

## The Iraqi Jewish Immigrants and The Impact of Transferring Their Documents to The United States

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### Abstract

*A special unit of the US forces found a collection of rare books and documents in the Iraqi Intelligence Headquarters in Baghdad. This collection represents the history of the Iraqi Jewish community and was later known as the Iraqi Jewish Archive. The archive was transferred to the United States of America for conservation and restoration. An agreement was signed to renew the period of stay of the archive in America, and the renewal agreement was signed in 2014, stipulating that the archive would be returned in September 2018. Washington did not fulfill its pledge to return the archive to Iraq even after 3 years from the expiration date of the specified time. This study addresses the following research questions: The legality of the archive transfer process? Further, what are the economic consequences of keeping the archive in the United States for more than eighteen years? Finally, what practical steps have been taken at the technical level?.*

**Keywords:** Iraq, Iraqi Jews, Jewish archive, United States, NARA, American invasion.

### 1. Introduction

Iraq, also known as Mesopotamia, is located in West Asia and was home to one of the earliest civilizations on earth. Iraq is bordered by Turkey to the north, Iran to the east, Syria to the west, and Saudi Arabia to the south. In that region of the planet, great civilizations such as Sumer, Akkad, Babylon, and Assyria were founded. In 1920, the first temporary administration was established following the fall of the Ottoman Empire, and in 1921, King Faysal I, the first king of Iraq, established the Iraqi state. After a violent coup in 1958, Iraq adopted republican rule ([britannica.com](http://britannica.com)). Thus, republican authority persisted until 2003, when the United States invaded Iraq and on April 9, 2003, Baghdad fell to American forces. In numerous political, economic, social, security, and cultural spheres, the occupation has had calamitous consequences for Iraq. Immediately following the occupation of Baghdad, the Iraqi cultural sector was subjected to extensive and deliberate destruction. Public and academic museums and libraries were direct targets for larceny, destruction, and arson (Emberling& Gibson, 2008). All these aggressive actions occurred under the watchful eyes of the American occupation forces, who were tasked with maintaining security at the time.

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The Iraqi Museum in Baghdad was one of the primary cultural targets that were plundered from because it housed artifacts dating back to before 4000 BC (Sigal,2018). Numerous state ministries had files comprising a great deal of security, political, economic, and legal information looted and stolen. It should be noted that thousands of Iraqi state files were taken during incidents of looting and theft that occurred immediately after the end of the second Gulf War in 1991, specifically in the Kurdish-controlled northern provinces of Iraq. These documents were sent to the United States, where they were preserved at the Hoover Institution at Stanford University until their return to Iraq in 2020. (Gordon,2020).

After the occupation of Baghdad, specifically in May 2003, there was a special American force known as MET Alpha whose mission was to seek for Iraqi weapons of mass destruction, with the assistance of some Iraqi National Congress opposition members. This force received word that the intelligence headquarters in Baghdad contained unique copies of the Talmud. The task force was temporarily tasked with locating and acquiring these copies (Montgomery, 2013). More than 2,700 volumes and tens of thousands of documents were discovered by this force in the basement of the Iraqi intelligence headquarters. This archive of uncommon books and documents represents the Jewish community of Iraq (Ijarchive.org).

### 1.1 The religious and ethnic distribution of Iraqi society

Since antiquity, Iraq has served as a breeding ground for numerous religious, sectarian, and ethnic components, some of which are original and have their origins in the ancient civilizations of Mesopotamia, and others of which are endemic and originated from various neighboring and distant regions over extended periods of time. Since the Islamic conquest, the Arab-Islamic character has dominated in terms of influence and presence (Rasheed,2015). In certain periods of Iraq's history, however, other factors have exerted an overwhelming influence. The Arab-Islamic character of modern-day Iraq, which was founded in 1921, was evident, and the phenomenon of minorities did not pose any significant challenges. The last field census was conducted in 1997, when the population of Iraq was 22,017,982 ( Reuters,2008).

With the exception of the preponderance of Arab Muslims (Shia and Sunni), other religious and ethnic groups are dispersed across nearly the entirety of Iraq. Kurds are the second-most populous ethnic community in Iraq, comprising between 15 and 19 percent of the population. Religiously and sectarianity-wise, 97% of Kurds are Muslims, of which 80% are Sunni and 17% are Shia (Minority Rights Group International). Christian and Sabeen Kurds account for 3% of the total Kurd population. After Muslims, Christians are the second-largest religious minority in Iraq, and a significant portion of them are considered the original inhabitants and descendants of Iraq's ancient civilizations. They are also among the world's earliest converts to Christianity. In the first century A.D., Christianity arrived in Mesopotamia, and Iraqi Christians played a crucial role in shaping the modern character of Iraq. In general, it was not known that Christians were subjected to religious discrimination in Iraq throughout history. In the years following the 2003 invasion of Iraq by the United States, the number of Christians decreased by 83 percent. In 2017, their population declined from approximately 1.5 million to only 250,000( Goldberg 2019).

### 1.2 Iraqi Jews

Prior to Nebuchadnezzar's expulsion of the Jews from Palestine to Babylon in 597 B.C., Jews resided in Iraq for more than 2,500 years. The Jews of Iraq were involved in every aspect of society, including as bankers, physicians, engineers,

economists, businessmen, farmers, judges, musicians, singers, ministers, and rabbis (Maldonado,2018). However, their economic activity has surpassed their other activities. This was a characteristic shared by all Iraqi Jews. In 1889, they managed the first bank to be established in Baghdad, and then they managed the English institutions. According to reports, Iraqi merchants did not recognize the significance of banking services, so this bank "went" to their stores in the Baghdad market. Youssef Smouha, a Jew, was walking around them in the morning, accompanied by an assistant bearing money bags (Al Rubaiy,2012). Youssef did not wish to continue in this position, so he swiftly left for Britain, immigrated to Egypt to become one of its wealthy citizens, and constructed the tourist city of Smouha. Smouha's story was one of hundreds of tales of prominent Iraqi Jews who emerged from the diaspora. Families such as the Sassoons and the Sheldons, whose sons held ministerial positions in Britain, can also be mentioned. However, when the Mamluk governor of Baghdad became furious with "Sarafi Bashi," he fled to the Iranian city of Abi Shahr. There, within ten years, he established the renowned trade and public relations family of David Sassoon, and then he established the "Rothschilds of the East" in Britain (Jewish Encyclopedia).

Sassoon Eskill, the interpreter of the Ottoman governor of Baghdad and later the vizier, was also the head of the Jewish money merchants, comparable to the Central Bank governor of today(Simon,2010) . The Jews of Iraq paid considerable attention to education and the establishment of schools, some of which were exclusively for Jews while others were open to all Iraqis. Mir Basri believes that the establishment of a branch of the Paris Alliance School in Baghdad in 1865 and the inauguration of the Suez Canal in 1869 contributed to the advancement of Jews in Iraq(Basri,1993).

History has not forgotten the contribution of Iraqi Jews to the establishment of the modern Iraqi state in 1921 and the subsequent Iraqi Renaissance. Sassoon

Eskill was the first Minister of Finance, and with his shrewd administration, Iraq began selling its crude in gold pounds rather than paper currency in 1925, after insisting on this transaction with the British side during negotiations. Later, the Iraqis recognized the significance of his position and its positive influence on the Iraqi economy (Halperin,2021). However, the British intervention precluded Sassoon from becoming a minister once more. Sassoon was the first person in Iraq's history to coordinate both the fiscal budget and the tax structure on modern foundations. He had participated in the 1921 Cairo Conference, presided over by Winston Churchill and devoted to the establishment of the Iraqi monarchy (Faught, 2022).

Director General of Accounting and Finance, Iraqi Jew Ibrahim al-Kabir, was the first to introduce the Iraqi currency in 1932, replacing the Indian Rupee and the Turkish Lira. Suleiman Anbar founded "Tafakur" in Arabic and Turkish in 1912. In addition, he participated alongside Tawfiq Al-Suwaidi (later Prime Minister) in the 1913 Arab Conference held in Paris. In 1928, Menachem Saleh Daniel founded the "Islamic Orphanage" in Baghdad with his own funds. Salim Daniel was the first Iraqi Jewish civilian aviator, flying from London to Baghdad in 1930( Kallo,2020). The political Jews of Iraq were not opportunists; therefore, it is important to note that Ezra Menachem Daniel opposed Regent Abd al-Ilah's 1943 endeavor to expand his powers.

The memory of the Iraqis, particularly the Baghdadis, preserved numerous anecdotes for the first neurologist in Iraq, the Jewish Jackie Abboud, who oversaw the establishment and administration of the mental hospital and died as a British expatriate. Mir Basri was one of the last prominent Jews to leave Iraq in 1974in the hope of a better situation, and he was an irreplaceable expert. He

worked in the Ministry of Foreign Affairs and the Ministry of Trade, represented Iraq at multiple conferences, including Orientalists' conferences, and attended the Marbed poetry festival in 1969 (Schlaepfer,2011).

After the British annihilation of the Rashid Ali al-Kilani movement in the spring of 1941, Shiblak noted that Baghdadi Jews endured their first significant act of violence. On June 1 of that year, two days of riots broke out in the capital, during which approximately 250 people, the majority of whom were Jews, were injured or murdered. These incidents left the Jews in Iraq with a psychological trauma and diminished their sense of security. However, they did not gravitate toward Zionism until eight or nine years later, a period of approximately eight to nine years. After the establishment of the State of Israel, the situation of Jews in Iraq began to deteriorate as the Iraqi government imposed strict restrictions on their travel abroad, froze their property and assets, and sought to bar them from joining the army, police, and public services (Shiblak, 1986). The government of Tawfiq Al-Suwaidi adopted Law No. 1 of 1950 on March 4, 1950, after the House of Representatives and the Senate had approved it. The new law was enacted as a supplement to the decree revoking Iraqi citizenship (No. 62 of 1933), which authorized the Council of Ministers to "revoke Iraqi citizenship from any Iraqi citizen who wishes to freely choose to leave Iraq permanently." When it issued the law to revoke citizenship, the Iraqi government did not place any restrictions on the properties and assets of those wishing to immigrate to Iraq. However, on March 8, 1951, the Iraqi government issued a law regarding the confiscation of the properties and assets of Iraqi Jews who had been stripped of their citizenship. In order to flee Iraq, thousands of Jews waited in line at the immigration registration offices. On June 5, 1951, all 105,000 Iraqis who had been authorized to depart the country arrived in Israel. According to Ozair (Ozair, n.d.), the majority of Iraqi Jews fled the country with nothing because they were only permitted to bring clothing and a single trunk. According to Meir-Glitzstein, between 1950 and 1951, 125,000 Jews born in Iraq immigrated to Israel. (Meir-Glitzstein,2021).

## **2. Problem statement and Methodology**

In the Iraqi Intelligence Headquarters in Baghdad, a special detachment of US forces discovered a collection of rare books and documents. This collection, which subsequently became known as the Iraqi Jewish Archive, documents the history of the Iraqi Jewish community. The archive was transferred to the United States of America in order to undergo conservation and restoration. The transfer operation was authorized by a letter from the Chairman of the State Board of Antiques and Heritage (SBAH) in Iraq to Paul Bremer, the leader of the Coalition Provisional Authority (CPA). After the invasion of Iraq, a transitional government called the Coalition Provisional Authority (CPA) was constituted. The agreement to extend the archive's stay in the United States was renewed in 2014, and stipulated that the archive would be returned in September 2018

(Dolsten,2018). Washington did not accomplish its promise to return the archives to Iraq even five years after the specified deadline had passed. New initiatives emanated from Baghdad to restore the archive, which was characterized as a "treasure" and comprised a significant portion of the country's documentary memory. Transferring the archive to the United States and storing it there for a protracted period of more than eighteen years has legal, economic, and technical repercussions. This article addresses the subsequent research questions: The legitimacy of the procedure for transferring archives? What are the economic ramifications of retaining the archive in the United States for over

eighteen years? Finally, what technical measures have been implemented in practice?

Sources directly relevant to the Iraqi Jewish Archive were collected in order to study them and extract information. The gathered sources were diverse in their forms, including academic articles, newspaper articles, international agreements, official websites, government documents, and United Nations documents.

During the process of gathering sources, the researcher observed that there were fewer scholarly articles on this topic than other categories of sources. This indicates a lack of academic interest in this topic, and at the same time, it motivated the researchers to conduct this study in order to make a qualitative contribution to the academic literature on this subject. The relevant literature was reviewed, followed by a description of the Iraqi Jewish archive collection and a discussion of the legal, financial, and technical implications of transferring the archive to the United States. On the legal side, the issue was discussed in light of bilateral agreements signed between Iraq and the United States, as well as international agreements regarding the preservation of national heritage during wartime. Regarding the financial aspect, the data was analyzed, and the financial revenues generated by displaying a portion of the Iraqi Jewish archive's documents were estimated. On the technical side, the technical plans and procedures that NARA implemented to preserve and maintain the archive were examined.

### 3. Literature review

In 2008, a group of Iraqi Jews from various countries gathered in London to form the global organization WOJI (World Organization of Jews from Iraq). According to a press release, the purpose of the establishment of this organization was to maintain and protect community assets for the Jews in Iraq, in addition to safeguarding their cultural heritage. This organization's mission includes rescuing and restoring Jewish transportable property such as turahs and marriage records. Fischbach referred explicitly to Jewish efforts to reach Iraqi Jewish property, as declared by this organization and others. In addition, he revealed that the Israel-based BJHC (Babylonian Jewry Heritage Center) has taken on some Iraqi artisans who were secreted into the country in recent years. Fischbach referred to the persistent efforts of Jewish organizations, both inside and outside of Israel, to reclaim the Iraqi Jewish archive. Such overt and covert initiatives had been successful in obtaining certain artifacts. (Fischbach,2008).

Rosenberg provided a brief historical overview of the situation of Iraqi Jews in the middle of the 20th century. According to his perspective, he focused on the events preceding their migration to Israel and how their property was confiscated. In addition, he acknowledged the US invasion of Iraq and stated that the archive was discovered there; per the 2003 agreement with the Iraqi government, the archive should be returned to Iraq. Rosenberg argued in his article that the archive should not be returned to Iraq on the grounds that it had been taken from its rightful owners and that no one in Iraq currently cares about or needs this archive. Since he admitted that the archive was transferred from Iraq in 2003 in accordance with an agreement with the Iraqi government and should be returned to Iraq in accordance with the terms of this agreement, it is clear that this opinion is founded solely on personal opinion and not on legal evidence. (Rosenberg,2014).

Leff compared what occurred in Baghdad at the start of the American occupation, when looting of the Iraqi Museum began, to what occurred in

Europe at the start of World War II, when the Allies protected museums from looting and devastation. He believed that it was inappropriate to use the term archive to characterize the Iraqi Jewish collection because it lacked the scientific requirements of an archive. According to the agreement signed with the Iraqi government, the LEFF deliberated whether the archive should be returned to Iraq or sent to Israel, as many Jews desire. Additionally, he mentioned that international law prohibits the transfer of property from occupied nations. According to the agreement, the archive should be returned to Iraq, although the opponents of returning the archival collection justified their opposition on the grounds that it would be extremely difficult to access the archive if it were returned to Iraq, as well as the fact that the archive is a cultural heritage,

according to them. The author noted that due to the Internet accessibility of the archive as a result of the digital preservation efforts conducted by NARA, the archive could be accessed at any time and by anyone. As Iraq is obligated by an agreement with the United States to return the archive to it, and as the Jews believe that the archive is a cultural inheritance for them and their grandfathers who were forced to leave it in Iraq due to compelling historical circumstances, he attempted to be objective when he stated that perhaps both parties have the right to own the archive. (LEFF, 2013).

Guttman noted that there was a campaign by Jewish activists and members of Congress to halt the process of returning the archive to Iraq, despite the fact that there was a clear agreement in this regard and the US State Department had officially stated that the archive had to be returned to Iraq in accordance with the agreement signed by both parties. He added that Jewish lobbyists were attempting to circumvent the courts due to the difficulty of obtaining a legal ruling that prohibits the return of the archive to Iraq (Guttman, 2013).

The most significant aspect of Hoffman's article was that members of Congress from both the Republican and Democratic Parties wanted to review the agreement with the Iraqi government to prevent the return of the archive to Iraq. Hoffman also indicated that the defenders of the archive's non-return were confident that the archive would remain in the United States, and that they were developing a long-term strategy to resolve the issue definitively with the Iraqi government. (Hoffman,2018).

Basri and Dangoor asserted that the Jewish archive was stolen from its original proprietors; therefore, the 1945 Hague Convention required its return. They emphasized the significance of the United States not signing agreements with certain nations, including Iraq, because these nations enact laws comparable to ethnic cleansing laws. The authors verified that the archive was in poor condition when it arrived in the United States, but after preservation and digitization efforts by NARA, the archive is now in better condition. . (Basri and Dangoor ,2018).

The Jewish community was uncertain as to whether the archive would be returned to Iraq. In his article, Markoe answered the query (yes) and stated that the archive was expected to be returned in the summer of 2014, although there were plans to delay its return. After training a group of Iraqi specialists in conservation and maintenance procedures, the US State Department assured that the Iraqis would be able to maintain the archive. Markoe also mentioned that the State Department reported discussions with Iraqi officials and the World Organization of Jews from Iraq regarding the archive's final disposition. For the first time, a third party (the World Organization of Jews from Iraq) was mentioned in relation to the Iraqi Jewish Archive. Determining the legal standing of this organization in the archive-related discussions between Iraq and the United States is necessary (Markoe,2014).

Schumer, the minority leader in Congress, urged the State Department not to return the archive to Iraq because it once belonged to the country's defunct Jewish community. Dolston noted that Schumer argued that it was illogical to return the archive to Iraq and deny the Jewish community access to it after its discovery in poor condition and after preservation efforts had been performed (Dolston,2017).

According to Robin, the archives were due to be returned in June 2017. He indicated that the Iraqi ambassador in Washington had validated Iraq's ownership of the archive and that Iraq was willing to discuss the matter with the American side in order to reach a constructive solution regarding access to the archive and the sharing of these documents (Robin, 2017).

Julius noted that the digitization of the archive should have concluded in June 2014, and that the Jewish lobby and congressmen exerted pressure on the American government to halt the return of the archive to Iraq. She stated that American forces confiscated thousands of additional documents in addition to the Jewish archive, so why insist on its return? Considering Iraq's political and security conditions, the author's concerns regarding Iraq's ability to protect the archive from theft and destruction are undoubtedly valid. Julius emphasized the significance of the Jewish community's access to the original copies of the archive because reproductions lacked the psychological impact of the originals (Julius, 2014).

Tenorio mentioned the pressure exerted on the State Department by congressmen and the Jewish lobby in order to prevent the return of the archive to Iraq. In addition to the Iraqi Jewish Archive, Tenorio indicates that there were millions of documents confiscated by American forces after the occupation that were not returned to Iraq. In addition, he mentioned that there were calls for a reevaluation of the provisions of the signed agreement with Iraq regarding the preservation of the archive and the date of its return to Iraq. Tenorio questioned the security of the archive if it were returned to Iraq (Tenorio,2016).

Tugend revealed that he inquired about the State Department's stance on the archive issue. The spokesperson for the State Department responded that the United States was committed to returning the archive in accordance with the agreement reached with the Iraqi side. The spokesman added that Iraq agreed in May 2014 to extend the archive's stay in the United States for preservation and digitization purposes only (Tugend, 2015).

Hatuqa indicated in her article on the Al-Jazeera website that Iraqis were angry about the delay in returning the archive to Iraq. On the other hand, she cited the opinion of Bashkin, a historian at the University of Chicago, that there was a feeling that the Americans had taken what was not theirs, in addition to the destruction of libraries and museums after the American invasion of Iraq. Some members of Congress and the Jewish lobby exerted pressure on the American administration to prevent the return of the archives to Iraq, according to the author. At the same time, she cited the opposing view of Israeli-American journalist Assaf Shalev, who stated that the failure to return the archive to Iraq would heighten the sensitivity of third-world nations, some of which are susceptible to the theft of their cultural heritage (Hatuqa, 2018).

In one of the few pro-returning-the-archive-to-Iraq articles, Samuel explained her stance by arguing that returning the archive to its original location would strengthen the historical position of the Iraqi Jews in their original society, where they were a thriving community and participated in numerous aspects of social, political, and scientific life in Iraq. She also discusses the pressure exerted by the Jewish lobby and a number of members of Congress on the US administration to

renegotiate the agreement with Iraq regarding the archive, and she explains the justifications for not returning the archive to Iraq from the perspective of those who oppose doing so (Samuel, 2014).

Eldar wrote that the Iraqi government, via its ambassador in Washington, persisted on emphasizing that the archive's return to Iraq was inevitable. According to the author, the Iraqi government asserts that the archive contains the history and civilization of one of the constituents of the Iraqi people and, therefore, must remain in Iraq (Eldar, 2015).

A compilation of principles gleaned from the reviewed literature on this topic. The Iraqi Jewish archive comprises documents stolen from their original owners, the Iraqi Jews, after they were expelled from the country. This archive must therefore be returned to its original proprietors. Before considering returning the archive to Iraq, it is essential to take into account the significant time and resources that have been devoted to the recovery and preservation of the archive, as it was in a very poor state. Since 2003, successive Iraqi governments have not actively demanded the return of the Iraqi Jewish archive, and there were no legal or practical measures to compel the United States to return the archive to Iraq.

In the same government context, it is notable that the US State Department has always indicated its commitment to the agreements signed with Iraq on this issue and to returning the archive to Iraq in its statements regarding this matter. The unstable security situation in Iraq and its repercussions on the archive if it is returned to Iraq, as well as the possibility of the archive being lost, taken, or destroyed, are among the points that have been mentioned in multiple articles. The previous points, which we mentioned in the literature and referred to, were used to defend the position that the archive should not be returned to Iraq and the necessity of preserving it in the United States.

#### **4. Description of the Collection**

The collection, also known as the Iraqi Jewish Archive, is comprised of 27 aluminum boxes containing thousands of Jewish sacred books written in Hebrew and Arabic. In addition to other materials, these boxes contain Torah scrolls, Prayer books, sacred books with commentary, books on Jewish law, and Hebrew language instruction books for children. The printed books date back to the close of the nineteenth century and the start of the twentieth. The volumes have been gathered from various locations, including Baghdad, Warsaw, and Venice. The archive contains a 1568 edition of the Bible printed in Venice by Giovanni de Gara. Some of the Arabic collections in the archive are written by hand, while others are printed, and they all pertain to the Jewish community in Iraq. In addition to handwritten materials generated by the Iraqi Jewish community, this collection contains personal documents issued by the Iraqi government (Montgomery, 2013). The archive contains 2,700 books and tens of thousands of documents, according to information sources (IJAarchive.org). In addition to 48 Torah scrolls, the archive contains the Babylonian Talmud, which dates back to the 18th century. The archive contains a Jewish calendar for the year 1972–73 in both Arabic and Hebrew, as well as various documents that explain the life of Jews in Baghdad during the 20th century, such as communal records, Jewish school records, university applications, commercial records, and family photographs (Leff, 2013).

It is noted that approximately 70% of the archive consisted of documents written in the Hebrew language. Up to 25 percent of documents are written in Arabic,



while the remainder are written in other languages. In addition, the archive comprises the Jewish mystic text Zohar (Dolsten, 2018).

## 5. Discussion

Although information is available regarding the description of the documents in the Iraqi Jewish Archive, which is mentioned in a section of the collection's description, in terms of the variety of sources, languages, and subjects, the number of documents is unknown. The absence of precise statistics in the documents is a dubious fact. Since 2003, when the collection was transferred to the United States, the authorities responsible for that collection, whether in Iraq or the United States, have not issued any number of specified collection volumes. The National Archives and Records Administration (NARA), which was responsible for the collection's maintenance, preservation, digitization, and cataloging, made no statement regarding the quantity of documents contained in this archive. Nonetheless, it is logical that after conducting all of these technical operations on the archive, a precise document count will become available. The availability of an accurate quantity of documents is essential for document control and the management of all technical operations' associated costs. A very significant question arises based on the information provided: what is the actual number of documents in the Iraqi Jewish archive? This query has not yet been responded to.

Prior to its transfer from Iraq, the collection is neither counted nor mentioned in any of the available sources of information on the subject. After its discovery in a cellar, the physical condition of the archive was waterlogged, which could make the counting process very difficult. Counting archive documents should have begun promptly following the completion of the collection's recovery and prior to beginning the archiving, photocopying, and indexing processes. Counting operations should be conducted with the participation of both Iraqi and American officials in order to ascertain the actual number of documents in an official capacity. Since one of the Iraqi Torah manuscripts was discovered in Tel Aviv on January 22, 2015 (Estrin, 2015), the absence of a joint official inventory procedure for Iraqi Jewish archive documents has posed difficulties for both parties.

### 5.1 Effects of the Iraqi Jewish Archive transfer

The process of transferring the Iraqi Jewish archive to the United States has multiple repercussions that must be taken into account. The following are the consequences:

#### 5.1.1 legal aspects

In May of 2003, a special American force (MET Alpha) discovered the archive, which was in poor condition due to extended exposure to rainwater that had flooded the archive's basement. A working party from the National Archives and Records Administration (NARA) arrived in Baghdad on June 20, 2003, following high-level contacts between the Coalition Provisional Authority (CPA) and Washington officials. The mission of the NARA working group was to conduct a preliminary evaluation of the archive and to determine the necessary technical operations based on the archive's capabilities (NARA, 2003). At this juncture, it is important to note that neither official nor unofficial information sources indicate archive transfers from Iraq to the United States. As previously indicated, the archive was damaged because it had been stored in a basement that had been flooded with rainwater for some time. The archive required immediate technical treatment and preservation to prevent further damage. A

decision was made to relocate the archive outside of Iraq due to the poor security conditions and absence of electricity.

Due to the poor condition of the archive, time was crucial to its recovery. a single informational source Specified the precise date of the archive's discovery, which was on May 6, 2003 (ijarchive.org). On August 17, 2003, the chairman of the State Board of Antiquities and Heritage (SABH) approved the transfer of the archive with the condition that it be returned after two years (<http://www.dcofiles.com/sbahcpa2003.pdf>). This indicates that approximately one hundred days passed between the discovery of the archive and the sanction of its transfer. This raises the question of whether it is feasible to store the archive in Iraq for such an extended period of time. This raises the question of whether the transfer of the archives occurred prior to the consent of the SABH chairman.

The sanction to transfer the archive was issued by the chairman of the SABH rather than the intelligence service where the Iraqi Jewish Archive was discovered. On May 23, 2003, the director of the Coalition Provisional Authority in Iraq, Paul Bremer, issued a decision abolishing the Iraqi intelligence service, which may have been the cause of this.

The United States and Britain did not have a legal basis for their invasion of Iraq because they failed to obtain a Security Council resolution authorizing them to initiate military action against Iraq (The Guardian, 2004). Therefore, the invasion was unlawful. Therefore, all of the occupying forces' actions and decisions were necessarily unlawful. The approval of SABH's chairman that the Coalition of Provisional Authorities in Iraq (CPA) relied on to transfer the archive was unlawful because it was issued by an employee working for an illegal occupation authority. Harold Rhode, a former employee of the US Department of Defense's Office of Reconstruction and Humanitarian Assistance, was a member of the team that discovered the archive. In an interview with Lenny Bin-David published by Jerusalem Center Online, Rhode described the situation in detail. Rhode stated, "Anyway, the Americans, since we took over Iraq, had sovereignty, so we appointed representatives for the various ministries, including a representative for the Ministry of Culture. Therefore, the Americans signed an agreement with the Iraqi Minister of American Culture" (Ben-David, 2017). This demonstrates conclusively that the Americans were not persuaded that the transfer of the archives was legal. Some of the documents contained in the Iraqi Jewish archive were personal documents issued by successive Iraqi governments since the establishment of the Iraqi state in 1921; therefore, the documents were the property of Iraqi Jewish individuals as well as the Iraqi government, which issued them.

According to an official State Department statement (Dolsten, 2017), the last agreement to extend the storage of the Iraqi Jewish Archive in the United States mandated the return of the archive in September 2018.

There is another point in this aspect: the United States had signed the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict and ratified the treaty on March 13, 2009. The Second Protocol of the Hague Convention, Chapter 2, Article 9, said that:

” Article 9 Protection of cultural property in occupied territory

1. Without prejudice to the provisions of Articles 4 and 5 of the Convention, a Party in occupation of the whole or part of the territory of another Party shall prohibit and prevent in relation to the occupied territory:

a. Any illicit export, other removal or transfer of ownership of the cultural property;"(UNESCO,1954).

Transferring operations from Iraq to the United States was a clear violation of this international agreement. In light of the illegal transfer of the archive and the fact that it has not yet been returned to Iraq, the Iraqi government or Iraqi citizens have the right to initiate lawsuits against the United States government.

#### 5.1.2 Financial aspect

The issue of archive transfer has an economic component that some may overlook. After the restoration of the archive was completed, a number of public exhibitions were held in cities across the United States, where the archive collections or portions of them were exhibited, as detailed in the following schedule. (ijarchive.org).

Table number (1) Iraqi Jewish Archive exhibits schedule

Place of exhibition	Date
Jewish Museum of Maryland, Baltimore, MD	October 15, 2017 - January 15, 2018
William Breman Jewish Heritage Museum, Atlanta, GA	January 28, 2018 - April 29, 2018
Museum of Biblical Art, Dallas, TX	May 11, 2018 - September 3, 2018
Jewish Museum of Florida - FIU, Miami Beach, FL	December 3, 2015 - February 14, 2016
Richard Nixon Presidential Library and Museum, Yorba Linda, CA	September 4, 2015 - November 15, 2015
National Archives at Kansas City, Kansas City, MO	June 18, 2015 - August 15, 2015
Museum of Jewish Heritage, New York, NY	February 4, 2014 - May 18, 2014
Lawrence F. O'Brien Gallery, National Archives, Washington, DC	November 8, 2013 - January 5, 2014

Visitors were required to pay a fee to enter these exhibitions; consequently, the exhibitions generated revenue for the administrators, but none was shared with the Iraqi government.

There is no information regarding the number of people who attended the exhibitions, as the organizers did not announce these numbers. The existence of such statistics is required for regulating the financial returns from exhibitions. Julius reported that the number of visitors to the exhibitions had reached 16,000 as of May 17, 2014 (Julius, 2014). According to the exhibition schedule, this number applies only to the first and second exhibitions. This implies that it is unknown how many people attended the six other exhibitions. According to the figures provided by Julius, we can make a simple estimate of the remaining exhibition attendees. Inferring the number of visitors to each of the eight exhibitions by dividing the total number of visitors to the first and second exhibitions by two.

$16000 / 2 = 8000$  visitors for each exhibition

Ticket prices for these exhibitions have been determined based on specific types of visitors, as shown in the table below. (mchekc,2015).

Table (2) Ticket prices

Type of visitors	Ticket price	Number of patrons
Exhibiter	10,000\$	10
Curator	5,000\$	8
Historian	2,500\$	6
Archivist	1,800\$	4
Restorer	1,000\$	2
Explorer	500\$	2
Individual	125\$	1
	Total 20,925	Total 33

Based on the table of ticket prices, we can determine the average ticket price by dividing the sum of all ticket prices by the total number of attendees.

total prices of all types of tickets/ total number of patrons

$$20,925 / 33 = \$ 634 \text{ average price of one ticket}$$

We can calculate the total number of visitors to the eight exhibitions by multiplying the number of visitors to each exhibition by the total number of exhibitions.

number of visitors to each exhibition \* total number of exhibitions

$$8,000 * 8 = 64,000 \text{ visitors to eight exhibitions}$$

Consequently, the quantity of ticket revenue for the eight exhibitions can be determined by multiplying the price of a single ticket by the total number of visitors to the eight exhibitions.

price of one ticket \* total number of visitors to the eight exhibitions

$$634 * 64,000 = \$40,576,000$$

Thus, this is the approximate revenue generated by the Iraqi Jewish Archive's exhibitions.

The United States government is responsible for determining the exact financial return from these exhibitions, and the Iraqi government has the right to claim all or a portion of those funds.

### 5.1.3 Technical aspect

Due to the extensive damage caused by flooding in the basement where the Iraqi Jewish archive was kept, it had been subjected to numerous technical processes in order to preserve it. Therefore, the team that discovered the archive made every effort to prevent further damage to the documents. Certainly, preventing archive damage required professional personnel, which was unavailable in Baghdad at the time.

After several communications between the Coalition Provisional Authority (CPA) and the United States government through the Ministry of Defense, the CPA requested that The National Archives and Records Administration (NARA) send a specialized team to assess the condition of the archive and provide preservation recommendations. In June of 2003, the specialized team arrived in Baghdad. The team inspected and assessed the archive on-site and devised a plan for what was necessary in this regard.

The condition of the archive was between moderate and poor when the NARA team arrived. The archives were stored in a large refrigerated truck as a temporary solution to prevent further damage. The NARA team submitted a report to Vice President Dick Cheney and Secretary of Defense Donald Rumsfeld detailing the measures to be taken regarding the archive. The US

government requested NARA's assistance in preserving the collection based on this report. The NARA team's report determined the preservation measures necessary for the collection.

According to the report, the collection should be dried by terminating the desiccation and then treating the mold so that maintenance procedures can commence. The collection's substantive, historical, and archival content must then be defined and reformatted, followed by the application of preservation requirements and document reformatting procedures. This phase would also determine the appropriate storage requirements for future use and digitize the collection to ensure that it is accessible and exhibit-ready (NARA, 2003).

NARA's plan for the preservation of The Iraqi Jewish Archive consisted of three phases, each of which included multiple operations. The first phase consisted of a vacuumed freeze-drying process that dried the archive while preserving the physical form of the documents. In phase two, archival items were categorized according to their classification, covers and title pages were digitized, and catalogers created a preliminary catalog. During phase Three, a number of tasks were completed, including: the archive's completion of cataloging, conservation treatment, digitization, and associated metadata; the creation of a website containing a database of the complete documents of the Iraqi Jewish Archive; the provision of fellowships for two Iraqi conservation professionals; and exhibitions in various U.S. cities. The NARA action assessed the cost of maintaining the archive to be a maximum of three million dollars. The database of the archive can now be accessed through the website (<https://ijarchive.org/search>) and search operations can be conducted. This is a consequence of the hard work that was completed in the previous three phases. The database comprised 3,846 book and document entries. The database contains more than 2700 published books in addition to tens of thousands of unpublished archival materials. The website provides a search function that facilitates the archival search process. Twenty common search terms are provided to aid the researcher in gaining access to the documents.

## 6. Conclusions

Beginning with the emigration of Iraqi Jews from Iraq in the early 1950s, one can recapitulate the issue of the Iraqi Jewish Archive. They were subject to stringent travel regulations, as they were only permitted to carry one box. This compelled some of them to abandon their possessions, including personal documents. The documents comprising the Iraqi Jewish Archives were amassed by Iraqi security authorities between 1950 and 2003. On May 6, 2003, the Iraqi Jewish Archive was discovered in a basement of the Iraqi intelligence facility in Baghdad. The archive was discovered in poor condition because it had been submerged in water as a result of the American air raids, which commenced on March 19, 2003, and concluded with the occupation of Baghdad on April 9, 2003. The Iraqi Jewish Archive has been moved to the United States for preservation purposes and has not yet been returned to Iraq.

In the United States, the repatriation of the Iraqi Jewish Archives to Iraq is the subject of an ongoing, heated debate. There are two aspects to this argument: theoretical and practical reasoning. The theoretical aspect focuses on the media-presented opinions and ideas, which are predominantly opposed to returning the archive to its original location in Iraq. In most cases, opposing viewpoints provide justifications, such as the fact that it would be extremely difficult to access the archive if it were returned to Iraq, for not returning the archive and supporting the unquestionable and inevitable retention of the archive in the

United States. The practical side represents Jewish lobbyists in the United States, who are placing pressure on American legislators and the American administration to reconsider the issue of returning the archive to Iraq, as previously agreed upon by both parties.

On the other hand, on the Iraqi side, the situation can be evaluated based on the official statements that have been published in the media, which indicate that Iraqi officials did not give this issue any noteworthy consideration. Occasional statements by Iraqi officials are merely reactions to information or statements published in American media regarding the non-return of the archive to Iraq. Noting that the successive Iraqi governments since 2004, when the first Iraqi interim government was founded, have not presented a plan for addressing this issue demonstrates the Iraqi government's lack of seriousness. Repercussions of the process of transferring the archive from Iraq to the United States were obscured by the controversy and debate surrounding the issue of returning or not returning the archive to Iraq. Despite their significance, the legal and economic consequences of retaining the Iraqi Jewish Archive in the United States for more than eighteen years have not been discussed.

The Iraqi Jewish Archive must be returned to Iraq in accordance with the agreements between Iraq and the United States and the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

If the archive is restored to Iraq, it cannot be guaranteed that all documents will be returned. Because the Iraqi party did not conduct an inventory of the archive prior to its transfer to the United States.

The sanction of the chairman of the Iraqi State Board of Antiquities and Heritage (SBAH) to transfer the archive outside of Iraq, which the United States relied on to transfer the archive, is legally dubious for the reasons outlined in the legal aspect of this research.

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