



# General Assembly

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## Human Rights Council

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Human rights situations that require the Council's attention

**Joint written statement\* submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status; France Libertés: Fondation Danielle Mitterrand, Women's Human Rights International Association, non-governmental organizations in special consultative status; Mouvement contre le racisme et pour l'amitié entre les peuples, International Educational Development, Inc., non-governmental organizations on the roster**

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

[22 August 2013]

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

## **Responsibility to protect asylum-seekers: Safety and security of the residents of Camp Ashraf and Camp Liberty are UN and US obligations\***

The safety and security of some 3000 inhabitants of Camp Liberty, members of the People's Mujahidin Organization of Iran (PMOI) in Iraq is a matter of grave concern. They were relocated from their 25-year home in Camp Ashraf against their wish, under a UN plan to provide them safety and security, actually they are more vulnerable than never before. Since the asylum-seekers moved to Camp Liberty in February 2012, 10 of them have been killed by missile attack and some 170 injured.

Since the United States of America (USA) offered its protection to the residents of Camp Ashraf in 2003, all of them are protected person under the Fourth Geneva Conventions. In addition, according to the UNHCR, since they introduced the procedure to seek asylum, they are entitled to international protection. Thus, immediate measures must be adopted by the UN and relevant countries, especially US Government, to provide them security.

The USA and the United Nations, in particular the Security Council and the Secretary-General, are legally responsible for the protection, safety and security of the asylum-seekers of Camps Ashraf and Liberty. An original responsibility has been created since the occupation of Iraq by the USA and a new responsibility stems with the forcible displacement of residents to Camp Liberty.

### **Security**

Camp Liberty<sup>1</sup> was first attacked on 9 February 2013: 8 asylum-seekers were killed and 100 injured. On June 15 at 1:15 pm Camp Liberty was targeted again by at least forty 107 mm missiles. Two asylum-seekers were killed and 70 injured. The Iraqi Hezbollah, a pro-government militia with also close ties to the Iranian authorities, took the responsibility. The attack was carried out just a few hours prior to the announcement of final results of the Iranian presidential elections. This concurrency is not a coincidence.

In its latest update dated 19 July 2013, the UNHCR expressed "continued deep concern for the safety and security of the residents in the Hurriya Temporary Transit Location (TTL), following the second deadly attack on 15 June." UNHCR reiterated the urgent need for enhanced physical protection, asking the Government of Iraq to do everything in its power to guarantee the security of the residents.

The perpetrators of these deadly attacks have publicly stated that there will be more attacks against the asylum-seekers in Camp Liberty. The Government of Iraq has explicitly declared that it cannot prevent further missile attacks on Liberty (AP, 9 February 2013); The US government warned on February 11 that the security situation in Iraq has deteriorated and attacks similar to the February 9 attack on Camp Liberty may occur at any time.

### **Vulnerability of Camp Liberty**

Camp Liberty remains more vulnerable than ever before. Before the asylum-seekers were relocated to Liberty, the Iraqi Government removed 17500 protective T-walls which used to

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\* The Association of Humanitarian Lawyers NGO(s) without consultative status, also share the views expressed in this statement.

<sup>1</sup> Also called Hurriya by the Iraqi authorities.

be in the Camp when American soldiers were there, thus making the Camp completely vulnerable.

Despite repeated call the Government of Iraq refuses to allow the return of the T-walls. There is no concrete building in the Camp and the residents are living in flimsy trailers with absolutely no protection. When the UN personnel occasionally visits the Camp for short period of time, it wears protective vests, helmets, etc., while, the asylum-seekers are in the Camp day and night without any protection. The Government of Iraq does not even allow them to transfer their own protective vests and helmets from Camp Ashraf. As Camp Liberty is only 0.5 sqm., the high density of the population makes it more vulnerable.

### **Resettlement**

The asylum-seekers were promised by the UNAMI<sup>2</sup> and by the Special Representative of the Secretary General that Camp Liberty would be a temporary transit location (TTL) and that they would be soon resettled outside Iraq.

Two years after UNHCR had first declared that asylum-seekers should be provided international protection, only 5% of the residents have been resettled outside Iraq. For almost six month from August 2011 to February 2012 the Government of Iraq delayed the refugee status determination. Although the asylum-seekers, as well as their representatives in Europe, have extended their full cooperation to the UN machinery during the last two years, no official criticism have been expressed by the UN relevant representatives for the Iraqi authorities lack of cooperation and no concrete security measures have been taken to protect physically the asylum-seekers, as well as their rights.

The process for the determination of their refugee status is inexplicably protracted. So, far over 2000 individuals have been interviewed by the UNHCR. 130 have been transferred to Albania and a handful to other European countries. All indications are that there is no prospect for resettlement of the overwhelming number of the residents in the foreseeable future.

Actually, exerting pressure on the asylum-seekers to return to business as usual and start interviews outside the Camp, while no action has been taken for their security, is unacceptable. The residents have the right to demand that interviews to be conducted inside the Camp so that, at least when UN personnel is in the Camp, they may feel more secure.

### **Ashraf and property**

Based on the quadripartite agreement between the Iraqi Government, the UN, the USA and the asylum-seekers on 17 August 2012, and according to the former SRSG, Martin Kobler's official letter to the residents dated 6 September 2012, 100 residents should remain at Ashraf until the final determination of the property.

USA Secretary of State Clinton's advisor also in writing and publicly stated that there is no time limit for the 100 to remain in Ashraf<sup>3</sup>. However, the Government of Iraq so far has prevented the sylum-seekers to sell their properties, engaging in systematic harassment of the residents to force them abandonee their property and leave Camp Ashraf. In this respect on a number of occasions through UNAMI they have threatened the residents to use force<sup>4</sup>. We believe that both, the UN and the USA are responsible for the lack of protection of the

<sup>2</sup> UN Assistance Mission for Iraq

<sup>3</sup> Agence France Presse 3 October 2012

<sup>4</sup> In order to resolve this problem, residents' lawyers, at UNAMI's recommendation, traveled to Iraq but the Iraqi Government officials refused to engage in any negotiation to resolve the problem.

asylum-seeker while Iraqi government resort to force and violence. The residents' lawyers explained the situation in his 18 May 2013 letter to those in Camp Ashraf<sup>5</sup>:

#### **Inhumane medical siege continues**

There is no proper medical centre in Camp Liberty but only a simple clinic without any equipment or medicine. Due to high number of people who have been wounded in several attacks and the lack of free access to hospital and medical care, there are currently 800 people in Liberty in need of special care. A large number of patients have been waiting for months and even over a year to be sent to Baghdad hospitals for visits with medical specialists.

This clinic has only two ambulances and most of the time the patients and the accompanying asylum-seekers are literally piled up inside the ambulance in terrible conditions. In the hospital, the interference of Prime Ministry Office agents and Army Intelligence officers in the patients' medical cases make the situation unbearable.

Dire sanitary conditions and lack of a standard sewage system in Camp Liberty, as well as timely prevention of poison spraying, have tremendously increased cases of various diseases in Liberty.

Since beginning of 2009 an inhumane medical siege has been imposed against Camp Ashraf and Camp Liberty asylum-seekers. As of 20 August 2013, 14 residents have lost their lives due to the medical siege, including six in Camp Liberty<sup>6</sup>. This medical siege can be considered as a crime against humanity and the perpetrators should be brought to justice and punished.

#### **Recommendations**

The highest priority must be given to the security of the asylum-seekers. The UN and the USA government have the obligation to take all necessary measures to ensure that immediate concrete protective arrangements are taken at Camp Liberty<sup>7</sup> and to ensure that the asylum-seekers are safely returned to Camp Ashraf which is far safer than Camp Liberty.

As a matter of humanitarian priority, the medical siege imposed on Camp Ashraf and Camp Liberty must be immediately lifted, in order to allow the residents open access to medical services in Iraq at their own expense.

The Human Rights Council should set up a fact finding mission to inquire on the responsibility of the crimes committed during the Iraqi forces attacks on Camp Ashraf in July 2009 and April 2011 as well as those committed during the missiles attacks on Camp Liberty in February and June 2013.

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<sup>5</sup> "You are, hereby, advised that if at any time you are approached with legal process, it should be referred to me as your Legal Counsel. As guardians of the property you have no authority to accept process or engage in negotiations on behalf of the rightful owners of the property at Camp Ashraf... as counsel we have offered to meet and discuss resolution of all real and personal property issues with the Government of Iraq. Our offer to meet remains outstanding and properly lies with Counsel."

<sup>6</sup> Bardia Mostofian, Batoul Rajaei, Behrouz Rahimian, Mansour Koufei, Mohammad Hossein Barzmehri and Reza Nasiri

<sup>7</sup> Including the return of 17500 protective T-walls and the construction of layer roof for all the trailers as well as the construction of small bunkers; transfer of protective vests and helmets as well as medical equipment from Ashraf to Liberty, providing to the Camp and finally expanding the camp to reduce the population density.

The Human Rights Council should adopt the necessary measures to ensure the full implementation of the dispositions contained in the opinions of the UN Working Group on Arbitrary Detention<sup>8</sup> related to the situation in Camp Ashraf and Camp Liberty.

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<sup>8</sup> A/HRC/WGAD/2012/16 (17 July 2012) and A/HRC/WGAD/2012/32 (23 November 2012)