



# 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 Women's Human Rights International Association (WHRIA), France Libertes: Fondation Danielle Mitterrand, 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 2014]

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



## **The Government of Iraq must fulfill its obligations towards Camp Liberty residents within the framework of International law**

One year after the massacre of 52 asylum seekers in Camp Ashraf, Iraq, on September 1, 2013, by Iraqi forces, allegedly, at the behest of the Iranian government, more than 2700 Iranian refugees who have been transferred from Camp Ashraf to Camp Liberty near Baghdad Airport are now facing a similar threat.

In a statement on August 5, 2014, the UNHCR declared:

“The dramatic deterioration of the security situation in Iraq as a result of the fighting is equally worrying in the context of the efforts – on-going since 2011 – of UNHCR and the United Nations Assistance Mission in Iraq (UNAMI) to find relocation opportunities outside Iraq for former residents of Camp New Iraq (formerly Ashraf). Approximately 2,700 people reside in the Hurriya Temporary Transit Location (TTL) near the Baghdad International Airport (BIAP).

“The residents suffered three separate rocket attacks in 2013, each of which resulted in deaths and injuries. In addition, an attack against Camp New Iraq in September 2013 left 52 dead and seven persons missing. The escalation in conflict across Iraq leaves residents of the Hurriya TTL open to significantly heightened security risks.”

In the past eight years these refugees have been the target of 26 attacks leading to 116 deaths and more than 1300 injuries among them. During the attack on Ashraf on September 1, 2013, seven residents were taken hostage and their fate remains unknown.

In this period, the Government of Iraq has not fulfilled its obligations under the international law. The international community has expressed its regrets against this matter on number of occasions. The new Iraqi government, which is currently facing various challenges, will be scrutinized by UN mechanisms and member states, particularly in the area of human rights and its international obligations.

In a joint statement on December 9, 2013, by six independent experts, special procedures mandate holders, declared: “International law clearly requires Governments to ensure that all allegations of killings are investigated in a prompt, effective and impartial manner, irrespective of who the perpetrator is,” the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, noted. “Failure to do so is a violation of the International Covenant on Civil and Political Rights.”

The group of experts stressed that “The impunity with which these crimes have been committed is particularly flagrant given the severity of the offences and the alleged evidence of engagement by Iraqi forces in the commission of these crimes.” In their view, “the State has an obligation to exercise due diligence to prevent, protect, investigate, prosecute and punish all acts of violence, including those perpetrated against women, and to ensure their rights to be treated with dignity.”

“The UN Working Group on Arbitrary Detention has consistently held that the detention in Camp Ashraf is arbitrary,” said Mads Andenas, who currently heads the expert body. “The Iraqi Government has a particular responsibility to protect the detainees against human rights violations such as the recent deaths and abductions, and must now instigate independent investigations, end the detention regime, and in the meantime provide effective protection to those who remain in detention.”

Despite repeated calls by NGOs, the present state of the residents of Camp Liberty is as follows:

On fundamental rights and humanitarian treatment, the residents are facing increasing problems and continuous harassments, especially regarding access to medical services and service contractors. Freedom of movement, access to justice and the right to choose one’s own lawyer are denied. Income generating activities are not allowed. Visits of independent observers such as NGOs, parliamentarians, diplomats and families are banned. During the past 6 years the government of Iraq has imposed an inhumane medical blockade leading to 20 Ashraf and Liberty residents suffering to death.

Daily affairs of Camp Liberty are controlled by officers affiliated with the office of Prime Minister and some of them have been identified as elements involved in above-mentioned massacres in Ashraf and Liberty. Under their supervision, some of the pressures imposed on the residents during the month of August have systematically escalated: the inhumane medical siege, preventing the delivery of fuel and other basic necessities for the residents, along with other repressive measures, as follows:

- on August 18<sup>th</sup>, Iraqi forces have prevented the transfer of six patients to hospitals while they had previously arranged medical appointments in Baghdad. One of them is suffering from advanced cancer and must be placed under chemotherapy;
- on August 19<sup>th</sup>, Iraqi forces prevented the transfer of five patients in Baghdad who had arranged medical appointments. One of them had an appointment to undergo surgery;
- for more than 10 days, Iraqi forces have prevented the delivery of fuel into Liberty. The lack of fuel has led to power generators being turned off, while they are the only source of electricity and all vital necessities of the camp such as pumping water into the camp, purifying water, the kitchen and reefer units, basic medical services, and ... all depend on electricity from these power generators;
- for successive days, Iraqi forces have prevented the entrance of septic trucks, which from the very beginning were rented by the residents at their own expense, to deplete the blackwater tanks. This is especially causing contamination around the camp and the spread of infectious illnesses during the summer heat.

These forces have also been preventing the delivery of cleaner substances needed to purify water, leaving the residents facing hygiene crises.

In its August 5, 2014, statement UNHCR underlined the Iraqi government's obligations towards Camp Liberty residents:

"UNHCR recalls that all residents of the Hurriya TTL registered with UNHCR are persons of concern to UNHCR. They are thus entitled to protection against expulsion or forced movement to any place where their lives or freedom would be threatened. The Memorandum of Understanding (MoU) between the Government of Iraq and the United Nations explicitly recognizes that residents benefit from the principle of non-refoulement.

"UNHCR continues to call upon the Government of Iraq to take all possible measures to ensure the safety and well-being of residents, including ensuring access to life saving medical treatment."

The submitting NGOs call upon the new Government of Iraq to fulfill its obligations within the context of MoU and the international law and respect the rights of Camp Liberty residents as outlined below; we also ask the UN and the USA to ensure these rights.

1. Prevent and stop any aggression against camp Liberty; and remove all restrictions on measures for protection of the camp including installation of T-walls and supply of other items for protection purposes.
2. Invite the United Nations to station permanent monitors and their protection forces (Blue Helmets) in the camp to provide security to the residents.
3. Stop daily restrictions against the residents on medical services, medicine, fuel and logistics. To recognize the rights of the residents for freedom of movement.
4. Remove the individuals who have been identified as being involved in killing and suppression of the residents from the camp management.
5. Declare its readiness to allow independent investigations by the United Nations on the massacre of September 1, 2013, and cooperate with the UN Human Rights mechanisms in this respect and hand over individuals who have committed above-mentioned crimes to meet justice.
6. Compensate for massive damages to properties of the residents of Ashraf in various attacks, especially after the evacuation of Ashraf by forces affiliated to the government, and allow the residents to sell their movable and immovable properties.

The submitting NGOs call upon the relevant special procedure mandate holders to continue to scrutinize the violations of fundamental rights and freedoms of the asylum-seekers in Camp Liberty.