashem.org/articles/general/the-jews-of-algeria-morocco-and-tunisia.html> (accessed April 30, 2023).

accountability for perpetrators. Each case that is able to gain traction and be studied leads to more knowledge and understanding in the areas that international law applies and the tools that it provides to attain justice for victims. Jews from MENA countries represent one of many understudied and ignored groups, but their story being told and their case being analyzed will inevitably lead to many more victim groups finding the path to justice.

My interest in the case of Jews from MENA countries and their lack of justice and redress was the product of learning about my own family history. My parents are both refugees from Iran who faced antisemitic persecution and discrimination in a land our ancestors had called home for nearly 2,000 years. As I learned more about my own family's history, I became aware of the ignorance surrounding the stories of Jews who fled Arab countries, who were ignored not only globally, but also within Jewish circles. Little is known about the plight of Jews from MENA countries and, there is a societal responsibility to bring attention to these atrocities. While studying political science, I took a class about transitional justice and international law, and I found that the toolkits these legal mechanisms provided fit perfectly with the case of Jews from MENA countries. Transitional Justice provides mechanisms for addressing victims who have faced massive human rights violations and have survived significant conflicts and persecution.⁴ Learning about Transitional Justice, and how it has been used to help societies overcome periods of violence and mass violations of human rights, acknowledging and addressing the needs of victims, I realized that those same tools could be used for societies not necessarily in transition. Truth commissions, memorials, acknowledgment, reparations and other Transitional Justice mechanisms are all potentially valid routes to attain justice for victims of mass human rights abuses, such as the Jews from MENA regions. Not every case can be addressed through legal prosecution, but there are policies designed to make victims feel seen and heard, and Transitional

⁴ Oliviera Simic, *An Introduction to Transitional Justice*, 2nd ed. (Routledge, 2020):1-24.

Justice provides those avenues while also realizing the importance of international human rights laws. This trailblazing method of addressing victims of severe abuses and traumatic experiences provides a roadmap to addressing all kinds of victims, and learning about it in class brought my attention to how these tools can be used to address Jews from MENA countries like my own family.

In this thesis, I will be arguing how international human rights law, and specifically mechanisms of Transitional Justice, can be applied to the case of Jewish refugees from Morocco and Iraq, to gain justice and address victims. I will begin by giving a brief history of the Jewish communities in the region, analyzing the deeply rooted antisemitism and discrimination that existed in each country, and how that prejudice translated into systemic and legal structures that discriminated against Jews and codified them as second class citizens. I will be explaining a brief history of the entire MENA region and its relationship with its Jewish citizens, and I will then more deeply analyze the Jews from Morocco and Iraq. Before my in depth analysis of Morocco and Iraq, I will explain the specific factors that contributed to my case selection, and how those factors will be highlighted throughout my research, in order to understand their impact on the experiences of Jews in those countries and their prospects for justice. I will then discuss the history of international human rights law and Transitional Justice, analyzing how this legal structure emerged and its impact on the global understanding and treatment of human rights. After illustrating the background of the treatment of Jews in Iraq and Morocco, and international law, I will then conduct an in-depth analysis of Iraq and Morocco, focusing specifically on their domestic legal systems, their systemic discrimination against Jews, and their current political context – including their relationship with the institutions of international law and human rights.

After clearly painting the picture of the atrocities Jews faced in each nation, through legal and societal discrimination, abuse, and expulsion, I will then propose a prescription of justice using an international law and Transitional Justice toolkit. I will provide multiple possible avenues to attain justice for Jewish victims from both countries, taking into account political, social, and legal consequences and mechanisms involved. I will also analyze previous legal cases involving Jews from MENA countries, and how those cases may affect mine. I will provide a clear map of the remedies that are available through Transitional Justice and international law based on the crimes committed in each country and the country's standing within the international human rights law regime and its domestic legal framework. I will argue how more attention needs to be paid to this neglected group of victims and I will also provide a roadmap as to how that attention can lead to justice and the acknowledgment of these atrocities. I will also explain how the attainment of justice for these victims will impact the region as a whole, and how the way forward can lead to a better, more just future for all victims of human rights abuses. Ultimately, my research will aim to create a map for how similar cases can attain justice, and will provide a framework for other Jewish populations throughout the MENA region to be acknowledged and addressed.

Chapter 2: Literature Review

In this chapter I will be discussing the areas of scholarship that have laid the foundation for my research and I will explain my research method as well as the ultimate goal of my thesis. I will begin by briefly discussing the historical events that my research will be focusing on and then I will explore international law and Transitional Justice, two legal concepts that I will argue should create the basis for a strategy to pursue justice for Jews from Iraq and Morocco. I will explain the methodology behind my research design including the case selection process and process tracing. Finally, I will conclude the chapter by briefly explaining the goal of my study.

Historical Background

Jews throughout the MENA region have suffered centuries of discrimination and systemic persecution, with little recognition of their legal rights and ties to the lands from which they were uprooted. Decades after nearly 1 million Jews from Arab countries were forced out of their homes and had to begin a new life in various parts of the world, little has been discussed publicly as to what those refugees are owed in order for justice to be served. Political discourse and scholarship has similarly neglected these victims and their stories are relatively unknown. The Jewish refugees from MENA countries were kicked out of their homes, had their property stolen, with no right to return to the lands they had called home for millennia and no recognition given to their suffering. Although many attribute the mass exile of Jews from MENA countries to Zionist ideals, this was in fact *not* the case for a majority of those who resettled in Israel. Rather, systemic discrimination, forced expulsion, pogroms, lack of legal protection, movement bans, and revoked citizenship are some of the crimes committed against Jews in Arab countries which ultimately led them to flee. In Egypt, where a Jewish community no longer exists, nearly 75,000

Jews were expelled, detained, and had their property confiscated.⁵ In Tunisia, where a tiny community of Jews remains, Jews suffered under German occupation of Tunisia and then after Tunisia's independence were faced with anti-Jewish decrees and attacks on the Jewish community.⁶ In many cases throughout the MENA region, Jews became stateless, pushed to the margins of society and subsequently forced to leave behind a life and land they had called theirs for generations. Not only were the domestic legal systems of the MENA countries that Jews came from inadequate in protecting them, in many cases the state was the main perpetrator of the crimes.

The refugee status of Jews fleeing MENA countries was recognized by the UNHCR⁷, but nothing was done to seek justice for these victims. After many of these refugees resettled into countries like Israel, the United States, and France, their refugee status was quickly forgotten, and so too were their rights to justice for the crimes committed against them in their home countries. The citizenship that Jews from MENA countries gained in other parts of the world, especially in Israel, led to the neglect of the crimes committed against them and the reason they had become refugees in the first place. European colonization of some MENA countries gave Jews fleeing their home avenues of citizenship in European countries and the Law of Return allowed for Jewish refugees to gain automatic citizenship in Israel, a path the majority of whom took. The fact that Jews did not retain their refugee status for long, as compared to other groups, somehow precluded them from the legal rights of refugees and from the criminal investigation of

⁵ "Jews in Islamic Countries: Egypt" *Jewish Virtual Library*. See the full article here: <https://www.jewishvirtuallibrary.org/jews-of-egypt> (accessed April 30, 2023).

⁶ "Jews in Islamic Countries: Tunisia," *Jewish Virtual Library*. See the full article here: <https://www.jewishvirtuallibrary.org/jews-of-tunisia> (accessed April 30, 2023). For more on the plight of Jewish refugees throughout the MENA region see this source: Lyn Julius, *Uprooted: How 3,000 Years of Jewish Civilization in the Arab World Vanished Overnight*, (Valentine Mitchell, 2018).

⁷ Irwin Cotler, David Matas, and Stanley Urman, "Jewish Refugees from Arab Countries: The Case for Rights and Redress," *Justice for Jews from Arab Countries*, November 5, 2007. See the full document here: <http://www.justiceforjews.com/jjac.pdf> (accessed Apr 30, 2023).

the root cause of their refugee status, which was in many cases crimes against humanity. The Jews who were forced to flee their homes throughout the MENA region were not protected by the legal systems of their home countries, and have yet to gain the justice they have for so long been refused. These victims do not have legal rights for redress in the countries from which they were uprooted, and so looking to international law, the toolbox available to them can be found.

International Law for International Crimes

The answer to lack of justice for Jewish refugees from MENA countries comes from International law.

Customary International Law: Jus Cogens

At the core of international law is the concept of *jus cogens*, a Latin phrase referring to “compelling law” or customary laws that set norms for societies and set a standard that cannot be diverted from.⁸ *Jus cogens* are rules, which are reflected in the UN charter drafted in 1945, and are norms of international law that are argued as “hierarchically superior.”⁹ Therefore, “rules contrary to the notions of *jus cogens* could be regarded as void, since those rules oppose the fundamental norms of international public policy.”¹⁰ In addition, the reflection of these norms in the UN charter make all state parties in the UN obliged to these norms. *Jus Cogens* has also been used in international treaties and agreements predating the UN, which is why they are fundamental to international law and the contemporary international legal structure. For example, in the Hague Conventions of 1899 and 1907, *jus cogens* principles were reflected in some of the provisions. The Hague Conventions are a series of international treaties that aim to establish rules and principles for the peaceful settlement of international disputes and conduct of

⁸ Hossain Kamrul, “The Concept of Jus Cogens and the Obligation Under the UN Charter” *Santa Clara Journal of International Law* 3, no. 1 (2005): 72-98.

⁹ Ibid.

¹⁰ Ibid

warfare. In article 23(e) of the 1899 [Hague Convention II](#)¹¹ on the Laws and Customs of War on Land states that “it is especially forbidden...to employ poison or poisoned arms,” which has been considered as a *jus cogens* prohibition on the use of poison in warfare. Additionally, the Vienna Convention on the [Law of Treaties \(VCLT\)](#), which is a treaty concluded in 1969 that codifies the rules and principles of customary international law relating to the conclusion, interpretation, and termination of treaties states (in Article 53) that “a treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law.”¹² *Jus cogens* is a peremptory norm of international law. Therefore, divergence from *jus cogens* in any treaty would become void.

Treaties and Conventions: The International Human Rights Regime

The modern international human rights regime was most strongly established after the horrors of the Second World War and the Holocaust. World War II was a significant moment in the history of international law, and the international bodies such as the United Nations began to create legal structures that aimed to prevent repetition and to aid in solving the issues caused by the war. The atrocities of the Holocaust most notably aided the development of international law through the Nuremberg Trials. The Nuremberg Trials, held from 1945-46, was the first international war crimes tribunal, held in Nuremberg, Germany and involving judges and prosecutors from the four Allied powers (the United States, Great Britain, France, and the Soviet Union).¹³ The Trials prosecuted political and military leaders for crimes against humanity.¹⁴ The Nuremberg Trials set a precedent for international law by trying war criminals based on treaties of international law,

¹¹ For full text of this legal document see this link: https://avalon.law.yale.edu/19th_century/hague02.asp

¹² “Vienna Convention on the Law of Treaties.” For full text of the document see this link: https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf (accessed April 30, 2023).

¹³ “The Nuremberg Trial and Its Legacy,” *The National WWII Museum* | *New Orleans*, November 17, 2020. See the full article here: <https://www.nationalww2museum.org/war/articles/the-nuremberg-trial-and-its-legacy> (accessed April 30, 2023).

¹⁴ *Ibid*

including the Hague convention noted previously.¹⁵ The precedent set by this trial also included the typification of international crimes, which is integral in the prosecution of similar crimes going forward. Since that trial, numerous war crime trials have been held across the globe, and the legitimacy of international laws has been established. As US President Truman wrote to Francis Biddle, the US judge at Nuremberg, “an undisputed gain coming out of Nuremberg is the formal recognition that there are crimes against humanity.”¹⁶ The Nuremberg trials set the stage for the development of treaty-based human rights instruments. Although the Nuremberg trials were held based on pre-war treaties and agreements, the laws and declarations created after the trials have become fundamental to international human rights law. These treaties create the basis for international law by typifying international crimes which holds states accountable for the crimes they commit and provide prosecutors a legal basis for prosecution of international crime. The treaties and laws created will be explored in the following sections.

Following the postwar establishment of an international legal structure for human rights, numerous conventions, protocols, and declarations have been drafted to further shape human rights and international law. With the drafting and proclamation of the [Universal Declaration of Human Rights \(UDHR\)](#)¹⁷ by the United Nations General Assembly in 1948, a standard of civil, political, social, and cultural rights was established.¹⁸ By the mid 1960s, the [International Bill of Rights](#)¹⁹ was established, which includes the UDHR, [the International Covenant on Civil and](#)

¹⁵ John Barrett, “The Path from the 1907 Hague Conference to Nuremberg and Forward” (St. John’s University School of Law, 2007). See this source to read more about the development of the human rights regime from the Hague to the Nuremberg Trials and so on.

¹⁶ Norman Goda, “Crimes Against Humanity and the Development of International Law” (National WW2 Museum, 2001).

¹⁷ For the full text of this document see this link:

<https://www.un.org/en/about-us/universal-declaration-of-human-rights> (accessed April 30, 2023).

¹⁸ United Nations Office of the High Commissioner, “International Human Rights Law.” See this link:

<https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law> (accessed April 30, 2023).

¹⁹ For the full text of these documents see this link:

<https://www.ohchr.org/en/what-are-human-rights/international-bill-human-rights> (accessed April 30, 2023).

[Political Rights](#) (ICCPR)²⁰ and its two Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights.²¹ Although the UDHR is not a legally binding instrument, the ICCPR is, with those ratifying it being legally bound by its provisions. Another example of conventions resulting from the crises of WWII is the [1951 Refugee Convention](#)²², which protects the rights of people who are forced to flee their home and country for fear of persecution and discrimination.²³ The horrors of World War II led to a refugee crisis that was unprecedented, and the UN's Refugee Conventions were established because of the millions of people displaced in the aftermath of the war. 145 countries ratified the convention, and it became a key legal document in governing standards for refugee work and the rights of displaced peoples, and the obligations of states and nations to protect those peoples.²⁴ The UN has also provided guidelines to the rights of human rights victims and how they must be addressed in the face of violations of human rights and humanitarian law. In [The Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#)²⁵, which was adopted in 2005, the UN General Assembly aims to provide guidance to states and other actors on how to ensure that victims of gross violations of human rights and humanitarian law have access to effective remedies and reparations. They also outline the obligations of states to investigate and prosecute those responsible for such violations, and to take measures to prevent their recurrence. The key

²⁰ For the full text of this document see this link:

<https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/ccpr.pdf> (accessed April 30, 2023).

²¹ Ibid

²² For the full text of this document see this link: <https://www.unhcr.org/en-us/3b66c2aa10> (accessed April 30, 2023).

²³ UN General Assembly, "The 1951 Refugee Convention." See this link:

<https://www.unhcr.org/us/about-unhcr/who-we-are/1951-refugee-convention> (accessed April 30, 2023).

²⁴ Ibid

²⁵ For the full text of the document see this link:

<https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation> (accessed April 30, 2023).

elements of these principles include restitution, compensation, rehabilitation, and satisfaction, which are integral to ensuring that victims' needs are addressed. These guidelines serve as an important instrument in that they provide a standard of justice for victims of human rights abusers.

The establishment of basic human rights standards by the United Nations was created in order to avoid atrocities like the Holocaust from repeating and to establish an international understanding of the human rights that all people have, regardless of their nationality, religion, ethnicity, race, gender, socioeconomic status, or any other factor. With these declarations and covenants, a universal human rights standard was established that inspired enforceable laws and treaties in regions and countries around the world. Countries that ratified the treaties, covenants and declarations made a commitment to incorporating these principles into their domestic legal systems, and institutions within the United Nations were created to monitor the compliance of these principles around the world. For example, the [Convention on the Elimination of All Forms of Discrimination Against Women \(CEDAW\)](#)²⁶, which was adopted by the United Nations General Assembly and came into force in 1981, was ratified by Canada in 1981 and has been interpreted by Canadian courts to incorporate the principles of CEDAW into domestic law. [The Canadian Charter of Rights and Freedoms](#)²⁷, a constitutional document adopted in 1982, guarantees equality and aligns with the objectives of CEDAW, allowing Canadian courts to enforce the treaty through domestic law.²⁸ The relationship between domestic and international

²⁶ To see the full text of this convention see this link:

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-aga-inst-women> (accessed April 30, 2023).

²⁷ For the full text of this document see this link:

<https://publications.gc.ca/collections/Collection/CH37-4-3-2002E.pdf> (accessed April 30, 2023).

²⁸ Lucie Lamarche, "The Canadian Experience with the CEDAW: All Women's Rights Are Human Rights --A Case of Treaties Synergy" *Women's Human Rights CEDAW in International, Regional, and National Law*, (Cambridge University Press, 2013): 358-384. See this source for more information on how CEDAW as an international legal instrument has impacted the gender equality regime in Canada.

law varies by country. While some countries implement a monist system, in which international law and domestic law are considered to be a part of a single legal system, others have a dualist system, in which international and domestic law are considered to be part of separate systems.²⁹ In many cases, however, a country can implement both a monist and dualist relationship with the law based on the specific laws and cases. One example of a dualist state is the United Kingdom, which would need an “act of Parliament (the Human Rights Act 1998)” to incorporate international law into domestic law.³⁰ Overall, the drafting of the conventions and protocols by the United Nations has set the standard for human rights and obligations of states in protecting these rights. International human rights law is created by states becoming party to these treaties and conventions, and internalizing these standards into domestic law whether through direct application (monism) or domestic implementation (dualism).

How International Law is Enforced

Although covenants, declarations, and treaties create international law, the law is also enforced through various methods. When states make a commitment to international human rights law by ratifying those laws and are able to incorporate that law into their domestic legislation, then the rights of citizens are protected on a domestic level. However, when the state becomes the perpetrator through tyrannical political parties and leaders, and it does not protect the rights of its own citizens, other methods of enforcement have to be used. One of these methods is the International Criminal Court (ICC), which was established through the [Rome Statute of 1998](#)³¹ and adopted by 120 states. The states that have ratified the Statute agree to cooperate with the ICC in the investigation and prosecution of international crimes and accept the jurisdiction of a

²⁹ David Sloss, “Domestic Application of Treaties” (Santa Clara Law Digital Commons, 2011).

³⁰ John Laws, “Monism and Dualism” *La Revue Administrative*, vol. 53, no. 2, (2000): 18-22.

³¹ To see the full text of this document see this link: <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf> (accessed April 30, 2023).

permanent international criminal court “for the prosecution of the perpetrators of the most serious crimes committed in their territories by their nationals.”³² The court intervenes when a state is “unable or unwilling to genuinely carry out the investigation and persecute the perpetrators.”³³ The ICC prosecutes war crimes, crimes against humanity, and genocide and its infrastructure is set through the Rome statute.³⁴ The Rome Statute is also important because it established that international crimes have no statute of limitations³⁵, which is imperative to the prosecution of international crimes of the past.

Aside from the ICC, legal principles such as universal jurisdiction also play a role in international legal standards and law enforcement. Universal Jurisdiction refers to the recognition of international law that “certain crimes are so serious that the duty to prosecute them transcends all borders.”³⁶ For certain international crimes such as crimes against humanity, war crimes, genocide, and torture, principles of sovereignty and noninterference are overridden because perpetrators who commit such crimes are *hostes humani generis* or “enemies of all mankind” therefore any nation “should have the authority to hold them accountable.”³⁷ One prominent example of the implementation of universal jurisdiction was in the arrest of former Chilean president Augusto Pinochet, when he was detained in London but was ultimately found unfit by the UK court to stand trial and sent back to Chile.³⁸ Still, the fact that Pinochet was detained outside of his country in the UK by a warrant issued by a Spanish judge perfectly

³² International Criminal Court, “Understanding the International Criminal Court.” See the full document here: <https://www.icc-cpi.int/sites/default/files/Publications/understanding-the-icc.pdf> (accessed April 30, 2023).

³³ Ibid

³⁴ International Criminal Court, “Rome Statute of the International Criminal Court.” See the full document here: <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf> (accessed April 30, 2023).

³⁵ Ibid, article 29.

³⁶ The Center for Justice & Accountability, “Universal Jurisdiction.” See the full document here: <https://cja.org/what-we-do/litigation/legal-strategy/universal-jurisdiction/> (accessed April 30, 2023).

³⁷ Ibid

³⁸ Amnesty International, “How General Pinochet’s Detention Changed the Meaning of Justice” (Amnesty International, 2013).

illustrates the power of universal jurisdiction. The practice of universal jurisdiction strengthens the idea of international law and justice, as human rights abusers are held accountable for their actions even outside of the territory where the crime was committed. Enforcing international law transnationally creates a single standard of justice for all countries and further legitimizes international human rights.

Outside of legal tools such as the ICC and universal jurisdiction, international law can be enforced through international relations, UN Security Council (UNSC) resolutions, and state practice. Through diplomatic means, states can put sanctions on other states and take retaliatory actions against other states to enforce their international legal rights or to force a state into complying with international law. For example, global sanctions on apartheid South Africa played a major role in ending apartheid policies.³⁹ The UNSC similarly has the authority to impose sanctions and authorize the use of force to maintain international peace and security under Chapter VII of the United Nations Charter.⁴⁰ State practice can be used in tandem with the UNSC. For example, in 1991, a coalition of states led by the US used military force to expel Iraq from Kuwait, which was deemed to be an illegal invasion under international law, so the military force was authorized by the United Nations Security Council.⁴¹ Thus, international law is enforced through various avenues, both *de jure* and *de facto*.⁴²

³⁹ Audie Klotz, *Norms in International Relations: The Struggle Against Apartheid*, (Cornell University Press, 1995). See this source for more on the international fight against Apartheid and the role of international relations.

⁴⁰ CFR Staff, “The UN Security Council” (The Council on Foreign Relations, 2023). See this link for the full document: <https://www.cfr.org/backgrounder/un-security-council> (accessed April 30, 2023).

⁴¹ “United Nations Iraq-Kuwait Observation Mission.” *UN Peacekeeping*, 2003. See the full article here: <https://peacekeeping.un.org/sites/default/files/past/unikom/background.html> (accessed April 30, 2023).

⁴² An important question that the topic of enforcement of international law begs is why states comply with these laws? This topic has long been discussed in international legal forums and by scholars studying the subject. See this source for an exploration of the “rewarding” factors that impact the compliance of a state to international law: Anne van Aaken and Betül Simsek, “Rewarding in International Law” (Cambridge University Press, 2021).

Confronting International Crimes of the Past: Transitional Justice

The international human rights regime has become significantly more legitimate and substantial in the last 80 years, but in many cases throughout history, victims have been left with no avenue to justice. Although international law has no statute of limitations for international crimes and it has expanded its scope to be as wide reaching as possible, there continue to be roadblocks within domestic legal structures and society that prevent victims from seeking or gaining justice.

Institutions such as the ICC have limited jurisdiction, due to both temporal (ICC only covers crimes committed after 2002) and geographical limitations (state cooperation is a requirement), and many groups of victims are left behind from the current international human rights regime.

The limits of international human rights law and its practice throughout the world has given rise to other victim based systems that focus on upholding human rights and gaining justice for victims who are overlooked. One of these systems is Transitional Justice (TJ), which refers to “how societies respond to the legacies of massive and serious human rights violations.”⁴³ TJ is specifically used to address human rights abuses that have occurred during periods of political “transition” or conflict⁴⁴, but the mechanisms it provides for justice can be used on a wider scale.

TJ focuses on various issues and uses multiple avenues to gain justice for victims of major human rights violations, both legal and quasi-legal. By wielding the power of international law, through criminal tribunals and prosecutions, and providing a toolkit for justice for massive crimes, Transitional Justice takes into account the political context of a crime and navigates the often tumultuous road to justice for victims of horrendous human rights violations.

⁴³ International Center for Transitional Justice, “What Is Transitional Justice?” See the full source here: <https://www.ictj.org/what-transitional-justice> (accessed April 30, 2023).

⁴⁴ Oliviera Simic, *An Introduction to Transitional Justice*, 2nd ed. (Routledge, 2020): 1-24.

The “toolkit” of TJ is important because it does not rely solely on legal or judicial avenues of justice, but also provides symbolic, material, and policy-oriented avenues for justice, restoration and reconciliation. Other forms of TJ mechanisms include reparations, truth-seeking initiatives, peace processes, institutional reform, and other tools to help societies recover from mass violence and conflict.⁴⁵ One example of TJ being used for victimized groups is the Truth and Reconciliation Commission in South Africa. After the end of apartheid in South Africa, the Truth and Reconciliation Commission (TRC) was established in 1995 as a restorative justice mechanism. The TRC’s report, which was published in 1998, included testimony from over 22,000 victims and witnesses and over 2,000 testified at public hearings.⁴⁶ The TRC, which was mandated by the South African Parliament, authorized an offer of “amnesty for truth”⁴⁷ where “perpetrators of human rights abusers who were willing to confess” were protected from criminal charges.⁴⁸ The TRC allowed victims and perpetrators to come forward to promote healing and reconciliation. Another example of TJ used to bring justice to victims was in Cambodia for victims of the Khmer Rouge regime. Under the Khmer Rouge, “approximately 1.7 million Cambodians” were killed ‘by execution, starvation, and forced labor.’⁴⁹ In 2006, the Extraordinary Chambers in the Courts of Cambodia (ECCC), also known as the Khmer Rouge Tribunal, “a hybrid tribunal” consisting of Cambodian and international judges, prosecutors, and supporters began operations to “prosecute Khmer Rouge senior leaders and those ‘most

⁴⁵ International Center for Transitional Justice, “What Is Transitional Justice?” See the full source here: <https://www.ictj.org/what-transitional-justice> (accessed April 30, 2023).

⁴⁶ ICTJ, “South Africa.” See the full source here: <https://www.ictj.org/location/sudáfrica> (accessed April 30, 2023).

⁴⁷ The conditional amnesty given to those willing to confess in the TRC was highly criticized, but it allowed for a level of reconciliation among a torn apart society in South Africa. To read about an analysis of how accountability could be found after the TRC and its amnesty process see this source: Ole Bubenzer, “Accountability for Political Crimes after the Truth and Reconciliation Commission’s Amnesty Process” *Post-TRC Prosecutions in South Africa*, (Brill, 2009).

⁴⁸ Ibid

⁴⁹ ICTJ, “Cambodia.” See the full source here: <https://www.ictj.org/location/cambodia> (accessed April 30, 2023).

responsible' for genocide, crimes against humanity, and other serious abuses.⁵⁰ The ECCC not only prosecuted perpetrators but also implemented a reparations program for victims. Although many of these cases have often garnered their fair share of criticism and calls for other avenues for victims to be compensated, in many cases they have also created a path in an often impossible context, dealing with mass crimes against large groups of victims in vulnerable societies post-conflict or in transition. The application of TJ creates precedent for other victim groups to be recognized. The Khmer Rouge Tribunal, for example, created a formula for a “mixed” tribunal of international and domestic legal institutions that was unprecedented, and was modeled on the “Special Court for Sierra Leone, established in 2002, and in East Timor and Kosovo, [established in 2000], where international judges have been invited to sit on the bench in the national courts.”⁵¹

Most significantly, however, Transitional Justice recognizes that criminal justice is not the only form of justice, and that there are many avenues to serve victims and ensure that crimes are acknowledged and victims are seen. TJ helps fill the gap that many victims face in their pursuit and lack of gaining justice from domestic legal structures and society. TJ’s ability to take into account the contextual factors that affect a victim’s path to justice such as the society at large, the government in power, and the position of the victim group, allow for a practical path to justice using innovative mechanisms. Although TJ was created to help societies recover from massive human rights violations, the toolkit provided can be used in many cases and not just those in “transition” or post war/conflict.

The Case of Jewish Refugees from MENA Countries

⁵⁰ Ibid

⁵¹ Tom Fawthrop and Helen Jarvis, *Getting Away with Genocide?: Elusive Justice and the Khmer Rouge Tribunal*, (Pluto Press, 2004). To read more about the journey for justice for victims of the Khmer Rouge, see this source.

The case of Jewish refugees from MENA countries is one that requires the tools of both international law and Transitional Justice. Jews from Arab countries were systematically discriminated against, persecuted, forced out of their homes, and looted of their property. Their governments failed to protect them and their rights were repeatedly violated. In fact, in most cases the governments were the perpetrators of the crime. At the same time that the United Nations was strengthening its stance on human rights and the rights of refugees, nearly one million Jews from Arab countries had become refugees, yet their right to justice was completely ignored. On multiple occasions, 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.⁵² However, none of those refugees nor their descendants have been granted rights to their land, property, or even recognized as victims of persecution and discrimination on an international level. Despite their status as refugees, and the human rights violations Jews clearly faced, international law has not protected them nor served justice.

The case of Jewish refugees from Arab countries must also be seen within its political context. At the same time that Jews were being forced out of their homes throughout the Middle East and North Africa, so too was the War of Independence between Israel and multiple Arab countries taking place, forcing many Palestinians to flee and become refugees. The difference, however, is that Palestinians and their descendants are still recognized as refugees while Jews very quickly lost that status because of their rapid absorption by the State of Israel. Calls for justice for Palestinians and peace in the region fail to recognize the Jews who also became refugees under the guise of anti-Zionism from their home countries. In reality, the discrimination and persecution Jews faced throughout the MENA region far predated the rise of Zionism.

⁵² Irwin Cotler, David Matas, and Stanley Urman, "Jewish Refugees from Arab Countries: The Case for Rights and Redress," *Justice for Jews from Arab Countries*, November 5, 2007, <http://www.justiceforjews.com/jjac.pdf> (accessed April 26, 2023).

Moreover, the timing of their being uprooted and kicked out of their own homes, facing severe discrimination and even pogroms, coincides with the rise of human rights and international law.

Transitional justice provides a useful toolkit in attaining justice for these Jewish refugees because it takes into account political contexts such as the Israeli-Palestinian conflict, the tension between Arab countries and Israel, and other political events that have implications on the process for justice for Jewish refugees. Transitional justice acknowledges that justice comes in many forms, and that Jewish refugees may be acknowledged and their story heard but their perpetrators may not be put on trial. Although the countries from which these Jewish refugees came are not in “transition” the Jews uprooted from their homes represent a minority community who faced massive human rights violations and Transitional Justice provides a toolkit for justice to be served. Additionally, international human rights law clearly describes the rights of citizens and refugees, and in all cases the Jewish refugees from Arab countries were violated of their human rights by being forced out of their homes. having their land and property stolen, and being treated as second class citizens and later, as stateless individuals in those same countries..

Research Methodology

In my research, I will be exploring how the dual toolbox of international law and Transitional Justice can provide expanded avenues for justice for Jewish refugees from Arab countries. My study will focus specifically on the cases of Iraq and Morocco with the aim of drawing lessons that can be applied to most of the countries throughout the MENA region. My choice to narrow the cases of Arab countries to Iraq and Morocco will allow me to do an in depth analysis of the cases in each country and get a comprehensible understanding of how international legal tools and Transitional Justice mechanisms can be used to serve refugees from countries throughout the region.

Case Selection

When beginning preliminary research, I looked into the history of Arab countries in North Africa and the Middle East. Their Jewish history, legal history, and their relationship with the international human rights regime and mechanisms were all factors I considered when doing my research. My case study had to be narrowed down in order for me to be able to do an in depth analysis of the countries I was looking into and to understand how international law can be applied to the abuses in those countries and to understand how the domestic legal structure in those countries led to the brutalized expulsion of deeply rooted Jewish communities. I looked into multiple factors to narrow down my case: geography, history of colonization, size of Jewish community, existence of Jews post the establishment of the state of Israel, relations with the State of Israel, involvement in political conflict with Israel, impact of the Holocaust in that nation, and relationship with the international human rights regime.

My ultimate decision to focus on Morocco and Iraq came from a few key factors. Morocco currently has the largest Jewish community in the Arab world, around 2,000, where Iraq has about 4 Jews remaining. Morocco is in North Africa and was directly impacted by Nazis as they were occupied by France during World War II. Iraq, on the other hand, is a Middle Eastern country and gained its independence from the British before the Second World War, and was impacted indirectly by Nazi propaganda. While Morocco currently boasts good relations with Israel and acknowledges its Jewish history and population, Iraq remains hostile towards Israel and refuses to even acknowledge that a Jewish community once existed in its land, let alone a large and vibrant one. The two countries together represent vastly different Jewish experiences and histories, and because of that, studying them both in depth will allow me to gain

a greater understanding of how these factors impacted the treatment of Jews, their expulsion, and their attainment of justice.

These key variables of both countries, though very different from each other, are similar to many of the countries throughout the MENA region, and therefore are ideal sample cases for the region as a whole. In my case selection process, I intentionally chose countries contrasted starkly from each other, not only to get a greater understanding of how these factors impact the treatment of Jews, but also to understand how they translate in the mechanisms and tools that might be applicable in order for the Jewish refugees from these countries to gain justice. My case selection was done with the aim of being able to understand the many factors at play within the large MENA region, and to create a prescription of justice that could be applicable to more than one country. Although each country is certainly unique, there are some factors that can be attributed to most, if not all of them, and pinpointing these factors allowed me to find cases that differed in each respect so that I can get a better understanding of their impact. Comparing Morocco and Iraq will allow me to understand how these varying factors affected the case for Jews and how the cases in these two countries can be applied to others in the region who are also liable for what their Jews faced.

The chart below demonstrates some of the major differences between the two countries:

Figure 1: General Comparison of Countries

Country	Morocco	Iraq
Current Government	Constitutional Monarchy	Parliamentary Republic
Current/Former Size of Jewish Population	Existent and largest current population around 2,500/ 1948 265,000	Less than 4 Jews remaining/ 135,000 in 1948
Geographic Region	North Africa	Middle East

Relations with Israel	On and off / currently friendly normalized since 2020	Hostile/ Iraq does not recognize Israel
Occupation Type/Country	French Protectorate and Spanish Occupation	British Mandate
Impact of Holocaust	Racist Vichy French laws/ Jewish population protected relative to other MENA countries	Farhud/ other attacks direct result of Nazi propaganda

Research Method

My research method will focus on analyzing the domestic legal structures that were discriminatory against Jewish citizens and using process tracing to understand the impact of events and causation that ultimately led to the uprooting of entire Jewish communities. I will be studying the discrimination and persecution Jews faced chronologically with the political events that unfolded in each country. I will then establish and typify the crimes that Jews in Iraq and Morocco faced, in order to create a basis for legal redress. I will compare the political legal evolution domestically after world war I, including during and after European occupation to the development of international human rights law. This chronology⁵³ will allow me to understand the relevance of international legal systems on the quest for justice for Jewish refugees from Arab countries. Additionally, the chronology will also create a timeline of understanding how the refugee status of Jews from Arab countries lined up with the refugee conventions and other legal documents that could or should have impacted the Jewish refugees at the time. Process tracing will help me analyze the various events that took place in Morocco and Iraq, and how those events impacted Jewish communities and ultimately led to their exile. The foundation of process tracing is causation and sequencing which will be critical to my study and to understand the legal

⁵³ See appendix.

legitimacy of the case of Jewish victims.⁵⁴ Finally, I will analyze how the legal prescriptions for justice differ between Iraq and Morocco, and how the variables that differentiate the two countries translate into these contrasts. An analysis of these differences will allow me to typify the avenues to justice that can be sought for the various crimes faced.

Research Goal

The ultimate goal of my study will be to identify a legal basis for justice for Jewish refugees from Iraq and Morocco and further a prescription of justice using the tools of international law and Transitional Justice. The cases of Morocco and Iraq will prove influential on other cases throughout the region because of how varied they both are, and how the differing variables in both countries impact the prescribed legal remedies. My research aims to understand how the domestic legal systems interact with international legal standards and how international human rights law can protect citizens who are not protected domestically, in this case Jewish citizens. By creating a roadmap of legal remedies available to the Jewish refugees from Iraq and Morocco, I aim to create a path forward for the entire region and the many communities that have been similarly uprooted from their homes. Integral to my research applicability will be an analysis of the differences in the legal prescriptions of both countries, which will allow me to understand how certain variables— such as domestic political regime— can impact the road to justice for victims. Ultimately, the case of these Jewish victims will prove impactful not only on Jewish refugees from other countries in the region but on all communities of victims that have been overlooked by international and domestic legal protection.

⁵⁴ David Collier, “Understanding Process Tracing” *PS: Political Science & Politics*, 44, no. 4, (Cambridge University Press, 2011): 823-830.

Chapter 3: Iraq Case Analysis

In this chapter I will be briefly discussing the history of the Iraqi Jewish community, relevant political and legal events in Iraq, and a timeline of events that took place in Iraq post World War I that ultimately led to the expulsion of the Jewish community. I will be establishing a basis of the international crimes that were committed against Iraqi Jews and highlighting the main factors that led to the ethnic cleansing of Jews from Iraq. Specifically, I will be exploring the domestic legal structures that led to the crimes committed against Iraqi Jews and identifying the perpetrators. Finally, I will be exploring the current position of Iraqi Jewish refugees and their quest for justice.

Historical Background

A Brief History of Iraq

The country now known as “Iraq” was first settled by the Sumerians when it was known as Mesopotamia.⁵⁵ Up until the mid-sixteenth century takeover of the Ottoman Empire, modern day Iraq was conquered by the Sumerians, the Akkadians, the Babylonians, the Assyrians, the Parthians and Medians, Persians and Sassanides, and the Arabs.⁵⁶ Under Arab rule, which began

⁵⁵ Alisa Douer, *The Jews of Iraq*, 4, *Arabische Welt- Arab World Series*, (Logos Verlag Berlin, 2017): 27.

⁵⁶ *Ibid*, 12-69.

in 632, the name Iraq, meaning “the fertile” was introduced.⁵⁷ In 1534, the region became part of the Ottoman Empire⁵⁸, lasting until the end of World War I, when it was split into three main provinces Mosul, Baghdad, and Basra.⁵⁹ In 1917, the British seized Baghdad during World War I and the League of Nations approved a British mandate in Iraq in 1920.⁶⁰ Under British rule, the three provinces were consolidated into the modern nation of Iraq.⁶¹ The British faced major resistance to their rule. In July 1920 a revolt broke out against British rule in the rural areas of Iraq, and it took the British army three months to regain control of the country.⁶² The uproar from Iraqis forced the British to change the way they governed the mandate. The British proclaimed Emir Faisal as King of Iraq in 1921, and formed a government with a prime minister⁶³ and a cabinet made up of Iraqis.⁶⁴ As more power was given to Iraqi politicians, British power began to wane.⁶⁵ Organized Arab nationalism was sprouting in Iraq with an emphasis on removing the British mandate and creating an independent Iraqi Arab state.⁶⁶ In 1932, the League of Nations ended the British mandate and gave Iraq membership in the League as an independent state.⁶⁷

The independence of Iraq was not the reality, however. Iraq still depended on Britain for military and economic support and the British state continued to collude with the new Iraqi political elite.⁶⁸ At the outbreak of World War II Britain worked to secure its oil and position in Iraq, but in 1941 a group of pro-Nazi Iraqi military officers led by Rashid Ali al-Kaylani forced

⁵⁷ Ibid, 12.

⁵⁸ Ibid, 82.

⁵⁹ Ibid, 71.

⁶⁰ BBC, “Iraq Profile - Timeline” *BBC*, October 3, 2018, <https://www.bbc.com/news/world-middle-east-14546763> (accessed April 25, 2023).

⁶¹ Charles Tripp. “The British Mandate.” Chapter in *A History of Iraq*, 3rd ed. (Cambridge: Cambridge University Press, 2007): 30-74.

⁶² Stacy Holden, *A Documentary History of Modern Iraq* (University Press of Florida, 2012): 53-88.

⁶³ Ibid

⁶⁴ Ibid

⁶⁵ Ibid

⁶⁶ Ibid

⁶⁷ Ibid

⁶⁸ Ibid, 89-124.

the British backed government out and the royals fled.⁶⁹ A few months later, when coup leaders tried to restrict British troop movement, the British landed a force at Basra and took Baghdad to put down the coup, and the monarchy was restored.⁷⁰ Although the political elite continued to be controlled by the British, Arab nationalism was burgeoning in Iraq, and Iraq became one of the founding members of the Arab League in 1945 and a member of the UN.⁷¹ In July of 1958 the elite were finally overthrown by a coup led by Brigadier Abdul Karim Qassim and took over Baghdad.⁷² With the King deposed and the Republic of Iraq being established, the military remained in power for decades despite repeated coups.⁷³ The most recent history of Iraq is a tragic one, filled with war, instability, mass atrocities, and authoritarianism. In 1968 a coup brought the Ba'ath Party, an Arab nationalist party⁷⁴, together with the military to power.⁷⁵ Saddam Hussein would mold this party until his eventual takeover in 1979, where he dominated every aspect of Iraqi life.⁷⁶ Saddam's Ba'ath party would become a violent and corrupt regime that resulted in grave atrocities and injustices. In 1980, conflicts with Iran turned into the Iran-Iraq war, which spanned 8 years and resulted in a stalemate.⁷⁷

1990-Present Day Iraq

⁶⁹ Beverley Milton-Edwards, "Iraq, Past, Present and Future: A Thoroughly Modern Mandate?" *History & Policy*, May 8, 2003, <https://www.historyandpolicy.org/policy-papers/papers/iraq-past-present-and-future-a-thoroughly-modern-mandate> (accessed April 25, 2023).

⁷⁰ Ibid

⁷¹ Jonathan Masters and Mohammed Aly Sergie, "The Arab League" *Council on Foreign Relations*, February 2020, <https://www.cfr.org/background/arab-league> (accessed April 25, 2023).

⁷² Ibid

⁷³ Ibid

⁷⁴ Zeinap Saleh, "The Human Cost of US Interventions in Iraq: A History From the 1960s Through the Post-9/11 Wars" (Watson Institute for International and Public Affairs at Brown University, 2020).

⁷⁵ Beverley Milton-Edwards, "Iraq, Past, Present and Future: A Thoroughly Modern Mandate?" *History & Policy*, May 8, 2003, <https://www.historyandpolicy.org/policy-papers/papers/iraq-past-present-and-future-a-thoroughly-modern-mandate> (accessed April 25, 2023).

⁷⁶ Ibid

⁷⁷ BBC, "Iraq Profile - Timeline" *BBC*, October 3, 2018, <https://www.bbc.com/news/world-middle-east-14546763> (accessed April 25, 2023).

In 1990, two years after the end of the Iran-Iraq war, Iraq invaded Kuwait, which prompted UN sanctions and international actions against the invasion (led by the US), which ultimately led to the Persian Gulf War.⁷⁸ At the end of the 42 day war, Iraq accepted the cease-fire agreement but the UN sanctions were maintained on the country. The sanctions and the damage caused by war put Iraq into a humanitarian crisis by 1995.⁷⁹ Millions of people in Iraq were suffering widespread malnutrition and a lack of access to resources.⁸⁰ Despite the situation of its citizens, Iraq continued to pose a problem to world powers and the US urged the UN to take actions against the threat of danger by Iraq. In 2003, Saddam Hussein's government was toppled by the US and marked the beginning of years of violent conflict between competing groups for power.⁸¹ In the two-decades since the US invasion of Iraq, a decline of violence led to the withdrawal of international forces and Iraq has been governed by Iraqis, facing their fair share of internal conflict and instability.⁸²

The Jews of Iraq

The Iraqi Jewish community is one of the oldest diasporic communities to have ever existed, dating back to 722 BCE, when the northern tribes of Israel were defeated by Assyria and some Jews were taken to the land that is now known as Iraq, then known as Babylonia.⁸³ A larger community was established in 586 BCE, when the Babylonians enslaved the Jews after burning down Jerusalem and the Second Temple and conquering the southern tribes of Israel.⁸⁴ From the

⁷⁸ Stacy Holden, *A Documentary History of Modern Iraq* (University Press of Florida, 2012): 265-299.

⁷⁹ Ibid

⁸⁰ Ibid

⁸¹ BBC, "Iraq Profile - Timeline" *BBC*, October 3, 2018, <https://www.bbc.com/news/world-middle-east-14546763> (accessed April 25, 2023).

⁸² World Peace Foundation, "Mass Atrocity Endings: Iraq Post-2003" *Tufts University*, August 7, 2015, <https://sites.tufts.edu/atrocityendings/2015/08/07/iraq-post-2003/> (accessed April 25, 2023).

⁸³ Jewish Virtual Library, "Jews in Islamic Countries: Iraq" <https://www.jewishvirtuallibrary.org/jews-of-iraq> (accessed April 25, 2023).

⁸⁴ Alisa Douer, *The Jews of Iraq*, 4, *Arabische Welt- Arab World Series*, (Logos Verlag Berlin, 2017): 28-33. See this source for a detailed history of Jewish presence in Iraq, including an analysis of Jewish relations under each ruling empire and the historical ties of Jews to major Iraqi cities.

6th century there was a continual Jewish presence in Mesopotamia/Babylon.⁸⁵ As more Jews came to Babylon in later centuries, many prominent Jewish scholars made their home there, and Babylon became the “cultural and intellectual center for Jewish people in the whole world for hundreds of years.”⁸⁶ The Babylonian Talmud, a central text of Judaism, was written there in 500 CE.⁸⁷ During Muslim rule, which began in the mid-7th Century CE, Jews began speaking Arabic instead of Aramaic and were legally subjected to the rules of the Pact of Umar (9th century CE)⁸⁸, a guide on “the relations between Muslims and ‘the people of the book’” such as Jews and Christians. The Pact of Umar stipulated that Jews (and other “people of the book”) were considered “Dhimmis” or a “protected” class that was required to pay a special tax, “jizya,” to be protected by ruling Muslims against death and conversion, and granting them exemption from military service. However, Dhimmis were not allowed to hold government office and limitations were placed on where Dhimmis could have houses of worship and how visible they were (reciting prayer in a loud voice was forbidden).⁸⁹ The Pact of Umar codified Jews as second class citizens, increasing in stringency as time went on and remained in force up until the time of the Ottoman Empire. At its peak in 1948, the Jewish community in Iraq was at 150,000 and Jews constituted one-third of the population of Baghdad, the country’s capital.⁹⁰ Throughout their nearly 3,000 year history, the Jews of Iraq faced varying levels of freedom, human rights, and integration.

Ottoman Rule (1534-1917)

When Iraq became part of the Ottoman empire in 1534, the status of Jews went through varying periods of relative prosperity and decline. In the early nineteenth century, under Turkish

⁸⁵ Ibid

⁸⁶ Ibid, 44.

⁸⁷ Ibid, 52-53.

⁸⁸ Jacob Marcus, *The Jew in the Medieval World: A Sourcebook*, (Holiday House, 1969): 315-1791.

⁸⁹ Ibid

⁹⁰ Ibid, 65-67.

ruler David Pasha, Jews of Baghdad were heavily persecuted and many fled.⁹¹ Although some Iraqi Jews had gained economic success in the early 19th century and become heavily involved in trade and commerce, they lived in separate quarters in Baghdad and “suffered from the instability typifying the Iraqi political system prior to 1831...and a majority of the Jewish Iraqi community was poor.”⁹² The level of tolerance changed for Jews during the Tanzimat, a series of reforms by the Ottoman Empire in the mid-19th century (1839-76), which among other objectives, aimed at equality between different communities and classes.⁹³ The Tanzimat reforms largely abolished the Dhimmi status of Jews and provided paths for Iraqi Jews to take part in government. Notably, Jews were represented as delegates to the provincial administrative council for the province of Baghdad, a right they did not have as Dhimmis.⁹⁴ The first Ottoman Parliament in 1877-78 included a Jewish member among four representatives from Baghdad.⁹⁵ The Tanzimat served as a turning point for the Iraqi Jewish community as they took advantage of the modernization and reform it brought about. In July of 1908, the reinstatement of the constitution also marked a new period of social and cultural prosperity and the integration of minority communities into Iraqi society.⁹⁶ Iraqi Jews celebrated the prospect of freedom and

⁹¹ Gershon Rijwan, “The Jews of Iraq Since 1932” *Dropsie College Theses*, 38, (Dropsie College for Hebrew and Cognate Learning, 1963): 4.

⁹² Orit Bashkin, “‘Religious Hatred Shall Disappear from the Land’ - Iraqi Jews as Ottoman Subjects, 1864-1913.” *International Journal of Contemporary Iraqi Studies*, 4, No.3, (2010): 305-323.

⁹³ Wajih Kawtharani, “The Ottoman Tanzimat and the Constitution” *AlMuntaqa*, (2018): 51-65. See this source for a thorough analysis of the Ottoman *Tanzimat* and the rise of its Constitution and what these changes strived to achieve including the implications of expansion of individual and community rights that came with the reforms. It is interesting to think about how these reforms could have affected the Jewish community of Iraq in the long term had they been fully realized and the Ottomans remained in power.

⁹⁴ Anne Greene, “What Do You Know? Iraq’s Jewish History” *What Do You Know?* Herbert D. Katz Center for Advanced Judaic Studies, March 25, 2019, <https://katz.sas.upenn.edu/resources/blog/what-do-you-know-iraqs-jewish-history> (accessed April 25, 2023).

⁹⁵ Ibid

⁹⁶ Orit Bashkin, “‘Religious Hatred Shall Disappear from the Land’ - Iraqi Jews as Ottoman Subjects, 1864-1913.” *International Journal of Contemporary Iraqi Studies*, 4, No.3, (2010): 305-323. See this source for a thorough analysis of the changes that took place after the Tanzimat reforms and the transition of the Jewish community into one that was actively pursuing integration into Ottoman and Arab culture. It is important to note that even with these nuances in the Jewish community (varying socioeconomic status, education level, political ideologies, and level of integration) *all* of them were later expelled between 1948-1968, regardless of these differences. Jews were not differentiated when targeted by antisemitic groups and sentiments that ultimately led to their exile.

equality. Iraqi Jews joined non-sectarian political organizations at higher rates, despite propaganda from local Muslims against voting for Jews.⁹⁷ The integration of Jews was also seen in their linguistic changes. Although in the beginning of the 19th century Jewish Iraqi culture was multilingual, with the new modes of communication, the linguistic dynamic changed among the community.⁹⁸ Jews began writing exclusively in Arabic and Turkish and abandoning Judeo-Arabic in hopes of integrating into the Ottoman and Arab society.⁹⁹ It is important to note that Jews were free to publish in Hebrew, but chose Arabic and Turkish, a strong signal of their desire to be integrated into the Arab and Ottoman society. The relative improvement brought about by these Ottoman reforms and the subsequent integration of Jews in society did not completely protect them, however. Just before the fall of Baghdad and the Ottoman Empire, Jews faced severe persecution at the hands of Turkish governors, with some Jewish leaders facing death, torture, and imprisonment.¹⁰⁰

British Mandate (1920-1932)

Many Jews welcomed the British mandate because of the persecution they faced prior to the introduction of British control. Jews of Iraq lived relatively peacefully during the time of the British mandate, because of the increased secularization brought by the British regime, Jews became more involved in government service and trade, and expanded their school system where Hebrew was taught in addition to Arabic, English, and French.¹⁰¹ Under the British, Iraqi Jews held prominent roles in government, including Iraq's first Finance Minister, Sassoon Eskell.¹⁰² At the beginning of the 20th century, when the British came into power, most Jews lived in big

⁹⁷ Ibid

⁹⁸ Ibid

⁹⁹ Ibid

¹⁰⁰ Gershon Rijwan, "The Jews of Iraq Since 1932" *Dropsie College Theses*, 38, (Dropsie College for Hebrew and Cognate Learning, 1963): 4.

¹⁰¹ Ibid

¹⁰² Carole Basri, "The Jewish Refugees from Arab Countries: An Examination of Legal Rights - A Case Study of the Human Rights Violations of Iraqi Jews," *Fordham International Law Journal* 26, No. 3, 2002: 656-720.

cities, and one third of the Jewish population lived in Baghdad, the capital of the British Mandate in Iraq.¹⁰³ Many Jews had also begun to secularize under British rule, leaving the traditional Jewish quarters and decreasing their observance of Kosher and Sabbath.¹⁰⁴ This secularization has been attributed by some to the increase in education levels that occurred for Jews during the mandate.¹⁰⁵ The equality offered by the British for the local population would become a brief “golden age for the Jews of Iraq.”¹⁰⁶ However, in the long term, this respite from total inequality would prove harmful for Jews. The relative improvement of the status of Jews under the British would become a platform for the independence movement to mark Jews as enemies of the state and pro-Colonialists.

Quasi-Statehood (1932-1958)

After the independence of Iraq and the end of the British mandate, Iraqi Jews enjoyed a short period of peace and relative security, with higher education standards and roles in government.¹⁰⁷ Although Iraq was newly independent, the government was still largely controlled by Britain. However, this prosperity was short-lived: after King Faisal’s death in 1933, the position of Jews and other minorities in Iraq began to deteriorate. Varying voices marginalized the Jewish community, including Arab nationalists who believed that Iraq should be a Muslim Arab nation, and that Jews should not be integrated into Iraqi society.¹⁰⁸ These sentiments began to be shown in various parts of Iraqi society. For example, in 1935, a Ministry of Education directive said “state secondary and higher education schools could accept only a limited number of Jews and

¹⁰³ Alisa Douer, *The Jews of Iraq*, 4, *Arabische Welt- Arab World Series*, (Logos Verlag Berlin, 2017): 108-110.

¹⁰⁴ Ibid

¹⁰⁵ Ibid

¹⁰⁶ Carole Basri, “The Jewish Refugees from Arab Countries: An Examination of Legal Rights - A Case Study of the Human Rights Violations of Iraqi Jews,” *Fordham International Law Journal* 26, No. 3, 2002: 656-720.

¹⁰⁷ Gershon Rijwan, “The Jews of Iraq Since 1932” *Dropsie College Theses*, 38, (Dropsie College for Hebrew and Cognate Learning, 1963): 4

¹⁰⁸ Dor Saar-Man, “Nazi Germany and the Farhud in Iraq” Museum of the Jewish People, January 9, 2018, <https://www.anumuseum.org.il/blog-items/nazi-germany-farhud-iraq/> (accessed April 25, 2023).

the teaching of Hebrew was very restrictive”¹⁰⁹ indicating the push for Arab nationalization and the isolation of the Jewish community that was beginning to sprout. Additionally, fascism was on the rise throughout Europe, and Iraqi nationalists began forming closer ties with Germany as a point of opposition against Britain.¹¹⁰ Nazi propaganda was promoted heavily throughout Iraq, with Hitler’s *Mein Kempf* and his speeches being translated into Arabic, and German educators coming to Iraq to spread antisemitic propaganda.¹¹¹ As Iraqi newspapers promoted Nazi ideals, asserting that Iraqi Jews and Zionists were the same and that Jews around the world were planning to destroy Iraq, the anti-Jewish sentiment around the country became stronger.¹¹² The extremist Al-Fatwa movement was founded with help from the Germans, calling for “strict Islamic adherence by all Iraqi citizens” and forcing all students and teachers, including Jews, to join.¹¹³ With the former mufti of Jerusalem, Haj Amin al-Husseini, who was a big proponent of Hitler’s ideologies, settling in Iraq after being banned from Palestine by the British, the promotion of the pro-German agenda became even more prominent.¹¹⁴

The Farhud

In April 1941, pro-German Prime Minister Rashid Ali led a coup and overthrew all pro-British officials.¹¹⁵ In May 1941, the British defeated the Iraqi army and “all pro-German Iraqi officials escaped to Iran...their successors signed a surrender agreement.”¹¹⁶ According to the surrender agreement, the British would enter Baghdad in two days. These two days provided the Al Fatwa group a window of opportunity.¹¹⁷ On June 1st 1942, the Farhud took place in Iraq. Al Fatwa

¹⁰⁹ Reva Landau, “Iraq’s Anti-Semitic History” *Off Our Backs*, 13, no. 9, (1983): 26.

¹¹⁰ Dor Saar-Man, “Nazi Germany and the Farhud in Iraq” Museum of the Jewish People, January 9, 2018, <https://www.anumuseum.org.il/blog-items/nazi-germany-farhud-iraq/> (accessed April 25, 2023).

¹¹¹ *Ibid*

¹¹² *Ibid*

¹¹³ *Ibid*

¹¹⁴ *Ibid*

¹¹⁵ *Ibid*

¹¹⁶ *Ibid*

¹¹⁷ *Ibid*

marked Jewish houses in red and incited the masses against the Jews. The Muslim residents of Baghdad “carried out a savage pogrom against their Jewish compatriots.”¹¹⁸ In total, the Farhud left nearly 200 Iraqi Jews dead, 600 wounded, and at least 1,500 stores and homes were looted—2,500 (15% of the Jews of Baghdad) were harmed, either physically or materially.¹¹⁹ After two days of violence and bloodshed, the British entered the city and stopped the pogrom. However, the British knew about the plans for the pogrom a day earlier, and did nothing to stop it.¹²⁰ The government opened a commission of inquiry into the Pogrom, which determined that Nazi propaganda was one of the “foremost instigators” as well as individuals including the German ambassador to Baghdad and the former mufti of Jerusalem.¹²¹ The Farhud marked a turning point in Iraqi Jewish history, leaving a mark on the community as a low point in their long history in the region and forcing many to flee their homes.

Zionism Movement

Although in the immediate years following the pogrom Jews enjoyed relative peace, the simultaneous growth of the Zionist movement and the Arab League, of which Iraq was a founding member, led to actions against Zionists that severely impacted Jews across the Arab world, and especially in Iraq.¹²² In 1945, a resolution was passed to impose an economic boycott against Zionist industry and trade, and in 1946 the League set up a permanent boycott committee.¹²³ The regulations for the boycotts “blurred the distinction between Jewish and

¹¹⁸ Edy Cohen “The Farhoud Remembered.” Begin-Sadat Center for Strategic Studies, June 2, 2017, <http://www.jstor.org/stable/resrep04597>. (accessed April 25, 2023).

¹¹⁹ Esther Meir-Glitzstein, *Zionism in an Arab Country: Jews in Iraq in the 1940s*, (Taylor & Francis Group, 2004): 10-30. See this source for an analysis of the Zionism establishment in Israel and the Jewish community in Iraq.

¹²⁰ Dor Saar-Man, “Nazi Germany and the Farhud in Iraq” Museum of the Jewish People, January 9, 2018, <https://www.anumuseum.org.il/blog-items/nazi-germany-farhud-iraq/> (accessed April 25, 2023).

¹²¹ Edy Cohen “The Farhoud Remembered.” Begin-Sadat Center for Strategic Studies, June 2, 2017, <http://www.jstor.org/stable/resrep04597>. (accessed April 25, 2023).

¹²² Thomas Mayer, “Arab Unity of Action and the Palestine Question, 1945-48” *Middle Eastern Studies*, 22, No. 3, (1986): 331-349.

¹²³ Ibid

Zionist products by imposing a boycott on all Jewish trade with the Arabs.”¹²⁴ The widespread promotion of the boycott movement by the Arab League not only targeted Jewish industry, but also increased violence against Jews in Iraq. With the partition of Palestine in 1947 by the UN, the situation only worsened for Iraq’s Jews.¹²⁵ It is important to note that there was very little support for the early Zionism movement among Iraq’s Jews, and many Jews continued to actively resist Zionist activity in Iraq throughout the 1940s. In the 1940s, “an influential political organization, the ‘Usbat mukafahat al-Suhayuniyya (League for Combating Zionism), led by Iraqi communists and made up primarily of Jewish activists, enjoyed a fair measure of popular support at the time.”¹²⁶ Despite the fact that Jews in Iraq were for the most part not Zionist, Zionism became a platform used by Iraqi-Arab nationalists to isolate the Jewish community. Jews were not seen as real Iraqis despite their being in the region for such a long period. The Jewish elite “sought integration in Iraqi society and culture and collaborated with the [British controlled] regime” but this ultimately put them in danger as most Iraqi Nationalists saw all Jews as pro-Western colonialists.¹²⁷ The situation for Jews in Iraq only worsened as the reality of the establishment of a Jewish state neared. As Iraqi government leaders warned of the dangers posed to Jews if the Zionist movement continued to grow, the uncertainty for Jewish citizens (Zionist or not) grew.¹²⁸

1948- Present

¹²⁴ Ibid

¹²⁵ Jewish Virtual Library, “Jews in Islamic Countries: Iraq” <https://www.jewishvirtuallibrary.org/jews-of-iraq> (accessed April 25, 2023).

¹²⁶ Orit Bashkin, *New Babylonians: A History of Jews in Modern Iraq*, (Stanford University Press, 2012):13. See this source for a thorough analysis of the nuances of the Jewish community in Iraq and the Iraqi-Arab nationalist movement.

¹²⁷ Shamar Hassan, “Jewish Migration From Arab Lands 1946-49: The Case of Iraq” *Proceedings of the Indian History Congress* 78, (2017): 886-92.

¹²⁸ Ibid

In 1948, as fighting went on in Palestine, the Arab League issued a secret resolution relating to the “Jews of Arab countries and linking them with the struggle against Zionism.”¹²⁹ The resolution described the Arab League’s vociferous opposition to Zionism and their plans to expel any Zionist or Zionist activity from their countries.¹³⁰ Iraq joined other Arab League nations in waging war against Israeli forces in 1948, and at the same time declared martial law within Iraq.¹³¹ Zionism became a capital crime in Iraq.¹³² And Jews, who were arbitrarily marked as Zionists, became enemies of the state. From 1948 onward Jews faced constant attacks, arbitrary arrests, detentions, torture, and even hangings.¹³³ Jews were facing systematic persecution, including being banned from working and dealing in foreign exchange, and Jewish students being barred admissions to colleges and high schools as well as being banned from leaving the country.¹³⁴ Despite many Iraqi Jews claiming to be anti-Zionists, they continued to face severe persecution. A significant moment was the execution of a rich Iraqi Jew who was removed from the Jewish community and deeply integrated into Iraqi society, even on good terms with authorities and the regime in Baghdad.¹³⁵ His execution worried Jews throughout the country. In 1950, a law was issued allowing Jews to leave the country, conditioned upon their giving up Iraqi citizenship and carrying a limited amount of baggage.¹³⁶ The law was only in effect for one year, and after the duration of the law the Iraqi government froze all the property of Jews who had

¹²⁹ Ibid

¹³⁰ Ibid

¹³¹ Gershon Rijwan, “The Jews of Iraq Since 1932” *Dropsie College Theses*, 38, (Dropsie College for Hebrew and Cognate Learning, 1963): 4

¹³² Jewish Virtual Library, “Jews in Islamic Countries: Iraq” <https://www.jewishvirtuallibrary.org/jews-of-iraq> (accessed April 25, 2023).

¹³³ Ibid

¹³⁴ Ibid

¹³⁵ Shamar Hassan, “Jewish Migration From Arab Lands 1946-49: The Case of Iraq” *Proceedings of the Indian History Congress* 78, (2017): 886-92.

¹³⁶ Gershon Rijwan, “The Jews of Iraq Since 1932” *Dropsie College Theses*, 38, (Dropsie College for Hebrew and Cognate Learning, 1963): 4

registered for emigration (even those who did not actually leave).¹³⁷ More on this law and the statelessness of Jews living in Iraq will be explored in the next section.

Discrimination and persecution grew as the Jews of Iraq tried to find a way out. In 1950 Israel's ministry of Aliyah (the Hebrew term used for Jewish emigration to Israel) planned Operations "Ezra and Nehemiah" to save Iraqi Jews and bring them to Israel. Between 1950-51, nearly 120,000 Iraqi Jews were airlifted to Israel.¹³⁸ The situation for the remaining Jews in Iraq only worsened with time. Restrictions grew and Jews paid a price for any tensions that took place between Arabs and Jews in Israel.¹³⁹ By 1960, of the sixty synagogues that existed in Baghdad in 1950, only seven remained.¹⁴⁰ After the defeat of the Arabs in the 1967 war with Israel, the Jews in Iraq paid the price. Persecution reached its peak at the end of 1968, when Jews were jailed and hanged in public squares of Baghdad, where a celebration was held and chants of "death to Israel" were sung.¹⁴¹ At the time of this hanging, only 3,000 Jews were estimated to have remained in Iraq of the 5,000 left after Operations Ezra and Nehemiah.¹⁴² Jews continued to escape Iraq and the community dwindled, as persecution increased and the danger of remaining in the country grew.¹⁴³ In the 1970s, when most of Iraq's remaining Jews were "too old to leave...they were pressured by the government to turn over title, without compensation, to more than \$200 million worth of Jewish community property."¹⁴⁴ Although Jewish holy sites in Iraq have been refurbished under Saddam Hussein, including the Tombs of Ezekiel and Ezra and

¹³⁷ Ibid

¹³⁸ "Operations Ezra and Nehemia Begins" Center for Israel Education, <https://israeled.org/operation-ezra-and-nehemia/> (accessed April 25, 2023).

¹³⁹ Jewish Virtual Library, "Jews in Islamic Countries: Iraq" <https://www.jewishvirtuallibrary.org/jews-of-iraq> (accessed April 25, 2023).

¹⁴⁰ Alisa Douer, *The Jews of Iraq*, 4, *Arabische Welt- Arab World Series*, (Logos Verlag Berlin, 2017): 72.

¹⁴¹ Jewish Virtual Library, "Jews in Islamic Countries: Iraq" <https://www.jewishvirtuallibrary.org/jews-of-iraq> (accessed April 25, 2023).

¹⁴² John K. Cooley, "'Operation Ezra and Nehemiah': Bittersweet Flight to Zion" In *An Alliance Against Babylon: The U.S., Israel, and Iraq*, (Pluto Press, 2005): 40-58.

¹⁴³ Jewish Virtual Library, "Jews in Islamic Countries: Iraq" <https://www.jewishvirtuallibrary.org/jews-of-iraq> (accessed April 25, 2023).

¹⁴⁴ Ibid

Jonah the prophet, these sites are also holy for Muslims and many make pilgrimages to pay homage to them.¹⁴⁵ By 2008, less than 10 Jews remained of the once thriving Jewish community of Iraq, and almost all traces of Jewish life had been destroyed.¹⁴⁶ Jewish organizations continue to fight for the remaining remnants of Jewish life. In 2003, 16 American soldiers found thousands of documents belonging to Iraq's Jewish community during the US raid of Saddam Hussein's intelligence headquarters during the US invasion of Iraq. The collection of documents, referred to as the "Iraqi Jewish archive" includes '2,700 Jewish books and tens of thousands of documents in Hebrew, Arabic, Judeo Arabic and English, dating from 1540 to the 1970s.'¹⁴⁷ Jewish organizations are continuously working to gain access to the documents and return them to descendants of Iraqi Jews. Other than the few remaining pieces of the Jewish community that once was, the 3000 year old community has largely been erased from Iraq without recognition by the Iraqi government. Most recently, in 2022, the Iraqi government expanded its law criminalizing normalization of ties with Israel, "setting out much wider definitions for acts that would be considered a violation."¹⁴⁸ This solidifies even further Iraq's stance towards the Jewish community and its commitment to remaining anti-Israel despite changes in the region.

Where are they Now?

In 2021, there were reportedly less than five Jews remaining in Iraq, with no active synagogues, often hiding their identity to avoid facing difficulties from government officials.¹⁴⁹ The rest of the

¹⁴⁵ Ibid

¹⁴⁶ Ibid

¹⁴⁷ Sara Yleo Giosue Aharon, "Raiders of the Lost Archive" *The Jerusalem Post*, October 23, 2013, <https://www.jpost.com/opinion/op-ed-contributors/raiders-of-the-lost-archive-329540> (accessed April 25, 2023).

¹⁴⁸ Jane Arraf, "Iraqi Parliament Expands Law Against Normalizing Ties With Israel," *The New York Times*, May 27, 2022. See the full article here: <https://www.nytimes.com/2022/05/27/world/middleeast/iraqi-parliament-anti-normalization-israel.html> (accessed April 30, 2023).

¹⁴⁹ Sandy Rashty, "There Are Only Three Jewish People Left in Iraq. Where Did They All Go?" Gal-Dem, September 1, 2021, <https://gal-dem.com/there-are-only-three-jewish-people-left-in-iraq-where-did-they-all-go/> (accessed April 25, 2023).

community that once numbered at over 150,000 and constituted 30% of the Baghdadi population, for the most part (120,000) resettled in Israel, with some in North America and Europe.¹⁵⁰ Iraqi Jews have continued to maintain many of their cultural practices and traditions in their new homes and have created Iraqi Jewish centers and synagogues where the communities can gather. In Israel, because of the sheer number of Iraqi Jewish descendants, there has been a significant impact from the community on Israeli culture. One example is Dudu Tassa, an Israeli artist of Iraqi Jewish descent who has worked to reawaken the culture of Iraqi and MENA Jews as a whole through music.¹⁵¹ The Iraqi Jewish community has also worked to try and attain justice and recognition for the crimes committed against them. In 2008, a group of Iraqi Jews gathered to form the World Organization of Jews from Iraq (WOJI), which among other interests, aims to “control renovation of Iraqi Jewish communal properties, shrines and artifacts, both inside and outside Iraq” and to “salvage and repossess moveable Jewish assets such as Torah scrolls and marriage registers.”¹⁵² This organization is a testament to the community that continues to exist in different parts of the world and their commitment to their heritage.

Memorialization has also been created by the community through the heritage center of the Babylonian Jewish Center in Or Yehuda, Israel. The heritage center has “displays of religious and cultural artifacts of Jewish life in Iraq through centuries.”¹⁵³ The Iraqi Jewish diasporic community represents a diverse, vibrant, community who continues to maintain the traditions

¹⁵⁰ Lipika Pelham, “Israelis From Iraq Remember Babylon,” *BBC News*, May 5, 2007. See the full article here: http://news.bbc.co.uk/1/hi/world/middle_east/6611667.stm (accessed April 30, 2023).

¹⁵¹ Jairo Tutillo Maldonado, “How Iraqi Jews Are Reclaiming Their Cultural Legacy in Israel,” *Jewish Studies at the University of Washington*, March 27, 2018. See the full article here: <https://jewishstudies.washington.edu/global-judaism/iraqi-jews-music-mizrahi-reclaiming-heritage-israel/> (accessed April 30, 2023).

¹⁵² Michael R. Fischbach, “Claiming Jewish Communal Property in Iraq,” *Middle East Research and Information Project*, Fall 2008. See the full article here: <https://merip.org/2008/09/claiming-jewish-communal-property-in-iraq/> (accessed April 30, 2023).

¹⁵³ Maher Chmaytelli, Jeffrey Heller, and Stephen Farrell, “With Jews Gone from Iraq, Memories Survive in Israel,” *Reuters*, April 18, 2018. See the full article here: <https://www.reuters.com/article/us-israel-independence-iraqi-jews/with-jews-largely-gone-from-iraq-memories-survive-in-israel-idUSKBN1HP11D> (accessed April 30, 2023).

that tie them back to the land of their ancestors. However, their calls for justice and widespread recognition have been largely ignored, and they continue to remain overlooked as victims who were exiled from their home.

Establishment of Crime

The crimes committed against Jews in Iraq were due to the nationalist sentiment and pan-Arab ideologies that were gaining force throughout Iraq as well as an increased demonization of Zionism (and Jews) throughout the Arab world. Iraqi and Arab officials even warned of such persecution during the rise of the Zionist movement. Iraqi delegate to the UN, Dr. Jamali, “warned that the interest and welfare of six hundred thousand Jews in Arab countries would be in danger if ‘Zionist aggression succeeded.’”¹⁵⁴ Despite the fact that many Iraq Jews did not support Zionism, most were targeted for being Zionist and were isolated from the rest of Iraqi society for this reason. The Nazi propaganda that spread throughout Iraq during the second World War continued to haunt Jewish citizens, as they were seen as traitors and pro-Western colonialists. Jews were collectively punished regardless of their political ideologies, their level of assimilation, or their status in society. Beginning in 1948, Martial Law was established in Iraq after Iraq joined other Arab countries in waging war against the newly established Israel. At this point, Jews, regardless of their support for Zionism, became enemies of the state. Martial law also allowed special provisions in Iraqi law and specifically use of force and arbitrary arrests of Jews with little to no evidence of wrongdoing.

Riots and Pogroms

¹⁵⁴ Shamar Hassan, “Jewish Migration From Arab Lands 1946-49: The Case of Iraq” *Proceedings of the Indian History Congress* 78, (2017): 886-92.

The Farhud, a pogrom against the Jews that took place in 1941, was done with the knowledge of the British authorities, and yet they ignored the crimes being committed and allowed Jews to be murdered and tortured. To recall, the Pogrom killed nearly 200 and hurt 2,500 Jews (15 percent of the entire Jewish community in Baghdad) either physically or materially.¹⁵⁵ This case was looked into by the government and perpetrators were named. However, the many crimes committed towards Jews after this were left with no legal consequences for the perpetrators and no accountability. More rioting against Jews occurred between 1946-49, but nothing was done to protect Jewish citizens or to identify and punish perpetrators of the riots.¹⁵⁶

Establishment of Zionism as Capital Crime

In July of 1948, the Iraqi House of Representatives¹⁵⁷ passed an amendment¹⁵⁸ to the 1938 supplement to the Penal Code of Baghdad adding Zionism to the list of prohibitions that already included communism, anarchy, and immorality.¹⁵⁹ The propagation of any of these ideologies constituted an “offense punishable by seven years imprisonment and/or a fine.”¹⁶⁰ The establishment of Zionism as a crime targeted Jews disproportionately and created a legal basis for the arrest and detention of Jews arbitrarily, with no evidence of their propagating Zionism. Countless Jews were arrested, detained, fined, and even hanged on account of being Zionists when no evidence was shown. Additionally, in many cases Iraqi authorities arrested and tortured Jews so that they would confess to being part of the Zionist movement, detaining and then fining

¹⁵⁵ Esther Meir-Glitzenstein, *Zionism in an Arab Country: Jews in Iraq in the 1940s*, (Taylor & Francis Group, 2004): 10-30.

¹⁵⁶ Jewish Virtual Library, “Jews in Islamic Countries: Iraq” <https://www.jewishvirtuallibrary.org/jews-of-iraq> (accessed April 25, 2023).

¹⁵⁷ Shamar Hassan, “Jewish Migration From Arab Lands 1946-49: The Case of Iraq” *Proceedings of the Indian History Congress* 78, (2017): 886-92.

¹⁵⁸ Law No.11: 1948 Amending Law No. 51 of 1938 Supplemental to Baghdad Penal Code. See this source: [Official Iraqi Gazette in English](#)

¹⁵⁹ Stanley A. Urman, “State Sanctioned Persecution of Jews in Iraq” *Justice for Jews from Arab Countries*, (June 2003), <http://www.justiceforjews.com/sanc-iraq.pdf> (accessed April 25, 2023).

¹⁶⁰ Ibid

those who gave forced confessions.¹⁶¹ The establishment of Martial Law while Iraq was at war with Israel legitimated such arrests and allowed for the arbitrary targeting of Jews. Considerable amounts of Jewish wealth were taken through fines on account of Jews being convicted of being Zionists. By the end of October 1948, “fines to the amount of 20,000,000 dinars had been levied against Jews.”¹⁶² The criminalization of Zionism persisted even as Jews fled in hordes. In 1969, the Ba’ath party once again established Zionism as a crime. In the same year, 14 Iraqis, nine of them Jews, “were hanged before big crowds, encouraged to watch, in downtown Baghdad’s Liberation Square” after being convicted of “spying for ‘the Zionist entity.’”¹⁶³

Emigration Ban

Although Jews always had restricted rights to emigrate from Iraq, beginning in May 1948 (the establishment of the State of Israel) there was an absolute ban on Jewish exit from Iraq whether permanent or temporary.¹⁶⁴ The emigration ban even applied to children, students, and sick people who needed medical attention.¹⁶⁵ In August 1948, “it was announced that all Iraqi Jews who went to Palestine and did not return would be considered criminals who had joined the ranks of the enemy and would be tried by military courts in absentia.”¹⁶⁶ The courts did not distinguish between those Jewish citizens who had gone to Palestine before the ban when it was legal, and considered all of them criminals. In October 1948 “all Iraqi Jews living abroad were ordered to return by the end of the month, on the threat of the confiscation of their property.”¹⁶⁷ The ability

¹⁶¹ Shamar Hassan, “Jewish Migration From Arab Lands 1946-49: The Case of Iraq” *Proceedings of the Indian History Congress* 78, (2017): 886-92.

¹⁶² Joseph B. Schechtman, “The Repatriation of Iraq Jewry” *Jewish Social Studies* 15, no. 2, (Indiana University Press, 1953): 151-172.

¹⁶³ John K. Cooley, “‘Operation Ezra and Nehemiah’: Bittersweet Flight to Zion” In *An Alliance Against Babylon: The U.S., Israel, and Iraq*, (Pluto Press, 2005): 40-58.

¹⁶⁴ Shamar Hassan, “Jewish Migration From Arab Lands 1946-49: The Case of Iraq” *Proceedings of the Indian History Congress* 78, (2017): 886-92.

¹⁶⁵ Joseph B. Schechtman, “The Repatriation of Iraq Jewry” *Jewish Social Studies* 15, no. 2, (Indiana University Press, 1953): 151-172.

¹⁶⁶ *Ibid*

¹⁶⁷ *Ibid*

for the courts to make judgements in absentia allowed them to confiscate properties of many individuals who had left the country when it was legal, providing the government “with very substantial amounts of money.”¹⁶⁸ In addition to the ban on emigration, emigration specifically to Palestine was established as a capital offense, and many Jews were arrested “on suspicion of aiding others to emigrate.”¹⁶⁹

Denaturalization and Freezing of Assets

In March 1950, the Iraqi government reversed the emigration ban and passed the following law¹⁷⁰:

“Art. 1. The Council of Ministers is empowered to deprive any Iraqi Jew of Iraqi citizenship, who of his own free will, chooses to leave Iraq for good, after he shall so signify in writing before an official designated by the Minister of the Interior.

Art. 2. Any Iraqi Jew who leaves legally or attempts to leave illegally will be deprived of Iraqi citizenship by virtue of a decision of the Council of Ministers.

Art. 3. Any Iraqi Jew who has already left Iraq illegally will be regarded as though he has left for good if he does not return within two months from the effective date of this law: he will be deprived of Iraqi citizenship after the expiration of this period of grace.

Art. 4. The Minister of the Interior will order deportation from the country of all those who are deprived of Iraqi citizenship under Articles 1 and 2, unless he is convinced, on the basis of sufficient proof, that the temporary stay in Iraq of the person concerned is necessary for legal reasons or for safeguarding his temporary rights.

¹⁶⁸ Ibid

¹⁶⁹ Ibid

¹⁷⁰ Stanley A. Urman, “State Sanctioned Persecution of Jews in Iraq” *Justice for Jews from Arab Countries*, (June 2003), <http://www.justiceforjews.com/sanc-iraq.pdf> (accessed April 25, 2023). Law No. 1 of 1950 entitled “Supplement to Ordinance canceling Iraqi Nationality”, *Official Iraqi Gazette*, March 9, 1950.

Art 5. This law will be in force for one year from the date of its enactment. It may be revoked at any time during this period by a Royal Decree, to be published in the *Official Gazette*.

...”

The law effectively forced Jews to give up their citizenship in order to flee the country. By the end of 1950, there were 70,000 applicants for exit permits, and 25,000 of those applications had been approved.¹⁷¹ Each applicant was required to sign the following declaration¹⁷²:

“I declare willingly and voluntarily that I have decided to leave Iraq permanently and that I am aware this statement of mine will have the effect of depriving me of Iraqi nationality and causing my deportation from Iraq and of preventing me forever afterward from returning”

After exit visas were granted, citizens only had two weeks to remain in the country. Because of this law, Jews were scrambling to sell their property, but the price of houses and furniture had dropped significantly because of the influx of sellers from the Jewish community. Additionally, propaganda against Jews urged people not to buy from them and many Muslim leaders forbade followers from buying from Jews.¹⁷³ These circumstances forced many Jews to sell their goods at significantly below value and to leave property behind.

In 1951, a law entitled “Law for the Supervision and Administration of the Property of Jews who have Forfeited Iraqi Nationality” deprived Jews of their property. Section 2(a) of the law

“freezes” Jewish property for those who have renounced their citizenship.¹⁷⁴

¹⁷¹ Joseph B. Schechtman, “The Repatriation of Iraq Jewry” *Jewish Social Studies* 15, no. 2, (Indiana University Press, 1953): 151-172.

¹⁷² Ibid

¹⁷³ Ibid

¹⁷⁴ Stanley A. Urman, “State Sanctioned Persecution of Jews in Iraq” *Justice for Jews from Arab Countries*, (June 2003), <http://www.justiceforjews.com/sanc-iraq.pdf> (accessed April 25, 2023). Law No. 5 of 1951 entitled “A law for the Supervision and Administration of the Property of Jews who have Forfeited Iraqi Nationality” (*Official Gazette*, 10 March 1951. English version, p.17).

The applications for emigration exceeded those that were approved before the end of the emigration allowance which lasted one year, and this left many Iraqi Jews stateless in Iraq with their assets frozen, since they had to renounce citizenship in the application. Many Iraqi Jews lost their property and the right to liquidate assets without even being approved to leave. Arab sources “indicated that the funds frozen amounted to about six million dinars.”¹⁷⁵ Additionally, Jewish establishments (such as businesses, property, etc.) for those who registered for emigration were sealed by police.

In 2006, Iraq passed an amendment to its nationality law that would allow for “Any Iraqi, who was denaturalized on political, religious, racist, or sectarian grounds” to “restore his Iraqi nationality, subject to submission of an application to this effect” and “in the case of his death, his children, who have lost their Iraqi nationality consequent to his father’s loss of nationality, shall have the right to submit an application to restore Iraqi nationality.”¹⁷⁶ However, section II of this amendment states that “excluded from the benefit item I of this Article shall be those Iraqis who had lost their nationality pursuant to Law No, (1) of 1950 and Law No, (12) of 1952.”¹⁷⁷ Referring directly to the two laws that denaturalized a majority of Jewish citizens in Iraq, this Iraqi legislation excludes Jewish Iraqis specifically from the right to regain their nationality, once again proving the persistence of antisemitism and discriminatory policies against Iraqi Jews.

Systematic Persecution

In the years following the establishment of the state of Israel, there was clear systematic persecution of Jews under the guise of anti-Zionism and pro-Palestinian sentiment in Iraq.

Governmental economic discrimination was rampant, as permits granted to Jewish merchants

¹⁷⁵ Shamar Hassan, “Jewish Migration From Arab Lands 1946-49: The Case of Iraq” *Proceedings of the Indian History Congress* 78, (2017): 886-92.

¹⁷⁶ Iraqi Nationality Law, Article 18 of Law 26 of 2006, 7 March 2006, available at: <https://www.refworld.org/docid/4b1e364c2.html> (accessed April 30, 2023).

¹⁷⁷ Shamar Hassan, “Jewish Migration From Arab Lands 1946-49: The Case of Iraq” *Proceedings of the Indian History Congress* 78, (2017): 886-92.

were canceled and licenses were no longer granted.¹⁷⁸ In July 1948, “Defense Minister Sadek el-Bassam Pasha issued an order prohibiting Jewish-owned banks from dealing in foreign exchange, sending money out of the country, and conducting credit business.”¹⁷⁹ Jewish government officials were dismissed after decades of service.¹⁸⁰ Many Jews were hanged based on false charges, including two Jews falsely charged with hurling a bomb at the Baghdad office of the US Information Agency in 1952.¹⁸¹ The situation only worsened with the passing of time. In 1963, additional restrictions were placed on remaining Jews, with the sale of property being forbidden and all Jews forced to carry yellow identity cards.¹⁸² Following the Six Day War between Israel and multiple Arab countries in 1967, Jewish property was expropriated, Jewish bank accounts frozen, Jews dismissed from public posts, businesses closed, and telephones disconnected.¹⁸³

Conclusion

Iraqi Jewish heritage is one of the richest and most deeply rooted of any Jewish diasporic community. After thousands of years of culture and history, in the 20th century Iraqi Jews faced persecution and discrimination in Iraq and were forced to flee and leave their homes, assets, and property behind. The systematic persecution from the Iraqi government legalized discrimination against the Jews and the State was often the perpetrator of the crimes against Jews. In the case of rioting and violence from non-Jewish Iraqis, the perpetrators of these crimes went unpunished, as Jews were harassed and beaten without any repercussions for those committing these crimes.

Discriminatory laws against Jews in Iraq allowed the state to confiscate assets and property of

¹⁷⁸ Ibid

¹⁷⁹ Ibid

¹⁸⁰ Ibid

¹⁸¹ Jewish Virtual Library, “Jews in Islamic Countries: Iraq” <https://www.jewishvirtuallibrary.org/jews-of-iraq> (accessed April 25, 2023).

¹⁸² Ibid

¹⁸³ Ibid

Jews and forced them to renounce their citizenship in order to flee to safety. Despite most Jews in Iraq not being Zionists, and many actively anti-Zionist, the Iraqi government's criminalization of Zionism became an avenue to arbitrarily target Jews. Martial Law, which was established in 1948 when Iraq went to war with newly established Israel, legitimated arbitrary targeting of Jews because they now became enemies of the state. Jews were forcibly denaturalized and stripped of their assets, and the Iraqi government has made no recognition of its once vibrant Jewish community and their forced exile from their homes.

Today, less than four Jews remain in Iraq and they are in hiding, with the vast cultural properties of Jews including synagogues and community centers completely lost and taken over. The hostility towards the Jewish community and Israel has remained strong in Iraq, as Iraq expands its law against Zionism and normalization of ties with Israel and it specifically excludes Jews from an amendment allowing those who lost their citizenship due to political and racial reasons to regain it. Iraq has clearly violated international law by systematically targeting a minority community, stripping them from citizenship, and confiscating valuable assets and property. When it comes to Iraqi Jewish victims gaining justice, their position is a rather unfortunate one, because of Iraq's complete neglect of the rights of its former Jewish population and its responsibility to victims. In the next chapter, the victimization of Morocco's Jewish community will be analyzed, highlighting the differences between the two victim groups. In chapter 5, the path to justice for Iraqi Jews will be explored, including how international law can be leveraged when no domestic legal structure exists for a community that has been completely wiped out. The contrasts between Iraq's Jewish population and Morocco's will be evident when comparing the avenues to justice for both groups of victims.

Chapter 4: Morocco Case Analysis

In this chapter I will briefly discuss the history of the Moroccan Jewish community, relevant political and legal events in Moroccan history, and a timeline of political events that took place in Morocco that ultimately led to the mass exile of the Jewish community. I will be exploring the domestic political and legal structures that led to the crimes committed against Moroccan Jews and identifying the perpetrators. Finally, I will be exploring the current position of Moroccan Jewish refugees and their quest for justice. Morocco's case will differ from that of Iraq's because of the complexity of its relationship to various colonial powers, the direct impact of the Nazis, and its unique position of having a Jewish community in the present day. Although Morocco's Jewish community is a tiny fragment of what it used to be, the way the mass exile of the community unfolded will help elucidate why a community still exists whereas in Iraq Jews have been completely ethnically cleansed from society. These differences also suggest different legal strategies for victims and their descendants which will be explored in Chapter 5.

Historical Background

A Brief History of Morocco

Morocco is a North African country that is the most Western country of an area known as the Maghreb (meaning "the West" in Arabic which also includes Algeria, Tunisia, and part of Libya).¹⁸⁴ The indigenous people of Morocco (and North Africa) are known as Berbers, or

¹⁸⁴ Aomar Boum and Thomas K. Park, *Historical Dictionary of Morocco*, ed,3, (Rowman & Littlefield Publishers, 2016): pp Intro-vi.

Amazighs.¹⁸⁵ Before the Arab invasion in the 7th century, Morocco was ruled by many groups and empires. After the colonization by the Phoenicians in 11th century BCE, Morocco was a city state of Carthage, then a part of the Roman Empire and a Berber Empire known as Mauretania, then occupied by Vandals, and finally recovered by the Byzantine Empire in the 6th century CE.¹⁸⁶ In the 7th and 8th centuries CE the Arabs invaded Morocco and Idris founded the first major Muslim dynasty bringing both Arabic language and Islam to the region and founding the first Moroccan state.¹⁸⁷ Following the Idriss Dynasty, Morocco was controlled by the Almoravid dynasty, the Almohads, the Marinids dynasty, the Wattasid dynasty, the Saadi dynasty, and finally, the Alaouite (Alawi) dynasty, which is the current Moroccan royal family and has been in power since 1666.¹⁸⁸ The Sultan ruled Morocco as the head of the Makhzan, or the governing institution of Morocco that included members of the royal family, top military personnel, landowners, and other high ranking officials of the governmental establishment.¹⁸⁹

Beginning in the mid-nineteenth century, the Europeans took interest in Africa and began making efforts to control and influence Morocco. The Spanish controlled Tetouan, a city in Northern Morocco, since the 15th century, and interacted with Morocco as a close neighbor throughout history. France and Britain looked to Morocco as potential to grow their respective empires. After establishing coastal trading stations on the Saharan Coast, Spain created a protectorate over the coastal areas of Morocco in 1884. In 1904, the Anglo-French accord (Entente Cordiale) was signed, removing Britain from its protector role and giving France a lead in taking control of the failing Makhzan. Additionally, in 1904, a secret treaty was signed

¹⁸⁵ Ibid

¹⁸⁶ Ibid

¹⁸⁷ Ibid

¹⁸⁸ Samir Ben-Layashi and Bruce Maddy-Weitzman, "Myth, History and Realpolitik: Morocco and Its Jewish Community," *Journal of Modern Jewish Studies* 9, March 2010: 89-106. See the full article here: <https://www.tandfonline.com/doi/abs/10.1080/14725880903549293> (accessed April 30, 2023).

¹⁸⁹ Aomar Boum and Thomas K. Park, *Historical Dictionary of Morocco*, ed,3, (Rowman & Littlefield Publishers, 2016): 18.

between France and Spain acknowledging Spain's historical rights to parts of Moroccan territory.¹⁹⁰ In 1906, a conference¹⁹¹ in Algeciras, Spain, of international leaders and a "Council of Notables" from Morocco was held to begin international negotiations as an attempt by Morocco to neutralize French dominance through other colonial powers. However, this failed as the diplomats acquiesced to France's dominance and limits were set on Moroccan independence by allowing France to continue the process of "peaceful penetration." From this point on, Moroccan power quickly disintegrated. In March 1912 the Treaty of Fez was signed, abrogating power and establishing a French Protectorate over most of Morocco. Under the Treaty of Fez, "France shall be represented by a resident commissioner general, who shall supervise the execution of the present agreement."¹⁹² Although the Sultan remains the Sultan, the French commissioner general is designated as the "sole channel of communication between foreign representatives and the Moroccan Government."¹⁹³ Additionally, the commissioner general is authorized 'to approve and to promulgate in the name of the French Government, all decrees rendered by his Shereefian Majesty.'¹⁹⁴

In August of 1912 Sultan Yusuf was proclaimed. Louis Hubert Gonzalve Lyautey was named Resident (commissioner) General of the French Protectorate. Under the Treaty of Fez, the Resident General was both the Supreme General of the French Republic and the Sultan's minister of war and foreign affairs, responsible for all government operations.¹⁹⁵ In November of 1912, a French-Spanish treaty was signed instituted Spanish control in the North and further

¹⁹⁰ "Treaty Between France and Spain Concerning Morocco." *The American Journal of International Law* 6, no. 2 (1912): 116–20. <https://doi.org/10.2307/2212123>, (accessed April 30, 2023).

¹⁹¹ "The Algeciras Conference." *The American Journal of International Law* 1, no. 1 (1907): 138–40. <https://doi.org/10.2307/2186293> (accessed April 30, 2023).

¹⁹² "French Protectorate Established in Morocco." *The American Journal of International Law* 6, no. 3 (1912): 699–702. <https://doi.org/10.2307/2187068>, (accessed April 30, 2023).

¹⁹³ Ibid

¹⁹⁴ Ibid

¹⁹⁵ Ibid

establishing European control over Morocco. While the city of Tangiers was not defined as to who had control over it at the time of the Protectorate, after WWI, Britain, France, and Spain signed a treaty in 1923 agreeing on “a multitiered international administration for the city under the nominal headship of the Sultan.”¹⁹⁶

Resistance to the French Protectorate began at its onset, with a riot developing after the treaty of Fez was signed that impacted much of the city of Fez itself and other areas of the country. Throughout the Protectorate, many Moroccans resisted colonial rule, especially those living in autonomous tribal areas that did not want to be integrated and forced to comply with the new reforms and legal systems. In 1914, the Middle Atlas Berbers defeated the French in the Battle of el-Herri. In 1925, Moroccan residents of the Rif Mountain won a stunning victory against Spain and reclaimed thousands of kilometers of land, forcing the Spanish to flee, and creating the “Rifan Republic” “a political entity with its own cabinet, currency, tax, and judicial systems.”¹⁹⁷

At the end of WWI the Moroccan national identity continued to grow and resistance within younger generations of Moroccans became a larger ideal. A critical point in the nationalistic movement was the 1940 French “Berber Dahirs”¹⁹⁸ legally distinguishing between Berbers and Arabs (a colonial belief) and establishing legally that Berbers were people “different from the rest of society.”¹⁹⁹ This colonial belief now legalized was felt as a major insult by Moroccans and was met with riots and protests all over Morocco, and this movement became “the seedbed out of which the embryonic nationalist movement emerged.”²⁰⁰ Although the

¹⁹⁶ Susan Gilson Miller, *A History of Modern Morocco*, (Cambridge University Press, 2013): 88.

¹⁹⁷ Ibid

¹⁹⁸ Daniel Schroeter and Joseph Chetrit, “Emancipation and Its Discontents: Jews at the Formative Period of Colonial Rule in Morocco,” *Jewish Social Studies* 13, no.1, (2006): 170-206. According to this source Dahir (zahir in Arabic) is the term in Morocco for a decree or edict of the Sultan.

¹⁹⁹ Susan Gilson Miller, *A History of Modern Morocco*. (Cambridge University Press, 2013): 125-155.

²⁰⁰ Ibid

anti-Dahir resistance movement consisted mostly of urban, young, aristocratic, Arabs, it formed a national voice of unity against Colonial rule that would grow in the coming decades. However, the national voice of unity was largely a Muslim one. The anti-Dahir movement was based fundamentally on the idea that the decree would be a threat to the national *umma*, or *Muslim Community*.²⁰¹ Much of the support that came from other countries and gave momentum to those resisting the Dahir was from other Muslim and Arab communities.²⁰² The sense of Muslim unity was fundamental to the nationalistic movement.

WWII served as a turning point for the Moroccan Nationalist movement. As France was defeated by the Nazis in 1940 and came under Vichy rule, the vulnerability of the colonial power was shown.²⁰³ The nationalist movement in Morocco was never fully united, but the Istiqlal party was well organized and strong, and it would soon gain the support of the Sultan in bringing Morocco to independence.²⁰⁴ In January 1944, the Istiqlal issued a “Manifesto of Independence” that called for “the independence of Morocco in its national entirety.”²⁰⁵ In the years leading up to independence (1944-56) the nationalist movement and the support of the public and the Sultan grew. As the Sultan’s popularity increased, the French created a plan to have him removed, which led to international protest. A Moroccan Army of Liberation (ALN) formed. With France pouring in troops and war taking place in the country with no signs of end, the French had no choice but to reach out to the exiled Sultan Muhammed V to negotiate. After negotiations in Paris and the Sultan’s promise of “a democratic state based on constitutional monarchy joined to France by permanent links of interdependence”, the Sultan returned to Morocco in 1955.²⁰⁶ In

²⁰¹ Jonathan Wrytzen, “Negotiating Morocco’s Jewish Question” in *Making Morocco: Colonial Intervention and the Politics of Identity*, (Cornell University Press, 2015): 179-218.

²⁰² *Ibid*

²⁰³ E.G.H. Joffé, “The Moroccan Nationalist Movement: Istiqlal, the Sultan, and the Country.” *The Journal of African History* 26, no. 4 (1985): 289–307. <http://www.jstor.org/stable/181651>, (accessed April 30, 2023).

²⁰⁴ *Ibid*

²⁰⁵ *Ibid*

²⁰⁶ Susan Gilson Miller, *A History of Modern Morocco*. (Cambridge University Press, 2013): 153.

1956, Morocco declared its independence. However, in rebuilding a state, the Moroccans faced many challenges. Not only was there now a power struggle between the Sultan and the Istiqlal, Moroccan society had high levels of poverty and illiteracy, and the French neglect of Moroccan participation in politics had left them without the skills to build the necessary institutions for the country to go on. The political scene in Morocco continued to be rife with conflict and polarization, until 1959, when the monarchy “emerged as the main pillar of stability in the state.”²⁰⁷ The monarchy focused on strengthening the military and the state, restoring stability and taking a hold of politics, often ignoring the many social needs of its people, like the high levels of unemployment, issues in education, health services, and housing.²⁰⁸

After the death of King Muhammad V in 1961, Hassan II, his son, became King, defining a new era in Moroccan history.²⁰⁹ Morocco held its first municipal elections in 1960, when the Istiqlal party won a majority of votes, obliging the Crown to work with them. The Istiqlal demanded a constitution, which was promised by the late Muhammad V, and his son reluctantly complied, making sure to hold tightly his grasp of power. In 1962, the first Moroccan Constitution was adopted, introducing “foundation issues” into political discourse, such as Morocco’s “Arab and Islamic” character. Although the Istiqlal supported this Constitution, many on the left criticized it for having been written behind closed doors and by associates of the Monarch.²¹⁰

1963-Present

Between 1963 and the present day, Morocco has experienced a complex political history marked by periods of authoritarianism, political reforms, and challenges to the monarchy's power. In

²⁰⁷ Ibid, 156.

²⁰⁸ Ibid, 156-61.

²⁰⁹ Ibid, 155. The Moroccan monarchy began using the title of “King” during the reign of Mohammed V, who was proclaimed King on August 14, 1957.

²¹⁰ Ibid, 163-4.

1963, King Hassan II came to power and ruled for 38 years, suppressing political opposition and dissent.²¹¹ However, following widespread protests in 2011, King Mohammed VI introduced a new constitution that granted more power to the parliament and created a new government led by a prime minister.²¹² While some reforms have been made, Morocco continues to face challenges in areas such as human rights, corruption, and inequality.²¹³

The Jews of Morocco

At its peak in 1950, the Jewish population of Morocco reached over a quarter of a million²¹⁴, the largest Jewish population in any Muslim country.²¹⁵ The Jewish community in Morocco dates back more than two millennia to the pre-Roman Jewish colonies of Mauretania Tingitana.²¹⁶

Although Jews lived in modern day Morocco as far back as recorded history, many Jews arrived to the region at later times. After the reconquest of the Iberian peninsula by Christian forces and the inquisition in Spain in the late 15th century, a flow of Muslim and Jewish Andalusian²¹⁷ (or Sefarad²¹⁸) refugees settled in Fez during the Marinid dynasty and became known as “megorashim” (expellees), distinguished from the “toshavim” (resident) Jews who were native to

²¹¹ Ibid, 162-186.

²¹² Yasmina Abouzzohour, “Progress and Missed Opportunities: Morocco Enters Its Third Decade Under King Mohammed VI,” *Brookings*, July 29, 2020. See the full article here: <https://www.brookings.edu/research/progress-and-missed-opportunities-morocco-enters-its-third-decade-under-king-mohammed-vi/> (accessed April 30, 2023).

²¹³ Ibid

²¹⁴ Leon Shapiro, “World Jewish Population,” *American Jewish Yearbook* 52, 1951. See the full article here: https://www.ajcarchives.org/AJC_DATA/Files/1952_6_WJP.pdf (accessed April 30, 2023).

²¹⁵ André Chouraqui. “French Morocco” *The American Jewish Year Book* 53 (1952): 381–83. <http://www.jstor.org/stable/23604748>.

²¹⁶ For more information about the Jews of Morocco in ancient times see: World Jewish Congress, “Morocco.” and “Jews in Islamic Countries: Morocco,” Jewish Virtual Library, <https://www.jewishvirtuallibrary.org/jews-of-morocco> (accessed April 30, 2023).

²¹⁷ Jane S. Gerber, “‘Ornament of the World’ and the Jews of Spain,” *Humanities: The Magazine of the National Endowment for the Humanities*, December 12, 2017. See the full article here: <https://www.neh.gov/article/ornament-world-and-jews-spain> (accessed April 30, 2023). This source briefly discusses the history of Jews in Andalusia.

²¹⁸ Ibid. “Sefarad” is the Hebrew term Jews applied to the territory of medieval Spain held by Muslims known as al-Andalus or Andalusia.

the land.²¹⁹ In addition to Arabic, the Megorashim spoke Spanish and Ladino while the Toshavim Jews Judeo-Arabic or Judeo-Berber.²²⁰

Pre-European Colonialism

Throughout the history of Morocco, Jewish religious freedom and tolerance fluctuated based on those in power. With the introduction of Islam and the Arab conquest of the region, Jews were given second class Dhimmi status. Under the Marinid Dynasty, Jews were accommodated better but were obligated to evacuate the center of Fez and instead live in walled-off quarters called “Mellahs”²²¹ (this pattern continued outside of Fez as well).²²² The Mellahs soon became the colloquial term used for Jewish quarters within any part of Morocco.²²³ Under the Alawi Dynasty, which continues to rule today, the Jews faced better prospects with some Jews serving as informal advisors to the Sultan.²²⁴ The status of Jews, however, depended upon which Sultan was in power. One Sultan was known as the ‘destroyer of synagogues’ while others allowed Jews to rise up to the highest ranks.²²⁵ Jews under the Alawi dynasty, although in a relatively better position, were still legal Dhimmis and had to pay a Jizya (poll tax) as a protected minority.

²¹⁹ Jonathan Wrytzen, “Negotiating Morocco’s Jewish Question” in *Making Morocco: Colonial Intervention and the Politics of Identity*, (Cornell University Press, 2015): 179-218.

²²⁰ Samir Ben-Layashi and Bruce Maddy-Weitzman, “Myth, History and Realpolitik: Morocco and Its Jewish Community,” *Journal of Modern Jewish Studies* 9, March 2010: 89-106. See the full article here: <https://www.tandfonline.com/doi/abs/10.1080/14725880903549293> (accessed April 30, 2023).

²²¹ Emily Benichou Gottreich, *Mellah of Marrakesh: Jewish and Muslim Space in Morocco’s Red City*, (Indiana University Press, 2006): 12-38. This source goes deeper into the history of Mellahs in Morocco including how they were formed and how they defined the relationships between Jews and other communities in Morocco. Additionally, the remembrance of “Mellahization” and the oral recounts of the historical turning point for Jews are explored.

²²² Samir Ben-Layashi and Bruce Maddy-Weitzman, “Myth, History and Realpolitik: Morocco and Its Jewish Community,” *Journal of Modern Jewish Studies* 9, March 2010: 89-106. See the full article here: <https://www.tandfonline.com/doi/abs/10.1080/14725880903549293> (accessed April 30, 2023).

²²³ Emily Benichou Gottreich, *Mellah of Marrakesh: Jewish and Muslim Space in Morocco’s Red City*, (Indiana University Press, 2006): 12-38.

²²⁴ Samir Ben-Layashi and Bruce Maddy-Weitzman, “Myth, History and Realpolitik: Morocco and Its Jewish Community,” *Journal of Modern Jewish Studies* 9, March 2010: 89-106. See the full article here: <https://www.tandfonline.com/doi/abs/10.1080/14725880903549293> (accessed April 30, 2023).

²²⁵ Ibid

As Europeans became more influential, the status of Jews slowly improved with calls of protection for Christian and Jewish minorities in Morocco.²²⁶ However, this improvement would be short lived. The Hispano-Moroccan War of 1859-60 would serve as a significant turning point for Muslim-Jewish relations in Morocco. Muslims and Jews in Tetouan (where the war took place) were very similar, due to their common Andalusian heritage.²²⁷ However, the two-year Spanish occupation of Tetouan would cause “irreversible damage to the co-existence of these two ex-Iberian communities.”²²⁸ During the Spanish conquest of Tetouan, many Muslim families left, while Jews were believed to have “stayed in their quarters.” Although the Jewish Tetouani community faced trauma included rape and forced conversion, they were seen as allies with the Spanish by the Muslim community, permanently tainting the relations between the two communities in that region of Morocco.²²⁹ These tainted relations would foreshadow what would continue to spread throughout Morocco in the coming decades.

The influence of European Jewry also became evident as Europe took greater control and interest in North Africa and the Middle East. In 1862, the first Alliance Israelite Universelle (AIU) was inaugurated in the Spanish occupied Moroccan city of Tetouan. The AIU was a French-based Jewish organization aimed at educating and advocating for Jews in various countries.²³⁰ The AIU would play a large role in the assimilation of Jews into French and

²²⁶ Ibid

²²⁷ Jose Alberto R. Silva Tavim, *In the Iberian Peninsula and Beyond: A History of Jews and Muslims (15th-17th Centuries)*, (Cambridge Scholars Publishing, 2015). This source dives deeply into the history of Jews and Muslims under Christian Spanish rule, their relations as minorities, and the development of their history and relations. The Jewish and Muslim communities in many parts of Morocco have a common history and it can be explored deeply through this source.

²²⁸ Samir Ben-Layashi and Bruce Maddy-Weitzman, “Myth, History and Realpolitik: Morocco and Its Jewish Community,” *Journal of Modern Jewish Studies* 9, March 2010: 89-106. See the full article here: <https://www.tandfonline.com/doi/abs/10.1080/14725880903549293> (accessed April 30, 2023).

²²⁹ Ibid

²³⁰ Michael Laskier, *The Alliance Israelite Universelle and the Jewish Communities of Morocco: 1862–1962*, (State University of New York Press, 1983): 1-7.

Moroccan society through the propagation of French language and culture.²³¹ Yet assimilation was not enough to keep the Jews of Morocco safe and allow for equal citizenship. Despite European intervention in the 1860s to “protect” Morocco’s Jews, Jews were met with a Dahir “that reiterated their traditional protections in the Islamic system of justice”, in essence reinforcing their Dhimmi status.²³² Before the onset of the French Protectorate, Jews would face violent attacks by Berber tribes and poor urban Muslims, including the riots of Meknes in 1903 that devastated Jewish Mellahs and businesses.²³³

French Protectorate

After the treaty of Fez was signed in 1912, rioting broke out that devastated the Jewish Quarter (Mellah) in Fez. Although the rioting was not a regular occurrence under the early years of the Protectorate, the colonization of Morocco by the French would mark the beginning of the end of the Jewish community in Morocco. The French colonial authorities’ main goal in terms of Jews in Morocco was “first and foremost to control the Jewish communities.”²³⁴ However, the French authorities had to take into consideration the interests of France’s Jewish community, reactions of the Muslim population, and “the historical legacy of Jewish emancipation and civil status both in France and in the colonies, especially Algeria and Tunisia” in regard to their treatment of the Jewish population.²³⁵ Under French Colonial rule, the Jews’ Dhimmi status was eliminated, granting Jews equal citizenship rights, and giving way to the rhetoric of “emancipation” for Jews

²³¹ Jonathan Wyrzten, “Negotiating Morocco’s Jewish Question” in *Making Morocco: Colonial Intervention and the Politics of Identity*, (Cornell University Press, 2015): 179-218.

²³² Ibid. Schroter and Chetrit 2006, 175-76

²³³ Samir Ben-Layashi and Bruce Maddy-Weitzman, “Myth, History and Realpolitik: Morocco and Its Jewish Community,” *Journal of Modern Jewish Studies* 9, March 2010: 89-106. See the full article here: <https://www.tandfonline.com/doi/abs/10.1080/14725880903549293> (accessed April 30, 2023).

²³⁴ Daniel Schroeter and Joseph Chetrit, “Emancipation and Its Discontents: Jews at the Formative Period of Colonial Rule in Morocco,” *Jewish Social Studies* 13, no.1, (2006): 170-206. See this source to explore more of how the Jewish community in European countries played a role in the colonization of Jews as a road to “emancipation” from dhimmitude, but in reality became a path to further subjugation by the colonial powers.

²³⁵ Ibid

promoted by the French.²³⁶ The Protectorate's policies towards Jews distinguished between "Moroccan Jews" and "Jews in Morocco." "Moroccan Jews" were subjects of the Sultan, or *indigenes*²³⁷ and the Sharifian court system, while "Jews in Morocco" (Jews with French citizenship or any non-Moroccan nationality) were under the jurisdiction of the French legal system and had access to French schools.²³⁸ Despite the formal consideration of Jews as subjects of the Sultan, the French would continuously enact policies to take more control of the Jewish community. Both classes of Jews were no longer Dhimmis under the Protectorate, but this distinction would become problematic for all Jews in Morocco. During WWI, for example, Jews were not allowed to fight for the French or the Moroccans, further isolating them from the Muslim population and the rest of Moroccan society.²³⁹ Before colonization, Jewish communities had some sense of self-government and autonomous authority. Jews were subjects of the Sultan but had their own religious courts.²⁴⁰ With the French conquest, Jews became an "equal citizen of the secular state"²⁴¹ losing that autonomy. Beginning in 1913, the AIU was subsidized by the Colonial administration.²⁴² And in 1918, the French administration brought Jewish courts under direct control of the ministry of Justice.²⁴³ Although the colonial residency did aim to assimilate Moroccan Jews into French culture and society, taking a precedent from the situation in Algeria—where Algerian Jews were unilaterally naturalized as French citizens under the 1870 Cremieux

²³⁶ Ibid

²³⁷ An *Indigene* (meaning "native" in French) was a person, according to the French protectorate administration, who was native in the land and did not have French citizenship prior to the implementation of the Protectorate. Indigenes, although under French protectorate rule, were still subject to the laws of the Sultan, be that Muslim or Jewish laws. See the above source for more.

²³⁸ Jonathan Wrytzen, "Negotiating Morocco's Jewish Question" in *Making Morocco: Colonial Intervention and the Politics of Identity*, (Cornell University Press, 2015): 179-218.

²³⁹ Ibid

²⁴⁰ Ibid

²⁴¹ Daniel Schroeter and Joseph Chetrit, "Emancipation and Its Discontents: Jews at the Formative Period of Colonial Rule in Morocco," *Jewish Social Studies* 13, no.1, (2006): 170-206.

²⁴² Jonathan Wrytzen, "Negotiating Morocco's Jewish Question" in *Making Morocco: Colonial Intervention and the Politics of Identity*, (Cornell University Press, 2015): 179-218.

²⁴³ Ibid

Decree²⁴⁴ causing issues with other Algerian communities (Muslim Algerians in particular) – the Moroccan Jews were not given French citizenship so easily.²⁴⁵

Additionally, the French colonial administration was taking into consideration the situation of Jews and Muslims in Palestine. With the growth of the Zionist movement, the French wanted to ensure not to “give Muslims of North Africa or the East the sense that the achievement of the Zionist program in Palestine can hurt the material or moral position of Muslims in Palestine.”²⁴⁶ The situation in Palestine was already impacting the attitude toward the Jews of Morocco in the early years of Zionism. Throughout the 1920’s the question of Morocco’s Jews remained for the Protectorate, and the status of Jews in Protectorate Morocco became increasingly convoluted. While the protectorate wanted to avoid losing its Jewish population to Zionism, it also did not want to give Jews naturalization into France which would isolate them from the Muslim community, and the Sultan wanted to have Moroccan Jews as his subjects to re-establish their Dhimmi status and consolidate Islamic order. Jews had become objects that were being controlled by different political players– stuck between the French Protectorate and the Sultan, with no sense of real equality and freedom in either stance.²⁴⁷ In the Spanish zone, however, such loss of autonomy was delayed, not implemented until one decade after the Jews of French territories. In Tangier, an international zone, Jews had the greatest level of political participation and protection of rights.²⁴⁸

²⁴⁴ Ibid. The Cremieux Decree “unilaterally naturalized Algerian Jews as French citizens and complicated relations among newly enfranchised Jews, the settler population, and Muslims who were denied citizenship.” The mass naturalization of Algerian Jews was “the culmination of efforts by the Franco-Jewish leadership” and also coincided with “the interests of French Republicans to bolster the electorate in Algeria.” See: Daniel Schroeter and Joseph Chetrit, “Emancipation and Its Discontents: Jews at the Formative Period of Colonial Rule in Morocco,” *Jewish Social Studies* 13, no.1, (2006): 170-206.

²⁴⁵ Jonathan Wyrzten, “Negotiating Morocco’s Jewish Question” in *Making Morocco: Colonial Intervention and the Politics of Identity*, (Cornell University Press, 2015): 179-218.

²⁴⁶ Ibid

²⁴⁷ Ibid

²⁴⁸ Ibid

The instability in the French Zone for Jews created a moment of opportunity for Zionist organizations. In the 1920s and 30s Zionist activity began to grow throughout Morocco's Jewish communities.²⁴⁹ However, these activities were faced with hostility not only from non-Jewish communities but also from non-Zionist Jewish organizations such as the AIU— illustrating the fact that many Jews in Morocco were *not* Zionists. The French Residency also had a reserved, and often “antagonistic” approach to Zionism.²⁵⁰ The protectorate authorized the creation of some Zionist schools but it banned many French Zionist organizations.²⁵¹ As Zionist activity grew, so too did the disdain of the French protectorate and Moroccan Muslims. As French Protectorate policy toward Zionism became more restrictive, Jews felt further isolated and distrustful of both the Moroccan and Colonial governments. In 1936, in the wake of the Arab revolt in Palestine and the rise of Nazi Germany, Resident General Nogues made a report to the Ministry of Foreign Affairs emphasizing the French dedication to “maintain the harmony between Jews and Muslims, which is often fragile due to the latent antagonism that traditionally opposes these two elements of the Moroccan population” and to “avert all propaganda liable to arouse in the Jewish communities [that are] subject to the sultan any hint of independence...”²⁵²

Early Nationalism in Morocco

Despite the divisive practices of the French Colonial administration, the Nationalist movement promoted ideas of unity among Morocco's population. However, this proved difficult for Jews who did not fit into the Arabo-Islamic national identity of the movement. Nationalists also saw the Jewish population as potentially problematic despite their ideas of unity, as they faced the high levels of French assimilation in the Jewish community, which could ultimately lead to

²⁴⁹ Ibid

²⁵⁰ Ibid

²⁵¹ Ibid

²⁵² Ibid

naturalization, and the threat of Zionism growing in the Jewish circles.²⁵³ Once again, the ambiguity of the Moroccan Jews' position brought about by the policies of the French protectorate would play a role in how Jews were perceived by Moroccan nationalists. Although many nationalists would encourage unity and emphasize the native identity of Moroccan Jews to the land, much of that came with the conditions of not promoting naturalization of Jews to France or the support of Zionism.

As the nationalist movement continued to grow, the tensions between the Muslim and Jewish communities of Morocco worsened. Despite many leaders in Morocco's nationalist movement and Jewish communities making statements in support of each other and promoting unity, the situation on the ground in Morocco told a different story.²⁵⁴ In 1933, "nationalists distributed tracts and delivered speeches calling for demonstrations against the impiety of Jews in Morocco and their affront against tradition."²⁵⁵ As Jews continued to be isolated by the nationalist movement, so too was the antisemitism growing from European settlers²⁵⁶ during the lead up to WWII. The voices were mixed among the nationalistic movement, with some leaders calling for unity against the common colonial enemy and ensuring that Jews would be part of an independent state, and others outcasting the Jewish community as disloyal traitors. Zionism was constantly antagonized by Nationalists and Europeans alike, with many Moroccan nationalists reminding Jews that they are native to the population and do not need Zionism for independence and protection that they apparently would have under an independent state.

²⁵³ Ibid

²⁵⁴ Throughout the independence movement a pattern emerged of leaders making calls for unity but the reality of the situation being far from that. Despite these ideals of unity, Jewish communities were isolated by the Nationalist movement and faced severe pushback from the Muslim community and those in support of independence.

²⁵⁵ Ibid

²⁵⁶ "European Settlers" refers to Europeans who moved to and took residence in Morocco after the implementation of the French protectorate.

The 1936 Arab Revolt²⁵⁷ served as a turning point for Jews in Morocco as news spread throughout the Middle East of the threat of Jewish immigration to Palestine and the danger of “Holy Places of Islam.”²⁵⁸ This event only further exacerbated antagonism towards Jews and Zionism in Morocco, isolating the Jewish community. In the years leading up to WWII and finally the independence of Morocco from the French, Jews remained in a limbo, constantly receiving different messages about their role in Moroccan society. As Fascism and antisemitism grew throughout Europe, their effects were felt in Morocco as well. Right wing French activity in Morocco increased feelings of insecurity among Jews. In Meknes, “anti-Jewish graffiti was repeatedly written on city walls including slogans such as ‘Here is a Jewish house, a house of profiteers’; ‘Jews belong to a different race than ours; they form a vast nation of exploiters and thieves.’”²⁵⁹

Vichy France

The fall of France to the Nazis in 1940 marked the beginning of a dark period for Morocco’s Jews. The Vichy regime introduced a slew of racist legislation that would severely impact the Jews of Morocco. In August of 1940, the Vichy government repealed the Marchandreau Act, which punished those who attacked racial or religious groups. This allowed the French press to promote antisemitism boldly. In October of the same year, the Vichy government “passed the first comprehensive anti-Jewish legislation in France, the Statut des Juifs.”²⁶⁰ Although the Sultan refused to sign off on the Vichy’s plan to “ghettoize and deport Morocco’s quarter of a million Jews to the killing factories of Europe,”²⁶¹ he still signed off on this law, which turned

²⁵⁷ The Arab revolt was an uprising in British mandate Palestine by Palestinian Arabs. See this source for more: Tom Bowden. “The Politics of the Arab Rebellion in Palestine 1936-39.” *Middle Eastern Studies* 11, no. 2 (1975): 147–74. <http://www.jstor.org/stable/4282565> (accessed April 30, 2023).

²⁵⁸ Jonathan Wyrzten, “Negotiating Morocco’s Jewish Question” in *Making Morocco: Colonial Intervention and the Politics of Identity*, (Cornell University Press, 2015): 179-218.

²⁵⁹ Ibid

²⁶⁰ Ibid

²⁶¹ Susan Gilson Miller, *A History of Modern Morocco*. (Cambridge University Press, 2013): 142.

Jews into an isolated sub-human class, with the ultimate goal of elimination of the Jewish population. The application of these racist laws further revealed the tiered colonial system in place and the role of ethnic status in determining economic, political, and legal rights. Both before and after the Vichy period, access to resources were determined according to a person's classification as "French, non-French European, indigenous Jew, or indigenous Muslim (Berber or Arab)."²⁶² Colonial rule in Morocco, and all of North Africa, severely divided the population of the country through these classifications.

In the early period of Vichy rule, the Sultan tried to reassert Islamic order²⁶³ where Jews' social position "was more restrictively defined."²⁶⁴ The Sultan, and Muslim Moroccan society, reinforced the status of Jews as Dhimmi, second class to their Muslim counterparts. One letter written by the Grand Vizier of the Sultan stated, "Jews were not to forget 'their condition as dhimmi' and were not to 'depart from their traditional life and their limits in which they have always been placed.'"²⁶⁵ Soon after, the French issued a new version of Statut des Juifs which required "a census of all Jews and their property" which would be applied to French North Africa.²⁶⁶ By August, four Dahirs were published about these new laws. One Dahir changed the religious definition of Jewish status to the racial criteria used elsewhere in the French Empire, another banned Jews from more professions, another ordered a census in which all non-Moroccan and Moroccan Jews had to declare their Jewish identity, family status, profession, and property.²⁶⁷ In August 1941, French authorities "issued a decree that forbade Moroccan Jews to live in the European sectors of the city if they had moved there since 1939."²⁶⁸ French

²⁶² Ibid, 142-46.

²⁶³ Ironically, the justification used to deny Moroccan Jews French naturalization is what put them in a better position than Algerian Jews under Vichy France, as Jews continued to be subjects of the Sultan, or Dhimmis.

²⁶⁴ Susan Gilson Miller, *A History of Modern Morocco*. (Cambridge University Press, 2013): 142-46.

²⁶⁵ Ibid, 142-61.

²⁶⁶ Ibid

²⁶⁷ Ibid

²⁶⁸ Ibid

authorities were keen on isolating Jews and sending them back to the Mellahs which some had moved out from since the French protectorate took hold. Contrastingly, in the Spanish zones, Jews retained all of their rights. In fact, the Spanish government called on Sephardic Jews in all of occupied Europe and in the French zone in Morocco to apply for Spanish nationality.²⁶⁹ In French zones this encouraged Jews who were not eligible for Spanish citizenship to seek refuge in their Dhimmi status from a far worse fate under the Vichy regime.

In the summer of 1942, the situation for Morocco's Jews worsened. The shock troops of the Vichy-inspired French national revolution, Service d'ordre Légionnaire SOL), become stronger in Morocco and set mid-November as the start date for "an active campaign against Morocco's Jewish population" spreading posters around Casablanca inviting "the public to gather outside the Mellah on the night of November 15 to begin the process of 'purifying France.'" ²⁷⁰ However, the plans did not go through because of the Anglo-American invasion of North Africa on November 8th 1942, ending Vichy rule.²⁷¹ Celebrations ensued in the Mellahs because of the arrival of the Americans, but this was humiliating for the French protectorate, so they circled the Mellahs, halted festivities by force, and kept Jews isolated for weeks.²⁷² With the encouragement of French officials, violent attacks were "propagated by local Muslims against Jews in Casablanca and elsewhere."²⁷³ The Allied invasion did not mean an immediate revocation of the Anti-Jewish laws. The Allies decided to keep the French administration in

²⁶⁹ Ibid

²⁷⁰ Ibid

²⁷¹ Samir Ben-Layashi and Bruce Maddy-Weitzman, "Myth, History and Realpolitik: Morocco and Its Jewish Community," *Journal of Modern Jewish Studies* 9, March 2010: 89-106. See the full article here: <https://www.tandfonline.com/doi/abs/10.1080/14725880903549293> (accessed April 30, 2023).

²⁷² Ibid

²⁷³ Ibid

place and it took significant pressure from outside sources to negotiate an end to “all racially discriminatory legislation” by March 1943.²⁷⁴

The Independence Movement

In the wake of the rising independence movement in Morocco following WWII, Jews found themselves in a fragile and insecure position, stuck between their denial from Arabo-Islamic national identity and antagonism towards Zionism. The Jewish community itself was “divided into three groups: a small minority of intellectuals, who would choose the option of Moroccan nationals; another small minority that would embrace the ideas of Zionism; and the majority, who were extremely concerned about its future and trusted only France.”²⁷⁵ In an attempt to distance themselves from their inferior Dhimmi status, many Jews, since the inauguration of the AIU, had adopted the French language, changed their Judeo-Arabic names to French and adapted their cultural practices to French ones. However, after facing severe antisemitic laws under Vichy France and with the emphasis on Arabization and native Moroccan tradition brought about by the Nationalistic movements, Jews found themselves in “no-man’s land” distanced both from Moroccan and European society.

The chasm between Morocco’s Muslims and Jews was evident throughout the independence movement. The independence Manifesto in 1944, although it assured equal civil rights for Jews and Muslims, had no Jewish signatories and in 1947; meanwhile the Sultan’s speech about the future of the independence movement made no mention of Jews and emphasized the Arab Islamic cultural identity of Moroccans.²⁷⁶ Furthermore, between 1945 and 1948 several outbreaks of Muslim-Jewish violence emphasized the Jews’ fragile position in

²⁷⁴ Jonathan Wyrzten, “Negotiating Morocco’s Jewish Question” in *Making Morocco: Colonial Intervention and the Politics of Identity*, (Cornell University Press, 2015): 179-218.

²⁷⁵ Samir Ben-Layashi and Bruce Maddy-Weitzman, “Myth, History and Realpolitik: Morocco and Its Jewish Community,” *Journal of Modern Jewish Studies* 9, March 2010: 89-106. See the full article here: <https://www.tandfonline.com/doi/abs/10.1080/14725880903549293> (accessed April 30, 2023).

²⁷⁶ Ibid

Moroccan society.²⁷⁷ Jews were targeted during the Jewish holiday of Rosh Hashanah, and inside their Mellahs, creating a sense of insecurity among the Jewish population.²⁷⁸ Many of these incidents of violence were not addressed by the French protectorate and gave Jews the perception that the French were tolerant of these heinous acts, creating a feeling of insecurity and hostility towards the French.²⁷⁹

During this time, Zionism continued to grow throughout Morocco as Jews were pushed to the fringes of society. Zionist organizations began to organize emigration of some Moroccan Jews to Palestine. When the French approved the creation of a Moroccan branch of the Zionist Federation,²⁸⁰ Zionist activity quickly grew throughout Morocco. However, as the situation worsened in Palestine, and the Nationalists continued to warn Jews about Zionism and its evils, the activities had to be held in secret.

In 1947, Mohamed V visited Tangier and had a ceremonial tea with the Jewish leadership where they pledged allegiance to the sovereign. During this meeting the Sultan emphasized Morocco's Muslim character and the independence movement's affiliation with pan-Arabism²⁸¹. That same year, when the partition plan in Palestine was announced, Jews faced a backlash from the Istiqlal party, which warned against Zionist activity and held a boycott against Jewish businesses suspected of pro-Zionist sympathies. In 1948, when Israel declared its independence, the King delivered a speech "strongly cautioning against any violence against the Moroccan Jewish population" while also advising "his Jewish subjects to 'avoid any sensitive act of supporting the Zionist aggression or manifesting any solidarity with it, because by doing so, they

²⁷⁷ Jonathan Wrytzen, "Negotiating Morocco's Jewish Question" in *Making Morocco: Colonial Intervention and the Politics of Identity*, (Cornell University Press, 2015): 179-218.

²⁷⁸ Ibid

²⁷⁹ Ibid

²⁸⁰ Ibid

²⁸¹ Ibid.

will threaten not only their individual rights but also their Moroccan nationality.”²⁸² In essence, Moroccan Jews were given conditional nationality, one that could be taken away at any moment or by any accusation of Zionism, regardless of how loyal they were to the Sultan and to Moroccan independence. The increased antagonization of Jews and Zionism led to many Jews choosing to immigrate illegally from Morocco to the newly independent Israel. Between 1948 to 1956 a total of 98,243 Jews would emigrate from Morocco to Israel.²⁸³

The independence movement in Morocco used the war in Israel as an opportunity to mobilize support throughout Morocco. This in turn, led to more violence against Jews. A turning point for the Jewish communities was the pogroms of Oujda and Djerada in June 1948. The Pogroms left countless businesses and homes destroyed and 43 Jews dead. It was increasingly evident to Jews in Morocco that they were in danger, and that they no longer had a safe place in French or Moroccan society.

The level of immigration to Israel continued to grow, and one year later, the resident general legalized Zionist immigration activity. In the 1940s and 50s, the ties between Moroccan nationalism and pan-Arabism would further solidify to Jews that they were excluded from Moroccan cultural identity. Even as the Sultan urged leaders in Moroccan cities to remind Jews that they would be protected following the pogroms in Oujda and Djerada, that reassurance came with a warning against outward support of Zionism, again notifying Jews that their protection was conditional. The armed resistance against the French by the Istiqlal and the independence movement further isolated the Jewish communities who had assimilated to French culture,

²⁸² Ibid. (quoted in Assaraf 2005, 521).

²⁸³ Michael M. Laskier, “Jewish Emigration from Morocco to Israel: Government Policies and Position of International Jewish Organizations, 1949-56,” *Middle Eastern Studies* 25, No. 3, July 1989. See the full article here: <https://www.jstor.org/stable/4283316> (accessed Apr 30, 2023)

making French support almost as dangerous as being a Zionist.²⁸⁴ By the time Morocco attained independence in 1956, “most Jews had begun to prepare for their departure.”²⁸⁵

Independent Morocco

Following Morocco’s independence in 1956, large-scale and organized emigration of Jews to Israel was banned and in 1957, individual emigration was banned as well.²⁸⁶ The reason behind this ban came from the nationalist alignment with the Arab League, which was fighting against the newly founded Israel and was vehemently opposed to an increase in Jews in the land.

Additionally, the newly founded Moroccan government – unlike its Arab counterparts who promoted Arab homogeneity– promoted heterogeneity and wanted Jews to invest into the newly found Moroccan state, not the Israeli one.²⁸⁷ However, despite their desire to “include” Jews in the newly independent Morocco, the independence movement isolated and pushed away Jews from Moroccan society, with the press often portraying them as disloyal and the government repeatedly warning Jews against supporting Zionism. After 1958, when the Moroccan government joined the more radical Arab league, they began “issuing virulent anti-Israel statements” only further worrying its Jewish community.²⁸⁸ The ban on emigration, however, did not completely stop Jews from fleeing to Israel. Many would continue to do so illegally until the tragic case of 42 Moroccan Jews drowning while on a Mossad-operated ferry to Gibraltar that sank in February 1961.²⁸⁹ This incident would eventually lead to the removal of the emigration

²⁸⁴ Samir Ben-Layashi and Bruce Maddy-Weitzman, “Myth, History and Realpolitik: Morocco and Its Jewish Community,” *Journal of Modern Jewish Studies* 9, March 2010: 89-106. See the full article here: <https://www.tandfonline.com/doi/abs/10.1080/14725880903549293> (accessed April 30, 2023).

²⁸⁵ Ibid

²⁸⁶ Michael M. Laskier, “Jewish Emigration from Morocco to Israel: Government Policies and Position of International Jewish Organizations, 1949-56,” *Middle Eastern Studies* 25, No. 3, July 1989. See the full article here: <https://www.jstor.org/stable/4283316> (accessed Apr 30, 2023)

²⁸⁷ Ibid

²⁸⁸ Michael M. Laskier “Developments in the Jewish Communities of Morocco 1956-76.” *Middle Eastern Studies* 26, no. 4 (1990): 465–505. <http://www.jstor.org/stable/4283394> (accessed April 30, 2023).

²⁸⁹ Samir Ben-Layashi and Bruce Maddy-Weitzman, “Myth, History and Realpolitik: Morocco and Its Jewish Community,” *Journal of Modern Jewish Studies* 9, March 2010: 89-106. See the full article here: <https://www.tandfonline.com/doi/abs/10.1080/14725880903549293> (accessed April 30, 2023).

ban in 1963, allowing over 100,000 Moroccans to leave for Israel, with some establishing residence in France and North America.

1963- Present

In 1967, in the aftermath of the Six Day War in Israel and Israel's territorial gains, although Jews were largely protected from pogroms that others in the region had to face, the Istiqlal capitalized on the moment to ramp up its anti-Zionist campaign, which inevitably affected the Jews. The Istiqlal "utilized classic antisemitic literature such as the alleged letter by Benjamin Franklin denouncing Jews" and through its French language organ *L'Opinion* it "encouraged the Muslim population to publicize black lists of Jewish owned businesses."²⁹⁰ Between 1967 and 1971, the Moroccan Jewish population was reduced from 60,000 to 35,000. Moroccan Jews had been pushed to the edges of society, no longer finding a sense of safety in the place they had called home for thousands of years. Any tension with Israel would be felt by the Jewish community in Morocco. Even as government officials and leaders called for the protection of Jews, that was always a conditional protection, with warnings against Zionism and reminders of the fragility of Jewish citizenship. By 2009, the Moroccan Jewish community numbered at a few thousand. Still, this community of a few thousand is an anomaly in the present day Arab world. The Moroccan Jewish community that remains in Morocco is notably in one of the most tolerant environments for Jews in the Arab world.²⁹¹ The Moroccan government has taken many steps to prove that it values the Jewish community. Jews are subject to a separate set of laws and special courts govern personal status matters for Jews. Jews have access to synagogues, Jewish schools, kosher restaurants, and other Jewish establishments.²⁹² Since the time of King Hassan II, "all Moroccan

²⁹⁰ Michael M. Laskier "Developments in the Jewish Communities of Morocco 1956-76." *Middle Eastern Studies* 26, no. 4 (1990): 465–505. <http://www.jstor.org/stable/4283394> (accessed April 30, 2023).

²⁹¹ Jewish Virtual Library, <https://www.jewishvirtuallibrary.org/jews-of-morocco> (accessed April 30, 2023).

²⁹² Ibid

Jews who left still hold Moroccan nationality and can come back to the country whenever they would like.”²⁹³ Additionally, in 2010, King Mohammed VI launched a program to rehabilitate Jewish cemeteries, synagogues and other monuments.²⁹⁴ Morocco has maintained a significant relationship with its Jews that was completely wiped away by most of the other Arab countries. The Palace has kept a stance of support for its Jews despite the reality of their situation that led to such a stark decrease in the size of the population. The Moroccan Jewish community played a supportive role in establishing Israeli-Moroccan ties, another unique case in the Arab world.²⁹⁵ The 2020 reestablishment of formal diplomatic ties between Morocco and Israel was also influential in providing direct flights between Israel and Morocco on a daily basis, establishing an embassy, and increasing economic cooperation. These changes have had a significant impact on the Moroccan Jewish community in Morocco and in Israel.²⁹⁶ In July 2022, King Mohamed VI recognized Jewish community as a component of national culture in a statement released by the palace.²⁹⁷ The Moroccan interior Minister also proposed in a “a meeting of the Council of Ministers in Rabat that new representative bodies be formed for the Jewish community, calling their traditions ‘a component of the rich Moroccan culture.’”²⁹⁸

Where are they Now?

²⁹³ Mohamed Chtatou, “Understanding Moroccan ‘Normalization’ with Israel,” *Washington Institute*, January 5, 2021. See the full article here: <https://www.washingtoninstitute.org/policy-analysis/understanding-moroccan-normalization-israel> (accessed April 30, 2023).

²⁹⁴ Ibid

²⁹⁵ Samir Ben-Layashi and Bruce Maddy-Weitzman, “Myth, History and Realpolitik: Morocco and Its Jewish Community,” *Journal of Modern Jewish Studies* 9, March 2010: 89-106. See the full article here: <https://www.tandfonline.com/doi/abs/10.1080/14725880903549293> (accessed April 30, 2023).

²⁹⁶ Jewish Virtual Library, <https://www.jewishvirtuallibrary.org/jews-of-morocco> (accessed April 30, 2023).

²⁹⁷ Lahav Harkov, “King Mohammed VI Recognizes Jewish Community as Part of Moroccan Culture,” *The Jerusalem Post*, July 17, 2022. See the full article here: <https://www.jpost.com/diaspora/article-712317> (accessed April 30, 2023).

²⁹⁸ Ibid

Moroccan Jews now live in various countries, including Israel, the US, France, and Canada. In Israel, Moroccan Jews represent the largest Mizrahi²⁹⁹ Jewish community.³⁰⁰ Moroccan Jews have maintained many of their traditions and have even implemented those traditions into Israeli culture. A major example of this is the Mimouna festival, a Moroccan Jewish tradition held at the end of Passover in which Moroccan Jews traditionally would open their doors to Muslim neighbors and share treats they could not eat during Passover. This tradition has now become widespread around Israel, as Israelis from varying backgrounds celebrate it.³⁰¹ The Moroccan Jewish community also maintains a positive sentiment towards the Moroccan Monarchy, which has played a role in the maintenance of cultural identity for Moroccan Jews.³⁰² With the normalization of ties in 2020, many Moroccan Jews can now easily visit Morocco, which is a significant milestone for the Moroccan Jewish community in Israel. Despite this overall positive experience of the Moroccan Jewish diasporic community, there are also many challenges that the Moroccan Jews still face. Moroccan Jews, although unique in their relations to the country they fled from, have yet to gain real justice for the persecution they faced. In 2021, Israel's Supreme court ruled that Morocco's Jews could not be compensated as Holocaust victims, despite the

²⁹⁹ "Mizrahi" means "Eastern" in Hebrew and refers to Jewish diasporic communities from the Middle East and North Africa. See this source for an explanation of the distinction between the Sephardic and Mizrahi Jewish communities: Dina Danon, "What Do You Know? Sephardi vs. Mizrahi," *Herbert D. Katz Center for Advanced Judaic Studies*, December 5, 2018. See the full article here: <https://katz.sas.upenn.edu/resources/blog/what-do-you-know-sephardi-vs-mizrahi#:~:text=What%20is%20the%20difference%20between,by%20significant%20internal%20cultural%20diversity>. (April 30, 2023).

³⁰⁰ Michael M. Laskier, "Jewish Emigration from Morocco to Israel: Government Policies and Position of International Jewish Organizations, 1949-56," *Middle Eastern Studies* 25, No. 3, July 1989. See the full article here: <https://www.jstor.org/stable/4283316> (accessed Apr 30, 2023)

³⁰¹ Joel Rappel and Ortal Mogos, "Mimouna: How a Single Tradition Became Israel's Most Beloved Holiday," *YNet News*, April 12, 2023. See the full article here: <https://www.ynetnews.com/article/by6qq11efn> (accessed April 30, 2023).

³⁰² Jeremy Sharon, "Israelis of Moroccan Origin Can 'Bridge' and Strengthen Ties with Rabat," *The Jerusalem Post*, December 13, 2020. See the full article here: <https://www.jpost.com/israel-news/israelis-of-moroccan-origin-can-bridge-and-strengthen-ties-with-rabat-652003> (accessed April 30, 2023).

antisemitism they faced from the French Vichy regime.³⁰³ Paradoxically, Morocco's Jews boast friendly relations with the country they came from and can freely visit the land of their ancestry at any time, with a functioning community remaining. However, the persecution they faced which led to the massive decrease in their population has yet to be addressed.

Establishment of Crimes

The crimes against Jews in Morocco constituted ones of commission and omission. The European occupation of Morocco, although it began as a refuge for Jews from their second class Dhimmi status, ended up pushing them to the fringes of society to a point where they became stateless within their own country. The demonization of Zionism in Morocco and the spread of radical pan-Arabism in independence parties placed Jews in a dangerous position, with calls for their safety and protection of Jews conditional upon their being anti-Zionist. Many of the pogroms and anti-Jewish activities within Morocco went overlooked by authorities and proved once again that Jews were not in fact equal citizens or protected under Moroccan law. In this section, I will categorize crimes committed against Jews in Morocco.

Antisemitic Race Laws under Vichy France

Under Vichy French, the Jewish community was not only divided by the colonial laws that existed throughout colonial rule in Morocco, but they also suffered antisemitic race laws that controlled where they lived, worked, and removed any feeling of safety under the government. Under the "Statut des Juifs," Jewish status was now *worse* than what it was as Dhimmis. The "Statut des Juifs" isolated Jews from Moroccan society with the aim of identifying Jews for eventual elimination (although thankfully they couldn't get to the elimination part). Jews had to

³⁰³ Toi Staff, "Supreme Court Rules Morocco's Jews Can't Be Compensated as Holocaust Victims," *The Times of Israel*, August 27, 2021. See the full article here: <https://www.timesofisrael.com/supreme-court-rules-moroccos-jews-cant-be-compensated-as-holocaust-victims/> (accessed April 30, 2023).

identify themselves and were limited in where they could work or reside. Jews who had previously believed they were emancipated under the French, were now wishing to go back to their former Dhimmi status, a “protected” second class. Through Antisemitic Vichy laws, Jews were separated from French-Moroccan society permanently.

Criminalization of Zionism

The criminalization and antagonism towards Zionism under both French and independent Moroccan rule prevented Jews from integrating into Moroccan society and antagonized Jewish communities regardless of their political alignment with Zionism. As the Zionist movement grew throughout the first half of the 20th century, French protectorate rule limited Zionist activity and actively prevented it. As the nationalistic and independence movement grew throughout Morocco, the sentiments of anti-Zionism became stronger and louder. Nationalists were vocally anti-Zionist and constantly reminded Jewish Moroccans that they did not need Zionism, and if they were to support Zionism, it would become a sign of their being traitors. However, the reality of the situation was different. The anti-Zionism that was promoted by these remarks created a sense of tension for all Jews and became an avenue to arbitrarily attack Jews, demonstrating that they in fact did not have a place in Moroccan society. In many cases, the Jews of Morocco were *not* Zionists hoping to emigrate to Israel, but instead had to turn to Israel primarily for refuge. When the state of Israel was established, the Sultan of Morocco declared that the support of Zionism from the Jews could endanger their rights and their citizenship.³⁰⁴ In many ways, Zionism became an excuse to be overtly antisemitic and to isolate the Jewish community without any real evidence of their Zionist beliefs or ideals. Zionism made Jewish safety “conditional” because Jews would be granted the right to exist insofar as they remained anti-Zionist. Although

³⁰⁴ Jonathan Wyrzten, “Negotiating Morocco’s Jewish Question” in *Making Morocco: Colonial Intervention and the Politics of Identity*, (Cornell University Press, 2015): 179-218.

the Moroccan government did not codify anti-Zionism, the sentiments declared by political leaders were clearly anti-Zionist and served as a declaration to Jews that their citizenship and place in the country was not unconditional.

Riots and Pogroms

The riots that destroyed Jewish homes, businesses, and property were a clear example of crimes of “omission” in the sense that the state was passive in the face of discriminatory societal violence. As it is shown in the following two cases, the perpetrators of these crimes went unpunished, and Jews were left feeling insecure and unprotected in their own homes.

Riot of 1912

The rioting in Fez, after the signing of the Treaty of Fez in 1912, targeted the Jewish (Mellah) Quarter in Fez, destroying Jewish establishments. Homes, stores, and synagogues were looted and women were raped and dozens were wounded.³⁰⁵ As a result of the rioting, 42 Jews were killed, and about twelve thousand Jews fled their homes and took refuge in nearby areas.³⁰⁶ This riot went unpunished by French and Moroccan authorities.

Pogroms of 1948 Oujda and Djerada

The pogroms of 1948 in Oujda and Djerada, which broke out after the announcement of the establishment of the state of Israel, attacked Jews in both cities. Local Muslims killed 43 Jews and “also caused considerable damage to homes and businesses.”³⁰⁷ Although the Muslims were the ones who carried out the atrocities, the French were also to blame, as they “either organized the pogroms or allowed them to occur.”³⁰⁸ However, in the aftermath of these pogroms, the French authorities arrested the leaders of the General Confederation of Labor (a

³⁰⁵ “Riots Target the Jewish Quarter in Fez, Morocco,” *Segula: The Jewish History Magazine*. See the full article here: https://segulamag.com/en/today_event/פורץ-החרתיל-פרעות-נגד-יהודי-פס-במרקו (accessed April 30, 2023).

³⁰⁶ Susan Gilson Miller, *A History of Modern Morocco*. (Cambridge University Press, 2013): 89.

³⁰⁷ Jonathan Wyrzten, “Negotiating Morocco’s Jewish Question” in *Making Morocco: Colonial Intervention and the Politics of Identity*, (Cornell University Press, 2015): 179-218.

³⁰⁸ *Ibid*

French administration office) “whom they believed had received an order from the Istiqlal leadership in Oujda to instigate the attacks.”³⁰⁹ The pogroms resulted in the destruction of Jewish homes and businesses and killed 43 Moroccan Jews. No repercussions were faced by the Istiqlal leaders who instigated the attacks.

Boycott of Jewish Businesses

In the year leading up to and after the establishment of the state of Israel, a boycott was held against Jewish businesses “suspected” of Zionism. The Arab League passed a resolution on boycotting Zionist businesses and created a committee for it,³¹⁰ promoting the boycott throughout the Arab world. This boycott would influence independence leaders in Morocco who had embraced a Pan-Arab ideology; thus, Muslim leaders throughout Morocco to promote the boycott. In 1947, the Istiqlal party in Morocco organized a boycott against Jewish and European businesses “suspected of pro-Zionist sympathies.”³¹¹ The boycott “targeted Jewish-owned pharmacies, cinemas, and bus companies.”³¹² The boycott arbitrarily targeted Jewish businesses and isolated Jewish business owners, not only hurting Jews economically but also creating social barriers for Jews in Moroccan society.

Emigration Ban

Throughout French rule, emigration of Jews from Morocco was limited, but after Morocco became independent, there was a complete ban on emigration of Jews from Morocco to Israel. Those found to have gone to Israel would automatically be revoked of the right to return and their Moroccan citizenship would be forfeited. The Istiqlal party (the main political force after independence) felt that it was their duty to support the Palestinian cause by decreasing the

³⁰⁹ Ibid

³¹⁰ Thomas Mayer, “Arab Unity of Action and the Palestine Question, 1945-48,” *Middle Eastern Studies* 22, No. 3, July 1986. See the full article here: <https://www.jstor.org/stable/4283126?seq=6> (accessed April 30, 2023).

³¹¹ Jonathan Wyrzten, “Negotiating Morocco’s Jewish Question” in *Making Morocco: Colonial Intervention and the Politics of Identity*, (Cornell University Press, 2015): 179-218.

³¹² Ibid

number of Jews that traveled to Israel, and they did so by banning emigration. Additionally, the Moroccan economy would suffer with the mass emigration of Jews, so Jews were banned from doing so all together. Many Jews would escape illegally throughout this time until the emigration ban was lifted in 1963.

Conclusion

Morocco once housed the largest Jewish community of any Arab country, but only remnants of that community remain today. Throughout much of Moroccan history, Jews were Dhimmis, second class “protected” subjects of the Sultan. Jews lived in Mellahs, separate quarters from the rest of Moroccan communities. European influence in Morocco marked the beginning of the end of the community. French rule and the influence of French organizations such as the AIU put many Jews in a position of being “French” but without the protection of the French government. Vichy rule isolated the French-assimilated Jews both from Muslim Moroccan society and from European society. As the Zionist movement grew in the late 19th and early 20th century, Jews were further persecuted. Regardless of Jewish support for Zionism, many Jews were attacked, and their businesses were boycotted on the “suspicion” of their Zionist identities and activities. Jews were constantly reminded by the Sultan that they were Moroccan subjects *but* support of Zionism could threaten this status and the rights of Jews as a whole. With the spread of Arabo-Islamic national identity as the nationalistic and independence movements grew throughout Morocco, Jews were increasingly isolated from the rest of society. A culmination of these events ultimately put Moroccan Jews in a position of being stateless within their own countries, neither protected by the French nor the Moroccans. Although this position was not codified, Moroccan Jews, in many instances, had no choice but to leave, with their security in danger and an absence of protection under their government.

Having not codified the forced exile of Jews from the country, as Iraq did, Morocco allowed for some Jews to remain, yet this is only a fraction of the community that once was. Today, most Moroccan Jews and their descendants live in Israel, France, and North America, making up the largest Mizrahi population in Israel. Israel and Morocco have normalized and improved relations, permitting Israelis to travel to Morocco and easing some of the tensions created for Jews who remain in Morocco but previously could not travel to Israel where many of their relatives reside. This puts Morocco in a rather unusual position across the Arab world. While the atrocities faced by Moroccan Jews continue to go unpunished and unrecognized, the position of Moroccan Jews today and the continual presence of Jews in the land creates opportunities for justice to be served. In the next chapter, this opportunity will be explored, along with a comparison of Morocco's circumstances with Iraq's. It is evident that the two communities were very similar but had key differences that will ultimately impact how the victims can seek justice, and this too will be analyzed in the following chapter.

Chapter 5: Prescription of Justice

In this chapter, I will be comparing the cases of Morocco and Iraq, mainly the factors that differentiate the two cases and are significant in understanding their quest for justice. I will then propose a prescription of justice for each country, taking into account these factors and domestic policy and crime as well as international legal tools available. Finally, I will analyze the difference in prescriptions of justice between Iraq and Morocco and how the varying variables translated into these different avenues. I will conclude that we see two distinct patterns, one that foregrounds a cooperative state and a lack of legal evidence, and another that has an uncooperative and hostile state with clear legal evidence. Each will necessitate a different legal and extra-legal strategy and choice of Transitional Justice tools on the part of victims who seek justice.

Comparison of Cases

Figure 2: Comparison of Cases and Relevant Factors

Country	Region	Colonial Power	Size of Jewish Population 1948-51	Current Jewish Population	Current Regime	Relations with Israel	Criminalization of Zionism
Iraq	Middle East	Britain	125,000	<4	Federal parliamentary	None	Yes
Morocco	North Africa	France/Spain	250,000	2,500	Constitutional monarchy	Friendly	Yes

Country	Denaturalization & Systematic Persecution	Dhimmi Status	Emigration Ban	Nazi Impact	Riots & Pogroms	Boycott of Jewish (Zionist) businesses
Iraq	Yes - de jure	Yes – until Tanzimat (1839)	Yes	Propaganda/Farhud	Farhud + smaller ones	Yes
Morocco	Yes - de facto	Yes - on and off after protectorate (1912)	Yes	Vichy France/Legal	1912 + Oujda/Djerada + minor ones	Yes

Country	Member of UN (bound by UN Charter)	Ratification of Rome Statute/ ICC	International Covenant on Civil and Political Rights ("ICCPR")	1951 Refugee Convention	Universal Declaration of Human Rights (UDHR)
Iraq	Yes (1945)	No	Ratified 1971	Not Signed	Signed 1948
Morocco	Yes (1956)	No- but cooperated with ICC on cases	Ratified 1979	Signed 1956	Signed 1948

Explanation of Comparison

The cases of Iraq and Morocco have many foundational commonalities: both are Arab countries with a Muslim majority population and both have had sizable Jewish communities dating back thousands of years. However, there are key differences in both countries with respect to the mass exile of their Jewish communities. The exile of the Moroccan and Iraqi Jewish communities can be viewed as contrasting cases of *de jure* and *de facto* mass exile. While Iraq codified its criminalization of Zionism and the denaturalization of its Jewish community, Morocco forced its Jewish citizens out through societal pressure and isolation. Jews in Iraq became stateless *de jure*, meaning through the law, while Jews in Morocco became stateless, *de facto*, meaning through practice. This key difference is also what contributed to the fact that in Morocco, a Jewish community remains, which has paved the way for friendly relations with Israel and the flow of people between Morocco and Israel; on the other hand, in Iraq, there remain only four Jews, and their identities are hidden for their own safety. Iraq continues to have a hostile relationship with Israel, and has singled out the Jewish community as the only Iraqi diasporic community that does not have the right to regain nationality lost due to political reasons. Meanwhile Morocco has made efforts to show its appreciation for the Jewish community and their value to Moroccan culture and society. Despite these differences, both Jewish communities were victimized, facing

persecution and discrimination and forced to leave behind their homes after thousands of years of history in the region. How those victimized communities can potentially gain justice will differ based on these key factors, and that will be explored in the next section.

The Path to Justice

Legal Liability

In the previous two chapters, the crimes committed against Iraqi and Moroccan Jews were outlined. Under international law, the crimes committed by both Iraq and Morocco were violations of international human rights law. Although there are various documents outlining international law, the two primary documents we will be focusing on include the [UN Charter](#) and the [International Covenant on Civil and Political Rights \(ICCPR\)](#), which outline a range of human rights to which Iraq and Morocco are legally bound, as both countries are UN member states and have ratified the ICCPR. Some of the main rights outlined in the ICCPR that have been violated by Iraq and Morocco include:

1. The right to life, liberty, and security of a person.³¹³
2. The right to privacy.³¹⁴
3. The right to freedom of opinion and expression.³¹⁵
4. The right to freedom of peaceful assembly and association.³¹⁶
5. The right to a fair trial and due process of law.³¹⁷
6. The prohibition of arbitrary arrest and detention.³¹⁸

³¹³ The United Nations Office of the High Commissioner on Human Rights, *International Covenant on Civil and Political Rights*, drafted 1954, adopted December 16, 1966: Article 6. For the full text of the document see this link: <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/ccpr.pdf> (accessed April 27, 2023).

³¹⁴ *Ibid*, Article 17.

³¹⁵ *Ibid*, Article 19.

³¹⁶ *Ibid*, Article 21.

³¹⁷ *Ibid*, Article 14.

³¹⁸ *Ibid*, Article 9.

7. The prohibition of torture and cruel, inhuman or degrading treatment or punishment.³¹⁹
8. The right to cultural, ethnic, and religious freedom.³²⁰

Under the UN Charter, the rights violated include:

1. Respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.³²¹

When Iraq and Morocco became a UN member state in 1945 and 1956, respectively, the UN charter became a legally binding document for them. Additionally, upon ratification of the ICCPR (1971 in Iraq and 1979 in Morocco), Iraq and Morocco became legally bound to the provisions of the treaty. Violations of the rights outlined in these two documents thus create legal liability for both Iraq and Morocco. Aside from legally binding instruments, however, Morocco and Iraq are both signatories of other international human rights instruments. In 1948, Iraq and Morocco signed the Universal Declaration of Human Rights (UDHR), committing themselves to protecting human rights and its citizens and upholding the principles enshrined in the Declaration. In 1956, Morocco signed the Refugee Conventions, committing itself to respecting the rights of refugees and asylum seekers. Under the rights outlined in all of these documents, Morocco and Iraq have both committed human rights violations which constitute international crimes.

Thus far, both the Iraqi and Moroccan Jewish refugees have been left without justice, with the crimes committed against them ignored. The legal avenues available to these victims are limited, given that they no longer reside in the country where the crimes took place and that the states, who were also the perpetrators of the crime, have not acknowledged the crimes committed

³¹⁹ Ibid, Article 7.

³²⁰ Ibid, Article 27.

³²¹ United Nations, *United Nations Charter*, adopted June 26, 1945: Article 1.3. For the full text of the document see here: <https://www.un.org/en/about-us/un-charter/full-text> (accessed April 26, 2023).

against their own citizens. If we turn to the domestic legal avenues available for the victims, Iraqi Jews have no place to turn, as Iraq's government continues to discriminate against Jewish refugees (as per the 2006 Nationality Law discussed in Chapter 3), and no Jewish community exists in the country today to advocate on behalf of the victims. In the case of Morocco, although there is a Jewish community and acknowledgement of the government of the history of that community (not their victimization, though), there is very little legal standing for the victims because their forced exile was not codified as it was in Iraq. Although in both Morocco and Iraq, many of the crimes committed against Jews were before or during the transition to a newly independent government, the new government maintains the legal responsibility of victims of the predecessor government under international law.

Given these circumstances, in the next sections of this chapter, I will be exploring the legal standing of each case and how the tools of international law and Transitional Justice can aid in attaining justice for these victims. While international law provides a legal avenue for victims to turn to when their domestic legal structures fail them, Transitional Justice provides a toolbox of mechanisms that can help victims attain justice outside of criminal prosecution. As discussed in Chapter 2, the "toolkit" provided by Transitional Justice is not always legal or judicial justice, but also material and policy-oriented, including restoration, reconciliation, reparations, peace processes, institutional reform, and truth seeking initiatives. As mentioned in Chapter 2, under the [Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#), the key factors of restitution, compensation, rehabilitation, and satisfaction must be taken into account when looking at the avenues of justice for victims of human rights abuses. Additionally, the goals of Transitional Justice, as articulated by the Special Rapporteur

on the promotion of truth, justice, reparation, and guarantees of non-recurrence, include accountability and justice, promotion of truth and memory about past violations, remedies to victims, reform of national institutional and legal frameworks to promote the rule of law in accordance with international human rights law, and restoration of confidence in the institutions of the State, assurance of social cohesion, promotion of healing and reconciliation, and prevention of recurrence of crises and future violation of human rights.³²² These are the factors I will be focusing on while exploring paths to justice for the victims. In the following sections, I will explore how the mechanisms of both international law and Transitional Justice can be used for the Jewish victims of Iraq and Morocco, which will create a path for other victims of similar crimes both in the region and beyond.

Iraq

Iraq's Legal Liability

Given the legally binding instruments mentioned previously, it is important to look at the chronology³²³ of the documents becoming legally binding and the crimes committed in each case. In the case of Iraq, Iraq became a state member of the UN in 1945, thus making Iraq legally bound to comply with the provisions of the UN Charter from that point. Iraq also ratified the International Covenant on Civil and Political Rights (ICCPR) in 1971. As discussed in Chapter 3, the establishment of Zionism as a crime, the subsequent arbitrary targeting of Jews in Iraq and their denaturalization all began in 1948, while Iraq was a UN member. The 2006 Nationality Law, which specifically excluded Jews from the right to regain Nationality was implemented

³²² “Special Rapporteur on Truth, Justice, and Reparation,” org, *OHCHR*, (n.d.), <https://www.ohchr.org/en/special-procedures/sr-truth-justice-reparation-and-non-recurrence> (accessed April 30, 2023).

³²³ See Appendix, Figure 1.

while Iraq was a UN member state and it had ratified the ICCPR, thus increasing its legal liability. Given the timeline of the crimes as compared to the international legal instruments implemented, Iraq has a high level of legal liability towards the victims it committed crimes against. With the legal liability established, it is also important to take into account the other factors that affect the enforcement of international law. In the next sections, I will explore the political context in Iraq and how that translates into what justice would look like for the victims.

Iraq's Political Context & International Law

Iraq's current government has made no formal or informal recognition of the Jewish community it once had, or the events that caused the community to vanish. Iraq continues to have a hostile relationship towards Israel, not acknowledging its legitimacy as a country, and maintaining its strict restriction of normalization of relations between Israel and Arab countries. Laws that have allowed other citizens who lost their nationality due to political reasons have left out Jews, and Iraq has expanded the criminalization of Zionism, while other Arab countries have begun to normalize ties with Israel. Given this hostility from the government, the likelihood of the state acknowledging the crimes it has committed towards its Jewish community is slim. The structures of international law require the cooperation of states. If the crimes against Jewish citizens in Iraq were brought to the ICC, which they rightfully could be due to the liability mentioned previously, the ability of the ICC to have the accused stand trial would depend on the extradition of the accused by national governments. Also, because Iraq is not a state party to the Rome Statute, the ICC would only be able to prosecute perpetrators of this crime through referral by the United Nations Security Council (UNSC). The ICC can investigate and prosecute crimes committed by individuals from non-state parties if the UNSC refers the situation to the Court

under Chapter VII of the UN Charter.³²⁴³²⁵ This is a scenario that has many practical obstacles given the fact that the UN has yet to formally recognize the crimes being committed. Therefore, criminal prosecution is an unlikely scenario as a form of justice for the Iraqi Jewish victims.

Similar Cases

The precedent set by similar cases to that of Iraqi Jewish victims is important in developing a prescription of justice. One case that has many fundamental similarities is that of the victims of the Armenian Genocide. Between 1915 and 1923, the Ottoman Empire committed mass killings and forced deportations of ethnic Armenians which resulted in the deaths of an estimated 1.5 million Armenians.³²⁶ The Turkish government (the Ottoman Empire was the predecessor to the current Turkish government and state) has refused to acknowledge this genocide³²⁷ and has often brought charges against scholars, writers, and journalists who have written about or promoted the acknowledgement of the genocide.³²⁸ Despite denial from the Turkish governments for the past atrocities committed, Armenians have advocated for international recognition of the genocide and have achieved that through various means. In 1987 the European Parliament recognized the Armenian Genocide and reaffirmed its recognition in a resolution adopted in 2015. In 2019, both

³²⁴ UN Charter, *United Nations*, Chapter VII. See the full article here:

<https://www.un.org/en/about-us/un-charter/chapter-7> (accessed April 30, 2023).

³²⁵ “Rome Statute of the International Criminal Court,” *ICC*, Article 13(b), <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>. (accessed April 30, 2023).

³²⁶ Katie Bedrossian, “The Armenian Genocide and Acts of Denial” *Human Rights Pulse*, April 24, 2021. See the full article here: <https://www.humanrightspulse.com/mastercontentblog/the-armenian-genocide-and-acts-of-denial> (accessed April 27, 2023).

³²⁷ Tim Arango, “A Century After Armenian Genocide, Turkey’s Denial Only Deepens,” *The New York Times*, April 15, 2023. See the full article here: <https://www.nytimes.com/2015/04/17/world/europe/turkeys-century-of-denial-about-an-armenian-genocide.html> (accessed April 27, 2023).

³²⁸ Robert Trait, “Turkish Publisher Convicted Over Armenian Genocide Claims” *The Guardian*, June 19, 2006. See the full article here: <https://www.theguardian.com/world/2008/jun/19/turkey.humanrights> (accessed April 27, 2023).

chambers of the US Congress³²⁹³³⁰ passed resolutions recognizing the Armenian Genocide and in 2021, President Joe Biden issued a statement recognizing the Armenian “genocide”, the first sitting US president to use the term genocide in reference to the crimes committed. Other national governments have also recognized the Armenian genocide, and sub-committees of the UN have also passed resolutions recognizing the genocide. Although Armenians have not achieved criminal prosecution of perpetrators or acknowledgment from the Turkish government, their advocacy resulted in international recognition which is an important achievement in recognizing the crimes and bringing justice to victims. The scope of the crime committed against Armenians differs from that of the Jews in Iraq, but both groups faced human rights violations and the perpetrator state has completely denied the crime committed. Looking at the precedent set by the Armenian case and their advocacy which led to international recognition, Iraqi Jewish victims may find an avenue to justice as well.

What Justice Could Look Like

Based on the political context in Iraq, the severity of the crimes committed against Jews in the country, and the tools available in international law and transitional justice, some avenues for justice in Iraq could include international recognition of the crimes committed against the Jewish community and truth commission. The crimes committed against Jewish citizens by the Iraqi government are clear violations of international law and although criminal prosecution may not be likely, the legal liability can be used as leverage to gain justice through other avenues such as

³²⁹ Catie Edmondson and Rick Gladstone, “House Passes Resolution Recognizing Armenian Genocide,” *The New York Times*, October 29, 2019. See the full article here: <https://www.nytimes.com/2019/10/29/us/politics/armenian-genocide-resolution.html> (accessed April 27, 2023).

³³⁰ Catie Edmondson, “Senate Passes Resolution Recognizing Armenian Genocide, in Defiance of Trump,” *The New York Times*, December 12, 2019. See the full article here: <https://www.nytimes.com/2019/12/12/us/politics/senate-armenian-genocide.html> (accessed April 27, 2023).

tools of transitional justice mentioned previously. Ultimately, the goal of any form of justice for victims is to serve the victims. Following the guidelines of restitution, compensation, rehabilitation, and satisfaction outlined by the Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law will be a guide to how those victims are served. When we look at the Iraqi Jewish diaspora, in order to reach a level of satisfaction we must recognize what they are missing as victims. As of now, Jewish Iraqi victims have not been recognized as such, which is the first step for any other type of justice. Through the paths I will outline below, a level of satisfaction can be achieved for the overlooked victims through practical means.

International Recognition & Symbolic Reparations

Thus far, no recognition has been made of these crimes against Iraqi Jews on an international political level, which in many ways degrades victims and ignores their suffering. There are currently substantial communities of Iraqi Jews residing in the US and Israel, and recognition of those governments of the crimes that these communities have faced could serve as an important milestone for the victims. In this case, international recognition of the crimes committed against the Iraqi Jewish population can serve as a symbolic form of reparations to give victims a sense of legitimacy for the crimes committed against them and to acknowledge that these crimes took place. Acknowledgement can come from international organizations, such as the UN, and from other countries, like Israel or the US, where Iraqi Jews reside today. Through the toolbox of transitional justice, symbolic reparations can include memorials and commemorations, as a measure of recognizing what victims have faced. Although this symbolic reparation may not

come directly from Iraq, recognition on a global platform could give Iraqi Jewish victims a sense of closure they have thus far been precluded from.

Iraqi Jews may not be able to attain criminal justice, but acknowledging the crimes committed against them would serve as a major milestone. The US, Israel, and Iraq are all member states of the UN, and they all have significant communities of Iraqi Jews living in their nations. To put out a formal recognition of the crimes committed against the Iraqi Jews, acknowledging their history and their suffering, could lead to acknowledgments on a larger level. UN recognition would be groundbreaking in highlighting the narrative of Jewish history that has often been ignored. The Jewish Iraqi communities that exist around the globe have a strong sense of community and tradition, and they can collectively advocate for the recognition of the past atrocities they faced in order to get this formal recognition. Commemoration and memorialization can come in the form of museums dedicated to Iraqi Jewish history and their plight, educational plans telling the story of Iraqi Jews, and yearly memorials dedicated to these groups of victims (and potentially the entire MENA Jewish victim group). This road to justice will allow victims to be seen and recognized on a national level and internationally, which is imperative to their attaining satisfaction for the suffering they faced.

Truth and Commission

Given the timing of the crimes committed against Iraqi Jews, many of the victims are alive who experienced these crimes first hand. Their children who also suffered due to the crimes committed against them are also alive and can speak to the atrocities they and their parents faced. This is an important fact in understanding how justice can be served. A majority of the Iraqi

Jewish diaspora now resides in Israel and Israel's has a newfound commitment³³¹ towards acknowledging the plight of the Jewish communities from the MENA regions, putting Israel in the perfect position to host a truth commission which would serve as a trailblazing source of justice. Thus far, there are few, if any, instances of a truth commission being held outside of the country of the crime completely. Although truth commissions are a tool of transitional justice, they have always, at least partially, been held in the country where the crimes were committed. Therefore, this plan of justice would be an innovative measure to address human rights abuses and international crimes. Victims of human rights abuses in Iraq could come together to speak about their experiences and bring recognition to what they faced while creating a living archive of the crimes that this entire community faced as it was ethnically cleansed from its homeland of thousands of years. Although this plan has the potential for serving the entire community of Jewish victims from MENA countries, our focus will remain on Iraq. A truth commission can be implemented through the Israeli government as a platform to bring light to the atrocities many of their citizens faced and to educate others about a part of Jewish history that has largely been ignored. The commission will allow Iraqi Jewish victims to speak of their experiences in Iraq, their persecution, what they lost, and how they fled from their homes. The truth commission could serve as documentation and investigation into the crimes committed against Jews in order to further establish the case of Iraqi Jews and to provide a sense of satisfaction for the victims. Israel has an opportunity to facilitate this commission because of the sheer number of Jewish Iraqi refugees and descendants that reside in the country and because of its commitment towards

³³¹ Shayna Zamkane, "The Politics of Defining Jews from Arab Countries," *Israel Studies* 21, no. 2 (2016): 1–26, <https://doi.org/10.2979/israelstudies.21.2.01> (accessed April 30, 2023). It is beyond the scope of this thesis to explore Israel's relationship with the Jews from MENA countries and the politics of defining them and recognizing their plight. However, it is vital to note that the plight of Jewish victims from MENA countries has been intertwined with political interests of different states and has thus been strategically ignored at times. That narrative, however, has begun to change. See this source for an exploration of how the definition of these Jews changed over time and why.

its citizens and Jewish history as a whole. A truth commission would be a groundbreaking model for addressing historical injustice and shedding light on overlooked parts of history.

Difficulties in Design and Execution

Although the paths to justice outlined above take into account the practicalities of the situation and the political context victims are facing, there are certain difficulties that could affect the execution of the aforementioned plans. On a political level, attaining formal recognition of the victimization of these groups from national governments may face political challenges as nations take into account how formal recognition of an international crime committed by another state may affect their relations with that state. The political relationship between Turkey and the US was a major cause in the delay (and hesitation) of the US to formally recognize the Armenian genocide. However, with strong advocacy, Armenians were able to secure that recognition. Additionally, the plan to gain recognition from international bodies such as the UN come with their own political challenges. The UN has had a history of disproportionate anti-Israel resolutions³³², and in 1975 passed UNGA resolution 3379, sponsored by Arab and African states, which declared that “Zionism is a form of racism.” Although the resolution has since been revoked, it has left a legacy of tension between the United Nations and Israel and its supporters.³³³ Additionally, the Arab member states of the UN may be vehemently opposed to the recognition of these crimes which they repeatedly denied. These political obstacles are realities that have to be faced when pursuing international recognition. Another roadblock is posed by the economic challenges of hosting a truth commission. Israel would have to fund the truth commission by the government, which would require a budget to host, document, and gather

³³² Luke Tress, “UN Condemned Israel More Than All Other Countries Combined in 2022- Monitor,” *The Times of Israel*, January 3, 2023, <https://www.timesofisrael.com/un-condemned-israel-more-than-all-other-countries-combined-in-2022-monitor/> (accessed April 30, 2023).

³³³ “UN Resolution on Zionism,” *American Jewish Yearbook*, 1977, 97–126, <https://www.bjpa.org/content/upload/bjpa/77re/77resolution.pdf> (accessed April 30, 2023).

victims. Convincing the government to create that budget (if even possible) would require advocacy on behalf of the victim groups and their allies. Finally, practical challenges in design, such as who constitutes a victim that can be in the truth commission, how those victims are reached, how their stories are documented, the variations in their stories, and what is acknowledged in a formal recognition are all factors that must be taken into account when executing these plans for justice. However, the plans proposed take into account the major hurdles that would make certain paths to justice (such as criminal prosecution) almost impossible, so they are attainable goals and would require dedication and advocacy on behalf of victim groups and their representatives.

Summary

The timing of the crimes committed against Iraqi Jews leaves Iraq with major legal liability. However, the political context in Iraq and the government's complete neglect of its former Jewish community makes criminal prosecution a difficult task to achieve. A similar case is seen in the Armenian community, where the genocide and gross human rights violations faced by Armenians under the Ottoman Empire have been completely ignored by the Turkish government. Armenians have turned to international forums to gain recognition for these violations. Given these facts, the Iraqi Jewish diasporic community can use the power of its local governments and organizations to gain recognition outside of Iraq. For a community who has seen no formal recognition of the crimes committed against it, international recognition would serve as a major milestone. A truth commission could also be a groundbreaking part of this recognition as victims and their descendants come together to share their experience and bring attention to the injustices they faced and their forced exile from their ancestral homeland. Israel is in a perfect position to facilitate this truth commission and could lead to justice being served to other major Jewish

victim communities. Although there are naturally challenges in the execution of these plans, using the mechanisms of international recognition and a truth commission could be the most practical path to justice for Iraqi Jewish victims. In the next section, I will explore what justice could look like for the Moroccan Jewish community.

Morocco

Morocco's Legal Liability

Given the fact that many of the crimes committed by Morocco were more *de facto* than *de jure*, as previously described, the legal standing of Jews from Morocco is not as strong as that of the Jews from Iraq. Additionally, the chronology of events puts Jewish Moroccan victims in a tough position. Morocco became a member state of the UN in 1956, and ratified the ICCPR in 1979. As per chapter 4, most of the crimes committed against Moroccan Jews took place before 1956. This puts Moroccan Jewish victims with even less legal standing because the ICCPR and UN charter were not yet legally binding for Morocco. Despite the fact that Morocco was not held to these international legal instruments at the time of the crime, customary international law still stands regardless. However, the fact that many of the crimes committed were not codified as they were in Iraq makes it much more difficult for victims to be able to get criminal prosecution of the perpetrators, as legal evidence is lacking. Given this information, it is important to note that crimes were still committed, and though criminal prosecution is unlikely, the rare position of the Moroccan Jewish community may lead to an avenue for justice outside of prosecution, via other tools of transitional justice.

Morocco's Political Context & International Law

Morocco being one of the only Arab countries with a Jewish community remaining, albeit a sliver of what it once was, puts the country in a unique position to bring justice to its Jewish

victims. Morocco has normalized relations with Israel (as of 2020) and continues to be home to a small but vibrant Jewish community with synagogues, schools, and museums. As discussed in chapter 4, Morocco's government has emphasized its value of the Jewish community and its commitment to preserving Jewish heritage. Although the community has shrunk considerably, there is a place for Jews in the country, and the monarchy has continued to acknowledge its Jewish constituents and their history. Additionally, the Moroccan Jewish diaspora has a relatively positive view of its former government, which puts victims in a relatively better position in attaining satisfaction of justice.

Similar Cases

One case that shares key similarities with that of the Moroccan Jews is the case of the Japanese internment camps in the US. During WWII, the US government forced approximately 120,000 Japanese Americans into internment camps as a result of perceived threats to national security following the Japanese attack on Pearl Harbor. Under Executive Order 9066, signed by President Franklin D. Roosevelt in February 1942, Japanese Americans, regardless of their connection to Japan or their nationality (a majority were US citizens with no connection to Japan), were forced to leave their homes and businesses and were placed in internment camps throughout the country.³³⁴ The injustices that these Japanese Americans faced were not recognized for decades, but advocacy from the Japanese American community ultimately led to justice being served. In the 1970s and 80s the Japanese American communities led a grassroots movement to seek redress through organized protests, marches, and letter-writing campaigns to raise awareness of the issue and pressure the government to take action.³³⁵ In 1988, President Ronald Reagan signed

³³⁴ William Wyckoff and William Cronon, "Japanese Internment Camps," *How to Read the American West: A Field Guide*, (University of Washington Press, 2014): 194-5.

³³⁵ Helen Yoshida, "Redress and Reparations for Japanese American Incarceration" *National WW2 Museum*, August 13, 2021. See the full article here: <https://www.nationalww2museum.org/war/articles/redress-and-reparations-japanese-american-incarceration> (accessed April 29, 2023).

into law the Civil Liberties Act of 1988, officially apologizing for the internment of Japanese Americans during WWII and providing reparations to survivors of the camps.³³⁶ This case is similar to that of Moroccan Jews in that both communities continue to exist in the country where the crime was committed against them and have the power to advocate locally for justice and recognition of the crimes committed against them. Although the crimes that Japanese Americans faced differ from that of Moroccan Jews, both are gross human rights violations and both were cases of local citizens being isolated under the guise of nationalism. Moroccan Jews can learn from the grassroots movement of Japanese Americans and look at this case as a lesson to gain justice.

What Justice Could Look Like

Morocco's political context is one that could facilitate justice and recognition for Jewish victims more easily than that of Iraq, because of the fact that Jews continue to reside there and that the local government recognizes and values the Jewish community. However, the distinction between *de facto* and *de jure*, and the timing of the crimes makes criminal prosecution almost impossible. Looking towards other toolboxes of justice for human rights violations, such as the toolbox of transitional justice, there are avenues for justice for these victims. Above all other forms of reparations has to be recognition of the crimes that were committed. Given the fact that Moroccan Jews faced isolation not only from the Moroccan government but also Moroccan society, Moroccan society is implicated in the crimes, and recognition coming from a governmental and societal level could be groundbreaking in leading to justice for these victims. The advocacy powers of the current Jewish community could lead to recognition from the Moroccan government and NGO organizations in Morocco. Some possible avenues for justice

³³⁶ Leslie Hatamiya, "Righting the Wrong: The Passage of the Civil Liberties Act of 1988," *U.S.-Japan Women's Journal, English Supplement, No. 2*, 1992: 63-76.

can include symbolic reparations, such as memorializations and commemorations, and material reparations such as property. Moroccan Jewish schools can also set the precedent for the rest of the country by educating students of the atrocities of the past, and proposing curricula about this education that can be implemented nationally. Moroccan Jewish society both in the country and in the diaspora can leverage their collective power to the government in order to gain symbolic and material reparations and advocate for recognition and education. As mentioned in the previous section, the ultimate goal of this prescription for justice is to serve victims. Restitution, compensation, rehabilitation, and satisfaction will all be taken into account when proposing the plan for justice and reparations. The path to these reparations will be explored in the next two sections.

Symbolic Reparations: Memorialization & Education

The Jewish institutions that continue to exist and function within Morocco including Jewish schools, synagogues, and museums³³⁷ could serve as a starting point for symbolic reparations. As mentioned in chapter 4, the Moroccan government has implemented programs to rehabilitate Jewish sites.³³⁸ However, in all its efforts to highlight Jewish culture and history in Morocco, the Moroccan government has failed to acknowledge the persecution that its Jews faced that led to their mass exodus. Jews in Morocco and the Diaspora can advocate for the creation of symbolic forms of reparations such as memorialization and commemoration of the crimes committed against Jews. Jewish museums and schools can teach about the injustices Jews faced up until their mass exodus. It is hard to hide the fact that the Jewish community is not what it once was.

However, that massive decrease has often been looked at as the product of Zionist dreams, a

³³⁷ “Visiting Jewish Morocco,” *Moroccan Jews*, 2020, <https://moroccanjews.org> (accessed April 30, 2023). See this source for a guide to the Jewish cultural and heritage sites in Morocco.

³³⁸ Mohamed Chtatou, “Understanding Moroccan ‘Normalization’ with Israel,” *Washington Institute*, January 5, 2021. See the full article here: <https://www.washingtoninstitute.org/policy-analysis/understanding-moroccan-normalization-israel> (accessed April 30, 2023).

“choice” of the Jewish community to emigrate to Israel. However, the facts of the case show that this was false. Part of attaining these symbolic reparations is an acknowledgement from the Moroccan government and Moroccan society of the discrimination and persecution Jews faced. Morocco has friendly relations with Israel, and the Moroccan government continues to work with Jewish leadership within the state, so there is room for negotiation with government leaders for an acknowledgment of these historical events and the memorialization and commemorations of them.

Based on the actions of the Moroccan government to highlight its Jewish history (as mentioned in Chapter 4), it is clear that the Moroccan government values its relations with the remaining Jews in the country and with the Jewish state, and this can be leveraged to memorialize the atrocities that many Jews in the country once faced. The fact that Jewish history and cultural institutions continue to exist in the country leaves room for the memorialization of the history of this community. Types of memorialization and commemoration could include museums dedicated to the history of the Jews and the persecution they faced and memorials for prominent Jewish leaders that were forced to flee due to persecution and discrimination. The memorial could be created in a Jewish site that is no longer in use. Given how large of a reduction there was in the size of the Jewish community, there are certainly abandoned synagogues or Jewish community centers that could become perfect sites for museums memorializing the Jewish community that previously existed and telling the story of their plight. The use of these institutions as a site for the museum can become part of the exhibit itself and will allow visitors to get a visual understanding of the absence of a formerly large and vibrant community. Additionally, memorials can be created in abandoned sites and institutions in order to highlight leaders of the former community and tell the story of why they were forced to leave.

Morocco has a landscape that could easily facilitate symbolic reparations through memorialization such as a museum and a memorial/dedication. Using the existing infrastructure will not only be more practical, but will also have more of a symbolic significance.

Education is also a crucial means for justice. Educating the youth about the atrocities of the past not only creates recognition on a societal level, it symbolizes value for the community and an understanding of the wrongdoing and the commitment to non-repetition. Jewish schools can begin implementing a curriculum that recognizes the atrocities that the former community faced. Advocacy groups can pressure the government to enforce this education nationally which can create societal recognition and a sense of reconciliation between the Jewish community and the rest of Moroccan society. Although Morocco already has certain measures that enforce the teaching of Jewish Moroccan history in school, it does not tell the story of their mass exodus and the discrimination that preceded that. Given the fact that the Moroccan Jewish community is now much smaller than it used to be, recognizing their existence and their history in the land is harder as the relations between Jews and other sectors of Moroccan society become more difficult due to the sheer numbers of Jews remaining in the land. Education will provide a path for understanding of the community and its history and can become a bridge between the minority community and other communities in Morocco. The museum and memorials suggested can also play a role in this education, as schools can bring students to these live memorials and educational sites in order to give them a better understanding of the community and the atrocities they faced. Both symbolic reparations of memorialization and education can go hand in hand in acknowledging the atrocities that Jews faced and ensuring that the crimes are not repeated. Furthermore, both avenues to justice require the cooperation of a large part of Moroccan society, who played a large role in the exodus of its Jewish citizens through the social isolation of the

Jewish community. Educating the Moroccan population on the Jewish history and the plight of the Jewish community can become a form of societal reparations.

Material Reparations: Cultural Property

Given the fact that the current Jewish community is such a small portion of what it once was, it is inevitable that many of the Jewish cultural sites and institutions that once existed in Morocco have been abandoned or are no longer in use. When Jews were forced to flee Morocco, much of their cultural property was left behind. This cultural property includes synagogues, community centers, religious texts, properties of Jews who were forced to flee, marital licenses, and other private property. Although symbolic reparations do provide victims a sense of legitimacy and recognition for the suffering they faced, material reparations can further substantiate the sense of justice and repair the wounds that have been inflicted on the community as a whole. Reparations in the form of cultural property could be the rehabilitation of Jewish cultural sites throughout Morocco and the return of lost cultural property to Jewish communities. The first step of this process has already been started by the Moroccan government, as mentioned in chapter 4.

However, the aim of this rehabilitation is not to repair the harm done to the Jewish community, but to ensure that the community is preserved as a part of Moroccan culture. It can be argued that this is not enough. The Moroccan government must take responsibility for the cause of the mass exodus of Jews that has led to their property being abandoned or confiscated. With this acknowledgement, the government can rehabilitate the Jewish sites as a form of reparation and also creates processes for Jews to reclaim property that they lost in their forced exodus.

Advocacy from the local Jewish community and the new “friend” Israel, could lead to the Moroccan government taking actions to provide these reparations. The leverage that the Jewish community now holds, as shown through the actions of the government, can be used to create

this powerful symbol of reconciliation and remedies for victims. In the same way that the Moroccan government would be inclined to acknowledge the past crimes against its Jewish community mentioned previously, it could provide these material reparations as a signal of its efforts to create an improved relationship with the Jewish community in the future.

Difficulties in Design and Execution

Similar to the paths proposed for Iraqi Jewish victims, the paths to justice for Moroccan Jewish victims will also have practical obstacles that must be addressed in order for these plans to be executed. Economic and political roadblocks will play a role in the execution of these plans. Symbolic reparations from the Moroccan government, although already a process that has been partially initiated by the government, would require a change in the politics of their implementation. Attaining recognition from the Moroccan government of the injustices its Jewish community faced is a milestone that has not yet been reached, despite the government's efforts to have greater connection and collaboration with its Jewish community. Admitting wrongdoing on behalf of the government and Moroccan society could cause backlash from the Moroccan community and be seen as a false sign of guilt by politicians who are not educated on Jewish history and persecution. The Moroccan government has been able to push better relations with Jews but convincing the government to approve of recognizing the government's complicity in the plight of Jewish citizens will require collective acknowledgment. In terms of reparations, distributional politics could serve as a barrier as conflicts could arise on who receives what reparations, and the factors involved in making those decisions could become politically charged. On the economic front, creating memorials, museums, and material reparations all require a large investment from the Moroccan government. The Moroccan government would have to justify creating and dedicating a budget to these efforts, which could pose challenges of their own. In

designing these plans for reparations, the government would have to decide who creates the plan for reparations, who is responsible for executing it, and how they could implement the plan in the most just and equitable way. These are all practical realities of implementing these plans for justice that must be taken into account.

Summary

The Moroccan Jewish case is a more difficult one in terms of criminal prosecution given the intricacies of the crimes not being codified and taking place before the legal liability of the UN Charter and ICCPR took hold. These facts make criminal prosecution almost impossible for the victims, despite the fact that they have the pull of a continuing community and a government that recognizes the existence of that community. The road to justice for Moroccan Jewish victims will be better achieved through acts by the local government. Given the recent measures taken by the Moroccan government to improve its relations with its local Jewish community and Israel, and to show support for the Moroccan Jewish culture and historical significance, the local community can use this as leverage to pursue paths to justice. Through advocacy from the local community and Israel (where the majority of Moroccan Jews live), recognition and memorialization from the government can be attained in the form of museums and memorials, and material reparations as a form of justice can be achieved. Just as the Japanese American community started a grassroots movement to recognize and gain justice for the internment camps Japanese Americans faced, the Moroccan Jewish community must use its power to pressure the Moroccan government to recognize the atrocities of the past. Using the context of already existing institutions and communities, Moroccan Jews can create a plan for justice that includes recognition, memorialization, education, and both symbolic and material reparations for the crimes that their community faced.

Conclusion: Comparing the Prescriptions of Justice

The political contexts of the Moroccan and Iraqi Jewish victims led to different prescriptions of justice for each community. While Iraq has clear legal liability, the neglect and lack of cooperation from the state and international organizations will make prosecution an impractical measure. In Morocco, the lack of legal liability due to the timing of the crimes and the lack of codification also makes criminal prosecution nearly impossible. Both prescriptions are extra-legal, in that they employ mechanisms of Transitional Justice that aim to rectify human rights violations that are established by the standards of international law. In Iraq's case, the lack of acknowledgment from the Iraqi government of the existence of a Jewish community, and the ethnic cleansing of Jews from the country, leaves the road to justice to paths outside of Iraq itself. International recognition and a truth commission held outside of the state where the crimes were committed are the most plausible paths to justice and would require the cooperation of other states and the strong advocacy from the victim group and its representatives and allies. Morocco, on the other hand, continues to have a Jewish community present and has made active efforts to show its commitment to that community. Given this fact, the path to justice for Moroccan Jews resides within the country itself. Advocacy from the local community and Israel could bring about significant measures of rectification from the Moroccan government, including recognition, memorialization, education, and reparations. The comparison of these two cases makes it clear the importance of the role of state actors in the potential paths to justice. Although there was a distinction in the level of legal liability between these two countries, ultimately the cooperation of the state itself is what distinguished one path of justice from the other. In the next chapter, I will explore how this distinction could translate into the potential plans for justice for

other Jewish victims from the MENA region and ultimately for all groups of overlooked victims of historical injustice.

Chapter 6: Conclusion

This study of the cases of Jewish refugees from Iraq and Morocco, and remedies available to them through international law and transitional justice mechanisms, demonstrates how justice can be achieved for mass groups of overlooked victims. Jewish people in Iraq and Morocco

experienced ethnic cleansing and mass exile, both of which have been ignored for decades. The two cases studied represent a larger pattern of crime throughout the MENA region against their Jewish populations, which is what makes them so significant. In Iraq, denaturalization of Jewish citizens left them stateless, as they faced mass persecution and discrimination in a country where many Jews served in the highest public office. Iraqi nationalism and pan-Arabism and the criminalization of Zionism ultimately led to a community once over 100,000 dwindling to less than four remaining Jews. With hostility towards Israel and a complete disregard to its Jewish history, Iraq has left its victims without any domestic tools for justice. The case of Moroccan Jews, though similar, is distinct in many ways. Although Moroccan Jews were discriminated against and persecuted much like their Iraqi counterparts, they continue to have relations with the land they once called home, and a small remnant of the once largest Jewish community in the region remains there. Morocco has full formal diplomatic relations with Israel and has long acknowledged its native Jewish citizens and their historical ties to the land. Both cases also differ in their current political regimes and their relationships towards international law and human rights. Ultimately, the prescriptions of justice for both countries differ as a reflection of these varying characteristics— creating a precedent for the other countries in the region who remain on different parts of the spectrum when it comes to the factors that differentiate Morocco and Iraq. Overall, it is clear that the tools of transitional justice, along with the standards created by international law and the leverage they bring into the global human rights regime, provides avenues for justice for Jewish refugees from Morocco and Iraq.

Addressing Similar Cases in the MENA Region

Figure 3: Typifying Crimes³³⁹³⁴⁰³⁴¹

	De Jure Crimes	De Facto Crimes
Uncooperative State	Iraq Libya	
Cooperative State	Egypt	Morocco Tunisia

The cases of Jewish victims in Iraq and Morocco can serve as a guide for the entire region and the Jewish populations that faced persecution and discrimination throughout the MENA region. As described in Chapter 5, there are key factors that differentiate Morocco and Iraq’s case, and these factors represent the spectrum of differences across the region. By typifying the key differences in the cases of Iraq and Morocco, an “algorithm” of cases has been created that will allow other countries in the region to forge a path towards justice based on the type of cases that Morocco and Iraq are classified as. Looking at Figure 3, the type of crime and the cooperation level of the state are the two main categories in the “algorithm” that create a certain case type and prescription of justice. Other MENA countries are situated somewhere in these categories based upon their historical events. Three main examples are provided in the figure. In Egypt, the denaturalization of Jews was codified, similar to Iraq, forcing Jews out and confiscating their property. However, unlike Iraq, and similar to Morocco, Egypt now has full diplomatic relations with Israel, which puts it in a better position to cooperate with the victims. Libya and Tunisia are

³³⁹ Sheryl Silver Ochayon, “The Jews of Libya,” org, *Yad VaShem*, (n.d.), <https://www.yadvashem.org/articles/general/the-jews-of-libya.html> (accessed May 1, 2023).

³⁴⁰ “Jews in Islamic Countries: Egypt,” *Jewish Virtual Library*, n.d., <https://www.jewishvirtuallibrary.org/jews-of-egypt>. (accessed May 1, 2023).

³⁴¹ “Jews in Islamic Countries: Tunisia,” org, *Jewish Virtual Library*, (n.d.), <https://www.jewishvirtuallibrary.org/jews-of-tunisia> (accessed May 1, 2023). Also see, Mark Tessler, “The Political Culture of Jews in Tunisia and Morocco,” *International Journal of Middle East Studies* 11, no. 1 (1980): 59–86, <http://www.jstor.org/stable/162399> (accessed May 1, 2023).

both more in line with the cases of Iraq and Morocco, as can be seen by the figure above. Given these similarities, Libyan Jews may take precedence from Iraq's case in their quest for justice, while Tunisian Jews look at Morocco, and Egyptian Jews implement elements from both cases. By using the path to justice proposed in the previous Chapter, these victim groups can implement similar remedial policies to fit their case. The attainment of justice for one of these groups will ultimately pave the way for the rest.

In seeking justice for Jewish refugees from Iraq and Morocco, victims are bringing attention to the historical presence of Jews in the Middle East, a phenomenon that has been ignored in the narrative of Jewish and global history. Justice for these victims will transform the region by filling in a missing aspect of its historical narrative and changing the way that Jews and Arabs interact. The Israeli-Palestinian conflict has often promoted a one-sided narrative of the conflict, in which Palestinians were the only population that became refugees due to the Israeli War of Independence. However, the Jews from MENA countries suffered a similar fate, with nearly 1 million of them becoming refugees as a result of antisemitism that was now acceptable in the form of anti-Zionism. By pursuing justice for Jews from MENA countries, a key aspect of history will come to light, bridging the gaps of historical understanding that have in many ways prevented the road to peace and reconciliation between Jewish and Arab communities. The implications of these victims gaining justice could change the face of the region as a whole, creating a more peaceful, cohesive, and just MENA community.³⁴²

Paving the Path Forward

³⁴² Shayna Zamkanei, "Justice For Jews From Arab Countries and the Rebranding of the Jewish Refugee.," *International Journal of Middle East Studies* 48, no. 3 (2016): 511–30, <http://www.jstor.org/stable/43998159> (accessed May 1, 2023). It is beyond the scope of this thesis to further explore how the narrative of Jewish refugees from Arab countries has affected the larger regional narrative and the path to peace. However, this community of the Jewish diaspora is a significant part of Jewish history and the relationship between Jews and Arabs, which is central to the Israeli-Palestinian conflict. See this source for the examination of the political terminology of Jews from Arab countries and how the transition in their delineation has changed the overall narrative and quest for justice.

Jews victimized in MENA countries are one representation of countless overlooked minority groups that have been victimized around the world. As discussed in the previous Chapter, Armenian victims of Genocide and Japanese victims of internment camps both represent a large category of victimized groups who have been excluded from their right to justice. Pursuing justice for these victims will undoubtedly set a precedent for victims of historical injustice, and prove that a path towards justice does exist. Each time that international law and Transitional Justice tools are used to rectify the victimization of a group, a guide is created that will facilitate justice for other groups as well. Many communities have been ignored by their domestic legal systems, and as such, many have been victims of their own governments. Some current day examples that were not mentioned in Chapter 5 include the Rohingyas in Myanmar, the Yazidis in Iraq, and the Uyghurs in China who face severe persecution at the hands of the local government. Crimes of omission and commission, where victims have not been protected by domestic law, or have become victims of those laws, have left many groups with no place to turn to for justice. These groups require the protection provided by the enforcement of international law. However, as seen in this study, temporal and legal limitations do exist, and it is through institutions such as Transitional Justice and mechanisms outside of criminal prosecution that many cases of international crime can be addressed. Each step taken to acknowledge even one case of the violations of human rights will lead to stronger institutions and platforms for justice to be served. The case of Jewish refugees from Iraq and Morocco and their quest for justice is one step that will ultimately lead to victimized communities around the world being seen and attaining the justice they deserve.

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Appendix

Figure 1- Chronology

Year	International Law & Relevant Events ³⁴³	Iraq ³⁴⁴	Morocco ³⁴⁵
Pre-20th century	1st Geneva Conventions - 1864	First Jews taken to Iraq - 722 B.C.E.	First Jews in Morocco - 6th

³⁴³ Frans Viljoen, "International Human Rights Law: A Short History," United Nations Chronicle, <https://www.un.org/en/chronicle/article/international-human-rights-law-short-history>, (accessed April 30, 2023).

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	1st Hague Convention - 1899	Pact of Umar (Dhimmi Status) - 9th Century	Century B.C.E. Pact of Umar (Dhimmi Status) - 9th Century
1900-25	2nd Geneva Conventions - 1906 2nd Hague Convention - 1907 WWI - 1914-18 League of Nations established - 1920	Iraq becomes British Mandate- 1919	Morocco becomes French Protectorate - 1912
1925-35		Iraq gains independence - 1932	
1935-45	WWII - 1939-45 UN & UN Charter Established - 1945 Nuremberg Trials - 1945-46	Farhud - 1941 Iraq becomes UN member - 1945	Vichy France takes power of French Morocco- 1940-42
1945-55	Establishment of Israel - May 1948 UDHR - December 1948 3rd Geneva Conventions - 1949 Refugee Convention - 1951	Signed UDHR - 1948 Jewish population in Iraq 1948 - 150,000 (approx.) Jewish emigration ban - 1948-50 Jewish denaturalization - 1950 Operations Ezra & Nehemiah evacuate 100,000+ Jews from Iraq - 1949-51	Pogroms of Oujda & Djerada - June 1948 Signed UDHR - December 1948 Jewish population in Morocco 1948-265,000 (approx.)

1955-65			<p>Morocco becomes independent - March 1956</p> <p>Signed Refugee Convention - September 1956</p> <p>Morocco becomes UN member - November 1956</p> <p>Jewish emigration ban - 1956-63</p>
1965-75	ICCPR Adopted - 1966	Ratified ICCPR - 1971	
1975-85			Ratified ICCPR - 1979
1985- Present		<p>Nationality Law singling out Jews - 2006</p> <p>Jewish population 2021 - <4</p> <p>Expansion of anti-Israel laws - 2022</p>	<p>Jewish population 2019- 2,100</p> <p>Resume diplomatic relations with Israel - 2020</p>