



General Assembly

Distr.: General
1 March 2011

English and French only

Human Rights Council

Sixteenth session

Agenda item 4

Human rights situations that require the Council's attention

**Joint written statement* submitted by France Libertés -
Fondation Danielle Mitterrand, the World Organisation
Against Torture (OMCT), non-governmental organizations
in special consultative status, the Mouvement contre le
racisme et pour l'amitié entre les peuples (MRAP), a non-
governmental organization 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.

[14 February 2011]

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

Protection and enhancement of the rights of Camp Ashraf residents (Iraq) must be ensured

Ever since the announcement, by the US administration, of its decision to hand over full authority in Iraq to the government led by Nouri Al-Maliki effective January 1st, 2009, our organizations have warned the international community on the danger that threatened the residents of Camp Ashraf. The UN Secretary General's report on Iraq submitted to the Security Council on November 26, 2010 specifies that "the situation in Camp Ashraf continues to be of concerns since the departure of United States forces in Iraq on 2 July 2010"¹.

In spite of assurances from the American authorities, the Iraqi authorities have stepped up repressive actions against Camp Ashraf during the past two years. Major examples of these devastating measures are the criminal deadly attack committed on July 28, 29, 2009 against the residents, torturing of the 36 Ashraf residents taken hostage by Iraqi forces at the same time, the siege of the Camp for the past two years, the psychological torture inflicted on its residents for the past 11 months (with help from agents of the Iranian secret police) using 140 powerful loudspeakers.

Considering the behavior of Mr. Nouri Al-Maliki as Prime Minister, re-elected for a second term at the head of the Iraqi government, it is now imperative to reinforce our vigilance toward all abuses of the rights of the Ashraf residents and to provide them with the needed protection.

According to documents published by the WikiLeaks website, the US administration was fully informed of the political, military and terrorist meddling of the Iranian authorities in Iraqi affairs, yet it contented itself with assurances from the Iraqi government that Camp Ashraf residents would be treated in conformity with the international and humanitarian standards. One result of this policy has been for Washington to give up on its obligations vis-à-vis Camp Ashraf and thus violate the agreement it had signed with each and every one of the camp's residents.

The exposed documents put a great responsibility on US government's shoulders. The first reality exposed through these documents is that not only the Iraqi government and its forces have neither the required competence nor the ability to protect Ashraf residents, but even worse, they could rapidly turn into agents or proxies acting on behalf of the Iranian authorities to suppress its opposition.

There is absolutely no doubt that the transfer of the protection of Ashraf residents to the Iraqi forces constitutes a flagrant violation of the international conventions, particularly the Fourth Geneva Convention upon which the United States formally based their decision with regard to the status of the Ashraf residents in 2004. This status and the ensuing rights and measures of protection may in no way be annulled until a final decision is made concerning the fate of the Ashraf Camp's residents. As a result, any attempt to shy away from responsibility in this respect shall be in open contradiction with the standards of the International Humanitarian Law.

Article 45 of the Fourth Geneva Convention says clearly that before organizing the transfer of the protected persons, "the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention". Not only Washington has failed to guarantee that right, but according to documents recently published and produced by the American forces, before handing over the protection of Ashraf to Iraqi

¹ S/2010/606 - par 41

forces, the Us had enough indications and information to enable it to reject the promises and assurances made by the Iraqi government about its willingness and its ability to comply with the international standards, because Washington was well aware of the extent of the Iranian government's influence and meddling in Iraqi affairs as well as the systematic and brutal character of the human rights abuses by the Iraqi government itself.

Furthermore, article 45 of the Fourth Geneva Convention stipulates: "If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody. Nevertheless, if that Power fails to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with ". It is quite evident that under the existing circumstances, compliance with this article necessitates an immediate takeover of the protection of the Ashraf Camp residents by the American forces.

At present, according to the latest information we have, the pressures and restrictions imposed on ill residents in Camp Ashraf have increased and their access to medicine has been made even more difficult. For example, Mrs. Elham Fardipour, suffering from a cancer of thyroid has been prevented from going to Baghdad for some chemotherapy or Mr. Mehdi Fathi whose kidney cancer attained an incurable stage before he died on December 10, because his transfer from the Ashraf Camp's clinic to specialized hospitals in Iraq was delayed by the Iraqi authorities.

The new Iraqi government and the State's judicial system must create the necessary conditions for the recognition of the status and the rights of Ashraf residents within the standards set by the International Humanitarian Law.

Until then, we ask the government of the United States of America to:

- reiterate without any ambiguity that residents of Ashraf remain "protected persons" by virtue of the Fourth Geneva Convention and as such, must continue to enjoy the basic rights and protection guaranteed by this convention;
- take back immediately direct responsibility for the protection of Ashraf Camp's residents and deploy adequate military forces that shall also help UNAMI set up a permanent monitoring team in the camp;
- take the appropriate measure to lift the inhuman siege of Ashraf that has continued now for two years, put an end to the psychological torture of the residents that has been going on for the past eleven months and expel the agents of the Iranian government's Ministry of Intelligence and Security who camp illegally outside the entrance to the southern wing of Camp Ashraf, solely with help and support coming from the Iraqi government and forces;
- remove the PMOI from the foreign terror list of the State Department in implementation of the decision by the Federal Appeals Court in Washington (July 2010), given that in its resolution (0075/2010) adopted on November 25, 2010, the European Parliament considers that "the residents (of Camp Ashraf) are still being subjected to external pressures under the pretext that the PMOI remains on the US's black list".