



PARLAMENTO EUROPEO

Alejo Vidal-Quadras Roca

Vicepresidente del Parlamento Europeo

Excellency Ban Ki- moon,
Secretary General
United Nations
New York
U.S.A.

Brussels, 10th December 2008

Dear Secretary General,

As the Vice President of the European Parliament and the President of “In Search of Justice – European Committee for De-listing the PMOI,” supported by 2,000 members of parliaments in the European Union states, I wish to express my deep concern regarding the protection of residents of Camp Ashraf, members of the Iranian opposition, in Iraq.

Leading a delegation of three Euro MPs from different political groups, Mogens Camre (UEN, Denmark), Andre Brie (GUE, Germany), Tunne Kelam (EPP, Estonia) and also the Vice-president of the Committee on Foreign Affairs of the Norwegian Parliament, Morten Høglund, we visited Ashraf between 16 and 19 October 2008. Ashraf had been visited by our delegations headed by Paulo Casaca, Portuguese MEP, on four previous occasions.

As a result of these visits, we have gained a real understanding of the situation and the threats facing the residents of Ashraf. We are convinced that in the present circumstances the transfer of protection of Ashraf to Iraqi government will place its residents in a serious danger leading to a humanitarian catastrophe. Some remarks indicating that the Iraqi government has given necessary assurances to the United States to respect the rights of Ashraf residents are in no way convincing. Therefore, I would like

to provide you in brief the reasons why the U.S. forces must continue protecting Ashraf residents and call on you as the Secretary General of the U.N. to intervene in order to prevent a humanitarian catastrophe.

Allow me first to bring three points to your kind attention; first, the Iraqi government's assurances lack credibility. Second, because the U.S. government granted "Protected Persons" status in exchange for receiving the arms of Ashraf residents, such status is a contractual obligation that should not be lifted without mutual consent; in addition, the protected persons status applies to Ashraf residents for as long as the U.S. troops have a combat mission in Iraq, because the situation of Ashraf is a direct consequence of the U.S. invasion of Iraq. Third, Even if international non-governmental organizations were able to monitor Iraqi compliance regarding the protected persons status, unless there is an enforcement mechanism, such monitoring would be to no avail.

Assurances Lack Credibility

1- Our delegation found evidence that does not support an inference of good faith in Iraqi Government assurances.

a. Our delegation determined that the government of Iraq has never officially, or in written communication, acknowledged the rights of Ashraf residents as protected persons under the Fourth Geneva Convention, their judicial security, their rights under international law and International Humanitarian Law.

b. On the contrary, in an official statement on 17 June 2008, in total disregard for the above principles, the Iraqi Government has called for expulsion of Ashraf residents, their prosecution, and the prosecution of any Iraqi or foreign national who cooperates with or visits the people of Ashraf.

c. Because the GoI has never withdrawn the June statement and it is still on the Government's official websites, our delegation concludes that the statement represents the true intentions of the Iraqi Government.

d. Our delegation determined that the Government has refused to sell fuel to the residents of Ashraf as subsidised by the government for all citizens since September 2005.

e. We also determined on the basis of documents from the government of Iraq and interviews with Ashraf residents that the Government has refused to sell subsidized food and medicine.

f. Therefore, those in Ashraf are forced to purchase essential goods on the black market at extremely high prices.

g. In addition, 55 Iraqis who helped Ashraf residents obtain their essential needs have been murdered.

2- Reference to the Iraqi government guarantees comes at a time when it has regretfully kept silent on terrorist operations against Ashraf and taken no action to deal with them.

a. August 2005 kidnapping of two Ashraf residents

b. May 2006 bombing of a bus carrying Iraqi workers to Ashraf (which resulted in the death of 11 passengers)

c. July 2006 bombing of Ashraf water pipelines

- d. October 2007 foiled attempt to poison the water going to Ashraf
- e. November 2007 bombing of a vehicle carrying Iraqi workers to Ashraf
- f. February 2008 bombing of the water pumping station which served the local Arabs as well as Ashraf residents
- g. May 2008 missile attack on Ashraf City
- h. July 2008 second missile attack on Ashraf
- i. Murder of more than 50 Iraqis who support the residents of Ashraf

3- Iraqi officials have repeatedly made comments in violation of the rights of Ashraf residents.

- a. August 2008 visit to Iran: Deputy Justice Minister of Iraq warned that “if it were not for the presence of the Coalition Forces in Ashraf, you would have witnessed the Iraqi people attacking Ashraf and destroying it.”
- b. September 2008: Iraqi Interior Ministry spokesman declared, “Members of this terrorist group should leave Iraq within a timetable set in advance (six months).”
- c. November 2008: The Defense Minister of the Iraqi Kurdistan told the Iranian regime’s official Fars News Agency, “If the political situation in the region allowed us to try the criminal leaders of the Monafeqin [term used by the regime to describe the PMOI/MEK], they would not only leave Iraq but their criminal leaders would also be put on trial.”

4- A resolution adopted by the European Parliament on 12 July 2007, states that it “Strongly rejects the threats of expulsion and cutting off supplies of fuel and drinking water made by some senior officials in the Iraqi Government against 4,000 members of the Iranian opposition who have been political refugees in Iraq for the past 20 years and have the legal status of ‘Protected persons under the Fourth Geneva Convention’ and calls on the Iraqi Government to respect their rights under international law”.

5- When Iraqi officials promise to treat Ashraf residents in accordance with “Iraqi laws and constitution,” such a pledge is a serious threat because Article 21 of the Iraqi constitution bears a clear fingerprint of the Iranian regime. That article states that those who are “accused” of terrorism cannot enjoy the rights of political asylum. In September 2005, more than one million Iraqis and many experts in international law and human rights protested against such meddling by the Iranian regime in the Iraqi constitution which has been imposed by its agents (Enclosure No. 2, New York Times, 7 October 2005).

6- Therefore, the residents of Ashraf are extremely concerned about their security and well-being in the absence of a protection by the U.S. forces. During our visit to Ashraf, our delegation found that the people of Ashraf oppose the transfer of protection; they reiterated such opposition in interviews with the U.S. forces on 9 and 10 August and also told ICRC officials who visited Ashraf in August and October 2008.

Protection for Disarmament

1- This argument that the security measures by the MNF-I was in compliance with the Security Council resolution 1790, which ends on 31 December, is not a complete argument." However, consider the ceasefire agreement between the U.S. forces and the PMOI on 15 April 2003, the disarmament agreement on 10 May 2003, and the agreement between every single resident of Ashraf with the U.S. forces in July 2004. All three clearly underscore the U.S. obligation to protect Ashraf residents in return for their handover of all weapons and military equipment. Documents and statements by the CENTCOM are enclosed (Enclosure No. 3).

2- The truth is that the residents of Ashraf, as part of the main opposition to the Iranian regime, handed over their weapons and military equipment, including arms for their personal protection and defense by trusting the U.S. forces (Enclosure No. 4 - The receipt by the U.S. forces for 17,000 pieces of arms). If the U.S. forces leave Camp Ashraf in breach of their commitment to protect them, they will have to face their moral, political, and legal responsibilities in view of the critical consequences endangering the lives and security of 3,500 Ashraf residents. Premature transfer of security responsibilities of Ashraf to Iraqi Security Forces would be harmful to the reputation of the U.S. forces in the eyes of Iranian people and moderate Iraqis. On the basis of our interviews in Iraq, our delegation believes that if the U.S. protection is removed, military and terrorist attacks by the Iranian regime against Ashraf will rise dramatically.

Monitoring and Enforcement

It is one thing to issue statements about respecting the rights of those in Ashraf; the practical commitment to them is another. In light of present situation in Iraq, in particular the Iranian regime's extensive meddling in that country, acknowledged repeatedly by the U.S. military and civilian officials, it is extremely difficult to provide realistic and practical guarantees to protect Ashraf residents without establishing specific both mechanisms to monitor the situation as well as mechanisms to enforce compliance.

Conclusions

In our delegation's discussions with a number of Iraqi personalities and officials, we are convinced that the transfer of protection of Ashraf to Iraqi forces would prompt the Iranian regime to step up its pressures on the Iraqi government. Therefore, many senior Iraqi officials oppose such a transfer which is contrary to the interests of their nascent democracy.

In summary, Iraqi Government assurances lack credibility; because the U.S. Government granted Protected Persons status in exchange for receiving arms from Ashraf residents, such status is a contractual obligation that should not be lifted without mutual consent; in addition, the protected persons status applies to Ashraf residents for as long as U.S. troops have a combat mission in Iraq, because the situation of Ashraf is a direct consequence of the U.S. invasion of Iraq; and even if international nongovernmental

organizations were able to monitor Iraqi compliance regarding the protected persons status, unless there is an enforcement mechanism, such monitoring would be to no avail.

Dear Secretary General,

I genuinely believe that there is no legal or political obstacle that would prevent the U.S. forces from continuing the protection of Ashraf on an interim basis until this matter is resolved. Resolution should be in the form of a credible document acceptable to all relevant parties issued through discussions and formal recognition of the rights of Ashraf residents by the Iraqi government. To achieve such a resolution, I would be honored to offer my utmost cooperation.

I assure you of the expression of my highest regards,



Alejo Vidal-Quadras,
Vice President,
The European Parliament