

**IRANIAN INFLUENCE IN IRAQ AND THE CASE
OF CAMP LIBERTY**

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BEFORE THE
COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE
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IRANIAN INFLUENCE IN IRAQ AND THE CASE OF CAMP LIBERTY

WEDNESDAY, OCTOBER 7, 2015

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:32 a.m. in Room SH-216, Hart Senate Office Building, Senator John McCain (chairman) presiding.

Committee members present: Senators McCain, Sessions, Ayotte, Fischer, Cotton, Rounds, Ernst, Tillis, Reed, Manchin, Shaheen, Gillibrand, Blumenthal, Donnelly, Kaine, and King.

OPENING STATEMENT OF SENATOR JOHN MCCAIN, CHAIRMAN

Senator MCCAIN. Well, good morning. The committee meets today to consider the issue of Iran's influence in Iraq and the case of the residents of Camp Liberty.

I'm pleased to welcome this distinguished group of witnesses: Colonel Wes Martin, who retired from the U.S. Army in 2010 after a military career that concluded years of service in Iraq, where he was, among other positions, senior anti-terrorism and force protection officer for coalition forces and commander of Forward Operating Base Ashraf; General Jim Jones, who has previously been National Security Advisor, Special Envoy for Middle East Security, Supreme Allied Commander, Commandant of the Marine Corps, and, most importantly, the marine liaison officer as part of a Navy team led by Captain John McCain.

[Laughter.]

Senator MCCAIN. I can't make that up.

[Laughter.]

Senator MCCAIN. Finally, it's with profound regret that I welcome back Senator Joseph Lieberman.

[Laughter.]

Senator MCCAIN. Thank you for taking some time away from your bingo games at the old-folks home to join us today.

[Laughter.]

Senator LIEBERMAN. Remember, we have a seat, you know, anytime you want to stop by. It's a lot of fun there.

[Laughter.]

Senator MCCAIN. I like the blackout game.

[Laughter.]

Senator MCCAIN. Anyway, I appreciate the chance for a little levity, because there's none to be found in the matter before us.

As my colleagues know, Camp Liberty is the location in Iraq where more than 2,000 Iranian refugees currently live since they were internally relocated from their previous location at Camp Ashraf. The residents of the camp are dissidents who have long since opposed the regime in Tehran, at one time violently so.

When United States forces entered Iraq in 2003, the residents of what was then Camp Ashraf renounced violence, gave up their weapons, and agreed to come under United States military protection as, quote, “protected persons” under Article 4 of the Geneva Conventions. For several years, the U.S. military provided security for the camp’s residents. This responsibility ultimately transferred to the Iraqi government, and things took a turn for the worse, especially in the aftermath of the full withdrawal of United States troops from Iraq in 2011.

In recent years, the residents of the camp have been the victims of frequent harassment, the decreased quality of life, hindered access to food and medicine, and rocket attacks, and violent raids that have resulted in the deaths of more than 100 men, women, and children. Most of these attacks are reportedly the work of radical Iraqi military—militia groups and agents of the Iranian regime. It’s our hope today that today’s hearing can enhance the committee’s understanding of several issues:

First is the basic humanitarian element of this story. Whatever one thinks about the organization to which the residents of Camp Liberty belong, there is a basic standard of human dignity that must be upheld. The United States Government and military made a commitment to protect thousands of people who surrendered their weapons and came under our protection as a result. Clearly, this commitment has not been sustained. U.S. policy is now to assist in relocating the camp’s residents to foreign countries, including the United States, and that goal deserves support. Until then, with United States forces now reengaged in Iraq, I hope our witnesses could address whether the Department of Defense could play any role to help improve life and security at Camp Liberty. This is not just a matter of our ideals, but also our interests. The group to which the residents of Camp Liberty belong has provided some very useful intelligence on Iran’s nuclear program, specifically revealing the existence of covert Iranian nuclear activities. At a time when we need the best information on whether Iran is meeting its commitments under the Joint Comprehensive Plan of Action, the issue we are discussing today must be a consideration.

Then there is the issue of U.S. credibility and whether our friends feel they can trust us. If we make our commitments, we must follow through. But, in this case, or in breaking promises made to Ukraine in the Budapest Memorandum or repeatedly during the ongoing conflict in Syria or in the concessions that were made to get the nuclear deal with Iran or other reasoned cases where our own red lines are crossed, it weakens our country, harms our friends, and emboldens our enemies.

Finally, the case of Camp Liberty is symptomatic of a larger problem that we face in Iraq, and indeed across the Middle East. The problem of Iran’s malign influence, which has been growing in recent years, in part due to a lack of an effective United States regional strategy to counter it. In Iraq, Syria, Lebanon, and Bahrain,

Yemen, and elsewhere, the Iranian regime is arming, training, and, in some cases, fighting alongside militant groups that are destabilizing United States partners, threatening Israel, and seeking to establish forward outposts across the Arab world. Indeed, recent reports suggest that thousands of additional Iranian ground forces are moving into Syria to shore up the Assad regime as part of an anti-American coalition of Syrian, Hezbollah, and Russian forces. Despite crushing international sanctions, the Iranian regime has been able to expand its influence in Arab capitals across the region, most of all Baghdad. Thousands of radical militia fighters, backed and mostly controlled by Iran's Revolutionary Guard, are expanding Iranian influence in Iraq, often in the form of human rights violations and reprisal killings. We should fully expect the sanctions relief that Iran's rulers receive under the nuclear agreement to empower them to meddle further throughout the Middle East in ways that harm our national interests.

It's more important than ever for the administration to work with Congress to develop a strategy that can weaken Iran's efforts to destabilize the Middle East and threaten our partners. I hope our witnesses today can offer some concrete ideas to assist the committee in that final—vital work.

Senator Reed.

STATEMENT OF SENATOR JACK REED

Senator REED. Well, thank you very much, Mr. Chairman.

I want to welcome back the witnesses.

It's great to see Senator Lieberman again, and thank him for his collegiality and kindness and friendship. Thank you very much. We are having a bit of back-and-forth recalling the many interesting circumstances and personalities that we miss. It's always good to see you, Senator.

Thank you, General Jones, for your extraordinary service to the Nation as a marine, as the Supreme Allied Commander in Europe, and as someone that we all admire and respect immensely.

Colonel Martin, thank you for your service, too, sir.

So, thank you, gentlemen, for your testimony today.

This morning, our hearing focuses on Iranian influence in Iraq and the plight of the nearly 2,400 residents at Camp Liberty, Iraq, members of the Iranian dissident group, the Mujahedin-e-Khalq, or MEK. The Iranians dissidents at Camp Liberty are in an increasingly perilous situation, having repeatedly come under attack. These attacks, which have killed more than 100 MEK members since 2009, clearly indicate the threat to this group from Iran and Iranian-backed militias seeking to eliminate and silence these dissidents.

The deteriorating security situation of Iraq only highlights the urgent need to find safe refuge for these individuals outside the country. The United States has had a special relationship with the MEK, dating back to the height of the Iraq war in the mid-2000s. This stems, in part, from the MEK's agreement, at the United States military's request, to disarm and move into Camp Ashraf in northeastern Iraq. The U.S. military extended protections under the Geneva Conventions for Camp Ashraf residents. However, as the United States drew down its forces, consistent with its obliga-

tions under the 2008 security agreement signed by President Bush and Prime Minister Maliki, U.S. Forces were no longer well positioned to provide for the safety and security of the Camp Ashraf residents.

In December 2011, the Government of Iraq signed a memorandum with the United Nations in which the Iraq Government committed to ensure the safety and security of these residents as part of the process of relocating them to Camp Liberty outside Baghdad to facilitate the resettlement process. However, the United States, through the State Department, has had to repeatedly press the Government of Iraq to live up to its obligation to provide for the safety and well-being of the Camp Liberty residents. Camp residents remain in fear that the Government of Iraq will extradite them to Iran, at Tehran's request.

The State Department now is the lead United States Government agency advocating on behalf of the Camp Liberty residents. The State Department is working with the United Nations assistance mission in Iraq and the United Nations High Commission for Refugees (UNHCR) to find resettlement options for these residents outside of Iraq.

It is my understanding that, as of the beginning of this month, nearly 800 Camp Liberty residents have been processed by the UNHCR and resettled outside of Iraq. Unfortunately, this resettlement process has dragged on for years and much more still needs to be done to find homes abroad for the remaining Camp Liberty residents. I would urge all participants in the resettlement process to cooperate fully to advance the relocation of these very vulnerable individuals.

One issue that I expect will arise this morning is whether the United States should accept more Camp Liberty residents for resettlement. While the MEK was removed from the U.S. list of foreign terrorist organizations in 2012, group members continue to be barred from admission to the United States because of their Tier 3 status under U.S. antiterrorism laws. Nonetheless, I understand that the administration has adopted a policy that would allow Camp Liberty residents to be paroled into the United States if they renounce their affiliation with the MEK. Under this policy, some 29 Camp Liberty residents have ultimately resettled in the United States, making the United States one of the larger recipient countries for these refugees.

I hope the testimony of our witnesses this morning will help shine a light on what more can be done to accelerate the resettlement process so that the residents of Camp Liberty can be brought to safety outside of Iraq once and for all.

Again, thank you, and welcome.

Senator MCCAIN. I welcome the witnesses. Maybe we could begin with you, Senator Lieberman.

STATEMENT OF HON. JOSEPH I. LIEBERMAN, CHAIR OF PUBLIC POLICY AND PUBLIC SERVICE, YESHIVA UNIVERSITY, AND FORMER UNITED STATES SENATOR

Senator LIEBERMAN. Thanks, Mr. Chairman, Senator Reed. Thanks very much for convening this hearing and for your opening statements.

It would be easy to ignore the condition and plight of 2,400 Iranians who are at Camp Liberty in Iraq. There's so much before this committee, there's so much disorder in the world. But, the plight of these 2,400 really involves some important considerations for our country.

The first is, as you've said, What does a promise from the United States of America mean, particularly if it comes under local—that is, in Iraq—political pressure and the promise is reneged?

The second is, What does the plight of these 2,400 Iranian dissidents, who are opponents of the dictatorial regime in Tehran; what does it say to us about larger policy questions for the United States in the region?

So, I thank you, first, for holding the hearing. As I say, it would be easy to ignore, but it would be wrong to ignore. Secondly, thanks for your opening statements, both of which show a real understanding of what's happening at Camp Liberty and why it matters.

Secondly, I'm honored to be here with General Jim Jones and Colonel Wes Martin. Both have served our country with great honor and courage and distinction. I'm also grateful to be with them because they are really experts at the history, here. To some extent, it allows me to speak more broadly about what I think the policy implications are of what's happening there.

I thought, in the interest of time, it might be most helpful if I began, in terms of the background here, by quoting a statement from former attorney general and Federal judge, Michael Mukasey, at a public briefing on Camp Liberty on October 9th of 2013. It's quite direct and personal. He says, "The United States Government asked the MEK to move from Ashraf to Liberty, asked 3,000 people to move, and left 100 behind, by agreement, to watch over the property that belonged to the people of Ashraf and the valuable installation there. The United States Government hinted that this was the price for removing the organization from the list of foreign terrorist organizations"—again, I'm quoting from Judge Mukasey—"a list on which it should never have been and was put on only because of an ill-conceived SOP to the Iranian government that didn't work."

Then Judge Mukasey tells a personal story. He says, "I went along with Rudy Giuliani to Paris and met with Mrs. Maryam Radjavi," who's the head of the National Council of Resistance of Iran, also known as the MEK. "We looked Mrs. Radjavi in the eye and asked her to cooperate in that move, and told her that she could trust the assurances of the United States Government. She agreed. It's hard for me to say that," Mukasey says, "without my voice breaking or without my conscience breaking. Those guarantees have not been fulfilled." As the United States Government withdrew, the Iraqis refused repeatedly to protect the residents, and repeatedly launched attacks. There were rocket attacks on Camp Liberty, and he goes on to talk about that, and then the attacks on Ashraf, which killed 52 of the hundred people who were remaining there.

If you look at the history of these Iranian dissidents—you could call them "freedom fighters"—in Iraq, you see that their status rises and falls, is secure and then is jeopardized based on the extent of influence that the Iranian government has in Iraq. That's

why they've been treated like pawns in a much larger battle—struggle that now requires us again, through the State Department, as Senator Reed has said, to make it clear to the Government of Iraq, Prime Minister al-Abadi, that the status of the people in Iraq—in Camp Liberty really does matter to us, that they have to be protected, they have to be allowed to leave the country. If the Iraqi government can't do it, the United States Government should offer to do it until they can be taken safely out of the country.

If you look at this story, you see a lot that may be obvious, but I just want to say it quickly, that distinguishes the current government of the Islamic Republic of Iran from a democratic government like our own. We've all got political opposition, we enter into campaigns, we battle back and forth, et cetera, et cetera. In the Islamic Republic of Iran, if you're the political opposition, the government is likely to try to put you in jail or, worse, to kill you. That's happened inside the country, as the human rights violations continue, but it's also happened with this particular group outside.

There's a history here. I'm going to state it very summarily. This—the antecedent to this group, interestingly, began as a matter of principle in opposition to the Shah. They were fighting for more freedom from the Shah. They then actually joined—and again, I'm making a complicated story simple—with the revolution in the late '70s. Not so long after Ayatollah Khomeini came to power, they decided that the Shah had been replaced by a different form of dictatorship, of a religious dictatorship, and they went into opposition, and the government, ever since, has targeted them.

I've come to know them very well. It seems to me that we ought to not only—it was right and just that we took them off the foreign terrorist organization list, but the truth is, now, that we ought to be supportive of them and others in opposition to the government in Iran more than we have been, because this group is not—not just because they're the enemy of our enemies in Tehran; these people are our friends. They have quite literally, as many of you know provided extraordinarily important intelligence to American forces in Iraq during the period after the overthrow of Saddam, they have been the source of some of the most credible information that we did not have from our own intelligence about the Iranian nuclear program, and they're—they believe in freedom. I mean, their leader—it's quite remarkable, they're a moderate Muslim group, they're against the extremism of the current regime. They are quite refreshingly led by a woman who has put out a 10-point plan that embraces freedom of speech, separation of church and state, free elections, and a non-nuclear Iran.

So, let me wind up with this—or conclude with this observation and, hopefully, suggestion. The Iranian nuclear agreement with Iran has been—is about to be executed. It's going to go into effect. What has struck me with a clarity is that the Islamic Republic of Iran, the Government of Iran, has compartmentalized this agreement. I think it's a bad agreement, but—and we'll see whether it actually is adhered to—but, whatever one thing of the agreement, the Islamic Republic of Iran has sort of put it in a box, and they haven't changed anything else about their program. They've been very explicit about it. They're continuing to support terrorist groups throughout the region. Even before the nuclear agreement

goes into effect, as Chairman McCain said, there—they made a deal with the Russians to move more aggressively into Syria to back Assad, who we have said we feel definitely has to go. They continue to say, “Death to America.” It’s not just a chant. If you listen to the Ayatollah or others there, they’re quite clear that they consider us to be their ideological, civilizational enemies.

Here’s my point, Mr. Chairman. We ought to compartmentalize that agreement also—that nuclear agreement. We ought to put it over there and not let it stop us from confronting what they’re doing in Syria, continuing the sanctions for human rights violations in Iran and support of terrorism. Here’s the point I want to make about the National Council of Resistance of Iran and other democratic opposition groups that are Iranian. We ought to be supporting them. This regime in Tehran is hopeless. It’s not going to change. There’s no evidence it’s going to—every piece of evidence is the contrary.

So, I hope we can find a way—we used to do this, not so long ago, supporting opposition groups in Iran. They deserve our support, and actually they’re a—they would constitute a form of pressure on the government in Tehran that would unsettle them as much as anything else we could do, because it would threaten the survival of the regime, which, from every objective indicator I can see, is a very unpopular regime in Iran.

President Reagan provides an example, here. He was negotiating—his administration was negotiating nuclear arms agreements with the former Soviet Union, but that did not stop us during that period of time from supporting the Refuseniks in Russia, the Solidarity Freedom Movement in Poland, and on and on. I think it’s time for us to do that in Iran. There’s no better place to begin than by securing the residents of Camp Liberty and assuring their safe passage away from the Iranian thugs.

Thank you, Mr. Chairman.

Senator MCCAIN. Thank you.

General Jones.

STATEMENT OF GENERAL JAMES JONES, USMC (RET.), CHAIRMAN, BRENT SCOWCROFT CENTER ON INTERNATIONAL SECURITY, AND FORMER NATIONAL SECURITY ADVISOR

General JONES. Thank you, Mr. Chairman. Thank you for recalling our days together in the Senate Liaison Office in 1979 and—it was a—beginning of a 5-year period for a young major of the Marines who was lost in the Senate of the United States. I had no idea why I was assigned over here. I had no idea what I was supposed to do. Captain McCain helped me a great deal, and the Senate staff, who became friends over my 5-year tour here. I actually went over to the Marine Corps Headquarters, reminded them that I was still over here, because I thought they had lost my file and—

But—and then the privilege of coming back as Commandant of the Marine Corps and Commander of NATO, working with the committee and the staff, was certainly a highlight of my life. Although I have nothing but fond recollections of it, I’m very sorry that we’re here today talking about something that I think should have been taken care of a long time ago.

So, I'm honored to be with Senator Lieberman and Colonel Wes Martin—

Senator MCCAIN. May I also say that you served distinction—with distinction as the President's National Security Advisor, as well, General.

General JONES. Thank you. I haven't forgotten that.

[Laughter.]

General JONES. With Ambassador Linc Bloomfield, also, whose work has—I would recommend for anyone who wants to understand the full history of the MEK and the Iran/Iran relationship. It's—it should be required reading. It's—it—I have copies of it here. Linc has done a wonderful job.

I'm—I want to thank you for holding this important hearing; in particular, thank you for focusing a long-overdue focus on the plight of approximately 2,500 refugees who still languish at Camp Liberty in Iraq. They—and this is a group, as Senator Lieberman pointed out, to whom our country made a solemn and, I'm sorry to say, still unkept promise years ago.

The committee has my statement on the topic of the Iranian refugees in Iraq, detailing the outrageous campaign of harassment, intimidation, and murder visited upon them at the behest of the Iranian regime and with the complicity of the Iraqi government. So, I'd like to just briefly highlight several key points, first on the larger topic of Iran's influence and objectives in Iraq, and then address the related matter of the refugees' ongoing tragic situation.

It will surprise no one when I say that the Iranian regime remains among the world's most consistent threats to global peace and stability, as Senator Lieberman just eloquently pointed out. It's a regime that artfully dodges its commitments, generates international friction to exert greater domestic control on its citizens, and constantly hardens its grip on its country. The Tehran government seriously violates human rights, United Nations (U.N.) Security Council resolutions, and international law. It rejects the right of Israel to exist by both opposing and actively undermining any and all Middle East peace processes. The mullahs remain the chief antagonists of democracy and liberalization across the Middle East, where a better future for millions of people struggle to emerge. To them, human rights, the rule of law, international norms of responsibility and modernity are threats to be snuffed out rather than virtues to be embraced. Its retrograde doctrine is one of power, dictatorship, and domination over its people in the region, no matter the human cost.

The Iranian regime knows that the fall of Assad and the loss of Syria as a client state would be an enormous strategic loss. It continues to do everything within its power to avert that end and to pursue its hegemonic ambitions, in part by supporting international terrorist organizations and—that pose clear and direct threat to the United States and our friends and allies. Unquestionably, Iran's grand strategy, one that constitutionally compels it to export its brand of Islamic revolution, entails consolidating the hold it has gained in Iraq, a grip it seeks to tighten, both directly and through proxies, by widening the sectarian divide that has been such a gross impediment to the brighter future for which the

Iraqi people, the United States, and our allies have sacrificed so much.

I recall, early in this administration, King Abdullah of Saudi Arabia and his warning to our Government that then- Prime Minister Maliki was, quote, “not our friend,” but, rather, an Iranian sympathizer under Tehran’s influence. He has been proven right, unfortunately for us and for the entire region.

What might not be as well known is that part and parcel of Iran’s subversive program in Iraq has been the persecution of nearly 3,500 Iranian objectors to the region housed first at Camp Ashraf and now at Camp Liberty. The timeline provided to the committee tells a grim story. Colonel Martin, testifying here today, commanded the unit in charge of protecting the refugees at Camp Ashraf as part of Operation Iraqi Freedom. No one knows more about the antecedents and the course of this tragic situation than he and Ambassador Linc Bloomfield, who is also here today and who I mentioned just a few minutes ago.

Ambassador Bloomfield has a statement on the MEK that I respectfully request be made part of the record.

[The information referred to follows:]

STATEMENT OF LINCOLN P. BLOOMFIELD, JR.

“IRANIAN INFLUENCE IN IRAQ AND THE CASE OF CAMP LIBERTY”

Chairman McCain, Ranking Member Reed, members of the Committee, thank you for the opportunity to share my views with the Committee. I am a former national security and foreign policy official who served in the Departments of Defense and State as well as the Office of the Vice President during five previous Administrations. Since 2008 I have served as Chairman of the Stimson Center, a non-partisan security think tank. The views I express today are my own.

Since 2011 I have studied the Iranian resistance in detail, and specifically allegations and commonly-held beliefs that the MEK was a terrorist group in decades past, responsible for killing Americans in Tehran during the 1970s, and that the people at Camp Liberty constitute a mysterious and untrustworthy cult. One result of this widespread mindset is that some if not all of the diplomatic effort to end the plight of the Camp Liberty residents has appeared somewhat grudging and colored by a sense that the residents are responsible for their own predicament, and thus a lesser priority than many other urgent challenges occupying US attention in Iraq.

The information that follows, now in the public domain, is steadily changing the way the residents of Camp Liberty, the MEK, and the Paris-based National Council of Resistance are being viewed, along with Iran’s strategic circumstances and priorities. What I learned is that no connection has ever been made between members of today’s Iranian resistance—at Camp Liberty, in Paris, or anywhere else—and the foreign-trained secular leftists who assassinated six Americans in Tehran in the 1970s. This, the most prejudicial allegation against the MEK, has been investigated and debunked. Even the Department of State, in its 2005 edition of *Country Reports on Terrorism*, cited a “Marxist element” that conducted these murders in its unsuccessful attempt to split away and re-brand the “people’s Mojahedin” for its own purposes. That brief clarification was omitted from the report after 2005.

Indeed, every allegation of terrorism ever cited in these annual reports during the 19 years since the inaugural 1993 publication has been mischaracterized, exaggerated or misstated. Judicial review in the United States, the United Kingdom and France has led to the MEK’s exoneration and removal from all terrorism lists in the West including the US, UK, EU, Canada and Australia. The French magistrate who investigated the resistance for eight years concluded in 2011 that “*the dossier does not contain any evidence indicating an armed activity that would intentionally target civilians. If such evidence were available it would confirm terrorism and would annul any reference to resistance against tyranny.*” The UK Supreme Court of Judicature Court of Appeal, while removing the MEK from Great Britain’s terrorism list in 2008, said this: “*The reality is that neither in the open material nor in the closed [classified] material was there any reliable evidence that supported a conclusion that PMOI retained an intention to resort to terrorist activities in the future.*”

Washington officials, analysts and journalists in recent years have become accustomed to thinking of the MEK as a secretive terrorist cult with American blood on their hands going back to the 1970s and the hostage crisis. But more than three decades ago, in 1984, the State Department wrote to Congress that the MEK's ideology was "*a major source of the group's popularity in Iran,*" presenting a detailed program on domestic and foreign issues "*as a dynamic response to the problems of modern Iran.*" The State Department described the MEK's goal as "*providing a popular voice in all aspects of national life through a 'truly democratic power structure.'*" In fact, from its inception a half-century ago, the MEK, including the men and women at Camp Liberty, has had far more in common with Americans, and democratic ideals, than anyone serving the clerical regime they have steadfastly opposed in Tehran.

This is the group in Iran most identified with the century-long push for democratic, representative government in Iran. Starting with the 1906 constitutional revolution and the mid-century nationalist movement that ended in 1953 when the CIA deposed Prime Minister Mohammed Mossadegh, student intellectuals have sought to bring Iran's politics into the modern era, with the same rights and citizen responsibilities that people elsewhere have demanded and successfully gained.

Who are these men and women in Camp Liberty? If the Committee Members look around the hearing room, they will see a lot of Iranian-Americans sitting patiently, grateful that the Committee is seeking to understand the long road they have traveled. Many are successful Americans who appreciate the blessing of representative government more than most of us can ever understand.

Ask anyone supporting the resistance how they got involved and why they are so willing to sacrifice their time, money and comfort—particularly the residents of Camp Liberty. You will hear a similar story over and over again. Someone in their family in years past supported the Mojahedin's effort within Iran to promote popular sovereignty, and was arrested, tortured and executed. I have interviewed countless Iranian-Americans from all over our country and in Europe, and to a person each has a story of grievous loss, friends and loved ones brutally killed in the prime of their lives. Many have endured cruelty in prison as punishment for acts protected in our country by the First Amendment.

Tens of thousands of Iranians—women no less than men—teens and even children, have gone to their deaths simply for refusing to renounce their affinity for a brave movement that opposed the Shah's brutal suppression of political and human rights after 1963 and then refused in 1979 to endorse Ayatollah Khomeini's constitutional formula for religious dictatorship.

The fundamentalist regime in Tehran has held onto power for 36 years by coercion, intimidation and brute force. Iran's first and only legitimately elected president, Abolhassan Bani-Sadr, along with MEK leader Massoud Rajavi, campaigned against dictatorship and brought eight million supporters into the streets of Iran's cities in June 1981; Ayatollah Khomeini responded with a reign of terror, and the two barely made it out of the country alive. That is the story behind the MEK's armed resistance, and it helps explain why the regime has allowed fewer than 10 percent of registered candidates for President to run in the ten elections since 1980—fewer than 2 percent in the elections since 1993.

President Rouhani, often described as a moderate, started his recent U.N. General Assembly speech referring to his mandate in a "competitive election," yet in 2013 he was one of just eight candidates permitted to run; 678 registered candidates were disallowed from running. His Minister of Justice was directly implicated in the mass execution of 30,000 jailed dissidents in the summer of 1988 and would surely face charges of crimes against humanity in a western tribunal. Iran under President Rouhani is on a pace to execute 1000 people this year—about 3 a day—mostly people suspected of having anti-regime sympathies. Others are said to disappear without any official disclosure.

If this narrative seems far afield from the subject of Camp Liberty and Iran's influence in Iraq, that is only because Iran has succeeded in obscuring our perspective of its war against any who would challenge it politically. Iran backs Syria not because it favors Bashar al Assad's secular politics but because he turned his guns against the Syrian people to prevent the Arab spring from taking hold in 2011. The clerics understood that the mass movement for political rights could spread quickly to Tehran as it had in 2009 after the fraudulent elections.

Iran's big problem is not financial or military, but political: the regime suffers from a lack of legitimacy, dating back to the bloodbath of June 1981 and the enormous toll since then of executed dissidents. Its greatest fear is the growing appetite among educated people in the region for constitutional, rights-based governance—precisely what the United States is supposed to be facilitating. The sectarian warfare promoted by former Iraqi Prime Minister Maliki and Qods Force Commander

Qasem Suleimani, directing Shiite militia attacks on Sunni cities and towns, is meant to prevent any possible reconciliation of Shia and Sunni communities in Iraq. As Sunnis become more inflamed and radicalized, American influence and leverage is diminished.

Upwards of 200 of the Camp Liberty residents have Iraqi terrorism charges levied against them during Prime Minister Maliki's tenure. There is no due process; this represents Iran's short list of individual dissidents Tehran wants to take into custody, to face the mullahs' brand of justice. By now it should be clear that Iran does not want the Camp Liberty residents ever to reach freedom in the west, where they can tell their stories, as many have already since reaching safety in Albania.

In sum, the truth behind these men and women at Camp Liberty is entirely different from what most of us have heard from our government and analysts discussing the MEK. We now know that the many terrorist designations and law enforcement actions in the West were done at the specific request of Iran, as a *quid pro quo* for various western priorities.

It must be very stressful for these people, knowing they face risks of death and injury every day and yet enduring these hardships to honor brothers and sisters who paid with their lives for a more just and democratic Iran one day.

How much more stressful must it be knowing that America has not upheld its promise of protection, expeditious refugee processing, and living conditions meeting at least minimum humanitarian standards?

How do they feel having been assured by us and the U.N. that the fruits of 25 years of effort by thousands at Camp Ashraf would be protected, only to have the stay-behind contingent brutally bound, gagged and murdered by elite Iraqi forces, hostages taken, and their assets pillaged?

What must they think of our government when they are told that we might consider bringing them to safety here in the United States, but only if they renounce everything for which they, their loved ones, and so many before them have made such extraordinary sacrifice?

And yet, fifty years of enduring these and many other hardships and indignities has only made the resistance and its many supporters around the world more resilient, more committed, and more confident that the nightmare in Iran cannot and will not endure. These are extraordinary people, and every one of them has a worthy story to tell. If we are to improve our understanding of Iran—and it should be clear that there is room for improvement—we can learn much from these people. First, however, we must recognize how our understanding has been distorted by regime misinformation, bring all of the Camp Liberty residents to safety, and thereby restore a principled policy and American credibility. I thank the Committee for inviting my perspective.

Senator MCCAIN. Without objection.

General JONES. Allow me to briefly hit some strategic highlights about this tragic matter.

The MEK is a group that has consistently opposed the Iranian regime and resided at Camp Ashraf since 1986. During Operation Iraqi Freedom, the group welcomed American troops, voluntarily disarmed themselves, cooperated with the coalition willingly and fully, and aided us by providing highly significant intelligence, and, as Colonel Martin will point out, by helping to protect U.S. Servicemembers. In exchange, the United States promised to ensure the refugees' safety and protection. This solemn obligation transferred to the Iraqi government as part of its sovereign commitments in the terms of the 2009 United States-Iraq Status of Forces Agreement.

As you will see from the timeline, what followed these commitments has been a litany of bloodshed and mistreatment at the bidding of the Iranian regime, with the complicity and elements of the Iraqi government all too eager to accommodate Iranian wishes.

I would note for the committee the three most lethal events: the ground assault on Camp Ashraf that took place in July 2009 in which 12 unarmed residents were killed, another attack in April 2011 in which 36 unarmed residents were killed, and a third attack in September 2013 in which 52 unarmed residents were killed.

Many of these were captured on video, which can be provided to the committee if you so desire to see them. Again, Mr. Chairman and members of the committee, the victims were unarmed men, women, and children who we promised to protect, a duty vested in the Government of Iraq upon our departure.

Despite these atrocities, we have remained slow, ineffective, and sometimes even reluctant in responding to our humanitarian obligation to facilitate the swift relocation of refugees out of harm's way. Unfortunately, this is exactly where the vast majority of refugees remain, at Camp Liberty and in harm's way. We can get into all the factors that have been held up—that have held up humanitarian relocation. In part, it's been complicated by the hesitancy of some refugees to leave brethren behind at risk or to renounce their association with a group which was removed from the United States and European terrorist list over the course of time.

Primary problem, however, has been our slow and seemingly indifferent response to our commitments and to the refugees' perilous situation. Legal impediments have been erected and allowed to let stand. Some may wish to debate them or the group's history and structure. We can certainly have these discussions. But, Mr. Chairman and members of the committee, none of it will distract from what remains the primary fact and our chief duty, to find the legal means and the moral courage to fully aid a group of people who have cooperated with us, who have helped us and protected us, and who promised to protect—and who we promised to protect, and who remain in mortal danger in spite of such a large and growing bipartisan chorus in our country calling for action.

Before further tragedy ensues, we can and we must meet our duty by expeditiously accepting an appropriate number of the remaining refugees here under fair and responsible terms, by exercising our leadership to get allies to do the same, and, above all, by keeping a solemn promise we made to our friends of the United States. That is what a good and great country does.

Congressman—former Congressman Lee Hamilton made a stirring speech, about 2 years ago, in which he recited Mrs. Radjavi's 10-point plan for the future of Iran. I won't read the—read it, but let me just give you the highlights of the 10 points. First is democracy, pluralism, abolishment of the death penalty, separation of church and state, gender equality, rule of law, human rights, respect for private property, peaceful coexistence, and a nuclear-free state. Congressman Hamilton looked up at the audience and said, "What's wrong with that?"

Thank you, sir.

[The prepared statement of General Jones follows:]

PREPARED STATEMENT BY GENERAL JAMES L. JONES, USMC (RET.)

Mr. Chairman, Ranking Member Reed, and Members of the Committee, thank you for holding this important hearing on Iran's influence in Iraq—and its implications for the people of Iraq, the stability of the Middle East, and for America's interests and values.

In particular, thank you for providing long-overdue national focus on a related topic—the plight of approximately 2,500 Iranian refugees who continue to languish in great danger at Camp Liberty in Baghdad.

The People's Mujahedin of Iran (referred to as MEK or PMOI) are exiles from Iran who have lived in Iraq since the mid-1980s. They oppose the regime in Tehran which has helped facilitate a campaign of harassment, intimidation, and murder

against their encampment with the complicity of Iraqi authorities—despite America’s promise to protect the men, women, and children of Camp Ashraf, now residing at Camp Liberty.

Before addressing this ongoing humanitarian tragedy in greater detail, I would like to briefly address the larger hearing topic of Iran’s influence and objectives in Iraq. It will surprise no one when I say that the Iranian regime remains among the world’s most consistent threats to global peace and stability.

It is a regime that artfully dodges its commitments, generates international friction to exert greater domestic control on its citizens, and constantly hardens its grip on the country. The Mullahs’ government serially violates human rights, U.N. Security Council resolutions, and international law. They reject the right of Israel to exist by opposing and actively undermining the Middle East Peace Process. Tehran remains the chief antagonist of democracy and liberalization across the Middle East where a better future for millions of people struggles to emerge.

To the Mullahs, the concepts of human rights, rule of law, international norms of responsibility, and modernity are threats to be snuffed out, rather than virtues to be embraced. Their retrograde doctrine is one of power, dictatorship and domination over its people and the region, no matter the human cost. Its goal is the consolidation of the revolution which is martially enforced at home by the Islamic Revolutionary Guards Corps and prosecuted abroad by the Quds Force and Iran’s many proxy groups.

The Iranian regime knows that the fall of Assad and the loss of Syria as a client state would be an enormous strategic loss. It continues to do everything within its power to avert that end, and to satisfy its hegemonic ambitions—in part, by supporting international terrorist groups that pose a clear and direct threat to the United States and our allies.

Unquestionably, Iran’s grand strategy—one that constitutionally compels it to export its brand of Islamic Revolution—entails consolidating the hold it has gained in Iraq—a grip it seeks to tighten, directly and through proxies; and by stoking the sectarian fires that have been such a gross impediment to the brighter future for which the Iraqi people, the United States, and our allies have sacrificed so much.

I recall early in this administration, King Abdullah of Saudi Arabia’s warning to our government that then-Prime Minister “Maliki was not our friend”; but rather an Iranian sympathizer under Tehran’s influence. He has been proven right, unfortunately for the region.

Maliki may be gone but the Iranian tentacles are not. In fact, the fight against ISIL (Islamic State of Iraq) has given Iran a new pretext for extending its reach. We would be wise not to forget that Tehran isn’t interested in fighting ISIL to stop it from imposing an extreme brand of Islam through barbarity and manipulation in Syria, Iraq and elsewhere. The Mullahs are only interested in stopping ISIL from getting in the way of Iran sustaining a client state and imposing its brand of Islamic extremism through violence and manipulation.

Recently Assad hailed the “Russia, Iran, and Iraq alliance” in battling terrorism. I would submit that an Iraq being torn asunder by ISIL and dominated by Iran; an Iraq that has become a regional focal point of instability in the Middle East; and an Iraq that is allied with Assad, Putin, and the Grand Ayatollah is not the vision the United States and our allies head when we freed the country from the yoke of Saddam Hussein. It’s not why nearly 4,500 American service members paid the ultimate sacrifice and tens of thousands more wounded. It’s not the future the majority of Iraqis had hoped for and deserve.

This committee knows well the financial and kinetic powers that Iran wields to exert its influence and you know the basic tenets of its strategy to export revolution. You know the grave implications of Iranian efforts to shore up the Assad dictatorship and to prosecute the malignant Shiite-Sunni conflict in Iraq and foster its reach in Lebanon, Gaza, and Yemen. What is not as well known is that part and parcel of Iran’s subversive program in Iraq has been the persecution of nearly 3,500 Iranian objectors to the regime housed first at Camp Ashraf in Diyala Province and now at Camp Liberty in Baghdad.

The timeline accompanying today’s testimony tells the grim story. Colonel Wes Martin, testifying here today, commanded the unit in charge of protecting the refugees at Camp Ashraf as part of Operation Iraqi Freedom.

No one knows more about the antecedents and course of this tragic situation than Colonel Martin and Ambassador Lincoln Bloomfield. The ambassador is here and can be a great resource to you on the issue. He has prepared a statement on the MEK that I respectfully request be made part of the hearing record.

As Ambassador Bloomfield has chronicled in his extensive study, this is a group that has consistently opposed the Iranian regime and resided at Camp Ashraf in Iraq since 1986. During Operation Iraqi Freedom the group welcomed American

troops, voluntarily disarmed, cooperated willingly and fully, and aided us by providing highly significant intelligence—and as Col. Martin points out—by helping protect United States service members.

In exchange, the United States promised to ensure the refugees' protection. This solemn obligation transferred to the Iraqi government as part of its sovereign commitments and the terms of the 2009 United States-Iraq Status of Forces Agreement.

As the timeline shows, what followed these commitments has been a litany of bloodshed and mistreatment at the bidding of the Iranian regime complicit with elements of the Iraqi government all too eager to accommodate Iranian wishes.

I would just emphasize for the Committee the three most lethal events: a ground assault on Camp Ashraf that took place on July 2009 in which 12 unarmed residents were killed; another attack in April, 2011 in which 36 unarmed resident were killed; and a third attack in September, 2013 in which 52 unarmed residents were killed.

Colonel Martin's testimony covers many other episodes of mistreatment and threat inflicted on the MEK during their tenure at Camp Ashraf and over the course of their time at Camp Liberty, formerly known as Camp Hurriya. Let me stress again Mr. Chairman and Members of the Committee: the victims were unarmed men, women, and children that we promised to protect—a duty vested in the Government of Iraq upon our departure.

Despite these atrocities the United States has remained slow, ineffective, and even reluctant, in responding to our humanitarian obligation to facilitate the swift relocation of the refugees out of harm's way. Unfortunately, this is exactly where the Camp Liberty refugees remain today—in harm's way.

We can get into all the factors that have held up humanitarian relocation. In part it has been complicated by the hesitancy of some refugees to leave brethren behind at risk, or to renounce their association with the group which was removed from United States and European terrorist lists—a step that required exacting standards and findings.

The primary problem, however, has been our government's exceedingly slow and seemingly indifferent response to our commitments and the refugees' dangerous situation. In part, it's the product of a complex set of legal circumstances and interpretations that have been allowed to impede our receiving a fair number here.

As I mentioned, MEK was once listed as a Tier 1 foreign terrorist organization but our government delisted it several years ago and Europe delisted it years before. Nevertheless, the Department of Homeland Security now considers the MEK to be a Tier III entity on the basis of its past FTO (foreign terrorist organization) designation, even though Tier III entities are defined as any group “which engages in” [note the use of the present tense] a variety of terrorist activity.

As I understand it, Tier III organizations are not specifically listed by any United States agency, but rather are determined on a case-by-case basis. DHS (Department of Homeland Security) apparently has taken the position that it will consider every resident in Camp Liberty to be barred from admission to the United States for one or more of the following reasons:

- The individual was a member of a Tier I designated organization during the period of its designation,
- The individual is currently a member of a Tier III entity, or
- The individual was or is co-resident with MEK members and thus provided “material support” to a Tier I organization during its period of designation (i.e. at some point between 1997 – 2012) or to a Tier III entity now.

Further I'm informed that DHS has offered to consider the admission of persons who would (a) renounce any affiliation with the MEK, and (b) promise not to provide material support of any kind to the group (this could include advocating for U.S. political support of the MEK or NCRI).

Apparently if a person agrees to renounce the MEK and any future support, but is later found to have violated this commitment (even if unwittingly, e.g. by providing or accepting material support to or from a MEK member), then that refugee is vulnerable to deportation back to his or her country of origin—in this case, Iraq or possibly even Iran.

According to legal counsel there are at least two ways to solve this dilemma. DHS could exercise discretion by not designating the MEK as a Tier III entity. Thus persons currently affiliated with the group could be considered for admission without having to renounce any future membership or contact with the organization or its members. Alternatively, Congress could enact legislation expressly removing the MEK from the Tier I – III designations for the limited purpose of refugee admissibility of persons affiliated with the group; all other requirements for refugee admissibility would still apply.

I'm not a lawyer. While some may wish to get hung up on the legal complexities, others will want to debate the group's history and structure. We can certainly have those discussions.

What we know is that a lot of things we thought were true about the MEK for many years have been investigated in detail, and turn out to be untrue or greatly exaggerated. But history aside, even the State Department since 2012 has made clear that the National Council of Resistance and its affiliate, the MEK, are entirely political in character, and have been engaged in political opposition activities for the past 14 years at least.

It is time our government realized that the Iranian resistance has been misunderstood for many years in Washington due to false information, and they should be treated the same as our government would treat the political opposition from any country. If there are separate rules that should apply to the MEK, they should be preferential, not punitive measures, reflecting the fact that the resistance was the first to reveal Iran's secret nuclear enrichment activities in 2002 and then they turned over all their weaponry to American forces in 2003 in return for a commitment from the United States under international law that they would be protected. Every time we have fallen short of fulfilling this commitment, our country's reputation has been diminished, and Iran's regime has gained leverage against voices calling for democratic reform.

None of the falsehoods, distortions, or legal disputes can distract from what remains an irrefutable obligation: to aid a group of people who have cooperated with us, who have helped us, who protected us, who we promised to protect, and who remain in mortal danger. That's why such a large and growing, bi-partisan chorus continue to call for action.

Before further tragedy ensues, we can and we must meet our duty by expeditiously accepting an appropriate number of the remaining refugees here under fair and responsible terms; by exercising our leadership to get allies to do the same; and, above all, by keeping a solemn promise we made to friends of the United States before further bloodshed is visited on unarmed, vulnerable people. Keeping our promises is what good and great countries do.

Again, thank you for the opportunity to testify today. I'm confident that with your insistence we can and will do what's right.

Senator McCAIN. Colonel Martin.

**STATEMENT OF COLONEL WESLEY MARTIN, USA (RET.),
BOARD OF ADVISORS, U.S. FOUNDATION FOR LIBERTY, AND
FORMER COMMANDER, FORWARD OPERATING BASE ASHRAF**

Colonel MARTIN. Chairman McCain, Ranking Member Reed, and members of the committee, I thank you for this opportunity to address the situation endured by the residents of Camp Liberty, Iraq.

Having served as the senior antiterrorism officer for all coalition forces Iraq and as the base commander of Camp Ashraf, where the residents were located before resettlement to Camp Liberty, I came to know and understand them very well. When I was outside the perimeter in missions with the residents, I found them to be a solid ally. Inside the perimeter, I found them to be a major learning opportunity.

While serving as the Ashraf base commander, I personally witnessed the residents doing everything possible to protect and support the soldiers and the marines assigned to my base. They provided critical intelligence that helped reduce danger to American service members. Without their help, I have no doubt that many Americans would not have survived their tour of duty. That is a debt that we can never repay to these fine people.

Even concerning logistics, when we were running short of water, the residents pumped 50,000 gallons of water to us every day. There was never-ending cooperation between the residents and the Americans. With pride, every resident carried a Protected Person

identification card issued to them in 2004 by the United States Government.

The MEK was an intelligence source that we didn't learn fully how to use for a long time, even though they were willing to share the information. Their relationships in the local area were bringing in continual reports of al-Qaeda, Badr Corps, and Mahdi army activities throughout the region. Not until the arrival of the Marine Corps Human Exploitation Team were we able to get the information properly into the intelligence network.

In 2009, the Protected Person Status was revoked without warning, and security of the residents was turned over to the Government of Iraq. The United States and the Iraqi governments provided written assurances that the residents would be treated with full security and full humanity. As you are aware, that has not been the case. Three ground attacks at Ashraf and three rocket attacks at Camp Liberty have resulted in 117 residents killed, every one of them a holder of those Protected Person Status cards.

Per agreement worked out with the Government of Iraq, 100 residents were approved to remain at Ashraf to serve as property custodians when the rest of the residents moved to Camp Liberty. The 2013 ground assault resulted in the murder of 52 property custodians and the kidnapping of 7 others. At this point, let me leave no doubt, per my investigation, there is—the Iraqi government was fully involved, and the Iraqi government conducted those murderous assaults, to include the 2013 massacre.

Senator McCain, it's my understanding Governor Tom Ridge has provided you a copy of this document.

Senator MCCAIN. He had.

Colonel MARTIN. Since the residents relocated to Camp Liberty psy-op initiatives by the Iraqi government and the Iranian governments have reoccurred. Most recent took place within the past month, causing the residents scheduled for relocation to Albania to decline safe passage in the face of clear danger to their fellow residents remaining in harm's way. Although it is possible to criticize the residents' actions after much effort to arrange their safe exit from Iraq, it is understandable that those bearing tickets to safety would feel guilty about abandoning their fellow exiles to a fate suggested by the same menacing harassment that preceded previous slaughters.

On a daily basis, Liberty residents endure numerous forms of harassment. Camp Liberty was never intended to house people 24 hours a day. It was an area for American soldiers to rest when off duty. The infrastructure was never intended to last long and support so many people consolidated into such a closed area. The T walls that provided shelter from rocket attacks were removed after the residents arrived at the camp. Despite what is claimed, the residents never wanted those walls removed. The sewage tanks are rupturing. Preapproved logistical support items purchased at very inflated prices are being denied entry into the camp. Artificial delays in being escorted to local hospitals result in missed appointments. Several deaths have occurred due to denial of access to medical service. There have been at least two food blockades. Their vehicles are breaking down, and replacement parts are forbidden entry. Freon and parts for refrigeration are not being allowed into

the camp. The harassments continue. They're not being allowed to sell their Ashraf property, as was agreed by the U.N., the United States, and the Iraqi government.

Senator, the residents of Camp Liberty have asked me to provide this book to be included in the record of the hearing. It's titled "Property in Ashraf."

Senator MCCAIN. Without objection.

[The information referred to follows:]

Due to the sensitive nature of this book and additional documents provided to the Committee. Please contact the Committee's Security Manager for access.

Colonel MARTIN. Thank you, sir.

As Iraq and the surrounding region face deeper crisis, there remains the possibility that Camp Ashraf residents can avoid becoming further casualties in the Iranian-directed aggression, but time is surely not on their side. Secretary Kerry has the authority to accept the residents into the United States without them having to renounce the MEK. The claim that they were once members of a terrorist organization is now widely understood and documented to have been the result of diplomatically inspired designations in the United States and allied countries, all of which have been fully investigated and undone by judicial and scholarly review.

As I close, concerning the future of the residents, former Special Representative for the United Nations, Secretary General for Iraq Ad Melkert, stated it best, "Hardly has a humanitarian issue been politicized as much as this one, yet already for many years the victims are not the players. It is essential for the international community to understand this and, thus, consider it a duty to intervene in defense of international law and human rights, regardless of political interest or bias. This, therefore, should be the moment for government and lawmakers to step up and let reason and compassion prevail."

Senator, thank you.

[The prepared statement of Colonel Martin follows:]

PREPARED STATEMENT BY COLONEL WESLEY MARTIN

Chairman McCain, Ranking Member Reed, and Members of the Committee, I thank you for this opportunity to address the situation endured by the residents of Camp Liberty, Iraq. Having served from 2003 through 2004 as the Senior Anti-Terrorism Officer for all Coalition Forces in Iraq, from 2005 and into 2006 as the Senior Operations Officer for Task Force 134 (Detention Operations), and in 2006 as the Base Commander of Camp Ashraf where the residents were located before resettlement to Camp Liberty I came to know and understand them very well. In 2007, after my return to the Pentagon, I commenced fulfilling my promise to the Commanding General of Detention Operations to work directly as his representative with U.S. State Department to help develop a long-term solution concerning these residents.

After my retirement from active military service in 2010, I continued to be involved in seeking resolution. This involvement is not only because it is the right thing to do, but for another very important reason. While serving as Ashraf Base Commander I personally witnessed the residents doing everything possible to protect and support the Soldiers and Marines assigned to my base. They provided critical intelligence that helped reduce danger to American service-members. Without their help I have no doubt many Americans would not have survived their tour of duty in Iraq. Even concerning logistics, when we were running short of water, the residents pumped to us fifty thousand gallons of water a day. There was never-ending cooperation between the residents and the Americans.

Duty my time at Ashraf, I came to know the Mujahedin-e Khalq (MEK) better than any other outsider before, and very likely after. I heard the rumors, then pur-

sued the facts. I challenged them in debate and listened to them in discussion. Having already been the Antiterrorism/Force Protection Officer for all of Iraq, I had a solid understanding of the ever-changing threat. To understand what I was working to protect, and from whom, I had done an incredible amount of studying. When I was outside the perimeter in missions with the residents, I found them to be a solid ally. Inside the perimeter, I found them to be a major learning opportunity. We didn't always agree, but we always respected and trusted each other.

I first learned about Camp Ashraf and the MEK during my earliest days as the Senior Antiterrorism/Force Protection Officer for all coalition forces in Iraq. This was in 2003. I assessed all my threat sources, the foreign fighters, in-country insurgents, former regime elements, religious insurgents, hostile tribes, and criminals. The residents of Camp Ashraf were not among any of these groups. On closer inspection I realized they were working closely with American forces. Recognizing the residents of Camp Ashraf were not a threat I concentrated my attention on real adversaries who were determined to undermine our mission and kill coalition soldiers.

In October of 2003 the Commanding General of Detention Operations told me the residents could be among the best allies we have in country. With disappointment she informed me coalition leadership had yet to figure out how to deal with them, and most important to use them as a potential resource—especially in the area of intelligence.

Their name came up again when an officer reported to Coalition Forces J-3 (Operations), Major General Tom Miller, that Ashraf residents were constructing combat trenches between their camp and the Americans. I checked that rumor out and discovered the trenches were for the installation of water pipes to handle the surge of new residents caused by the consolidation. I had no way of realizing this was just the beginning of all the unfounded rumors I would hear about the MEK. Two years later, the Ashraf dilemma would play a bigger role in my life when I became the Operations Officer for Task Force 134, Detention Operations. Seven months after that, it became my main focus when in June of 2006, I became the first colonel to serve as base commander of Camp Ashraf.

One thing that always impressed me in 2006 about Camp Ashraf was how out of the desert an oasis was built. Outside of the perimeter fences was barren land. Supported by water pumped from two rivers and purified within the compound was a well irrigated community. The residents had also set up outlets along the pipeline to allow local farmers to draw water for their use. Electricity was provided to all camp facilities; a hospital and clinics served not only the residents but anyone who showed up at the gates requesting treatment. Each compound had its own bakery and dining facility. Each of these had a special food or item that championed over the other facilities. They produced their own ice and made their own soft drinks. The uniforms they wore were always well-serviced and clean at the beginning of the work day.

I found Camp Ashraf's mosque a testimonial to the organization's founding principles of tolerance of other religions and races as well as the clergy not possessing total control over interpretation of the Quran or the congregations. Constructed with the two towers of a Shiite religious center, it was open to all. Sunni residents of the local area were welcome to come and worship. Americans and all other nationalities of any faith were welcome to come inside the mosque. Unknown to the outside world, one of the biggest celebrations of the year at Ashraf is Christmas. This may seem strange to outsiders, but any resident of Ashraf is always ready to point out that Christ is the second prophet.

As base commander, I moved out to develop a professional relationship and gain a thorough understanding of this organization. What I found is the vast bulk of proclaimed knowledge among the Americans concerning the MEK was basically rumors. No one had attempted to study the history of the organization. It was almost like Greek mythology. The unknown was explained with stories passed on from one to another. By western standards, their way of life is considered strange, if not bizarre, but that doesn't make them bad people. They do live a Spartan life and have a closed society. Men and women live separate of each other. Makeup is not worn. At the time of my presence, all of the membership wore uniforms. Women have the key leadership roles of running the organization. They do have a strong allegiance to Massoud and Maryam Rajavi.

Often their understanding of western attitudes and perceptions is as weak as our understanding of what they think and feel. It is easier for westerners who don't understand them to simplify the situation by proclaiming the MEK to be a cult. I have had many detailed conversations and debates with them. They have even asked me about the cult label and how they could improve the outside perception of themselves. Often the advice I gave was very hard and direct. To their credit, they accepted the advice and frequently exercised the guidance I provided.

Unfortunately, while serving as base commander, both the MEK and I had to put up with occasional visits from a State Department representative who would come in with her own prejudice and refuse to even listen to what anyone else said—to include Americans. The most disastrous visit by this representative occurred during the same time I was back in Baghdad taking care of several other responsibilities. Upon my return, I found myself having to go visit every compound this representative had toured and mitigate every offensive remark she made and unwarranted action she conducted.

Perhaps the most blatant and irresponsible rumor that came out of State Department occurred in the fall of 2006. An urgent warning came through that the MEK was recruiting Iraqis by the hundreds and training them at a specific compound. My unannounced inspection of this compound revealed a handful of local Iraqi workers. The MEK hired local labor because there was always too much work at Ashraf for the membership to perform. Should the workers come and go every day, their chances of getting caught by the Shiite death squads were that much greater. The workers preferred to come and go once a week and deliver the earnings to their families. Having seen enough to realize that once again I was chasing State Department swamp gas, I started to leave the compound. My MEK escort interrupted my departure and stated that there was another building to examine. I assured him between what I already witnessed, and his willingness to show more, I was convinced there was no reason to look further.

Another rumor concerned the MEK keeping people against their will. They did have concertina wire fences between their compound and ours. To the outside, it appeared they were trying to keep people in. Upon much closer examination and experience, I came to realize that they didn't want anyone to defect from the organization without being debriefed and carrying in their possession sensitive documents or information. In one case, the MEK took me to a compound they had for people wishing to leave. One person was living the good life there and didn't want to leave. He was being cared for with meals and lodging, but didn't have to work for his keep. MEK leadership asked me to talk to him and convince him to come over to our defector camp. Unfortunately, I was unsuccessful. This person had the best of both worlds and didn't want to give it up. Using the logic of Husain, the Prophet's grandson, the night before the Battle of Karbala in 680 AD, MEK leadership told their membership, "We will turn out the lights." Anyone wishing to leave had that choice. MEK leadership just wanted to know about the departure before it happened.

One unexpected defection afforded me the opportunity to negate another rumor: that the MEK were sneaking out of Camp Ashraf without our knowledge to conduct business and undermine the Iraqi government. Having shown up unexpectedly in the middle of the night, this man caught both the Americans and MEK by surprise. The MEK accepted my doing the debriefing of this person who was now under our control. They accepted my word that he didn't bring any sensitive documents, only himself. This person's former role was to do the shopping and bank business trips to Baghdad while under American oversight. When I interviewed him, he made it clear he wanted nothing more to do with the MEK. He was just tired and wanted a new life. That simple. I then specifically asked him if the MEK were leaving camp without our knowledge. Even though he was dissatisfied with his former organization, he assured me they were not violating any of our rules and were complying with everything we mandated. That conversation, and many other events, further proved to me that the MEK was fulfilling the spirit and intent of every requirement placed on them by the Americans.

The MEK was an intelligence source that we didn't learn to fully use for a long time, even though they were willing to share information. This is the organization that made the world aware that the Iranian government was conducting nuclear research operations. Their relationships in the local area were bringing in continual reports of al-Qaeda, Badr Corps, and Mahdi Army activities throughout the region. Not until the arrival of the Marine Corps Human Exploitation Team were we able to get that information into the intelligence network. I was always amazed at the amount of information they were able to extract out of Iran. One instance was the result of a conversation in Baghdad between that same State Department representative and a senior Iraqi official. When the conversation was over, the Iraqi official filed his report to Tehran. Within two weeks, all the details of the conversation were handed to me by the residents.

As previously mentioned, upon my return to the Pentagon, I began working with State Department representatives in Washington, D.C. to properly address the Ashraf issue. What I found were the two primary people at Foggy Bottom responsible for the MEK had almost no working knowledge of the organization. The first two meetings I had with them, and several other people in attendance, concerned presenting a time-line history of the organization from its earliest days and going

over about sixty photographs I had taken concerning all aspects of Camp Ashraf and its residents. The State Department representatives had no idea what the membership looked like, the uniforms they wore, the layout of the compound, the existence of an industrial compound where trailer homes were being manufactured, the fact they ran their water through a treatment plant before consumption, had medical facilities, and ate their meals in dining facilities. They did know a lot of the rumors, but almost none of the facts.

Finally we got to the issues concerning the MEK. The biggest one was the accepted-as-fact rumor that in years past the MEK had attacked the Kurds. I produced a letter from Hoshyer Zebari, head of Kurdistan Democratic Party International Relations, clearly stating this did not occur. This was checked out by having their counterparts in Baghdad talk to Mr. Zebari. I was later assured by my Foggy Bottom counterparts that Mr. Zebari confirmed my information to be true. Yet, several months later when the annual report on terrorism was released by the State Department, the accusation for attacking the Kurds was not removed. I questioned the same people I had been dealing with and was informed that they don't communicate with the people who put out the annual report.

Another issue that has plagued the MEK is the Marxist label. While the MEK worked for more openness in Islam, the Marxist element discarded Islam in favor of Marxism. The best analysis to this situation was provided by former Undersecretary of State George Ball in his August 19, 1981 *Washington Post* article. Mr. Ball stated, "... The sloppy press habit of dismissing the Mujahedeen as leftists badly confuses the problem ... Its intention is to replace the current backward Islamic regime with a modernized Shiite Islam drawing its egalitarian principalities from Koranic Sources rather than Marx ... "

The leadership of the Ashraf have expressed their willingness to leave Iraq and go elsewhere. The problem is they have almost no place to go. The U.S. State Department removed the MEK from the Foreign Terrorist Organization (FTO) list only because the D.C. Courts of Appeals mandated the legal process for challenging designations would be followed. I was in the court room and watched Justice Department attorney Robert Loeb repeat Ambassador Daniel Benjamin's earlier comment to Congressman Poe that Camp Ashraf had never been searched for weapons. Brigadier General David Phillips and I looked at each other and quietly remarked, "What was it we did?" Camp Ashraf had been searched by American forces several times. It had also been searched by Iraqi forces with dogs in 2009 and I have a copy of the letter from the Iraqi military stating no weapons were found. When Dave Phillips and I returned to looking at the front of the court room we realized one of the justices had watched us.

The D.C. Court of Appeals passed a good ruling. If State Department did not fulfill within four months the administrative process requirements for a designated organization to challenge the FTO listing, then the Court of Appeals would remove the designation. Without the evidence to maintain the organization on the FTO list, less than 100 hours prior to the D.C. Court of Appeals mandate to follow the law, Secretary Clinton removed the organization for the terrorist listing.

Also it was during this time period that an artificial requirement was placed on the MEK. State Department mandated that for the residents to be delisted, they would need to vacate Camp Ashraf. Since the transfer of Camp Ashraf security from American to Iraqi forces in February 2009—with a statement of overwhelming confidence from Ambassador James Jeffries to Senator John McCain, that the Iraqi government would not harm the residents—three ground assaults on Camp Ashraf have been conducted: July 28–29, 2009 (12 residents killed); April 8, 2011 (36 killed); and September 1, 2013 (52 killed).

In 2012, movement of the residents from Camp Ashraf to Camp Liberty (directly east of Baghdad International Airport) commenced. Per agreement worked out between the Government of Iraq (GOI), MEK, United Nations Assistance Mission Iraq (led by Ambassador Martin Kobler), and United States State Department (led by Ambassador Daniel Fried), one hundred residents were approved to remain at Ashraf to serve as property custodians. The 2013 ground assault resulted in the murder of fifty-two property custodians and the kidnapping of seven others. The remaining property custodians were transferred to Camp Liberty within a week after the assault.

From the September 1, 2013 ground assault the bodies of the murdered were barely cold before U.S. State Department representatives made a statement that is not supported by facts, specifically, "There is no evidence the Iraqi Government was involved in the Ashraf massacre." The truth is as follows:

- Diyala Province Police Commander, General Jamil al-Shemeri, arrived at the Iraqi compound overlooking the residents' area six hours prior to attack commencement.
- In a multi-prong approach, the assault forces crossed over the Iraqi-controlled berm and entered the residents' compound.
- Assault force members were wearing the exact uniform of Iraqi Special Forces. Additional accessories to the standard green uniforms and white hats were face masks and weapon silencers.
- At the time of the massacre this organization was assigned to Iraqi Prime Minister/Minister of Defense/Minister of Interior Nouri al-Maliki. The assault was very professionally accomplished, displaying extensive preparation and coordination.
- In plain view of Iraqi manned watch-towers surrounding Camp Ashraf, the assault force moved steadily, but not showing excessive speed. They knew they were not going to be interrupted. At no time, despite all the noise from the explosions and smoke rising out of the compound, was a protective response force dispatched from the Iraqi military base located immediately north of the residents' area.
- American-made military explosives were among the ordnance used in this attack. In addition to obvious United States military training, tactics and knowledge gained through ten years of War on Terrorism in Iraq were applied by the assault force.
- Of the murdered, six were killed in the medical facility while being treated for wounds just received. Also machine-gunned was the nurse administering treatment. Even after being wounded, or already dead, residents were again shot in the head, face, or neck. Numerous residents were shot in the backs of their heads while their hands were secured by handcuffs and/or plastic zipcuffs. Senior leaders, Zohre Ghaemy and Hossein Madani, were shot multiple times in the head. Attackers knew exactly which victims were principle targets.
- After two hours of killing, the assault force departed to the north and re-entered the Iraqi government compound. Left behind were 52 dead residents. The bus used to remove the seven hostages from Camp Ashraf was driven directly back to the Iraqi compound and remained parked outside an Iraqi building. As mentioned before, all of the deceased had been issued "Protected Person Status" cards by the United States Government.

Not one single survivor was interviewed by anyone other than MEK representatives. Not interviewed that is until January 17, 2015 in Tirana, Albania when I sat down with Ashraf survivor Hassam Hamedi. Mr Hamedi revealed some additional truths that were never before revealed:

- In days leading up to the attack, some former Camp Ashraf residents were seen on the berms with Iraqi forces conducting reconnaissance of the camp.
- Ashraf residents had been warned there was a build-up of GOI forces inside the Iraqi compound and something bad was about to happen.
- Five Iraqi policemen (three in standard uniforms and two in trainee uniforms) watched from the roof of the water purification station as the entire massacre unfolded.

Another fact pointed out in my interview with Mr Hamedi, and later confirmed to me as already being known by United States State Department, was that a former Ashraf resident who accepted transfer from Camp Liberty to the Iranian Ministry of Intelligence Hotel Mohjaer accompanied the assault force throughout the massacre. When the massacre was over, the defector commenced walking back toward the Iraqi compound with the assault force. At that time, a member of the assault force walked up from behind, put a gun to the defector's head, and fired. Acid was then poured onto the face of the deceased defector and his body was left where it fell.

In 2013, three indirect fire operations were conducted against the residents at Camp Liberty: February 9th (8 residents killed), April 29th (3 killed), and December 26th (3 killed immediately and 1 later dying as a result of the attack). Concerning the rocket attacks, each time Camp Liberty has been struck, United States State Department has worked to deflect attention away from the Iraqi government, specifically Nouri al-Maliki. In each case United States Baghdad Embassy and Foggy Bottom immediately embraced statements by militia organizations claiming responsibility. Three facts remain:

- There was no free movement around central Iraq in 2013. Al-Maliki had military checkpoints established every 300 yards throughout the Baghdad and Baghdad International Airport (BIAP) region.

- In 2013 militias did not drive around freely with 280 mm rockets mounted on their vehicles.
- The June 15, 2013 attack was claimed by Iraqi Hezbollah Commander al-Battat. Problem is that in claiming responsibility, al-Battat severely understated the number of rockets fired at the camp. The real person responsible would have known the exact count.

The combined casualties of these six attacks are 100 killed, hundreds wounded, and 7 kidnapped to never be heard from again. Furthermore, due to transportation harassment resulting in denial of access to medical treatment, 12 more residents have died at Camp Liberty. To associate these statistics to real people names of all the deceased are provided. This “roll-call” does not include the hundreds wounded and maimed during the aforementioned attacks. Every person killed in these attacks had been granted “Protected Person Status” by the United States Government in 2004.

Since the residents relocated to Camp Liberty PsyOp initiatives by the Iraqi and Iranian governments have recurred. The most recent took place within the past month, causing residents scheduled for relocation to Albania to decline safe passage in the face of clear danger to their fellow residents remaining in harm’s way. Although it is possible to criticize the residents’ actions after much effort to arrange their safe exit from Iraq, it is understandable that those bearing tickets to safety would feel guilty abandoning their fellow exiles to a fate suggested by the same menacing harassment that preceded previous slaughters.

Both the United States and the Iraqi Governments provided written assurances to the residents that their safety, security and humane treatment would be a priority as long as they remained in Iraq. It is also indisputable that on multiple occasions Ambassador Martin Kobler, Special Representative of Secretary General (SRSG) of the U.N., and Ambassador Fried of the Department of State provided similar assurances to our bipartisan political, diplomatic and military group, pledges that proved to be the catalyst to persuade the residents to leave their longtime home at Camp Ashraf and accept the accommodation being promised by the U.N. and U.S. at Camp Liberty.

Nor were these the only U.N. and U.S. assurances on which the residents relied. Both U.N. Ambassador Kobler and U.S. Ambassador Fried assured the residents that sale of Camp Ashraf property would be allowed, which is why 100 residents were authorized to remain behind at Camp Liberty, protecting the valuable industrial and technological assets along with many vehicles and personal property not allowed to go with the residents to Camp Liberty. The bodies of the 2013 massacre victims were hardly cold before plundered Camp Ashraf vehicles were seen being driven through Baghdad. There is little doubt the buildings have been thoroughly looted. Yet, not a single dinar has been paid to the residents. The residents are already being charged inflated prices for life support goods and services. They are also having to pay the resettlement costs in Albania and other countries. The lack of effective commitment and action by the United States Government and the United Nations has allowed the Iraqi government to impose an onerous financial burden on the Iranian Resistance, a goal no doubt supported if not inspired by the fundamentalist regime in Tehran as a continuation of its long and bloody campaign against the unarmed political resistance in exile.

Further assurances were made that no MOIS presence would occur at Camp Liberty. Ambassador Kobler wrote to the Residents stating “in respect to your concern on the presence of any foreign presence inside Camp Liberty, the Gol has assured us that there will be no foreign presence inside Camp Liberty” (February 15, 2012). In response to similar concerns raised by the residents about the agents appearing in Camp Ashraf, or UNAMI facilitating their presence around Camp Liberty, Gyorgy Busztin, Deputy SRSG, wrote to the residents’ representative that the Government of Iraq “categorically denied that there would be Iranian agents lurking around Camp Ashraf and stated very forcefully that even raising such an assumption is an insult to their national sovereignty.” He added, “Further, I can assure you with absolute certainty that UNAMI is not ferrying anybody to Camp Liberty under any guise.” We repeat these words because they are utterly irreconcilable with the actual situation in and around Camp Liberty.

As we meet today, the residents are subjected to never ending harassment by the Iraqi Intelligence Corps officers conducting camp oversight. They are blocked from properly removing sewage from the camp, they are denied receipt of all the preapproved life support property, medical patients are harassed and denied timely departure from the camp resulting in missed appointments, periodically they endure total blockades to include food, repair parts for their already worn out vehicles are

required to age just outside the gate, they are prevented from receiving building materials to better their existence, and the list goes on.

Meanwhile, the United Nations Support Mission, depended on approval of the Iraqi Government to remain in country, constantly accepts Iraqi Intelligence Corps officers' lies and slander. This is in turn passed on to United States Baghdad Embassy and forwarded to Foggy Bottom. The more ridiculous the more believed. Case in point: Iraqi officers claimed the residents were tunneling out of the camp to go join the Islamic State. The reality is moderate Shiites are not going to be welcomed by radical Sunnis. Furthermore, the water table under Liberty is six feet down. As I pointed out when this rumor surfaced, unless the residents were getting assistance from Moses then they were not going to be tunneling through water. One slanderous rumor is put to rest, another surfaces.

One of the biggest problems endured by the residents of Camp Liberty is their being on the end of "reverse-engineered intelligence." The rumors and misinformation about the residents of Camp Liberty never end. In part this is caused by the United States Embassy staff never leaving the safety of Baghdad's Green Zone to find out what is really happening at Liberty. Sources of misinformation start with the Iraqi military intelligence officers and, in turn, that information being embraced by UNAMI.

We promised them in writing protected person status. We even issued them identification cards which they carried with pride. Without warning, in 2009 that status was revoked. We promised them expedited resettlement if they would leave Camp Ashraf and move to Camp Liberty. They have been at Camp Liberty over three years. Ambassador Dan Fried personally promised regular and frequent U.S. Embassy visits to Camp Liberty. Except for visits following slaughters, visits have averaged about one every six months. Concerning the United States Embassy in Baghdad, one resident told it to me this way, "When they need something from us, we see them. When we need something from them, we get nothing." This is a never ending story. For the residents it does not stop. It just drags on with the residents constantly being criticized and slandered.

As Iraq and the surrounding region face deeper crisis, there remains the possibility that the Camp Liberty residents can avoid becoming further casualties of Iranian-directed aggression, but time is surely not on their side. Secretary Kerry has stated that the United States will accept refugees from Syria. The Liberty residents have proven their bona fides, cooperating steadfastly with our own Soldiers and Marines at Camp Ashraf. This is attested by the American commanders who stand up for them. Secretary Kerry has the authority to accept into the United States the residents of Camp Liberty without the residents having to renounce their lifetimes of conscientious objection to religious tyranny in Iran. The claim that they were once members of a terrorist organization is now widely understood and documented to have been the result of diplomatically inspired designations in the US and allied countries, all of which have been fully investigated and undone by judicial and scholarly review.

Reason and compassion do not prevail in anything pertaining to Camp Liberty. Political agendas, political careers, and personal bias are united in preventing a proper solution, especially on the part of U.S. State Department employees. Meanwhile, U.S. House of Representatives Resolution 3707, "To ensure the emergency protection of Iranian dissidents living in Camp Liberty/Hurriya and to provide for their admission as refugees to the United States" was introduced December 11, 2013. Today, fifteen months later, it still remains untouched in committee.

Concerning the future of the residents, former Special representative of the U.N. Secretary-General for Iraq, Ad Melkert, stated it best: *"Hardly has a humanitarian issue been politicized as this one. Yet already for many years the victims are not the players. It is essential for the international community to understand this and thus consider it a duty to intervene in defense of international law and human rights, regardless of political interest or bias. This, therefore, should be the moment for governments and lawmakers to step up and let reason and compassion prevail."*

Senator MCCAIN. Thank you.

I thank the witnesses.

There is language in the defense authorization bill, which we'll be voting on this afternoon, that calls for the kind of actions that the witnesses have today.

Colonel Martin, did you personally provide this card to the residents at the camp?

Colonel MARTIN. Sir, that was provided by General Dave Phillips in 2004. I had finished up my tour of duty—

Senator MCCAIN. Did that—

Colonel MARTIN.—as the Antiterrorism—

Senator MCCAIN. Did that card specifically guarantee those individuals safety?

Colonel MARTIN. Yes, sir.

Senator MCCAIN. In other words, the word of the United States of America that they would be protected.

Colonel MARTIN. Yes, sir.

Senator MCCAIN. General Jones, in the last few days, we have seen—actually, a couple of weeks—a announcement by the Iraqi government that they will be having an intel-sharing arrangement with Russia, Syria, Iraq, and Iran. Then we hear, just today or yesterday, that Prime Minister Abadi is saying he would welcome Russian air strikes into Iraq against Islamic State in Iraq and Syria (ISIS). Does this indicate to you the increasing influence of Iran in the affairs of Iraq? Where does it leave—oh, and—a Shiite leader yesterday was quoted as saying that the United States airstrikes were ineffective, so, therefore, they needed the Iranian assistance and the Russian assistance. What is your assessment of the Iranian influence now in Iraq and how it may more endanger the lives and welfare of the residents of the camp?

General JONES. Sir, I—as I mentioned in my prepared remarks, I was present when the former King of Saudi Arabia issued his warning about then-Prime Minister Maliki, which was proven to be correct. It was my hope that the new Prime Minister and the leader of Iraq would have shown more appreciation for the sacrifice that was made on behalf of his country by the United States. I think that such statements are not only insulting to our commitment, but also just show—show just how deeply the Iranian influence has permeated the—Baghdad—the capital of Iraq and its leadership, unfortunately.

Senator MCCAIN. Would—suppose that the Russians begin air attacks in Iraq. What—one, what does that mean? Two, what should the United States reaction be?

General JONES. Well, the United—in my view, it means, unless the Russians agree to join the international coalition and cooperate under the Air Tasking Orders and bring a certain military competence and coordination to the fore, you run the risk of having chaos in the skies. The United States—with all due respect, the United States should do everything in its power, I think, to avert that situation and make sure that what's happening in Syria does not happen in the skies of—over Iraq, regardless of whether the Prime Minister welcomes the addition of the Russians.

Senator MCCAIN. But, he does have a point about the effectiveness of the air campaign against ISIS.

General JONES. Yes. It does, in the sense that the United States has made its decision as to what it's going to do. My understanding is that we are relooking at our commitment, and we'll hopefully ramp it up a little bit more. As you know, my personal belief is that the longest road to victory here is purely an air campaign. But, if that's all we have, then we ought to make it a massive air campaign.

Senator MCCAIN. Didn't we learn in a camp—in a conflict that you and I were long ago engaged, that incrementalism doesn't work and air campaigns alone don't work?

General JONES. That's correct.

Senator MCCAIN. Senator Reed.

Senator REED. Well, thank you very much, Mr. Chairman.

Thank you, gentlemen, for your testimony.

Senator Lieberman or General Jones or Colonel Martin, is there a plan existent today to transfer these individuals from Camp Liberty to safe havens around the globe? Is there no plan?

Senator LIEBERMAN. Yeah. So, I'll start and then yield to my colleagues.

My impression is that there's not really a plan. It's had a stop-and-start quality to it, depending on a lot else going on. Also, my understanding is—and Colonel Martin and maybe General Jones can speak to this—that the MEK has actually been financing the resettlement of people from Camp Liberty, and they've reached the limit of what they can do. That's why one of the requests now is that we use our influence on the Iraqi government to allow the people in Liberty who have title to property in Ashraf to sell it. They lived in a beautiful town in Diyala Province when they got—as part of this deal we talked about, got moved out. So, no, I don't see a real plan, and certainly not one that's financed.

The other thing that Colonel Martin, I believe, testified to, there's a lot of loyalty to one another at Camp Liberty, and there's a fear of some of the people leaving, and leaving a lot of others behind and, they think, making them more vulnerable. So, the ideal would be a mass departure from the camp.

Colonel Martin, do you want to add to that?

Senator REED. Can I just interject one point—

Senator LIEBERMAN. Yeah, I'm sorry.

Senator REED.—so that both you and Colonel Martin and the General can comment, is that—and again, this might—my understanding—correct it if it's inaccurate—is that there was a significant movement of members of the MEK to Albania—

Senator LIEBERMAN. Right.

Senator REED.—initially.

Senator LIEBERMAN. The largest group.

Senator REED. Largest group. Then, from there, there was a—they moved to other places that were accommodating. Does it make sense to—if we're eventually getting down, I hope, to the stage of planning to focus not only an ultimate destination, but a place where a large number could leave, so, therefore, they wouldn't have to leave behind friends and family, et cetera, and then from there begin to share the disposition of the personnel?

But, with that interjection, Colonel Martin.

Colonel MARTIN. Sir, thank you.

As of right now, 800 residents have been resettled out of the camp. Considering it's taken 3 years and we were assured by Ambassador—U.N. Ambassador Martin Kobler and U.S. Ambassador Dan Fried that it would be a temporary transit location, and they would quickly be expedited. General Jones and I were on the telephone calls with Dan Fried when he said, "As fast as the residents

come in, it'll be like a conveyor belt, they'll be going out." That didn't happen, sir.

To answer the question, right now, in addition to the 800 resettled, 480 more are scheduled to go ahead and depart Camp Liberty and go to Albania. Asking them to renounce their conscience and—Senator McCain, you know better than anybody else in this room what it's like to be in a military prison and you're bonded to the people beside you. To tell them, "Well, you have to leave. You don't know what's going to happen to the other people," that caused them a pause. Fortunately, working with Jonathan Winer at the State Department, Maryam Radjavi, Senator Torricelli, and others, we were able to get past that, and the resettlement process has begun again. But, they have been resettling in small amounts.

The United States—my position is, and I've polled—and behind me are a bunch of people that would accept two or three residents all across the United States. We could take all 2,400 residents left right now, and bring them to safe haven. It can be done, sir.

Senator REED. But, it requires, one, a plan, and, two, some resources to get that plan going. I think, again, just from my perspective, the—if there was a transition point—not an end point, but a transition point—that might be helpful to all concerned, because it'll allow a lot of security checks as well as immediately moving people out in a much safer environment so that they could be placed.

Colonel MARTIN. Sir, the security checks have already been done by the Federal Bureau of Investigation (FBI), twice. The FBI came in, in 2004, and did a thorough investigation, convinced they were going to find residents at that camp involved in terrorism. The FBI cleared all of them and said, "No, they're not." Even one of the strongest defenders of our group is former FBI Director Louis Freeh, and he has gone through and said they're not terrorists, as well. The security checks have been done.

Senator REED. Very good.

Colonel MARTIN. The real issue—and Secretary Kerry has the authority right now to say, "I waive this, bring them in."

Senator REED. Thank you, gentlemen.

Senator LIEBERMAN. Senator Reed, let me—I'd just add that I think this requirement that these people, who have been very loyal to the United States, renounce membership in a group that is off the terrorist list—and there really is some question about whether it ever should have been on there—is unfair to them, and it's an unnecessary obstacle to a group of people who are very loyal to America, who I think would—and have family and friends, including people here in the room today, who would take them in and, I think, would make a great contribution to our country. So, I'm not sure what can be done, but I wish, together, we could find a way to get the U.S. Government to stop, essentially, requiring the rejection of a previous status that no longer is accepted by American law.

Senator REED. Thank you.

Senator MCCAIN. Senator Tillis.

General JONES. If I could just add to that, we wouldn't be sitting here today if we just had an airlift a couple of years ago. The—there's just some other points that just, I think, are outrageous.

The officers—the Iraqi officers that led the attack on Camp Ashraf and killed—responsible for killing men, women, and children—are the ones that deal with Camp Liberty today. When you talk about an insult—adding insult to injury, it's incredible. I just find it unbelievable that this problem has not been resolved 3 or 4 years ago. Although the numbers are going down, and the Albanian government deserves a lot of credit—and, by the way, the cost for relocation is being borne by the MEK. It's not being borne by us, it's not being borne by the U.N. The money has been allocated—I forget the number, but it's—\$20 million, so far, out of their funds to relocate their wives or their brothers, their sisters, their family members, and their colleagues.

I think that—I just think the United States should show more responsibility for the commitment we made, and should exert more leadership in bringing this to a close.

Senator REED. Thank you.

Senator MCCAIN. That's very eloquent.

Senator MCCAIN. Senator Tillis.

Senator TILLIS. Thank you, Mr. Chairman.

Gentlemen, thank you all for being here.

Colonel Martin, I'd like to start with you. Could you give me some sense—and I know that maybe your time there is somewhat dated, but give me some sense of what the—a day would be like for the some-2,400 people that are still in Iraq.

Colonel MARTIN. I can do that, sir, because I am in continual contact with the residents; and, when I talk to them on the phone, when I get their emails, I—their faces automatically pop up in my memory.

When I was the senior operations officer for detention operations, I lived at Camp Liberty. As I've mentioned, that camp was not designed for housing people 24 hours a day. Their daily life is one that they make it, make it useful. They keep themselves physically fit. They're always building upon the camp to make it better.

Unfortunately, they're living in a life of tyranny. I remember, back in the '70s, there used to be this little cartoon of a pair of goldfish in a blender, and they're in the water, and there's a little button for the blender, waiting for it to be turned on. One goldfish says to the other, "I can't handle the stress." That's what it reminds me of for the residents. They make the best of the situation, but they're living under a dark cloud of tyranny. They're being denied critical resources, over and over.

Senator TILLIS. Well, I want to be clear, then. So, they're living in horrible conditions every day, worrying about whether or not they're going to be alive the following day. These are people who peacefully disarmed—

Colonel MARTIN. Yes, sir.

Senator TILLIS.—and protected American soldiers when we came into Iraq. We made a promise that we would take care of them.

Colonel MARTIN. That is correct, sir.

Senator TILLIS. Senator Lieberman, about—sometime in September, Secretary Kerry said that we were going to allow the relocation of, I believe, 75,000 refugees from various countries. A couple of weeks later, he said it would be 85,000, and that that was a floor, and that at least 10,000 of those would be Syrian refugees

fleeing the Assad regime and the violence in Syria. What would lead Secretary Kerry to such—to the conclusion that these people—and incidentally, those 85,000 that we're talking about bringing in this country haven't been vetted. We don't know who they are. We've got to protect the safety and security of America, and we should absolutely welcome refugees that are fleeing hostile regimes.

Colonel Martin, you said that the FBI's vetted this population twice.

Colonel MARTIN. That is correct, sir.

Senator TILLIS. Senator Lieberman, can you give me any idea of why our Secretary of State would take a position that he's taken today, with the imminent threat that these men and women and children face every single day? Why are they different, and why can't they be included in this some- 6,000 more unallocated refugees that the capacity that the administration says that they want to make available to get people to a safer place—why on earth are we even having to have this discussion?

Senator LIEBERMAN. Well, I totally agree with you. There's—to me, there's not, Senator, an acceptable answer to that question. I mean, they're—these are people seeking political asylum. They have proven their loyalty to the United States of America, beyond what we could imagine. They have been vetted. The problem here—and this is why the fact that this committee is holding this hearing and that so many of you have been advocates for the residents of Camp Liberty is so important, because they could easily—these people are pawns of a larger power struggle in which Iran, which despises them and wants to get rid of them, whenever it has the opportunity to exercise influence, including in international diplomacy and, of course, with Iraq—Iran's the big country next door. It's now—it has political influence in Iraq. It's providing arms, et cetera, et cetera. So, you can imagine, without having a conspiracy theory, that they are behind what—a lot of what's happened in—what's happening to the residents. But, that shouldn't affect us. We're the United States of America. Remember the words on the Statue of Liberty about the masses yearning to be free. Boy, if that was ever true, it is this group.

Senator, your comparison of what Secretary Kerry said of these 2,400 or 2,500 is very powerful. They ought to be put at the top of that list.

Senator TILLIS. They're fully vetted.

Senator LIEBERMAN. Yeah.

Senator TILLIS. They're people who have been friends of the United States.

Senator LIEBERMAN. Right.

Senator TILLIS. They're in an area where they, every single day, face an existential threat. This administration doesn't recognize that that—

Their policy right now is despicable, and I appreciate Senator McCain holding this hearing. I think we need to put the pressure on. This is wrong. It's not what America stands for.

Senator LIEBERMAN. Thank you.

Senator TILLIS. Thank you.

Senator MCCAIN. Senator Manchin.

Senator MANCHIN. Thank you, Mr. Chairman.

First of all—I'm trying to get my head around all of this and what's going on, and I think I got a little bit of a flow of it. What has happened to the leader of MEK? I know Maryam Radjavi is the—

Senator LIEBERMAN. Right.

Senator MANCHIN.—leader now. What happened to her husband, Massoud? We haven't heard from him since 2003. Does anybody know what happened to him?

Colonel MARTIN. Sir, he was wounded in an attack. And—

Senator MANCHIN. Is he alive? Is he still alive?

Colonel MARTIN. The information I have, yes, sir.

Senator MANCHIN. Is he in the camp? Camp Liberty?

Colonel MARTIN. No, sir, he is not.

Senator MANCHIN. In the United States?

Colonel MARTIN. No, sir.

Senator MANCHIN. He's somewhere.

Colonel MARTIN. He's in—the information I've been provided, he's in France.

Senator MANCHIN. He's not consider the leader anymore?

Colonel MARTIN. He is still the co-leader with Maryam Radjavi.

Senator MANCHIN. But, she's the front person.

Colonel MARTIN. She is the person that is with all the activities, all the events, yes, sir. She is the leader.

Senator MANCHIN. Let me ask another—and, General Jones, this might be to you—in your testimony, you cite that the three most lethal events occurred between 2009 and 2013 during Prime Minister Maliki's time in office. Since Prime Minister Abadi took office in 2014, have there been any changes to the situation at Camp Liberty when it comes to the security or resettlement? Have you seen any changes?

General JONES. I'd defer to Wes for the details, but, you know, I think the attacks have been less—lessened. But, the fact that they—the Iraqis' military who are regularly in the camp are still the ones who conducted the raids in previous years, and the killings, is indicative of the—kind of the pressure that they want to keep on the citizens in the camp.

So, Wes, you might have some more details on the—on that.

Senator MANCHIN. Has it improved, is probably what I'm asking—

Colonel MARTIN. It hasn't improved, and it hasn't—

Senator MANCHIN. Has not.

Colonel MARTIN. It has not improved, sir, and it has not deteriorated. It is—they're still in that blender, waiting for that button to be pushed.

Abadi, he is the Prime Minister, but he is in a very precarious position, because Maliki still controls Dawa Party. Maliki still has the ear of Tehran. As you recall, Maliki was forced out only after ISIS took over major parts of the country. Both the Ayatollah in Tehran and President Obama was blessing him for a third term, which was against the constitution—the Iraqi constitution. But, he was forced out when General Soleimani went to him and said, "You have to step down." Then a member of his Dawa Party was brought up.

Abadi has made a lot of great promises. There are demonstrations going on throughout Iraq. He's drawn the support of them. He's drawn the support of Ayatollah Sistani. Surprisingly, he's drawn the support of the head of the Mahdi Army, Muqtada al-Sadr.

Senator MANCHIN. I have another one. This is my—this is a most difficult question. This is—when the State Department delisted the MEK as a foreign terrorism organization in 2012, it stated, “The Department does not overlook or forget the MEK’s past acts of terrorism, including its involvement in the killing of United States citizens in Iran in the ’70s and an attack on United States soil in 1992. The Department also has serious concerns about the MEK as an organization, particularly with regard to allegation sf abuse committed against its own members.”

How has the MEK addressed the concerns raised about potential abuse of its own members since the delisting, sir?

Colonel MARTIN. Since the delisting, it hasn’t needed to be addressed. In this same document that Governor Ridge provided Senator McCain—I’ll get you a copy of it—I addressed that thoroughly.

[The information referred to follows:]

**ANALYSIS OF PENDING STATE DEPARTMENT REQUIREMENT
FOR REPORTING TO U.S. CONGRESS CONCERNING THE PLIGHT OF,
AND ATTACKS DIRECTED AGAINST, CAMP LIBERTY RESIDENTS**

February 17, 2015

BACKGROUND:

1. At present, approximately 2,500 members of the Iranian dissident organization Mojahedin-e Khalq (MeK) are trapped inside Iraq awaiting relocation to Western Europe or North America. Starting in 1986, this organization was headquartered at Camp Ashraf, Iraq until 2012 when it was relocated to a small section of Camp Liberty. Directly east of Baghdad International Airport, Camp Liberty was built and maintained by the U.S. Army until the departure of American forces from Iraq in 2011. Shortly after the coalition invasion of Iraq in 2003, all Ashraf residents were provided written assurances of "Protected Person Status" under the 4th Geneva Convention if certain actions on the part of residents were taken. The residents fulfilled all the conditions and met every expectation established by the United States government. Meanwhile, the residents developed a very trusted and professional relationship with co-located American military forces. Unfortunately, in 2009 the "Protected Person Status" was revoked without warning by U.S. State Department, and security of the residents was turned over to the pro-Tehran Iraqi Government of Prime Minister Nouri al-Maliki. The U.S. Executive Branch expectation that the lives of the residents would fall off the radar screen of international politics did not happen. To this day, defenders of the residents continue to address the need to correct this injustice. Defenders include former U.S. military officers who served with the residents at Camp Ashraf, former officials of numerous governments, concerned citizens of those countries, and members of Western Europe Parliaments, Canadian Parliament, and U.S. Congress. Recently, the U.S. Congress passed two mandates (Attachment 1) concerning the current situation of these 2,500 people.

a. Commencing on page 1248, line 21 and concluding on page 1249 of "Committee Print 113-59, Text of House Amendment to the Senate Amendment to H.R. 83," dated December 9, 2014 is the following mandate: *"(4) Not later than 90 days after the enactment of this Act, the Secretary of State, in consultation with the heads of other relevant United States Government agencies, shall submit a report to the appropriate congressional committees detailing steps taken by the United States Government to address the plight, including resettlement needs, of Iranian dissidents located at Camp Liberty/Hurriya in Iraq."*

b. "Department of State, Foreign Operations, and Related Programs Appropriations Bill," 2015, dated June 19, 2014, Page 14, paragraph 1 states: *"The Committee directs the Secretary of State to include in the report on the resettlement plan for Iranian dissidents required by section 7041(c)(6) of this act: a description of measures taken to improve the security and welfare (including the quality of life and access to medical care) of residents at Camp Liberty; an analysis of attacks against*

such dissidents since February 2009, including whether any weapons or training provided by the United States were used in the attacks, and safeguards to ensure that no such weapons or training are used in the future; and options for the resettlement of Iranian dissidents outside Iraq, including in the United States."

2. Each time U.S. State Department representatives have been called upon to testify before Committees/Subcommittees of the U.S. Congress, or respond to congressional inquiries, information provided to the Legislative Branch have been deceptive at best.
 - a. The most recent example was State Department's October 20, 2014 response to Congressman Randy Weber. The two-page State Department document, signed by Julia Frifield, so little resembled the truth that 32 American dignitaries and former U.S. Army Commanders of Camp Ashraf developed and submitted a counter-report to Congressman Weber. This counter-report, followed by Ms Frifield's letter is provided as Attachment 2.
 - b. A counter-report to Ms Frifield's letter should never have been necessary considering ten months earlier Governor Edward Rendell forwarded to then-Deputy National Security Advisor (now Deputy Secretary of State) Antony Blinken an analysis of Blinken's response (based upon State Department-generated misinformation) to a letter sent to President Obama on October 23, 2014. Governor Rendell's e-mail (minus addresses), the Blinken response, and the letter sent to President Obama are provided as Attachment 3.
 - c. Because Tony Blinken's response was so thoroughly taken apart it came as no surprise later when the August 28, 2014 letter (Attachment 4) addressed to President Obama and received by White House Chief of Staff Denis McDonough was never answered.
3. Having no expectation of U.S. State Department to suddenly reverse itself and start presenting accurate facts to either Congress or the media concerning the residents of Camp Liberty, and defenders of the residents having traditionally responded to State Department generated misinformation after the damage has been done, this document has been developed prior to State Department's mandatory report dates. Instead of a response, and taking the liberty to create a new word, this is a "presponse."
4. As proven through the documents provided in this report there is absolutely no doubt the government of Iraq was involved in all three ground attacks on Camp Ashraf. In all three attacks, U.S.-made weapons/equipment and U.S.-provided military training were used despite never-ending denials by U.S. State Department. As will be shown in this analysis portion of this document, the residents of Camp Ashraf and Camp Liberty have been lied to, and lied about, continuously. If the truth reflects negatively on the Government of Iraq or its military/intelligence officers at Camp Ashraf or Liberty, UNAMI and U.S. State Department will cover it up. If a rumor reflects negatively on the residents, UNAMI and U.S. State Department will continually repeat it until it is accepted as fact.

5. With the exception of Albania, the issue of resettlement of residents still inside Camp Liberty is basically stalled. Other nations are looking to the United States to first accept residents, but the United States is refusing unless the residents renounce affiliation with the MeK. These residents are members of the former National Liberation Army of the MeK. If an American service-member trapped overseas renounces the United States, he or she will be subject to a court-martial and a sentence to federal prison. Yet, in order to escape the prison that in reality is Camp Liberty, these residents are being required to renounce their conscience and the cause they have served for so long. Written by Governor Tom Ridge is a very detailed letter to State Department's Jonathan Winer explaining this situation (Attachment 5).

6. There is one group that U.S. State Department may draw from for relocation to the United States. These are the approximate 40 people who have defected from Camp Liberty and were transferred to the Iranian Ministry of Intelligence-operated Hotel Mohjaer in Baghdad. These people have already renounced the MeK. This potential action comes with serious problems.

a. "Text of House Amendment to the Senate Amendment to H.R. 83," clearly states, "...detailing steps taken by the United States Government to address the plight, including resettlement needs, of Iranian dissidents located at Camp Liberty/Hurriya in Iraq." Residents of the Mohjaer Hotel are no longer Iranian dissidents and they are no longer located at Camp Liberty. Moving these people to the United States will do nothing to properly solve the problem. It will only provide the opportunity for U.S. State Department to once again manipulate facts in support of a predetermined agenda.

b. As in the case of the September 1, 2013 Ashraf Massacre, these people have now been under the influence of the Iranian MOIS for an extended period of time. In reality, there is a strong potential these people will undermine transfers of the current residents by discrediting the MeK.

c. There is another potential that, having been programmed by the Iranian MOIS, we will have the introduction of sleeper agents into the United States. It should not be forgotten that it was the Iranian government that planned in the past three years to blow up a New York City restaurant while it was hosting the Saudi Arabian ambassador to the U.S. Iran remains the number one nation state exporter of international terrorism.

7. Bottom line is simple: While the U.S. Executive Branch claims it is aggressively working to resolve the Camp Liberty issue, 2,500 residents are trapped in a country that is melting down further each day. The Iranian control of the Iraqi government has grown immensely. Unless those residents are brought out quickly, their fate will be the same as the 52 victims of the September 2013 Ashraf massacre.

ANALYSIS OF HISTORICAL DOCUMENTATION AND ACTIVITIES:

8. Since the transfer of Camp Ashraf security from American to Iraqi forces in February 2009 – with a statement of overwhelming confidence from Ambassador James Jeffries to Senator John McCain, that the Iraqi government would not harm the residents – three ground assaults on Camp Ashraf have been conducted: July 28-29, 2009 (12 residents killed); April 8, 2011 (36 killed); and September 1, 2013 (52 killed).

9. In 2012, movement of the residents from Camp Ashraf to Camp Liberty (directly east of Baghdad International Airport) commenced. Per agreement worked out between the Government of Iraq (GOI), MeK, United Nations Assistance Mission Iraq (led by Ambassador Martin Kobler), and U.S. State Department (led by Ambassador Daniel Fried), one hundred and one Ashraf residents were approved to remain at Ashraf to serve as property custodians. The 2013 ground assault on Ashraf by Government of Iraq Special Weapons and Tactics (SWAT) forces resulted in the murder of fifty-two property custodians and the kidnapping of seven others. The remaining forty property custodians were transferred to Camp Liberty within a week after the assault.

10. In 2013, three indirect fire operations were conducted against the residents at Camp Liberty: February 9th (8 residents killed), April 29th (3 killed), and Dec 26th (3 killed immediately and 1 later dying as a result of the attack). As in the case of the September 2013 Ashraf ground assault, after each indirect fire attack, U.S. State Department representatives immediately claimed "No evidence the Iraqi government was involved."

11. The combined casualties of these six attacks are 100 killed, hundreds wounded, and 7 kidnapped to never be heard from again. Furthermore, due to transportation harassment resulting in denial of access to medical treatment, 12 more residents have died at Camp Liberty. To associate these statistics to real people names of all the deceased are provided (Attachment 6). This "roll-call" does not include the hundreds wounded and maimed during the aforementioned attacks. Every person killed in these attacks had been granted "Protected Person Status" by the United States Government in 2004.

12. Concerning the three ground attacks at Ashraf, none came as a surprise. Indications and warnings did occur in each case.

a. Ashraf: July 28-29, 2009:

(1) As detailed in "The July 28-29 Raid on Camp Ashraf" (Attachment 7), on July 27th Iraqi forces were preparing for the assault. On the morning of the 28th as U.S. forces stationed at Camp Ashraf were putting on their helmets and protective vests in anticipation of the attack, 2,000 Iraqi forces were preparing for the assault. Ashraf residents made contact with on-site U.S military personnel and with U.S. Baghdad Embassy personnel. The U.S. servicemen on the scene stated they had received orders not to intervene and only report on what was to take place.

(2) At 3 p.m., the Iraqi assault began as U.S. forces video-recorded the event. Video footage owned by the MeK shows Ashraf residents asking U.S. personnel to intervene and stop the slaughter. As shown in the video, U.S. military personnel got into their vehicle and drove away.

(3) Using American-made High Mobility Multipurpose Wheeled Vehicles (HMMWVs) issued to GOI forces, construction vehicles, rifles, and clubs, the slaughter continued into the middle of the night. At 10 a.m. on the morning of July 29th, the attack recommenced.

(4) At 10:45 a.m., Ashraf residents re-established contact with U.S. forces. U.S. military personnel stated they were able to film and witness the killings from their watch-towers, but again emphasized they had been ordered to not intervene.

b. Ashraf: April 8, 2011:

(1) As detailed in "Chronology of assault on Ashraf and contacts with U.S. forces from April 3 thru April 14, 2011" (Attachment 8) Iraqi forces commenced on-site preparations for the April 8, 2011 attack. This time American forces under the command of battle-space owner U.S. Army Colonel Malcolm Frost did attempt to mitigate and prevent a pending massacre. This included positioning Lieutenant Colonel (LTC) Robert Molinari on site with a platoon of Stryker fighting vehicles. However, orders issued from his chain of command, originating from U.S. Baghdad embassy, demanded LTC Molinari remove his detachment from Camp Ashraf. Having no choice but to comply, LTC Molinari's detail departed the area and the stage was further set for the pending Iraqi Army assault.

(2) What would later be realized as part of a deception operation, Prime Minister Nouri al-Maliki claimed to U.S. State Department that he was ordering Iraqi Security Forces to take unoccupied ground at Ashraf. This message was relayed to United Nations Assistance Mission Iraq Human Rights Chief Tahar Boumedra by State Department representative Russell Hanks (Attachment 9).

(3) Three problems with this deception operation message from PM Maliki should have immediately been obvious to the U.S. State Department. First, with the exception of one small farmyard immediately east of Camp Ashraf, the entire region to the east, north, and west of the Iraqi compound is unoccupied. The ISF-occupied area of Ashraf was already large enough to house an army division. There was no need for extra space. Second, occupation of an unoccupied area does not require a massive build-up of combat troops and assault vehicles.

(4) The third problem with this deception operation revealed itself later. The final Fragment Order (FRAGO) titled "Operations Order no 21 of year 2011"

(Attachment 10 with English translation and original document) issued immediately prior to the assault states:

MISSION

5th Division along with its attachment as hour 1200 of day 4/8/2011 will occupy area of responsibility in Al-Iraq al-Jadid camp forcefully and will prevent all aggression by the enemy against friendly forces.

EXECUTION

Concept of Operation

Occupation of the position will be accompanied through multi areas that will be done by using force, and the enemy will not be allowed to make any aggression against friendly forces.

- (5) Three key words appear in this FRAGO: "forcefully," "using force," and "enemy." It is very clear that despite what U.S. State Department claims, the intent of Nouri al-Maliki was a hostile action intent to provoke a confrontation and justify a massacre.
- (6) Assurance by U.S. State Department representative Russell Hanks that Iraqi Forces would not "molest the MeK members" and not "use violence" fails to line up with the aforementioned FRAGO. Deploying forces identified in Attachment 11, Ashraf became a killing field. As noted in the second photograph of this attachment, Major Ra'ed Jassem Muhammed Alivi At-Tamimi took great pleasure in the killing. Of the 34 residents killed that day, he accounted for eight. Additional photos of the attack are also provided.
- (7) Both training and equipment provided by the United States military cannot be ignored. The FRAGO is clearly United States-military format. The general officer staff who put this mission together was applying the lessons they learned from U.S. military officers. It is further undeniable that the uniforms worn by members, weapons used, and vehicles driven during the assault had been provided to Iraqi forces by the United States military. Close-up photos (Attachment 12) leave no doubt: U.S. Army desert camouflage uniforms, U.S. Army helmets with camouflage cover, M4 assault rifles, and U.S. military HMMWV vehicles were in use.
- (8) Now comes the issue of who trained these assault forces. As the first Antiterrorism Officer for all Coalition Forces during the first year of the coalition invasion (2003-2004), I personally witnessed the inability of Iraqis to properly line up the front and rear sites of their rifles to achieve "one-shot-one kill." Americans called the Iraqi-military way of shooting "spray and pray." Specifically, that meant the Iraqis would spray bullets in the general direction and pray at least one round would hit something. In the early days of coalition occupation there were more jokes about "Iraqis with firearms" than about "second lieutenants with maps."

(9) In 2011, as evidenced by videos and attached documentation, the Iraqi military had become much more proficient. How did this happen? Courtesy of American military public affairs, we have the answer. Four U.S. Army press releases (Attachment 13) clearly state who provided the training. Articles written by Sergeant Coltin Heller, 109th Mobile Public Affairs Detachment, published Jan 21, 2011 and March 4, 2011 preceded the 2011 Ashraf assault. The same is true for Staff Sergeant Branch's article. As shown in article written by Sergeant Quentin Johnson (published August 24, 2011) the training of Iraqi forces continued despite clear evidence that U.S. military-taught skills were used to kill unarmed people of which the U.S. government was well aware.

(10) Special attention is now made to the photographs provided in Attachment 14, "5th Iraqi Army Division attacking Ashraf." The first photograph shows an American Army sergeant training Iraqi forces both in "dynamic entry stack-up formation" and using "Weaver stance-low ready." This stance was developed by former U.S. Marine Colonel Jeff Cooper at his "Gunsight" firearms training camp near Flagstaff, Arizona in the early 1980s. It was quickly adopted by American law enforcement and worked its way into the U.S. military. This fire and maneuver tactic will be revisited when discussing the 2013 Ashraf Massacre. The remainder of the photos in this attachment further testify to the misuse of U.S. Army-provided training and equipment.

c. Ashraf: September 1, 2013

(1) Timeline summary concerning the Ashraf Massacre is provided as Attachment 15.

(2) A day and a half prior to this attack, I had completed and distributed my weekly Ashraf/Liberty Update. The assessment portion of my report stated:

Having settled Kurdish leaders down, Maliki is turning his attention toward his Shia opposition – specifically Moqtada Sadr and Ayad Allawi. As explained in the Iraqi Situation Update, Maliki has been successful in bribing numerous community and union leaders. Those who do not accept the bribes or Maliki's rule will either be killed, arrested, or forced to flee the region to avoid persecution stemming from false charges – e.g. Sunni Vice-President Tariq al-Hashemi.

MeK at Ashraf and Liberty have not fallen off Maliki's radar screen. He is fresh from a win of cutting power to Ashraf and making U.N. and U.S. bureaucrats think they scored a victory in receiving partial restoration.

Credit must be given where it is due. Maliki must have learned well from his days as a street vendor in Damascus. He knows how to sell something that is either worthless or does not exist. The Iranians see him as a close ally. The United States Executive Branch sees him as a great leader building

democracy in his country. No matter what he does, he has the support of both governments despite the hostility between those two governments. One thing Maliki fails to remember: as proven by the ends of the Monarchy, the Republic, and Baath Party rule; the retirement plan for Iraqi dictators is not very good. Maliki's turn will come. The two questions are when and how many lives will he destroy before that happens.

Two ground assaults on Ashraf and two rocket attacks on Liberty serve as clear evidence that Maliki has no problem adding 3,100 resident lives to that final death toll. As the meltdown continues, time is running out for getting the residents to safety.

(3) Despite the accuracy of the aforementioned assessment, it came with no satisfaction that on September 1, 2013, fifty-two unarmed people were murdered and seven more kidnapped to never be heard from again.

(a) Concerning the bodies of the 52, on September 2, 2013 Mr. Francesco Motto provided the survivors the following written assurance (Attachment 16):

"Based on agreement between the representatives of the residents of Ashraf and UNAMI, on Sep 2, 2013, fifty-two bodies of martyrs who were killed by bullet shots in the massacre of September 1, 2013, were delivered in the presence of Fransesco Motta, Chief of UNAMI Human Rights Office, to be kept in the Baquba Hospital until an impartial international observer will be present for autopsy."

(b) An impartial international observer never came forward. Not a single autopsy was never completed. Eventually the bodies of the fifty-two would be disposed of by the Iraqi government and the final disposition never revealed. The reason for this covert disposal of the bodies was simple. Bullets produce forensics. Nouri al-Maliki was determined these bodies would never reveal evidence. Neither the United Nations nor the U.S. State Department uttered a single sound of protest.

(c) Later before Congress U.S. Ambassador McGurk would claim U.S. Baghdad Embassy conducted a fast response, citing their arrival at Ashraf just three days after the massacre. As evidenced by Fransesco Motto's signed statement, the bodies were removed two days prior. Any student in Law Enforcement 101 knows the first 24 hours following a major crime is the most critical. A 72 hour delay in arriving at the crime scene is quickly moving toward a cold case file. To be described below, this is exactly where Government of Iraq, UNAMI, and U.S. State Department immediately set out to place the Ashraf Massacre.

(4) Meanwhile, the bodies of the murdered were barely cold before U.S. State Department started spinning the story "There is no evidence the Iraqi Government was involved in the Ashraf massacre."

(a) The truth is as follows: Diyala Province Police Commander, General Jamil al-Shemeri, arrived at the Iraqi compound overlooking the residents' area six hours prior to attack commencement.

(b) In a multi-prong approach, the assault forces crossed over the Iraqi-controlled berm (Attachment 17) and entered the residents' compound.

(c) Assault force members were wearing the exact uniform of Iraqi Special Forces (Attachment 18). Additional accessories to the standard green uniforms and white hats were face masks and weapon silencers.

(d) At the time of the massacre this organization was assigned to Iraqi Prime Minister/Minister of Defense/Minister of Interior Nouri al-Maliki. The assault was very professionally accomplished, displaying extensive preparation and coordination.

(e) In plain view of Iraqi manned watch-towers surrounding Camp Ashraf, the assault force moved steadily, but not showing excessive speed. They knew they were not going to be interrupted. At no time, despite all the noise from the explosions and smoke rising out of the compound, was a protective response force dispatched from the Iraqi military base located immediately north of the residents' area.

(f) American-made military explosives were among the ordnance used in this attack (Attachment 19). In addition to obvious U.S. military training, tactics and knowledge gained through ten years of War on Terrorism in Iraq were applied by the assault force.

(g) Of the murdered, six were killed in the medical facility while being treated for wounds just received. Also machine-gunned was the nurse administering treatment. Even after being wounded, or already dead, residents were again shot in the head, face, or neck. Numerous residents were shot in the backs of their heads while their hands were secured by handcuffs and/or plastic zipcuffs. Senior leaders, Zohre Ghaemy and Hossein Madani, were shot multiple times in the head. Attackers knew exactly which victims were principle targets.

(h) After two hours of killing, the assault force departed to the north and re-entered the Iraqi government compound. Left behind were 52 dead residents (Attachment 20). The bus used to remove the seven hostages from Camp Ashraf was driven directly back to the Iraqi compound and remained parked outside an Iraqi building. As mentioned before, all of the

deceased had been issued "Protected Person Status" cards by the United States Government.

(5) Later the same day of the Ashraf Massacre, former UNAMI Human Rights Chief Tahar Boumedra developed and sent the "Open letter to the UNAMI and the Acting SRSG in Iraq" (Attachment 21).

(a) As Mr Boudmedra stated, the "shocking attack against the 100 residents" was "predictable and preventable." Mr Boumedra further reviewed the 2009 and 2011 assaults.

(b) Concerning these earlier attacks, Mr Boudedra states, "*On both occasions, I was in charge of the fact finding missions and I have reported that the Iraqi security forces were responsible of extra-judicial killing.*"

(c) Concerning the just executed 2013 massacre, concluding his "Open Letter" Mr Boudmedra stated, "*I urge the Acting SRSG to have the courage to stand up for the truth, History will haunt anyone who will hide the truth about the extra-judicial executions of 52 defenceless civilians.*"

(d) Unfortunately, instead of being haunted by their lies, U.S. State Department personnel continue to cover their lies with more lies.

(6) The day following the Ashraf Massacre several former senior U.S. government officials and former U.S. Army commanders of Camp Ashraf sent a joint letter to Secretary of State John Kerry (Attachment 22). All the signatories had answered Ambassador Dan Fried's 2012 request to convince the residents to move from Ashraf to Camp Liberty. The letter reminded Secretary Kerry of the written and verbal promises made by Ambassador Fried. Unfortunately, the promises were not kept and 52 people paid the ultimate price. The letter was never answered by Secretary Kerry. Even the call within the letter for "U.N. Blue Helmets" deployed to protect the residents was ignored.

(7) Not one single survivor was interviewed by anyone other than MeK representatives. Not interviewed that is until January 17, 2015 in Tirana, Albania when I sat down with Ashraf survivor Hassam Hamedi (Attachment 23). Mr Hamedi revealed some additional truths that were never before revealed:

(a) In days leading up to the attack, some former Camp Ashraf residents were seen on the berms with Iraqi forces conducting reconnaissance of the camp.

(b) Ashraf residents had been warned there was a build-up of GOI forces inside the Iraqi compound and something bad was about to happen.

(c) Five Iraqi policemen (three in standard uniforms and two in trainee uniforms) watched from the roof of the water purification station as the entire massacre unfolded.

(8) Another fact pointed out in my interview with Mr Hamed, and later confirmed to me as already being known by U.S. State Department, was that a former Ashraf resident who accepted transfer from Camp Liberty to the Iranian Ministry of Intelligence Hotel Mohjaer accompanied the assault force throughout the massacre. When the massacre was over, the defector commenced walking back toward the Iraqi compound with the assault force. At that time, a member of the assault force walked up from behind, put a gun to the defector's head, and fired. Acid was then poured onto the face of the deceased defector and his body was left where it fell.

(9) What is now forgotten is that a subsequent assault was being prepared on Camp Ashraf when GOI forces had learned there were forty-two survivors. Iraqi forces had already cut the locks on MeK gates, electrical power was again shut off, and armored vehicles accompanied by assault troops were in the stand-by mode. Everything was once again set to American SWAT standards. All that remained was for the mission commander to radio the words, "I have control, GO, GO, GO." Fortunately on September 3rd, a barrage of attention throughout the United States, Canada, and Western Europe resulted in the Iraqi Forces being required to stand down.

(10) Discussed earlier in this report was American forces training the Iraqis to conduct assaults using "Weaver stance-low ready." Provided is a photograph of September 1, 2013 assault force members, immediately followed by the previously mentioned article discussing training provided to Iraqi 5th Army Division by U.S. military (Attachment 24).

(11) Following the massacre, on Sept 6, 2013 U.S. Department of State Assistant Secretary of State for Near Eastern Affairs Beth Jones sent NCRI President Elect Maryam Rajavi a letter stating, "*We further call on the Government of Iraq to conduct a full investigation and help find those who are missing.*" Immediately upon learning of this bizarre State Department request, Governor Ed Rendell sent a message to Secretary John Kerry pointing out that Ms Jones' comment equated to "requesting Al Capone to investigate the Saint Valentine's Day Massacre."

(12) The Assessment portion of my September 15, 2013 "Liberty Update" stated the following:

Maliki has redefined the perfect crime. Instead of committing and never getting discovered, the Ashraf attack was committed in daylight, video-taped in the process, and the handcuffed victims left at the scene. Instead of the oversight authorities getting directly involved to solve the crime, their solution

was to request Maliki conduct a thorough and impartial investigation. If Bogart or Cagney ever put a script like that up on the silver screen they would have been laughed out of Hollywood. Unfortunately, it is playing out in Iraq. When it comes Oscar time, U.S. State Department and UNAMI should be tied for best supporting actors playing the incompetent authority roles. The only people amused by this human tragedy are in Baghdad and Tehran. Provided link describes Iran's appreciation for the Iraqi assault.

<http://www.presstv.ir/detail/2013/09/12/323555/iran-thanks-iraq-for-camp-ashraf-closure/>

This is as bold and brazen an attack as could possibly happen. It was clear-cut terrorism. Yet, Maliki knows neither the United Nations nor the United States will hold him accountable. The Iraq Situation Update below is very disturbing. Maliki knows as he continues to commit terrorism within Iraq he will not be denied future American dollars and American weapons. When the time is right, Maliki will void the Constitution and remain in power when his term expires.

(13) Administrative note to aforementioned comment: In 2014 Nouri al-Maliki did try to void the Iraqi Constitution by ignoring the two-term limit and remain in power as Prime Minister, but the meltdown that resulted from his countrywide tyranny forced him to yield to fellow Dawa Party member Al Hadier Abadi. Meanwhile, al-Maliki did secure for himself a position as Vice-President and remains as Secretary-General of the ruling Dawa Party.

13. Camp Liberty was the brainchild of U.S. Ambassador Daniel Fried and U.N. Ambassador Martin Kobler. In early 2012, both Fried and Kobler promised the residents of Ashraf that if they willingly moved to the former Multi-National Division Baghdad Base directly east of Baghdad International Airport, their lives would be greatly improved.

a. Ambassador Kobler assured the residents the camp met United Nations High Commissioner for Refugees (UNHCR) humanitarian standards, and provided the residents photographs assuring them of the camp's pristine condition. Later the residents gained access to the UNHCR letter dated January 19, 2012 which stated Humanitarian Standards cannot be certified/verified (Attachment 25). Kobler and Fried lied while withholding the UNHCR letter.

b. Meanwhile, in a letter dated January 31, 2012, U.S. Ambassador Dan Fried stated to former FBI Director Louie Freeh (Attachment 26), *"Additionally, and as we have spoken about on several occasions, Secretary Clinton has publicly stated that 'officials from the U.S. Embassy Baghdad will visit [the relocation facilities at former camp Liberty] regularly and frequently.' This is our definitive position."*

c. None of the promises of Martin Kobler or Dan Fried proved to be true. Upon arrival at the camp, the residents found the area totally trashed and in a state of complete disrepair. Former UNAMI Human Rights Chief Tahar Boumedra later

revealed that Martin Kobler had very selectively picked the photographs to be shown to the Ashraf residents. Concerning Dan Fried's promise, except for the days following the September 1, 2013 massacre when U.S. State Department was campaigning for complete MeK evacuation of Camp Ashraf, U.S. Baghdad Embassy visits have been less than ten in past three years. One Liberty resident said it best, *"When U.S. Embassy wants something from us, they come. When we need something from them, we get nothing."*

d. At the same time as residents were being transferred from Camp Ashraf to Camp Liberty, senior Iraqi Intelligence officer Colonel Qassim Sadeq was methodically removing the protective T-Walls from the camp. This was yet another clear cut breach of the agreement worked out by U.N. Ambassador Kobler. Even in the "cherry-picked" photographs he displayed to the residents, the T-Walls were clearly shown. Two letters (Attachment 27) were generated by the NCRI: "Removal of protective T-Walls surrounding the trailers simultaneous with the stationing of armored vehicles in Camp Liberty" dated April 24, 2012 and "Bullet hit the dining container of section four of Camp Liberty" dated September 4, 2012. Unfortunately, neither U.S. Ambassador Dan Fried nor U.N. Ambassador Martin Kobler were responsive to the residents' concerns.

e. Camp Liberty has suffered three rocket attacks resulting in 15 deaths and approximately 200 wounded. Some of the "wounds" include loss of limbs. During the negotiation phase of resettlement planning, Ambassador Dan Fried specifically assured American defenders of the residents that a plan was in place to further relocate the residents if circumstances warranted, and the residents moving from Ashraf to Liberty would enhance implementation of that plan. After Ambassador Fried completed his involvement in the MeK mission, the defenders learned from State Department that no such plan was ever developed. This issue was also addressed in the previously mentioned letter authored by Governor Ridge and displayed as Attachment 6.

14. Immediately after the first rocket attack, Colonel Sadeq hastened T-Wall removal. Even though eight residents were killed and over one hundred wounded in the rocket attack, the reality is the casualty toll would have been much higher without the defenses. The residents immediately protested this action. Provided are photographs of on-site protest, comparison of the camp before and after T-Wall removal, and damage to the residential area in locations where the rockets were not blocked by T-Walls (Attachment 28).

15. On November 13, 2013, U.S. State Department Ambassador Bret McGurk testified before the Subcommittee on the Middle East and North Africa, House Foreign Relations. Responding to Congressman Sherman, in total contradiction to the aforementioned facts, Ambassador McGurk stated:

"The T-walls, as you know, when they moved into the Camp Liberty it had the same T-wall configuration we had to protect our troops. The residents, I can understand

why, said this looks like a prison we want to get the T-walls out. So all the T-walls came out. Given the threat they're under the T-walls have been moving back in. There are different numbers with the number of T-walls. I was just at the camp about a month or so ago or a couple months ago and saw it with my own eyes. I want to get more T-walls into the camp. I spoke with Ambassador Beecroft about this just today and there's an agreement with the Iraqi government. We have to get the right meeting in place, the right people there for where the T-walls are going to go and I think we'll see more T-walls moving into the camp. But we're continuing to work it as hard as we can."

16. During that same sub-committee hearing, as previously mentioned, McGurk was presenting the picture of how aggressively involved U.S. Embassy staff was following the massacre. Failure to leave the security and safety of the Baghdad compound for three days does not qualify as aggressive. Supporting the Maliki government in an "admit nothing, deny everything, make counter-accusations" misinformation campaign does not constitute truthful pursuit of the facts.

17. Providing equally inaccurate information a month earlier, on October 3, 2013, State Department's Wendy Sherman testified before Senators Robert Menendez and John McCain and stated: *"The Government of Iraq has moved in 700 large T-Walls, over 500 bunkers, over 600 small T-Walls and nearly 50,000 sand bags."*

a. The reality was the government of Iraq had moved the T-Walls, but only to the outside of the camp's gate. The T-Walls could be seen by the residents, but unavailable to provide protection. Of the 700 T-Walls Ms Sherman declared were inside the camp, only 192 had passed through the gates.

b. Ms Sherman's claim of over 500 bunkers was way off. Only 324 shells had the required entrance protectors. Thirty-two shells came without protectors and were basically useless. A bunker is composed three major components: one "U"-shaped shell, two entrance protectors (one at each end), and sandbags to be placed over and completely around the cement components. One of the most fundamental understandings of force protection is "*cement deflects - sand absorbs*." Without the sandbags, the cement bunker components will produce a deadly spalling effect.

c. Ms Sherman's claim of "over 600 small T-Walls" also came with a major problem – there is no such thing as a "small T-Wall." T-Walls have specific construction design not only in size, but also in ability to overlap each other. Ms Sherman was double counting the entrance protectors to the bunkers – an ethics problem within itself. About the only similarity between T-Walls and entrance protectors is they are made of cement – little else.

d. Ms Sherman crediting the government of Iraq for bringing in the sandbags, or anything else, was totally wrong. What the residents received, they purchased at very inflated prices.

e. "Camp Liberty Force Protection" matrix (Attachment 29) balances what Ms Sherman claimed to Senators Menendez and McCain with the facts.

18. Bret McGurk, Wendy Sherman, and Dan Fried are not the only ones providing false testimony concerning the MeK, to include before Congress. On April 24, 2012 in an attempt to justify maintaining the MeK on the Foreign Terrorist List (FTO), while being pressured by Congressman Poe and Sherman, Ambassador Dan Benjamin claimed Camp Ashraf had never been searched for weapons. Within the following month, before District of Columbia Court of Appeals, Justice Department attorney Robert Loeb presented Ambassador Benjamin's comment to the three justices as reason why the MeK should be maintained on the FTO list. Attorney Loeb's argument was not helped when one of the justices was watching as Brigadier General Dave Phillips and I turned to each other, pointed at ourselves, and were obviously whispering "What does he think we did. We searched that area." Furthermore, both Benjamin and Loeb ignored the fact that with the use of dogs the Iraqi Ministry of Interior had completed a search of Camp Ashraf almost three years to the day earlier and provided written confirmation that no weapons or explosive material other than 23 packages of decayed firecrackers or empty packages were found (Attachment 30). Then again, perhaps Benjamin and Loeb somehow thought the residents, armed with 23 packages of decayed firecrackers or empty packages, were capable of breaking out of the multiple layers of Iraqi security forces surrounding Camp Ashraf and attacking United States territory or its citizens as required by the 2004 congressional mandate of what constitutes a foreign terrorist organization.

19. The residents still have not forgotten State Department's Ambassador Lawrence Butler coming to a meeting at Ashraf with an unknown person. To both the residents and UNAMI's Tahar Boumedra, this person was introduced by Butler as a member of State Department staff. Not until an article came off slamming the residents did the MeK or UNAMI learn this person was a reporter for the *New York Times*. Likewise the residents have not forgotten U.S. Baghdad Embassy representative Deborah Johnson's 2006 antics and her covertly telling Iranian spy/Iraqi Security Advisor Rubai that it was the Embassy's intent to turn the residents over to the Iranian government. Deborah Johnson's antics were the source of never-ending problems I had to deal with while serving as base commander of Camp Ashraf.

20. A recent rumor, embraced by members of the U.N. and U.S. State Department, was the residents were tunneling their way out of the compound to escape and link up with Islamic State of Iraq and Syria. The reality is that moderate Shias are never going to link up with radical Sunnis. Furthermore, in most places inside Camp Liberty, the water table is only six feet down. Based on ground contour, the depth sometimes is four feet. Unless the residents are receiving help from Moses (or at least gained access to his wooden staff), they are not going to be tunneling through water.

21. Concerning the rocket attacks, each time Camp Liberty has been struck, U.S. State Department has worked to deflect attention away from the Iraqi government, specifically Nouri al-Maliki. In each case U.S. Baghdad Embassy and Foggy Bottom immediately

embraced statements by militia organizations claiming responsibility. Determined to deflect attention away from Nouri al-Maliki, U.S. State Department ignored three facts:

(a) There was no free movement around central Iraq in 2013. Al-Maliki had military checkpoints established every 300 yards throughout the Baghdad and Baghdad International Airport (BIAP) region.

(b) In 2013 militias did not drive around freely with 280 mm rockets mounted on their vehicles.

(c) The June 15, 2013 attack was claimed by Iraqi Hezbollah Commander al-Battat. Problem is that in claiming responsibility, al-Battat severely understated the number of rockets fired at the camp. The real person responsible would have known the exact count. The following is an excerpt from my June 16, 2013 Liberty Report (attachment 31):

Yesterday's attack was vetted with my Iraqi sources. Complete agreement was this could not have been conducted without the involvement of the Maliki government. Rogue elements and militias do not have the ability to launch sustained attacks in the middle of the day without government involvement. In direct conversation with Camp Liberty, I was informed that the rockets were precise. That much precision requires a forward observer on Communications Hill to confirm accuracy and advise necessary adjustments to the launching team. It also requires a professional launch operation. Unfortunately, further dialog with Iraqi sources was not possible. This past weekend, a lot of cell phone interference has been going on inside Iraq. It is not known if this denial of service is government related or result of infrastructure shortfalls.

Iraqi Hezbollah Commander al-Battat has already made it clear "our security operations are conducted upon guidance of Al-Maliki and Khamenei." By his own words, he is stating his actions cannot be separated from Maliki. Before al-Battat begins a mission, Maliki's forces know it. To date, not one of Saddeq's troops have been reported killed or injured in either the February or June attacks. Likewise, the sudden absence of Massoud Durrani is of special concern. Pending what the U.N. Ethics Officer determines and advises back, we cannot rule out the possibility that information concerning yesterday's planned attack was passed on to Massoud Durrani.

As the Antiterrorism OIC for Iraq, I learned to watch Iraqi police and military to determine if an attack was coming. Changes in their presence or, more specifically, lack of presence was an excellent indicator that something very bad was about to happen. Even if the absence of Massoud Durrani and other U.N. monitors had been identified by the residents as an indicator of an attack, there was no safe place for them to go. By Colonel Saddeq removing all protective barriers, the residents were in a killing field, and there was nothing they could do about it.

We still have the issue of the difference of what impacted the camp and what al-Battat claimed to have fired. This brings two possibilities. First is al-Battat taking credit for something just to remove attention from Maliki. Appears this has been successful. Second is Iraqi Hezbollah may have been involved, but not solely. Al-Battat states he had very limited hits. This validates our assessment from the February attack that militias – and even the Iraqi forces – are not that good. If al-Battat was involved, he may have been provided the dud rounds now being identified. Maybe the real attackers did not trust Iraqi Hezbollah with good ammunition. The precise hits, especially on top of the dining facility, had to come from a professional military organization – in this case Iranian Qods force. It took a while for State Department to admit the Iranian government (impossible without Maliki government involvement) did the February attack. Admission this time is not going to come any sooner.

22. Also mentioned in the June 16, 2013 Camp Liberty Update just referenced were numerous other issues warranting further explanation:

a. UNAMI monitor Massoud Durrani was a personal friend of U.N. Ambassador Martin Kobler. As revealed by UNAMI Human Rights Chief Tahar Boumedra, and later by U.N. Ethics Office, Ambassador Kobler avoided the established vetting process by hiring Durrani as a contractor. Durrani immediately became a major instigator of hostility with the residents and a continual source of misinformation. For over a year, U.N. Ethics Office promised to follow up an initial external investigation of Durrani, which in turn led directly back to Kobler. However, when the year was over, after Durrani's contract had expired and Kobler had been reassigned to The Congo; the Ethic's Office pledge of investigation was basically washed under the carpet. I still have the document trail proving this.

b. The Iraqi government mandated the protective vests and helmets belonging to the residents remain at Ashraf. The claim by the Iraqi government was such equipment was for military purposes. In 2013, this equipment was for basic survival and helping to defend against shrapnel. Continual requests to have the equipment transferred to Liberty, especially with the T-Walls removed, were disapproved.

c. For years, Liberty residents have been harassed and denied access to necessary medical treatment. A common ploy of the Iraqi military intelligence forces is to delay transportation for various reasons until the residents miss their scheduled appointments. The latest ploy is to only allow transport to one hospital. During the days of the Republic, General Karim Qassim established individual hospitals to be expert centers in specific specialties. Hospitals were professionally linked and did communicate very well with each other. As in the case of Baghdad's Medical City, hospitals were co-located in the same community. Saddam maintained this initiative. Fast forwarding to the present, doctors make appointments according to their availability. By allowing patients to only travel to one given hospital each day, it is guaranteed appointments will be missed. UNAMI claims there is no medical

blockade when there is, in fact, denial of access to critically needed medical treatment.

23. The "Force Protection Assessment, Camp Liberty – 18 March 2013" (Attachment 32) was developed to identify in one document all threat groups, all camp vulnerabilities, and necessary corrective actions. After a year of U.S. State Department failing to address the security situation and solutions for Camp Liberty, I developed the document.

a. Sources of information for this document included my experience as the Senior Antiterrorism/Force Protection Officer for all Coalition Forces in Iraq, time spent as a resident of Camp Liberty in 2006, current input from Iraqi sources, and daily reports received from Camp Liberty.

b. As noted in the report, even if all mitigating actions recommended were implemented, the adjusted risk would only go from "high" to "medium." "Courses of Action" section in this document stated: *"As long as any residents remain in Iraq, they will be subject to the hostility of the pro-Iranian Maliki government. The only thing that will reduce the risk to low will be complete extraction of all residents from Iraq with eventual residency in Western Europe, United States, or Canada. Even then, the residents will be sorted out by the MOIS and receive threats against their families in Iran if they do not cooperate."*

c. Only two positive developments occurred since the completion of the 2013 Force Protection Assessment: U.N. Ambassador Martin Kobler was reassigned to The Congo, and several hundred residents did transfer to Western Europe – mostly to Albania. Otherwise, the threats and vulnerabilities to the camp have become significantly worse.

24. "Significantly worse" includes the total meltdown of Iraq. In 2013, vast regions of northern and western Iraq were not under control of The Islamic State of Iraq and Syria as those areas are now. Although involved in the daily operations of the Maliki government in 2013, Tehran did not have a major military presence in Iraq.

25. "Significantly worse" also extends to Camp Liberty. As shown in Attachment 33, on-site Shia militia and Iranian reconnaissance operations are being conducted both inside and outside of the camp. Meanwhile, machine guns are now pointed into the camp. Attempts by the Iraqi intelligence officers to spark a reaction from the residents are continually occurring. UNAMI representatives willingly accept the word of the Iraqi officers over the residents at the same time U.S. Baghdad Embassy personnel remain as safe as possible inside Baghdad's Green Zone despite Dan Fried's written assurance of regular and frequent visits to Camp Liberty.

26. A document accurately explaining the situation of Camp Liberty residents is "Report and Recommendations of the Humanitarian Crisis in Camp Liberty, Iraq," (Attachment 34). Dated January 2015, this report was written by former Special Representative of

the U.N. Secretary-General for Iraq, Ad Melkert. His well-thought-out "Assessment of Concerns" address medical treatment being impeded by Iraqi officials, problems with Iraqi policing, camp infrastructure and provisions that could be improved, intimidation of the residents by the Government of Iran being supported by the Iraqi government, consultations between U.N. officials and Government of Iran concerning the residents' future, need for U.N. officials to conduct impartial reporting, and clarification of U.N. roles. Mr Melkert closes his document with four powerful statements:

Also the U.N. should seriously consider how to bring to the stage of accountability the extrajudicial killings and abductions in attacks perpetrated against both Camp Ashraf and Camp "Liberty" during the period 2009-2013, particularly the massacre that took place in Camp Ashraf on 1 September 2013. Despite the repeated calls of UNAMI, the High Commissioner for Human Rights and the international community for an independent and impartial inquiry into such killings and disappearances, no credible action has been taken by the Government of Iraq to date. The U.N. Special Rapporteur on extrajudicial, summary or arbitrary executions is in the position to launch an investigation.

It is high time to break the impasse. The Government of Iraq, the U.S., the EU member states and other states involved have been looking too long at each other and too little at their own capabilities to address the humanitarian plight of several thousands of people without security or future prospect. As a consequence the U.N. role tends to be reduced to being bystander instead of driver of change and above all protagonist and protector of fundamental human rights.

Hardly has a humanitarian issue been politicized as this one. Yet already for many years the victims are not the players. It is essential for the international community to understand this and thus consider it a duty to intervene in defense of international law and human rights, regardless of political interest or bias.

This, therefore, should be the moment for governments and lawmakers to step up and let reason and compassion prevail.

27. "Camp Liberty and Iraq Situation Update – 20141101" (Attachment 35) explains the current problems facing the residents: medical siege, fuel blockade, denial of items to repair facilities, impeding of sewage removal tankers, preventing the burial of deceased members, and lack of effective UNAMI involvement.

a. Any doubt as to whom is really running the government of Iraq is easily resolved by a quick review of photographs included with the 20141101 report: Iranian QODs Force Commander General Sulaimani overseeing Prime Minister al-Abadi as both are joined by Haji Basheer, leader of Iman Ali Forces; General Sulaimani with just-appointed Minister of Interior Mohammed Ghabban and Haji Basheer; General Sulaimania and Badr Corps Commander al-Ameri.

b. The assessment portion of this Update explains the continuing deterioration of Iraq, the increasing involvement of the Iranian government, and the increasing threat to the residents:

International pressure resulted in Iran not being able to have al-Ameri appointed as the new Minister of Interior. Instead, a very thin smoke screen was set up. Al-Ameri's subordinate commander, Mohamed Ghabban, was appointed to the position. Bottom line: al-Ameri will control the Ministry and ensure compliance with Sulaimani's instructions. This places what is left of the democracy of Iraq in a very dangerous situation. Al-Ameri's actions closely resemble what Saddam did during the first years of the Bakr government. Al-Ameri is successfully in the process of positioning himself to where he can suddenly overthrow the government and place himself in charge. Al-Abadi must realize the danger he is in by displeasing the Iranian government. From this point forward, al-Abadi has no choice but to be a puppet attached to Tehran's strings.

That brings us to Camp Liberty. Three weeks ago, harassment of the residents was reduced to medical and denial of food/medicines. Following al-Abadi's return from Tehran and thorough understanding of who really runs Iraq (whatever part that has not been overrun by ISIS), full-scale harassment of the residents has returned. This indication/warning of even more serious problems to come must not be ignored.

The residents must be moved out of Iraq as soon as possible before Camp Liberty becomes a repeat of Camp Ashraf on Sep 1, 2013. Before the smoke had cleared at Ashraf, State Department was claiming there was "no evidence the Iraqi government was involved." As we all are aware, video and intelligence evidence totally contradicted that lie. Now with Iraq overrun with Shia and Sunni militias, it would be even easier for Iraq, Iran, U.N., and U.S. State Department to conduct this deception operation should Liberty be attacked and all residents murdered or kidnapped.

United Nations monitors are already taking the Iraqi government's side for everything that happens to the residents. U.S. State Department has been doing the same thing since the 2009 ground assault at Ashraf. Except for the "flash and dash" visit by U.S. Baghdad Embassy personnel in September, State Department employees are remaining inside the Green Zone and only reporting what they receive from GOI and U.N. This lack of spine is both emboldening and empowering Iraqi and Iranian forces at Camp Liberty. We can see it in the upsurge of harassments.

The attached photos say it all. General Sulaimani is running the Iraqi government. The Ashraf massacres of 2009, 2011, and 2013; as well as the multiple rocket attacks on Camp Liberty, have already set the stage for what will be happening at Camp Liberty unless those residents are removed as quickly as possible.

SUMMARY:

28. U.S. Congress has passed two mandates on the U.S. Secretary of State:

a. To detail "*steps taken by the United States Government to address the plight, including resettlement needs, of Iranian dissidents located at Camp Liberty/Hurriya in Iraq.*"

b. *To report on the resettlement plan for Iranian dissidents and provide " a description of measures taken to improve the security and welfare (including the quality of life and access to medical care) of residents at Camp Liberty; an analysis of attacks against such dissidents since February 2009, including whether any weapons or training provided by the United States were used in the attacks, and safeguards to ensure that no such weapons or training are used in the future; and options for the resettlement of Iranian dissidents outside Iraq, including in the United States."*

29. Based upon the analysis and supporting documentation provided in this document, there should be no expectation of the U.S. State Department to do anything else but to conduct a deception operation at the expense of the residents of Camp Liberty.

a. The evidence is clear that all three ground attacks on Camp Ashraf were conducted by the Iraqi government using American-provided equipment and displaying American-provided training. The rocket attacks on Camp Liberty could not have been performed without the support and involvement of the Iraqi government. At the time of these attacks, the Iraqi government operated checkpoints every three hundred yards. The rockets were launched from either the west end of old Camp Liberty which stretched miles beyond the current area occupied by the residents or north of BIAP. Both areas are thoroughly occupied by Iraqi forces. Also, militias in 2013 did not drive around Iraq with vehicles mounted with 280 mm rocket systems.

b. U.S. State Department willfully ignored the 2004 Congressional mandate that designated what constituted a foreign terrorist organization and willfully failed to comply with the 2010 D.C. Court of Appeals ruling to properly address the MeK's status as a foreign terrorist organization. The United States Constitution does not have a provision that authorizes the Executive Branch to ignore laws passed by the Legislative Branch or rulings made by the Judicial Branch. Yet, U.S. State Department ignored both and continued with its own agenda.

30. One of the biggest problems endured by the residents of Camp Liberty is their being on the end of "reverse-engineered intelligence." UNAMI and U.S. State Department have predetermined political agendas with the Government of Iraq (GOI). The rumors and misinformation about the residents of Camp Liberty never end. In part this is caused by the U.S. Embassy staff never leaving the safety of Baghdad's Green

Zone to find out what is really happening at Liberty. Sources of misinformation start with the Iraqi military intelligence officers and, in turn, that information being embraced by UNAMI.

31. Reason and compassion do not prevail in anything pertaining to Camp Liberty. Political agendas, political careers, and personal bias are united in preventing a proper solution, especially on the part of U.S. State Department employees. Meanwhile, U.S. House of Representatives Resolution 3707, "To ensure the emergency protection of Iranian dissidents living in Camp Liberty/Humriya and to provide for their admission as refugees to the United States" was introduced December 11, 2013 (Attachment 36). Today, fifteen months later, it still remains untouched in committee.

32. Any future attempt by U.S. State Department to introduce former residents who defected from Camp Liberty and took up residency in the Iranian Ministry of Intelligence-operated Hotel Mojhaer into the United States must be blocked. These individuals are no longer Liberty residents and bringing them to the United States will not help the situation at Liberty. Should they be allowed into the United States, the probably of them working to undermine future resettlement will be very real. Furthermore, having been under the direct control of the Iranian Ministry of Intelligence, these people pose the greatest security threat of all – as evidenced by the defector's participation in the 2013 Ashraf Massacre.

33. Concerning the future of the residents, former Special representative of the U.N. Secretary-General for Iraq, Ad Melkert, stated it best: *"Hardly has a humanitarian issue been politicized as this one. Yet already for many years the victims are not the players. It is essential for the international community to understand this and thus consider it a duty to intervene in defense of international law and human rights, regardless of political interest or bias. This, therefore, should be the moment for governments and lawmakers to step up and let reason and compassion prevail."*

Wes Martin
Colonel (Retired), U.S. Army Military Police
Former Antiterrorism/Force Protection OIC for Coalition Forces-Iraq
Former Senior Operations Officer, Task Force 134 (Detention Operations), Multi-National Forces-Iraq
Former Commander – Camp Ashraf, Iraq

Colonel MARTIN. I investigated those—when I was the base commander as a military policeman, I went and investigated the allegations of abuse and along with a lot of other allegations. They were unfounded. What I found while I was there, and since then, the MEK is the most lied- to, lied-about—

Senator MANCHIN. Has the State Department corrected its findings?

Colonel MARTIN. No, sir. It—this report was generated when Julia Frifield sent to Congressman Royce a repetition of the previous lies and all the misinformation. They had been given the requirement—

Senator MANCHIN. But, they haven't changed anything, because 2012 was when they delisted them, right?

Colonel MARTIN. They delisted in 2012, and, even when that delisting was being done—that was Ambassador Dan Benjamin that was pushing forth that misinformation, “Well, we haven’t forgot what they’ve done.” I sat down with the State Department when I came back, under the promise to Major General Jack Gardner that I would continue to be his representative with the State Department while I was at the Pentagon—I thoroughly investigated. Behind me is Linc Bloomfield, who has thoroughly investigated all the allegations. The allegations—there were two mujahideens for a period of time, and then finally, when Massoud Radjavi was released from prison and he was able to take back control of the MEK, what became known as “the struggle” disappeared, and they disbanded, basically. But, the current organization is taking the blame for all the other atrocities that had happened.

The MEK has never attacked Americans. They did not kill Turner, Schaefer, and Hawkins, the Air Force officers back in the ’70s. They did not do these things. They—and probably the most embarrassing report that ever came out was the RAND study, because the RAND study was focused just on—and the State Department paid for it—they got friends of their position. I was at the Pentagon. I was never consulted. Others were never consulted. Only the people who was going to tell that State Department story. It’s kind of like the old John Wayne western, “When the legend becomes a fact, print the legend.”

Senator MANCHIN. Mr. Chairman, I’m so sorry.

Senator MCCAIN. Go ahead.

Senator MANCHIN. I was—I really wanted to—I really wanted to ask the question about, Are you three recommending to this committee that we help to relocate or bring them to America, or help relocate them with their loved ones throughout Europe?

Colonel MARTIN. I’ll let the other two gentlemen speak, but I definitely am.

Senator LIEBERMAN. Well, I’ll start at the beginning. First, thank you for the fact that the defense authorization bill has some components to it that really move in a direction that we would want. So, you’ve already done some of that.

The second is, on an ongoing basis, to pressure, either when you visit—members visit Iraq or through the State Department, through our embassy, pressure the Abadi government to know how important this is to us, because they’re going to get—how important the security and ultimate exit of the 2,400 at Camp Liberty is to the United States of America. Because, trust me, they’re going to get daily pressure in the other direction, from Iran. Up until this time, we’ve said we should find a place like Albania to go, but—I mean, I—as an American, I’d be proud and very secure in having these 2,400 come here, and I think they’d be great Americans.

General JONES. I completely agree with Senator Lieberman. I think it would show leadership, it would show some responsibility in this. I think the most important thing is to get everyone out of Camp Liberty as soon as possible.

Senator MANCHIN. I’m sorry, Mr. Chairman.

Senator MCCAIN. No problem. It was a good line of questioning. Senator Rounds.

Senator ROUNDS. Thank you, Mr. Chairman.

First, let me begin by just saying, I appreciate the Chairman's work in bringing this testimony and information to the committee. I agree, it's very important, and I appreciated the Senator from West Virginia's line of questioning and comments.

I would just ask this, just to begin with. Is the focus today with regard to how we resolve the issue surrounding Camp Liberty, is this an activity which requires more action on the part of our government, or is this a case of where it is more work being required of the Iraqi government, a combination of the two? Where is the biggest challenge we have in resolving this issue?

General JONES. Senator, I think that when we—when the State Department removed the MEK from the Tier 3 category, and the Department of Homeland Security—I'm sorry—Tier 4, right? Tier 3? Yeah, but they were Tier 1, right?

Colonel MARTIN. Yes, sir.

General JONES. Yeah. But, then the Tier 3 designation was instated by the Department of Homeland Security, which is kind of an arbitrary designation, but it triggered another obstacle that delayed the departure of the residents.

So, I think the easiest way is to make a decision to remove that Tier 3 artificial designation, which, from my standpoint, is valueless, and to step forward and lead this effort to get these remaining people out of Iraq, whether they go to Albania—I would prefer that they come here, simply because I think it sends a positive message. When you look at Mrs. Radjavi's 10-point plan for the future of Iran, it tracks very nicely with our own Constitution.

So, this MEK group is a democratic group, and we need to respect that, I think. We need to do the right thing.

Senator LIEBERMAN. I'd just say briefly that the very fact of this hearing is important today, because the greatest enemy of the people in Camp Liberty is invisibility, because then they get to be a pawn for the Iranians. The fact that the hearing is being held, and very strong supportive statements by the Chairman, Ranking Member Senator Reed, members of the committee, they'll get—they'll hear about this, both in Camp Liberty, so it'll give them hope, but also they'll hear about it in the government offices in Baghdad and, I hope, in Tehran.

I mean, the danger here is that, as part of what some people think is a new era in United States-Iranian relations, that the Iranians will try to leverage our State Department to turn away from what's happening in Camp Liberty. That's where the kind of bipartisan leadership that is reflected in this committee is so important. But, the ultimate—the immediate goal: protect the security of the people in Camp Liberty, and get them out of there to somewhere else as quickly as possible.

I'll just come back to what I said in my opening statement real briefly. This is a—to me, a message to us that we ought to be supporting political opponents, including the MEK, but others as well, to the Iranian regime, because that's probably the best way we can guarantee long-term better relations with that great country.

Colonel MARTIN. Sir, I'd defer to a note that was just passed to me by a man who I served with in combat and a close advisor to

the Multinational Force Iraq Commander as well as to Paul Bremer.

Abadi, as I mentioned before, is very weak. This is a golden opportunity for the United States to pressure him into allow the residents to leave and for us to bring all the residents here. As I mentioned, there are enough families throughout the United States, we can absorb all them. When you think about all the torment and all the horror that they have had to go through, for the past 3–4 years, especially—well, since 2009—and yet, they still remain loyal to the United States, hoping that we will be able to do something to lift them out of that tyranny, it's time to bring them out. It's only a matter of time before the fight between Maliki and al-Abadi is going to come to a head. I fear Maliki has the strongest support of the militias, Abadi will be out.

Senator ROUNDS. Thank you, Mr. Chairman.

Senator MCCAIN. Senator King.

Senator KING. Thank you, Mr. Chairman.

I'm new to this subject, so I want to ask some sort of basic questions.

Several times, you gentlemen used the term that “U.S. made assurances,” the term “solemn promise,” “guarantees.” Colonel Martin, you mentioned a card. What did that card say? What—I'd like to know specifically what assurances were delivered by whom and when.

Colonel MARTIN. Yes, sir, this was the Protected Persons Status under the Geneva Convention. I have a copy of it. If you give me a second, I can find it real quick and—

Senator KING. Well, I'd like to know what it says.

Colonel MARTIN. Okay.

Senator KING. I mean, what I'm searching for here is: What were the assurances and the—specifically—and who delivered them, and when? I think that's a fair question, given that's—seems to be the premise of this discussion.

Colonel MARTIN. “This cardholder is Protected Person under the agreement of the terms of the fourth Geneva Convention. Should the assigned person”—it's a little blurry—should an incident occur, it requests that the person contact the Military Police Brigade. Then it goes on, the agreement that they made, “You are being offered your release from control and protection in exchange for your promise to comply with certain regulations.” It clearly states they are protected, they will not be—they will not be arrested, they will not be harmed.

Senator LIEBERMAN. What did they have to do?

Senator KING. But—

Colonel MARTIN. What they had to do, sir, is go ahead and sign an agreement.

Senator KING. That's when they were moved from Ashraf to Camp Liberty?

Colonel MARTIN. No, sir, that was a whole different set of promises. If I may, sir.

Senator McCain, if it's all right, I'd like to have this submitted, too.

Senator KING. Well, you can make this for the record.

[The information referred to follows:]



HEADQUARTERS
MULTI-NATIONAL FORCE - IRAQ
BAGHDAD, IRAQ
APO AE 09342-1400

July 21, 2004

Deputy Commander

People of Ashraf
Ashraf, Iraq

I am writing to congratulate each individual living in Camp Ashraf on their recognition as protected persons under the Fourth Geneva Convention. This determination will assist in expediting the efforts of international organizations in your disposition as individuals in accordance with applicable international law.

You have signed an Agreement rejecting violence and terrorism. This sends a strong signal and is a powerful first step on the road to your final individual disposition.

In our efforts to reach a peaceful future for the people of Camp Ashraf, we will continue to seek the best disposition for each individual and commend you all for your patience and cooperation during this lengthy process.

Very Respectfully,

Jeffrey D. Miller
Major General, US Army
Deputy Commanding General

Senator KING. But, I want to know who made assurances——

Colonel MARTIN. Yes, sir.

Senator KING.—and what those assurances were. Saying “You’re a Protected Person under the”——

Colonel MARTIN. Yes, sir.

Senator KING.—“Geneva Convention” isn’t a promise that the U.S. will take you in. I mean, I just—I want to understand what the promise is that we’re being urged to honor.

Colonel MARTIN. Yes, sir. I understand.

The first one is, they would be protected and they would remain at Camp Ashraf. That was 2004. That was with the U.S. State Department, in agreement with the United States Department of Defense. Rumsfeld was the actual person that finally approved it, but working with the State Department.

The person who issued those cards, under order of the U.S. Embassy, was Brigadier General Dave Phillips, who was also part of this group that works closely, that they would be protected—

Senator KING. But, it's your position that this Geneva Convention assurance of being a protected person constitutes a solemn promise of the United States to look after these people indefinitely?

Senator LIEBERMAN. Part of this was—you correct me, Wes—that the residents gave up their arms. They were disarmed. That was part of a post-Saddam policy of our military in Iraq. General Odierno was actually involved, in some ways, not at the higher level he ultimately reached, but he was on the ground in these negotiations.

I'll tell you, Senator King, to me one of the most—I've had it happen two or three times—most compelling moments in my own understanding—or getting more understanding of what happened here was to hear leaders of the U.S. military, including General Phillips, but then people on up who were Chairman of the Joint Chiefs of Staff at the time, standing up and saying, at a public meeting, "We made a promise to these people, and we broke it." I mean, it was—

Senator KING. Well, all I'm looking for is, What's—what was the promise, when was it made, and who made it? Perhaps you could submit that for the record. That's what I'm interested in.

Colonel MARTIN. We can do that, sir.

[The information referred to follows:]

UNITED STATES PROTECTION AND COMMITMENT TO THE RESIDENTS:

Senator King asked about the commitment of the United States to the residents of former Camp Ashraf and now Camp Liberty, requesting that a written statement be provided to demonstrate how and by whom the residents were declared 'protected persons' and who in the United States Government recognized them as such and made the commitment to protect them.

As to this request, I would like to inform the Committee that the United States military, on behalf of the U.S. Government, signed an agreement with each and every single resident of Camp Ashraf that in return for "rejecting violence" and "rejecting participation in or support for terrorism" and delivering "all military equipment and weapons" under their "control and responsibility," they will "remain under the protection of the United States forces until their final disposition. These final disposition options included, among others, voluntary return to Iran or seeking refuge outside Iraq through relevant international organizations. The protected person status under the 4th Geneva Convention was granted following the signing of this agreement.

In a letter dated July 21, 2004, Maj. General Geoffrey D. Miller, then-Deputy Commanding General Multi National Force-Iraq, congratulated "each individual living in Camp Ashraf on their recognition as protected persons under the Fourth Geneva Convention." (Letter is enclosed)

I am providing the following factual narrative, which describes the timeline and a series of actions undertaken by the United States Government regarding the legal status of the MEK and the U.S. obligation and commitment to protect its members in Camp Ashraf. This narrative is based on my conversations with United States commanders in the Iraqi theater, public sources, and submissions by the MEK to the United States Court of Appeals for the District of Columbia, in which it explained the change of circumstances of the organization following the post-Iraq war.

In addition, I am also attaching a legal opinion on the subject by two highly acclaimed International Humanitarian Law scholars, **Prof. Marco Sassoli**, Professor of International Law and Director of the Department of International Law and International Organization at the University of Geneva, Commissioner of the International Commission of Jurists' (ICJ), and Associate Professor at the Université du Québec à Montreal, Canada; and **Dr. Siobhán Wills**, an expert in public inter-

national law, particularly the law of armed conflict, human rights law, and the law relevant to peacekeeping operations at University College Cork in Cork Ireland.

This legal opinion, citing various International Humanitarian Law and several articles of the Fourth Geneva Convention, makes it clear that even as of today, the United States is still legally bound to protect the residents of former Camp Ashraf and now Camp Liberty.

THE FACTUAL NARRATIVE:

1. MEK DISARMS:

Before the United States-led invasion of Iraq, the Mujahedin-e Khalq (MEK/PMOI) declared its complete neutrality in the conflict. In a letter to the Secretary of State Colin Powell in February 2003, the MEK's umbrella group wrote that it will take no part in the war and its only aim is to struggle against the Iranian regime. In early 2003, the MEK also gave the coordinates and locations of all of its bases and centers in Baghdad to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and subsequently through members of United States Congress and the British Parliament to the United States and UK governments.

In April 2003, the MEK and the Coalition forces signed an agreement of mutual understanding and coordination. Subsequently, a further agreement to consolidate and disarm was reached in May. General Raymond T. Odierno, who had negotiated the agreement, announced it in May 2003 and characterized it not as surrender, but as "an agreement to disarm and consolidate."¹ Concerning the MEK, General Odierno added, "I would say that any organization that has given up their equipment to the Coalition is clearly cooperating with us, and I believe that should lead to a review of whether they are still a terrorist organization or not."² He noted that the MEK and the U.S. shared similar goals "in forming democracy and fighting oppression and that they had been 'extremely cooperative.'"³

Following this agreement, the MEK handed over all its heavy, medium and small caliber weapons to the Coalition. In a statement on May 10, 2003, CENTCOM (United States Central Command) welcomed the PMOI's cooperation. It said, "V Corps has accepted the voluntary consolidation of the Mujahedin-E-Khalq's (MEK) forces, and subsequent control over those forces . . . The MEK forces have been abiding by the terms of this agreement and are cooperating with Coalition soldiers."⁴ In a statement a week later, CENTCOM said, "Coalition forces have consolidated 2,139 tanks, armored personnel carriers, artillery pieces, air defense artillery pieces and miscellaneous vehicles formerly in the possession of the Mujahedin-e Khalq (MEK) forces . . . The voluntary, peaceful resolution of this process by the MEK and the Coalition significantly contributes to the Coalition's mission to establish a safe and secure environment for the people of Iraq."⁵

In an interview with the press corps the following month, in response to a question about the status of MEK in Iraq, Gen. Odierno said, "They have been completely disarmed. We have taken all small arms and all heavy equipment. They had about 10,000 small arms, and they had about 2,200 pieces of equipment, to include about 300 tanks, about 250 armored personnel carriers and about 250 artillery pieces."⁶

2. THE UNITED STATES RECOGNIZES THE MEK AS 'PROTECTED PERSONS' UNDER THE FOURTH GENEVA CONVENTION:

Subsequent to the agreement on the voluntary handover of weapons between the MEK and the Coalition and once that process was completed, there followed an extensive investigation, including individual questioning, of each member resident at Ashraf (numbering about 3,400) by the CIA (Central Intelligence Agency), the FBI (Federal Bureau of Investigation), and the State, Defense, Justice, Homeland Security, and Treasury departments, among other agencies. Ultimately, on July 2, 2004, the US government concluded that it had "found no basis to charge members of an Iranian opposition group [MEK] in Iraq with violations of American law."⁷

¹Agence France Presse, "US says Iran opposition in Iraq agrees to disarm," April 10, 2003.

²Ibid.

³Ibid.

⁴CENTCOM statement, "MEK Consolidating under Coalition Control," May 10, 2003.

⁵CENTCOM statement, "Update on the Consolidation of the Mujahedin-E Khalq (MEK)," May 17, 2003.

⁶Defense Link, United States Department of Defense, "Maj. Gen. Odierno Video-teleconference from Baghdad," June 18, 2003.

⁷Douglas Jehl, "U.S. Sees No Basis to Prosecute Iranian Opposition 'Terror' Group Being Held in Iraq," *The New York Times*, July 27, 2004. Available at: <http://www.nytimes.com/>

That clean bill of health, together with the signing by such individual MEK member of a written agreement renouncing terrorism and rejecting violence led to the grant in July 2004 to all MEK members “protected person” status under the Fourth Geneva Convention.⁸ *The New York Times* wrote in this regard, “Senior American officials said extensive interviews by officials of the State Department and the Federal Bureau of Investigation had not come up with any basis to bring charges against any members of the group.”⁹

By Proclamation of July 2004, the United States affirmed that it had confirmed protected person status to the individuals at Camp Ashraf under the Fourth Geneva Convention. In a letter to Ashraf residents, **Maj. Gen. Geoffrey D. Miller**, then-Deputy Commanding General of Multi-National Force-Iraq, wrote, “I am writing to congratulate each individual living in Camp Ashraf on their recognition as protected persons under the Fourth Geneva Convention . . . You have signed an Agreement rejecting violence and terrorism. This sends a strong signal and is a powerful first step on the road to your final individual disposition.”¹⁰

The PMOI’s ‘protected persons’ statue was reiterated in a letter dated October 7, 2005 from **Major General William H. Brandenburg**, Deputy Commanding General of the Multi-National Force—Iraq, addressed to the General Secretary of the MEK, Mme. Sedigheh Hosseini, and the residents of Camp Ashraf. In his letter,¹¹ Gen. Brandenburg took note that both sides had benefited by their working together “in the spirit of common humanitarianism.” General Brandenburg’s meticulous listing in his letter of the rights guaranteed the MEK by the Coalition forces is a testament to the solicitude of the Coalition toward these individuals.

And in February 2006, **Maj. Gen. John Gardner**, who replaced Gen. Brandenburg, reiterated the MNF-I’s “responsibilities with regard to the Geneva Convention Relative to the Treatment of Civilian Persons (GCIV), 1949.”¹²

On September 4, 2008, **Gen. David Petraeus**, then-Commanding General of the Multi-National Force-Iraq, said, “the residents of Camp Ashraf, the Mujahedin-e Khalq, are in a legal status that is called “Protected Persons Status” by international law. And U.S. Forces still are responsible for the security of them because of that status.”¹³

International organizations have also recognized the status of the PMOI/MEK as protected persons under the Fourth Geneva Convention. The International Committee of the Red Cross (ICRC) wrote in April 2004, “The PMOI members in Iraq fall in general under the protection of the Fourth Geneva Convention.”¹⁴ The ICRC reiterated its position in a subsequent letter in December 2004. It wrote, “. . . those persons who were protected by the Fourth Geneva Convention . . . remain protected by the Fourth Geneva Convention.”¹⁵

3. CONTINUED PROMISE OF SECURITY TO THE RESIDENTS

The Department of State directly or by other means repeatedly reiterated its commitment to safety and security of the residents. The following are a few examples:

a) **Secretary Hillary Rodham Clinton, December 25, 2011:**

“We welcome the agreement by the Government of Iraq to allow the United Nations to station monitor at this new location around the clock and to observe the move from Ashraf to this new location.”¹⁶ She added “In addition, officials from United States Embassy Baghdad will visit regularly and frequently.”¹⁷

b) **Ambassador Daniel Fried, “Special Briefing”, December 29, 2011:**

[2004/07/27/world/reach-war-people-s-mujahedeen-us-sees-no-basis-prosecute-iranian-opposition.html](http://www.state.gov/world/reach-war-people-s-mujahedeen-us-sees-no-basis-prosecute-iranian-opposition.html)

⁸ US government declaration on the ‘protected persons’ status of the MEK, July 2, 2004.

⁹ Jehl, Op.cit.

¹⁰ Maj. Gen. Geoffrey D. Miller. Deputy Commanding General, MNF-I. letter to Ashraf residents, July 21, 2004.

¹¹ Maj. Gen. William H. Brandenburg, Deputy Commanding General. MNF-I. letter to MEK Secretary General, Ms. Sedigheh Hossein, October 7, 2005.

¹² Maj. Gen. John D. Gardner, Deputy Commanding General, MNF-I, letter to MEK Secretary General, Ms. Sedigheh Hosseini, February 6, 2006.

¹³ General David Petraeus, Commanding General, Multi-National Force-Iraq, interview, September 4, 2008.

¹⁴ Georges Comminos, Head of Operations, Middle East and North Africa, International Committee of the Red Cross, April 20, 2004.

¹⁵ Georges Comminos, Head of Operations, Middle East and North Africa, International Committee of the Red Cross, December 16, 2004.

¹⁶ <http://www.state.gov/secretary/rm/2011/12/179695.htm>

¹⁷ <http://www.state.gov/secretary/rm/2011/12/179695.htm>

- “The U.N. will conduct 24/7 monitoring at Camp Liberty—or former Camp Liberty.”¹⁸ He also said “In addition, Embassy Baghdad will visit former Camp Liberty on a frequent basis to provide robust observation.”¹⁹
- c) **Agreement between Department of State and MEK, August 16, 2012:**
The Department of State “Commit to support safety and security of the residents until the last of the residents leaves Iraq.”
- d) **Department of State, August 29, 2012:**
“The United States also reiterates its commitment to support the safety and security of the residents throughout the process of their relocation outside of Iraq.”²⁰
- e) **Further assurances, September 1, 2012**
Following discussing with State Department officials in a letter addressed to Mrs. Rajavi, Secretary Tom Ridge, Governor Ed Rendell and Senator Robert Torricelli wrote: “Department officials also stressed their commitment for the safety and security of all residents throughout the process of their relocation outside Iraq.”(The letter is attached).
- f) **Agreement on 100 residents remaining at Ashraf as custodians of the residents’ property, August 16, 2012:**
The August 16, 2012, agreement between Department of State and PMOI recognizes the right of the residents to “keeping an agreed number of residents at Ashraf to oversee the sale of the residents’ possessions.” This was the foundation of the quadripartite agreement also including U.N. and GOI for the relocation of the residents to Liberty. Accordingly, all agreed that 100 could stay in Ashraf, without a time limit, until the property issue was resolved. United Nations Secretary General’s Special Representative to Iraq, Amb. Martin Kobler, reiterated this point in the “Final arrangement for the relocation of Camp Ashraf residents” on September 6, 2012: “The GOI should provide protection for the property and remaining residents in CNI [Camp Ashraf] and their until the issue of property is resettled completely.” Secretary Clinton’s Special Advisor on Ashraf Amb. Fried wrote on September 6, 2012: “... 100 residual group without time limit remains as guardian of the property [at Camp Ashraf]. GOI also must provide protection for property.” Ambassador Fried was asked “whether there was a deadline for the last group of 100 to leave, he said there was ‘no time limit’.”²¹ (AFP, October 3, 2012). Despite such agreement on September 1, 2013, Camp Ashraf was attacked and 52 residents were massacred, execution-style.²²
- g) **Under Secretary of State for Political Affairs Wendy Sherman, Senate Foreign Relations Hearing, October 3, 2013:**
“We quite agree that we need to do anything we can to resettle the people [in Camp Liberty], to get them out of the harm’s way, to make good on the word we gave to the MEK. I know there are strong feelings up here and I understand why.”²³

Wesley Mortin (Ret.),
Colonel (Retired), U.S. Army Military Police;
Former Anti-Terrorism/Force Protection OIC, for Coalition Forces-Iraq;
Former Senior Operations Officer, Task Force 134 (Detention Operations), Multi-National Forces
Iraq
Former Commander-Camp Ashraf, Iraq

¹⁸ <http://www.state.gov/r/pa/prs/ps/2011/12/179792.htm>

¹⁹ <http://www.state.gov/r/pa/prs/ps/2011/12/179792.htm>

²⁰ <http://www.state.gov/r/pa/prs/ps/2012/08/197002.htm>

²¹ Agence France Presse, October 3, 2012.

²² Ernesto Londono, “At least 52 Iranian exiles executed in Iraqi camp, U.N. says,” *The Washington Post*, September 4, 2013. Available at: <https://www.washingtonpost.com/world/national-security/at-least-52-iranian-exiles-executed-in-iraqi-camp-un-says/2013/09/03/4eab81fa-14e5-11e3-a100-66fa8fd9a50c—story.html>

²³ Available at: <http://www.foreign.senate.gov/hearings/reversingirans-nuclear-program>

Supporting Documents



May 10, 2003

US says Iran opposition in Iraq agrees to disarm

NORTHEASTERN IRAQ, May 10 (AFP) - US forces struck a disarmament deal here Saturday with the Iraq-based Iranian armed opposition, a group listed as a terrorist organization in the United States, a US general told AFP.

The People's Mujahedeen's thousands of guerrilla fighters and heavy weapons are to assemble in camps in Iraq under the control of the US-led coalition, said General Ray Odierno, commander of the US Army's 4th Infantry Division.

"It is not a surrender. It is an agreement to disarm and consolidate," Odierno said after winding up two days of talks with the group, which has been termed a terrorist organization by the US State Department, the European Union and Iran.

Speaking at a Mujahedeen base near the Iranian border, the general said they appeared to be committed to democracy in Iran and their cooperation with the United States should prompt a review of their "terrorist" status.

"I would say that any organization that has given up their equipment to the coalition clearly is cooperating with us, and I believe that should lead to a review of whether they are still a terrorist organization or not," he said.

The Mujahedeen's 4,000 to 5,000 fighters -- many of whom were educated in the United States and Europe -- would gather at one camp in Iraq while their equipment, including scores of tanks, would be collected at another, Odierno said.

Both camps would be guarded by coalition forces and the weapons would not be available to the Mujahedeen "unless we agree to allow them to have access", the general said.

The fighters, including a large number of women, would not be categorized as prisoners of war but they would be under "coalition control." Their status would be decided by Washington at a later date.

They are likely to face brutal retribution if they are repatriated to Iran, while asylum in the United States could fuel charges of double standards in the US fight against terrorism.

The People's Mujahedeen was supported by Saddam Hussein's regime as a buffer against Iranian influence in Iraq, and could provide US forces with valuable information about the former Iraqi leadership and pro-Iranian militia groups in the region.

Asked what role they could play in the future of Iraq, Odierno said only that they shared similar goals to the United States in "forming democracy and fighting oppression" and that they had been "extremely cooperative."

Mujahedeen officials refused to comment publicly about the agreement, but one officer said the group had no quarrel with the United States and had not fired a shot at coalition forces during the war to topple Saddam's regime.

A "ceasefire" deal was agreed last month after the United States bombed some of the Mujahedeen's camps in Iraq.

US and Mujahedeen troops have mingled cordially during the discussions here over the past two days, although the US military was taking no chances with regular overflights by F-15 bombers and Apache attack helicopters.

Washington's dialogue with the Mujahedeen has infuriated Iran, which has accused the United States of hypocrisy in its "war on terror".

Also known by its Persian name Mujahedeen-e Khalq, the group has mounted major attacks inside Iran and has been fighting to overthrow the clerical regime in Tehran since shortly after it seized power.

Washington and Tehran do not have formal diplomatic relations, and US President George W. Bush labelled Iran as part of an "axis of evil" last year along with Saddam's Iraq and communist North Korea.

US officers are concerned that if the group is rendered powerless, rival guerrillas from the Badr Brigade, the Iran-based military wing of the main Iraqi Shiite faction, will gain influence in the region.



NEWS RELEASE

HEADQUARTERS UNITED STATES CENTRAL COMMAND
7115 South Boundary Boulevard
MacDill AFB, Fla.

33621-5101 Phone: (813) 827-5894; FAX: (813) 827-2211; DSN 651-5894

May 10, 2003
Release Number: 03-05-37

FOR IMMEDIATE RELEASE

MEK CONSOLIDATING UNDER COALITION CONTROL

COBRA BASE, IRAQ - V Corps has accepted the voluntary consolidation of the Mujahedin-E-Khalq's (MEK) forces, and subsequent control over those forces. This process is expected to take several days to complete. When finally accomplished, the peaceful resolution of this process between the MEK and the Coalition will significantly contribute to the Coalition's mission to set the conditions that will establish a safe and secure environment for the people of Iraq. Previously, V Corps was monitoring a cease-fire brokered between the MEK and Special Forces elements. The MEK forces have been abiding by the terms of this agreement and are cooperating with Coalition soldiers. While we are confident that the process will proceed smoothly, we are conducting this operation in a deliberate manner to minimize the possibility of misunderstandings or renewed violence. Groups displaying hostile intent or refusing to cooperate with the authority of the Coalition will be subjected to the full weight of Coalition military power. Groups are encouraged to adhere to this warning and submit to the authority of the Coalition immediately.

-30-



NEWS RELEASE

HEADQUARTERS UNITED STATES CENTRAL COMMAND
7115 South Boundary Boulevard

MacDill AFB, Fla.

33621-5101 Phone: (813) 827-5894; FAX: (813) 827-2211; DSN 651-5894

May 17, 2003

Release Number: 03-05-57

FOR IMMEDIATE RELEASE

COALITION AND IRAQI POLICE WORK TO MAKE IRAQ SECURE (May 17, 2003)

CAMP DOHA, Kuwait -- Coalition Forces continue to aggressively patrol to make Iraq safer for all Iraqis by eliminating smuggling and trade in weapons and explosives. Coalition forces also continue to conduct training and joint security patrols with Iraqi police in efforts to increase the professionalism of the police force and prepare them for their role in a self-governed Iraq.

Update on the Consolidation of the Mujahedin-E Khalq (MEK)

Coalition forces have consolidated 2,139 tanks, armored personnel carriers, artillery pieces, air defense artillery pieces and miscellaneous vehicles formerly in the possession of the Mujahedin-E Khalq (MEK) forces. The 4th Infantry Division also reports they have destroyed most of the MEK munitions and caches. **The voluntary, peaceful** resolution of this process by the MEK and the Coalition significantly contributes to the Coalition's mission to establish a safe and secure environment for the people of Iraq.

Coalition Activity:

Coalition Joint Task Force Seven (CJTF-7) has procured and will soon distribute 20,000 police uniforms to the Iraqi police throughout Iraq.

AGREEMENT FOR THE INDIVIDUALS OF THE PEOPLE'S MUJAHEDIN ORGANIZATION OF IRAN (PMOI)

You are being offered your release from control and protection in exchange for your promise to comply with certain conditions. In exchange for your promises, you will be released from Multi-National Forces-Iraq control and protection as soon as reasonably practicable.



Please read the Agreement below. If you agree to abide by these terms, then sign your name at the bottom of the page.

AGREEMENT


I, KHAIRY, AMIR, knowingly, willingly, and voluntarily enter into this Agreement with Multi-National Forces-Iraq. I agree to the following:

- a. I reject participation in, or support for terrorism.
- b. I have delivered all military equipment and weapons under my control or responsibility.
- c. I reject violence and I will not unlawfully take up arms or engage in any hostile act. I will obey the laws of Iraq and relevant United Nations mandates while residing in this country.

I understand that I will be free to leave and to return home when viable disposition options become available. I understand that some of these disposition options include: return to my nation of origin; admission to a third country; application to the Ministry of Displacement and Migration for continued residency in Iraq, or application to international organizations such as the United Nations High Commissioner for Refugees. I agree to cooperate with Multi-National Forces-Iraq while these disposition options are pursued. I agree to remain under the protection of Multi-National Forces-Iraq at Camp Ashraf until these options are completed. If I violate any terms of this Agreement, I may be subject to prosecution or internment, and administrative sanctions. I promise to scrupulously comply with my Agreement.

	<u>KHAIRY, AMIR</u>	<u>25 AC 8853</u>
SIGNATURE	NAME (PRINTED)	IDENTITY NUMBER
	<u>VIVIANE BENEZ, LTC</u>	<u>9 Jul 2004</u>
MNF-Iraq Representative	PRINTED NAME, RANK	DATE

PROTECTED PERSON



AMIR KHAIRY
25AC8853
1890

The card holder is a **PROTECTED PERSON** under the agreements and terms of the fourth Geneva Convention.

Should an incident occur, it is requested that you contact the 89th Military Police Brigade at the following phone numbers:

IRAQNA Cell: 790-192-8363 / 790-190-8348 / 790-192-8414

MCI Cell: 1-914-360-5094 or 1-914-360-6749

D N V T: 534-6263 / 539-4530 / 539-4531 / 539-4509

DSN: 318-534-6263 or 318-539-4501



HEADQUARTERS
MULTI-NATIONAL FORCE - IRAQ
BAGHDAD, IRAQ
APO AE 09342-1400

*Proclamation by the Commander, Multi-National Forces –
Iraq, on the Signing of the “Agreement for the Individuals of the
People’s Mujahedin Organization of Iran (PMOI)” at Ashraf,
Iraq*

To the residents of Ashraf

The United States has confirmed your status as “protected persons” under the Fourth Geneva Convention and has communicated that determination to the International Committee of the Red Cross in Geneva. The acknowledgement of this determination will assist in expediting the efforts of the International Committee of the Red Cross and the United Nations High Commissioner for Refugees in your disposition as individuals in accordance with applicable international law.

2 July, 2004



HEADQUARTERS
MULTI-NATIONAL FORCE - IRAQ
BAGHDAD, IRAQ
APO AE 09342-1400

July 21, 2004

Deputy Commander


People of Ashraf
Ashraf, Iraq

I am writing to congratulate each individual living in Camp Ashraf on their recognition as protected persons under the Fourth Geneva Convention. This determination will assist in expediting the efforts of international organizations in your disposition as individuals in accordance with applicable international law.

You have signed an Agreement rejecting violence and terrorism. This sends a strong signal and is a powerful first step on the road to your final individual disposition.

In our efforts to reach a peaceful future for the people of Camp Ashraf, we will continue to seek the best disposition for each individual and commend you all for your patience and cooperation during this lengthy process.

Very Respectfully,


Geoffrey D. Miller
Major General, US Army
Deputy Commanding General

The New York Times

July 27, 2004

PEOPLE'S MUJAHEDDEEN

U.S. Sees No Basis to Prosecute Iranian Opposition 'Terror' Group Being Held in Iraq

By DOUGLAS JEHL

WASHINGTON, July 26 - A 16-month review by the United States has found no basis to charge members of an Iranian opposition group in Iraq with violations of American law, though the group is listed as a terrorist organization by the United States government, according to senior American officials.

The case of the group, the People's Mujahedeen of Iran, or Mujahedeen Khalq, whose camp was bombed by the United States military in April 2003, has been watched closely as an important test of the Bush administration's policy toward terrorism and toward Iran.

About 3,800 members of the group are being held in de facto American custody in Camp Ashraf, about 60 miles northeast of Baghdad. The group remains on the United States terrorist list, though it is not known to have directed any terrorist acts toward the United States for 25 years. But it does stage attacks against Iran, which has demanded that the Iraqi government either prosecute them or deport them to Iran.

But senior American officials said extensive interviews by officials of the State Department and the Federal Bureau of Investigation had not come up with any basis to bring charges against any members of the group. In a July 21 memorandum, Maj. Gen. Geoffrey D. Miller, the deputy commanding general in Iraq, said its members had now been designated "protected persons" by the United States military, providing them new rights.

The American approach appears to reflect the limits of the government's counterterrorism policy. In the case of the People's Mujahedeen, the United States does not appear to have evidence to charge individual members of the group with acts of terrorism, but it also appears unwilling to surrender its members to their enemy, Iran.

Under the Fourth Geneva Convention, which governs treatment of civilians in wartime, "protected persons" are those who fall under the control of an occupying power or a country involved in the conflict. Among the most significant rights

they are granted are protection against collective punishment and against expulsion.

The formal American determination came after members of the group signed an agreement rejecting violence and terrorism, General Miller said in his July 21 letter, addressed to the "people of Ashraf." That agreement "sends a strong signal and is a powerful first step on the road to your final individual disposition," the general's letter said, according to a copy that was made available to The New York Times.

The State Department said Monday that the determination of the status of group in Iraq did not affect its designation as a terrorist organization. The 3,800 members at Camp Ashraf are still being vetted to determine whether any took part in terrorist activities, said Adam Ereli, the department's deputy spokesman.

But in the memorandum, General Miller struck a warm tone, saying he was "writing to congratulate each individual living in Camp Ashraf" on their status. Senior American officials said it was still possible that some members of the group might be charged with crimes in European countries, but that they did not expect any of them to be charged in American courts.

"A member of a terrorist organization is not necessarily a terrorist," a senior American official said. "To take action against somebody, you have to demonstrate that they have done something."

Muhammad Mohaddessin, a senior official of the People's Mujahedeen, said in a telephone interview from Paris on Monday that the absence of American charges against members of the group, after months in which they have been held, should raise questions about the organization's terrorist designation.

"I think the fact of the matter is that there is no reason for keeping the Mujahedeen on the terrorism list at all," Mr. Mohaddessin said, "because if these thousands of people who are in Iraq are not terrorists - when they all have been screened, and no terrorism link has been found - then really there is no basis whatsoever for accusing the Mujahedeen of being a terrorist organization."

The American military has kept the members confined to their camp since April 2003, when the organization signed an agreement with United States commanders. Their designation as "protected persons" reflects a final determination that they were not involved in acts of belligerence against the American military during the war, American officials said.

The designation would make it all but impossible for members of the group to be extradited to Iran, senior American officials said. In December, the interim Iraqi government ordered that members of the group be expelled, but the move was opposed by the United States, and the directive was never carried out.

Some opponents of Iran, including dozens of members of Congress, have argued that the People's Mujahedeen serves as an effective source of pressure on the Iranian government and should be rewarded, not punished, by the United States.

Nevertheless, Mr. Ereli, the State Department spokesman, said the group "continues to be a designated foreign terrorist organization," a status that was imposed by the Clinton administration.

He said that "we will continue to treat individuals who can be determined to have been involved in terrorist incidents consistent with the laws that apply." But privately, senior American officials noted that it has been more than 25 years since members of the People's Mujahedeen were last believed to have been involved in attacks against the United States, and that most of its recent violent acts were directed at Iran.

In Iran, a government spokesman, Abdollah Ramazanzadeh, said any American move to grant the People's Mujahedeen protected status would undermine the United States' claims to be fighting terrorist groups. "I hope those who claim they are combating terrorism prove the truth and confront the ones who have committed extensive crimes against the Iranian nation," he said.

A senior American official said the United States opposed Iran's request that members of the group be handed over for trial because "we have real questions about the fairness and transparency of justice" there.

Until the American invasion of Iraq last year, the People's Mujahedeen maintained armed camps near the Iranian border that included tanks, artillery and other modern weapons. The group had operated inside Iraq since the late 1980's with the support of the Iraqi government.

The American bombing raids on the camps represented the most aggressive approach by the United States in the handling of the group. It was followed by a gentler approach, including prolonged cease-fire negotiations and a cordial relationship between the group and the American military police units that have guarded the camp, preventing members from leaving except under American military escort.



HEADQUARTERS
 MULTI-NATIONAL FORCE - IRAQ
 BAGHDAD, IRAQ
 APO AE 09342-1400

October 7, 2005

MNFI-DCG

Ashraf, Iraq

To The PMOI General Secretary, Madame Sedigheh Hoseini and The Residents of Camp Ashraf

In June of 2004, the residents of Camp Ashraf were determined to be protected by the provisions of the Fourth Geneva Convention covering alien civilians in a territory of conflict.

Since that date, we believe that Coalition Forces and the residents of Camp Ashraf have greatly benefited from working together to ensure that the rights and protections provided by the Fourth Geneva Convention are enjoyed by the residents of Camp Ashraf, in the spirit of common humanitarianism.

As we approach the first anniversary of this legal determination, I would like to take this opportunity to review important rights and protections under international law that this determination provides to the residents of Camp Ashraf.

- i. The residents of Camp Ashraf have the right to protection from danger, violence, coercion, and intimidation, and to special protection for the dignity and rights of women;
- ii. They have the right to help in contacting their families outside Camp Ashraf, and their families have the right to help in contacting them;
- iii. They have the right to seek assistance from the International Committee of the Red Cross, the United Nations High Commissioner for Refugees, and from other international humanitarian organizations;
- iv. They have the right to freedom of thought, religion, expression, intra-community association, and political opinion; they also have the right to freedom from persecution and forced unpaid labor;
- v. They have the right to food, health care, and a quality of living which meets the standards of local residents of the territory in which they are protected;

- vi. They have the right to fair treatment under the law, in accordance with Iraqi domestic law and international standards;
- vii. They have the right to pursue employment opportunities and profit-making activities which are consistent with local laws and can be taken without compromising their overriding right to personal safety;
- viii. They have the right to speak with representatives of the Coalition, the Protecting Power, privately and with confidence in the Coalition's humanitarian interest in their situation;
- ix. They have the right to refuse to return to their country of nationality, regardless of their legal status in the country in which they are protected;
- x. They have the right to depart the territory of conflict at any time for their country of nationality or for any other country for which they possess valid travel documentation.

All of these rights are essential for the protection of the residents of Camp Ashraf, and under the terms of the Fourth Geneva Convention, and they cannot be renounced, either by the residents of Camp Ashraf or by Coalition Forces.

It is important that the residents of Camp Ashraf are aware of the rights they enjoy, and of the ways in which they are able to exercise those rights. It is also important that all residents of Camp Ashraf understand that they are free to depart Iraq at any time, and that Coalition Forces and international and humanitarian organizations stand ready and willing to assist them.

All residents of Camp Ashraf wishing to return to the country of their nationality are eligible for assistance from Coalition Forces, the Iraqi Ministry of Human Rights, and the International Committee of the Red Cross (ICRC), which have helped nearly 300 people return to Iran and other countries in recent months.


All residents of Camp Ashraf who do not wish to return to their country of nationality and instead wish to seek an individual or family refugee status determination, and individual or family claims for resettlement in a third country, can request that their cases be referred to the United Nations High Commissioner for Refugees (UNHCR).

Coalition Forces remain committed to fulfilling the humanitarian mission of ensuring that the important rights provided by the Geneva Conventions – to safety and security, to freedom of thought, to food and shelter – are respected at Camp Ashraf.

Please do not hesitate to contact the JIATF Commander, or to speak to any of the men and women under my command who work alongside them at Camp Ashraf, if you have any questions or concerns about your situation.

Communication is one of the most important tools we have in ensuring that the rights provided to the residents of Camp Ashraf are enjoyed equally by all. We welcome conversation with all of the people of Ashraf, and the men and women under my command look forward to hearing your thoughts and concerns.

Very Respectfully,


William H. Brandenburg
Major General, US Army
Commanding

Aswat al-Iraq

4 SEPTEMBER 2008



GENERAL DAVID PETRAEUS

[INT: Hadi Hossain (pt). He's from Aswat al-Iraq. My question is about the Ashraf camp that is Mujahdi Khalq's home, I guess. They're now transferring the security, the security situation from the American forces to the Iraqi forces. They're saying that they are being protected by the international law, also by -- there's a Law 1948, I think. These forces are -- What did the American forces do about transferring the security? They don't have any fear that this opera- -- that they -- transferring these forces is going to be harmful to these people or they're going to be harmed?

GEN. PETRAEUS: As you may know, the residents of Camp Ashraf, the Mujahedin-e Khalq, are in a legal status that is called "Protected Persons Status" by international law. And U.S. forces still are responsible for the security of them because of that status. We have, however, begun the process of transition of security to Iraqi Security Forces, who are now joining us, they are jointly helping to secure Camp Ashraf. We were required by international law to request from the governor of Iraq assurances that the Mujahedin-e Khalq would continue to receive security and would be protected. We have recently received those assurances, and therefore began the process of, of planning the transition from Coalition Security Force security to security by Iraqi Security Forces. There will be additional steps required, again, to meet the requirements of international law. We have taken international organizations up there and also your Ministry of Human Rights and, I think, most recently that you heard the Prime Minister spokesman, Ali al-Dabbagh yesterday, I believe, or the day before, state that they will in fact be secured after the transition of that security to Iraqi Security Forces.

.....



REPLY TO
ATTENTION OF

HEADQUARTERS
MULTI-NATIONAL FORCE - IRAQ
BAGHDAD, IRAQ
APO AE 08342-1400

February 16, 2006

Office of the Deputy Commanding General

Secretary General Madame Sedigheh Hosseini
Ashraf, Iraq

Dear Madame Hosseini:

Thank you for your recent inquiry on behalf of the residents of Camp Ashraf regarding the legality of any non-voluntary repatriation of Ashraf residents to their country of origin. Multi-National Force-Iraq appreciates our responsibilities with regard to the Geneva Convention Relative to the Treatment of Civilian Persons (GC IV), 1949. In particular, we are sensitive to the requirements established in Article 45 which prohibit the transfer of a protected person to a country in which he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

Finally, I would like to assure you that the coalition remains deeply committed to the security and rights of the protected people of Ashraf and the principle of non-refoulement. We will continue to work with the residents of Camp Ashraf, Iraqi authorities, and appropriate international organizations to resolve the disposition of the Ashraf residents consistent with applicable international law.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Gardner".

John D. Gardner
Major General, U.S. Army
Deputy Commanding General

Edward G. Rendell

200 South Broad St., Suite 420
Philadelphia, PA 19102

Robert Torricelli

Willow Pond Farm
Rossmore, New Jersey 08853

Tom Ridge

1140 Connecticut Avenue, NW, Suite 110
Washington, DC 20036

Mrs. Maryam Rajavi,
President-elect, NCRI,
15 rue des Gords,
95430 Auvers Sur-Oise
France

September 1, 2012

Dear President Rajavi,

In recent weeks we have been involved in a continuous dialogue with senior State Department officials of the United State Government. These discussions have included Deputy Secretary Nides and Ambassador Dan Fried, Secretary Clinton's Special Advisor on Camp Ashraf. Our purpose has been to create a credible link between your movement and the United States Government by virtue of our previous service to our Government and our known commitment to the humanitarian needs of the residents of camps Ashraf and Liberty.

We are now convinced that senior State Department officials are aware of the condition in Camp Liberty including the ordeal of the residents and there is a genuine intention in the State Department to resolve this problem. They have reassured us that they are committed to securing the humanitarian requirements of water and electricity. Recent discussions have focused directly on the need to transfer generators, basic construction equipment, special facilities for the disabled as well as personal and utility vehicles. After the last convoy the challenge will be to protect and then monetize residents' property at Ashraf on a reasonable basis.


Department officials also stressed their commitment for the safety and security of all residents throughout the process of their relocation outside Iraq. They seem particularly focused on finding a resolution to the relocation issue as soon as possible and appear to be regularly engaged with other governments.

Finally, our discussions with senior officials, including Secretary Nides and Ambassador Fried, recognize the importance of the delisting of the MeK in the resettlement process. They assured us that after the residents leave Ashraf by mid September for Liberty (except those remaining for maintenance and selling of the properties) the MEK will be delisted in a matter of days. They were very explicit on this and convinced us that the Department of State is committed to delisting the MeK and want to assure you of our firm belief that delisting the MEK is imminent. This would, of course, enable all of us including the Department of State to focus on resettlement of all residents outside Iraq. As we have been assured directly, we are confident that the Department will act honorably.

We praise your leadership in handling this complex political and humanitarian issue with such outstanding skill and care for human values. We also commend the camp leadership in the face of such a difficult and unbearable situation.

We also respect the sacrifices that the residents have made in this ordeal and admire their commitment to a free Iran. We can only offer our own assurance that our discussions with the United States Government have convinced us of their continued commitment to improve conditions and end the unjust listing of the MEK on the FTO list.

Respectfully,



Governor Edward Rendell



Senator Robert Torricelli



Secretary Tom Ridge

CC: Ms. Mojgan Parsaei, Vice President, Camp Ashraf
Ms. Zohreh Akhyani, PMOI Secretary General, Camp Ashraf

From: "Fried, Daniel" <FriedD@state.gov>
Date: Thu, 6 Sep 2012 08:40:33 -0400
To: <rgtnj1@aol.com>
Subject: Some progress

Finally, and after much sharp prodding, trucks have shown up at Ashraf. More, UNAMI, with our support, negotiated with the GOI a text of "Final Arrangements," to be sent shortly to Paris. It includes:

- Convoy 7 to consist of 680 persons. Inspection to begin 7 September. Loading to begin 9 September. Passengers (with personal luggage) to be inspected starting 12 September. Arrival at Hurriya by 15 September.
- Residual group of 200 through the end of September. After that, 100 residual group without time limit remains as guardian of the property. GOI also must provide protection for property.
- Residents hand over "parts" of Ashraf after Convoy 7. Rest handed over after agreement on property.

Issues of property may be the largest outstanding problems. But this marks progress. MEK should respond in line with current constructive mode, not with previous histrionics.

It goes without saying that we will have to keep prodding and pushing to keep this on track.

**The Legal Obligations of the United States to Protect the Members of
the People's Mujahedin Organisation of Iran now in Camp Ashraf**

Prof Marco Sassoli

Dr Siobhán Wills

27 December 2008

**The Legal Obligations of the United States to Protect the Members of
the People's Mujahedin Organisation of Iran now in Camp Ashraf**

Prof Marco Sassoli

Dr Siobhán Wills

I. Introduction

This paper examines the legal obligations of the United States to protect the members of the People's Mujahedin Organisation of Iran (PMOI) that are now in Camp Ashraf, focusing in particular on the obligations arising under international humanitarian law. The United States (which assumed protection of the PMOI in 2003 when, following the Organisation's disarmament, it took over responsibility for the security of their camp), is currently under pressure to transfer control of Camp Ashraf to the government of Iraq. In June 2008 Iraq's Council of Ministers agreed a number of measures in relation to the PMOI, including a demand that the Multi-National Force 'abandon this Organisation and hand over to relevant Iraqi authorities all control points and issues that relate to the members of this Organisation.'¹

The PMOI are refugees from Iran. Without the protection of the United States they would be very likely to be repatriated to Iran. There are well founded grounds for fearing that they would be persecuted there: the suppression of the PMOI by the Iranian regime and the arrest and execution of its members has been documented by independent observers such as Amnesty International.² The PMOI would also be vulnerable to attacks whilst still in Iraq; the government of Iraq would not be able to protect them. The abandonment and handing over to Iraqi authorities of the PMOI would also place the PMOI at grave risk of serious violations of their human rights at the hands of the government of Iraq, including the right to life, to freedom from torture and inhumane treatment, deportation, unlawful transfer to another State where they would be at risk of persecution, unlawful confinement and the imposition of punitive measures without being granted the right to a fair hearing. Violations of this nature constitute grave breaches of the Geneva Conventions.³

The legal bases of the IHL obligations of the United States towards the PMOI are complex. This is not surprising given the novel circumstances in which the United States currently exercises military authority in Iraq, and the equally novel circumstances in which the PMOI came to be under the protection of the United States. Although the conflict was clearly international in 2003, it now has elements of both

¹ The Republic of Iraq, Secretariat of the Council of Ministers, Ratification of the Council of Ministers No. (216), 27th Ordinary Session, 17 June 2008, [4].

² Guy Goodwin-Gill and Vera Gowland-Debbas, Legal Opinion: The Protection of Members of the People's Mujahedin Organisation of Iran (PMOI) under International Law 20 November 2006, [5].

³ Article 50 Geneva Convention I; Article 51 Geneva Convention II; Article 130 Geneva Convention III; Article 147 Geneva Convention IV.

types of conflict and fits neither the international nor non-international model well. Some leading academics, such as Sir Adam Roberts, take the view that the conflict should continue to be regarded as international.⁴ Conversely the International Committee of the Red Cross (ICRC) has adopted the view that the conflict is now non-international on the grounds that the Multi-National Force (MNF) is now present with the consent of the government of Iraq. However, even if the conflict in Iraq is viewed as having become non-international at some point subsequent to the removal of Saddam Hussein from power, some of the key provisions of the Fourth Geneva Convention remain applicable, in particular, art. 6 para. 4 of the IVth Geneva Convention, which provides that "Protected persons whose release, repatriation or re-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention." Indeed, it would be contrary to the purposes and principles of international humanitarian law to deny the obligations due to refugees who had the status of 'protected persons' during the early stages of an ongoing conflict (and whose position has not materially changed) on the grounds that the conflict is no longer international. This principle was effectively acknowledged by the United States when in July 2004 (hence after the 'transfer of sovereignty' to the transitional government),⁵ it confirmed the status of the PMOI as 'protected persons' under the Fourth Geneva Convention and communicated that confirmation to the ICRC. The United States repeated its confirmation that the PMOI are 'protected persons' under that convention on a number of occasions in 2005 and 2006, together with assurances to them of its commitment to their protection.

⁴ A Roberts, 'The End of Occupation Iraq 2004,' 54 ICLQ 27, 46; Professor Roberts reiterated his view that the conflict in Iraq remains an international one, at a seminar on The Law on Military Occupation: Its Relevance in Twenty-First Century Conflicts (Geneva Academy of International Humanitarian Law and Human Rights, Geneva 27 August 2006).

⁵ Security Council Resolution 1546 of 8 June 2004.

2. The Threat to the People's Mujahedin Organisation of Iran

The People's Mujahedin Organisation of Iran ("PMOI") is an Iranian political organisation, and the largest member of the National Council of Resistance of Iran ("NCRI"), a coalition of nationalist and democratic groups and individuals promoting the replacement of the theocratic regime currently in power in Tehran with a secular, democratically-elected government. Following mass arbitrary arrests and executions of them in large numbers in the 1980s, the Mojahedin fled to exile, many to Europe, but some to Iraq. In Iraq they established their own military camps independent of the control of the Iraqi government, from which they waged their campaign against the Iranian regime. In 2001 the Organisation made a firm commitment to eschew military tactics and the use of force and has done so ever since; but their members continued to reside in the camps and continued to wage a political campaign. Their weapons (which included not only the ordinary light weapons that all Iraqis carry but also several hundred tanks and several hundred light armoured vehicles), were retained for defence and because a safe and reliable means of weapons disposal would have required a proper decommissioning process and guarantees of safety.

The PMOI camps, which were the equivalent of cities in size and infrastructure, were within the territory of Iraq but were entirely self-governing⁶ as is indicated by a proclamation made by the president of Iraq in 1988 stating that:

The Iraqi leadership respects the Iranian Resistance and its political and ideological independence and freedom of action of this Resistance in its actions and movement to achieve these objectives. The relations between Iraq and the Iran resistance are based on peace, mutual respect to national sovereignty and respect for each nation's ideological and political choice.⁷

The independence of the PMOI was also recognised by the UNSCOM in its 1998 weapons inspection report on Iraq in which it indicated that the PMOI camp was effectively outside the jurisdiction of Iraq, and access for inspection depended on securing agreement with the PMOI (which was granted):

During the reporting period, teams conducted no-notice inspections at a number of sites that had not been declared by Iraq. Access to these sites was provided and inspections took place with one exception which was at a facility occupied by the People's Mojahedin Organisation of Iran (PMOI). The site of this facility was declared as being not under the authority of Iraq. Discussions over access were left to the Commission and that Organisation. A dialogue has begun on this matter and the PMOI has accepted, in principle, that its sites are subject to access by the Commission.⁸

⁶ Guy Goodwin-Gill and Vera Gowland-Debbas, *Legal Opinion The Protection of Members of the People's Mojahedin Organisation of Iran (PMOI) under International Law* 20 November 2006, [17]

⁷ Iraqi Media, 15-16 June 1986, cited in *Legal Opinion of Professor Cherif Bassiouni on the 'Legal Status under International Law of the Members of the People's Mojahedin Organisation of Iran Presently in the Territory of Iraq,'* 29 September 2003, [11].

⁸ Iraqi Media, 1-2 July 1986 cited in *Legal Opinion of Professor Cherif Bassiouni on the 'Legal Status under International Law of the Members of the People's Mojahedin Organisation of Iran Presently in the Territory of Iraq,'* 29 September 2003, 12; Professor Bassiouni also notes that the ICRC negotiated

In 2003, when coalition forces invaded Iraq, the PMOI declared their neutrality but were bombed by United States forces (for which the United States later apologised) and subsequently surrounded by them. The PMOI then concluded a decommissioning agreement with the United States. Every weapon was given to, and listed by, United States forces. Therefore they now have no weapons at all of any sort; most Iraqis have some arms and have always done so as carrying a gun is traditional. The PMOI would therefore be in an extremely vulnerable position were it not for the fact that the United States undertook their protection and moved all the PMOI members to one camp, Camp Ashraf, which has been under United States authority and protection ever since. Currently United States' tanks surround the camp. Even a symbolic United States' presence would probably provide effective protection since an attack against the PMOI in defiance of the United States' presence would be politically very damaging to the party that undertook it.

In response to the residents' concerns with regard to their security, the United States has repeatedly assured them of their status as protected persons under the Fourth Geneva Convention and of its commitment to ensuring that they receive the benefits accorded them under international humanitarian law. In July 2004 the Commander of MNF-I issued a proclamation to the residents of Camp Ashraf informing them that the: United States has confirmed your status as 'protected persons' under the Fourth Geneva Convention and has communicated that determination to the International Committee of the Red Cross in Geneva.⁹

Major General Miller, Deputy Commanding General of the MNF-I then wrote to the 'People of Ashraf' to 'congratulate each individual living in Camp Ashraf on their recognition as protected persons under the Fourth Geneva Convention.'¹⁰ In October 2005 (hence after the Iraqi elections for a new government) the MNF-I commander, Major-General Brandenburg wrote to the residents of Ashraf affirming their status as protected persons under the Fourth Geneva Convention and setting out for clarification a list of specific rights that they are entitled to, including the 'right to protection from danger, violence, coercion and intimidation' and 'the right to refuse to return to their country of nationality.'¹¹ In February 2006, Major General John Gardner, the deputy commander of the MNF-I, wrote to the residents of Ashraf in response to their concerns over the possibility of their non-voluntary repatriation to Iran, stating that:

Multi-National Force Iraq appreciates our responsibilities with regard to the Geneva Convention Relative to the Treatment of Civilian Persons (GCIV) 1949. In particular we are sensitive to the requirements under Article 45 which prohibit the transfer of a protected person to a country in which he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

directly with the Mojahedin with respect to questions relating to Iranian prisoners of war, without any interference whatsoever from the Iraqi government (page 13).

⁹ Proclamation by the Commander, Multi-National Force-Iraq, on the Signing of the 'Agreement for the Individuals of the Peoples' Mujahedin Organisation of Iran (PMOI),' at Ashraf, Iraq, 2 July 2004.

¹⁰ Letter to the People of Ashraf from Major-General Geoffrey D Miller, Deputy Commanding General of Multi-National Force-Iraq, 21 July 2004.

¹¹ Letter to the People of Ashraf from Major-General William H Brandenburg, Commander of Multi-National Force-Iraq, 7 October 2005.

Finally, I would like to assure you that the coalition remains deeply committed to the security and rights of the protected people of Ashraf and the principle of non-refoulement.¹²

However, the government of Iraq is now asserting pressure to try and persuade the United States to abandon these commitments and hand over all 'control points and issues' relating to Camp Ashraf. On 17 June 2008, the Council of Ministers of the Government of Iraq made clear its intention expel the PMOI and to implement various measures which, if followed through, would result in very serious violations of their human rights. The Cabinet, in its 27th ordinary session approved the following measures:

1. All the previous ratifications that had been approved previously that the Mojahedin-e Khalq Organisation must be expelled as a terrorist Organisation from Iraq is hereby underscored;
2. The Mojahedin-e Khalq Organisation which is present on Iraqi territory will come under the full control of the Iraqi government until it is expelled from Iraq. This Organisation will be treated according to the laws of Iraq;
3. Any cooperation with the terrorist Mojahedin-e Khalq Organisation by any Organisation, party, institution or persons, (whether Iraqi or alien) in Iraq is prohibited and anyone who cooperates with them will be subject to the laws of the war on terrorism and will be referred to the judicial system according to the said laws.
4. It is incumbent on the Multi-National Force-Iraq to abandon this Organisation and hand over to relevant Iraqi authorities all control points and issues that relate to the members of this Organisation.
5. Judicial lawsuits against those groups of members of the terrorist Mojahedin-e Khalq Organisation who have committed crimes against the people of Iraq will be activated;
6. Coordination will be made between the Government of Iraq and the International Committee of the Red Cross to find fundamental solutions for the problem of the presence of the said Organisation in Iraqi territory and the implementation of the decisions taken to expel them from Iraq.¹³

Obvious issues of concern are the insistence that the PMOI will be expelled even though they are refugees;¹⁴ that anyone who co-operates with them, whether Iraqi or alien, will be subject to 'the laws of the war on terrorism and referred to the judicial system according to the said laws;' and that judicial lawsuits against 'those *groups* of members of the terrorist Mojahedin-e Khalq Organisation who have committed crimes against the people of Iraq' will be activated.¹⁵ Given the polemical tone of the Council's statement, the references to prosecution of '*groups* of members of the

¹² Letter to PMOI Secretary General Madame Sedigheh Hosseini, Ashraf from Major-General John D Gardner, Deputy Commanding General of Multi-National Force-Iraq, 16 February 2006.

¹³ The Republic of Iraq, Secretariat of the Council of Ministers, Ratification of the Council of Ministers No. (216), 27th Ordinary Session, 17 June 2008.

¹⁴ For analysis of their legal position as refugees see Clay Goodwin-Gill and Vern Gowland-Debbus, Legal Opinion: The Protection of Members of the People's Mojahedin Organisation of Iran (PMOI) under International Law, 20 November 2006, [7-9].

¹⁵ The Republic of Iraq, Secretariat of the Council of Ministers, Ratification of the Council of Ministers No. (216), 27th Ordinary Session, 17 June 2008; Emphasis added.

terrorist' Organisation and to the 'laws of the war on terrorism' and to 'crimes against the people of Iraq,' without any reference to due process on an individual basis, is disturbing. In December 2008 the residents of the camp were 'instructed that the government has plans to shut down the Camp and non-forcibly move its inhabitants to their country or to a third country and that staying in Iraq was not an option for them.' The residents were also told that they 'are prohibited to engage in any political, public relations, cultural or religious or social activity in Iraq with political groupings or personalities or Iraqi tribes and non-Iraqis.'¹⁶

It is worth noting, that although the PMOI is listed as a proscribed Organisation in some countries, it is not proscribed by the Security Council¹⁷ and in 2004 a 16 month review by the United States found no evidence of terrorist activity.¹⁸ In 2007 the Proscribed Organisations Appeal Commission in the United Kingdom and in 2006 and 2008, in three different judgments, the Court of First Instance of the European Communities held that there are no grounds for proscribing the PMOI.¹⁹

¹⁶ Press release, Office of the National Security Advisor, Iraq, December 21, 2008.

¹⁷ Guy Goodwin-Gill and Vera Gowland-Debbas, Legal Opinion: The Protection of Members of the People's Mojahedin Organisation of Iran (PMOI) under International Law, 20 November 2006, [38]

¹⁸ New York Times, 'U.S. Sees No Basis to Prosecute Iranian Opposition "Terror" Group Being Held in Iraq,' 27 July 2004.

¹⁹ *Lord Alton of Liverpool and Others (In the matter of the People's Mojahdeen Organisation of Iran) v Secretary of State for the Home Department* Proscribed Organisations Appeal Commission, Appeal No: PC/02/2006, Judgment 30 November 2007; Judgment of the Court of First Instance Case T-256/07.

People's Mojahedin Organisation of Iran v The Council of the European Union, 23/10/2008, annulling decision 2007/868 and T-284/08, annulling decision 2008/583, freezing the assets of the PMOI.

3. The United States Obligations towards the PMOI under Security Council Resolutions 1770 and 1790

Under Security Council resolution of 1770 of 10 August 2007 and resolution 1790 of 18 December 2007 the United States was required to take all feasible steps to protect civilians in Iraq under the terms of its mandate. Resolution 1770 emphasized that 'all parties should take reasonable steps to ensure the protection of civilians.' Resolution 1790 affirmed this and underscored that the obligation also applied to foreign forces. The resolution states in its preamble that the Council affirms:

the importance for all parties, including foreign forces, promoting the maintenance of security and stability in Iraq to act in accordance with international law, including relevant obligations of international humanitarian law, human rights law and refugee law, and to co-operate with the relevant international Organisations, welcoming their commitments in this regard, and underscoring that all parties, including foreign forces, should take all feasible steps to ensure the protection of civilians.

The mandate provided for in resolution 1790 terminates in December 2008 but the protection obligations of the United States do not cease at the termination of the mandate. Resolution 1790 merely makes explicit, for the purposes of clarification, protection obligations that would be binding on the parties even without reference to them in the mandate. A Status of Forces agreement has been signed between the United States and Iraq but international humanitarian law will nevertheless continue to be applicable to the United States if it continues to engage in combat operations in Iraq. A Status of Forces agreement cannot grant the United States exemption from compliance with international humanitarian law (particularly the obligations relating to the protection of civilians). The same principle applies to peacekeepers (and other forces engaged in peace support) that are deployed with the consent of the 'host' State but that are engaged in combat operations. The ICRC has repeatedly affirmed this principle and the Secretary-General endorsed it in his 1999 Bulletin on the 'Observance by the United Nations Forces of International Humanitarian Law.'²⁰ The Bulletin deals with UN peacekeeping forces but the principle would be equally applicable to Multi-National Force-Iraq.

²⁰ UN Doc ST/SGB/1999/13; The Bulletin is an internal document of the UN. It is binding on UN troops only and does not in itself create direct legal obligations for States; Report of Experts Meeting on Multi-National Operations, 11-12 December 2003 (ICRC Geneva), 2.

4. The United States Obligations towards the PMOI under International Humanitarian Law

4.1 Common Article I: The Obligation to 'Ensure Respect' for the Conventions

Under common article I of the Geneva Conventions, which is also a rule of customary international law, the United States must 'ensure respect' for the provisions of the Conventions 'in all circumstances.' This obligation is especially pertinent to violations committed against persons whose protection the United States' forces has assumed.

The nature of common article I is such that it entails peacetime obligations as well as obligations during an armed conflict. The reason for this is that in order to be able to 'ensure respect' for the Conventions when there is an armed conflict, the High Contracting Parties must be vigilant and proactive during peacetime in putting in place all that is necessary to ensure that the Conventions will be respected if conflict were to break out. As the ICRC explains in its 1957 Commentary to the article:

The Contracting Parties do not merely undertake to respect the Convention, but also to *ensure respect* for it. The wording may seem redundant. When a state contracts an engagement, the engagement extends to all those over whom it has authority, as well as to the representatives of its authority; and it is under an obligation to issue the necessary orders. The use in all four Conventions of the words 'and to ensure respect for' was however deliberate: they were intended to emphasize the responsibility of the Contracting Parties...It would not be enough for example for a state to give orders or directions to a few civilian or military authorities, leaving it to them to arrange as they please for their detailed execution. It is for the state to supervise the orders it gives. Furthermore if it is to fulfil the solemn undertaking it has given, the state must of necessity prepare in advance, that is to say in peacetime, the legal material or other means of ensuring the faithful enforcement of the Convention when the occasion arises.²¹

The ICRC commentary on common article I concludes that 'Article I is no mere empty form of words, but has been deliberately invested with imperative force. It must be taken in its literal meaning.'²² Its literal meaning would certainly encompass ensuring that people in camps that are under the authority of the State's armed forces are protected from abuse in violation of the Conventions, in so far as this is possible. In this case the PMOI camp is under the authority of the United States, which has assumed responsibility for its protection. Therefore when planning for change in the role of its armed forces in Iraq the United States must 'prepare in advance the... means of ensuring the faithful enforcement of the Convention when the occasion arises.'²³ at least in so far as any change would affect persons currently subject to United States authority and benefiting from United States protection, as is the case with the PMOI.

²¹ J Pictet (ed) *The Geneva Conventions of 12 August 1949, Commentary IV Geneva Convention* (ICRC Geneva 1958), Article I.

²² *Ibid.*

²³ *Ibid.*

Therefore, the commanders of Camp Ashraf are under an obligation to ensure that the PMOI receive the benefits that are due to them under international humanitarian law.

Moreover, Common article 1 is a rule of customary international law that carries exceptional weight²⁴ The International Court of Justice in the Nicaragua case stated that the obligation is:

Article 1 of the Geneva Conventions, to 'respect' the Conventions, and even to 'ensure respect' for them 'in all circumstances,' ... does not derive only from the Conventions themselves, but from the general principles of humanitarian law to which the Conventions merely give expression.²⁵

It reiterated this view in its *Advisory Opinion concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, in which it held that:

Every State party to that Convention, [Geneva Convention IV] whether or not it is a party to a specific conflict, is under an obligation to ensure that the requirements of the instruments in question are complied with.²⁶

The principle is encapsulated in Rule 144 of the ICRC's Study on Customary International Humanitarian Law. Under Rule 144 States 'must exert their influence,' to the degree possible, to stop violations of international humanitarian law.²⁷ The ICRC has carried out extensive analysis of case law and practice in this regard²⁸ from which it concludes that States are obliged to respond to violations of humanitarian law by other parties, (using peaceful means except where authorized by the Security Council)²⁹ even when they are not involved in the conflict.

Since article 1 is a norm of customary international law that has attained a status of exceptional importance it is binding on the United States, and on its forces, even if the United States force is deployed with the consent of the government of Iraq and subject to a Status of Forces agreement. A State cannot consent to allow foreign forces present on its territory to violate core norms of international humanitarian law and of customary international law that are intended to protect civilians, particularly an obligation that 'does not derive only from the Conventions themselves, but from the general principles of humanitarian law to which the Conventions merely give expression.'

²⁴ Rule 144 of the ICRC's Rules of Customary International Humanitarian Law: J-M Henckaerts and L. Doswald-Beck *Customary International Humanitarian Law* (Cambridge University Press Cambridge 2005), Volume 1, 509.

²⁵ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)*, Merits, Judgement, ICJ Reports (1986), 14, [220].

²⁶ *Advisory Opinion concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, ICJ, 9 July 2004, [158].

²⁷ J-M Henckaerts and L. Doswald-Beck *Customary International Humanitarian Law* (n 24), Volume 1, 509; The report is the result of 10 years of research in consultation with experts from different regions.

²⁸ *Ibid.*, Volume 1, 509-513; Volume II, Chapter 41, Section A.

²⁹ *Ibid.*, Volume 1, 512.

4.2 The United States' Obligations under Common Article 3 of the Geneva Conventions and Article 75 of Additional Protocol I

The provisions that must be respected under common article 3 would always include Article 3 common to the four Geneva Conventions of 1949 and Article 75 of Additional Protocol I since these constitute customary international law. Common article 3 and article 75 of Additional Protocol I set out minimum standards of humane treatment and fair trial procedures and are applicable in all armed conflicts, both those to which the laws of international armed conflict apply and those to which it does not. It is clear that were the US to 'abandon' the PMOI 'and hand over to relevant Iraqi authorities all control points and issues that relate to the members of this Organisation' serious violations of both common article 3 and article 75 of Protocol I would be very likely to occur.

4.2.1 Common Article 3 of the Geneva Conventions

Article 3 common to all four of the 1949 Geneva Conventions, prohibits, 'at any time and in any place whatsoever,' with respect to persons taking no part in hostilities: violence to life and person, including murder, cruel treatment and torture; the taking of hostages, outrages upon personal dignity; and the passing of sentences or carrying out of executions 'without previous judgment by a regularly constituted court, affording all the judicial guarantees which are recognised as indispensable by civilized peoples.'

The US Supreme Court has held that common article 3 is applicable in all conflicts, including non-international armed conflicts arising outside of civil war.³⁰ In *Hamdan v Rumsfeld* Justice Stevens, citing the ICRC Commentaries, stated that 'the scope of the Article must be as wide as possible.'³¹ The US Law of War Handbook 2004, citing the judgment of the International Court of Justice in the Nicaragua case, states that Common Article 3 'serves as a "minimum yardstick of protection in all conflicts, not just internal armed conflicts."³² Justice Kennedy of the US Supreme Court observes that:

By Act of Congress, moreover, violations of Common Article 3 are considered "war crimes," punishable as federal offenses, when committed by or against United States nationals and military personnel. See 18 U. S. C. §2441.³³

4.2.2 Article 75 of Additional Protocol I

Article 75 of Additional Protocol I requires that all persons who are in the power of a party to the conflict and who do not benefit from more favourable treatment under the Geneva Conventions or Additional Protocols be treated humanely. Murder; torture of all kinds whether physical or mental; corporal punishment; mutilation; outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault; the taking of hostages; collective punishments; and threats to commit any of the foregoing acts, are all prohibited. Article

³⁰ *Hamdan v Rumsfeld* 548 US, 29 June 2006.

³¹ *Ibid*, Justice Stevens, 68.

³² U. S. Army Judge Advocate General's Legal Centre and School, Dept. of the Army, Law of War Handbook 144 (2004) quoting *Nicaragua v. United States*, 1986 I. C. J. 14, 218, 25 I. L. M. 1023

³³ *Hamdan v Rumsfeld* (n 30), Justice Kennedy, 7.

75 also guarantees a minimum standard of treatment for detainees and rights to a fair trial.

The US accepts that Article 75 is customary international law, and is therefore 'binding law notwithstanding the earlier decision by our [the United States'] Government not to accede to the Protocol.³⁴ Since Article 75 is customary international law, it can be strongly argued that it is binding in all circumstances to which international humanitarian law is applicable and in which persons who do not benefit from more favourable treatment under the Geneva Conventions are in the power of a force belonging to a party other than its own or an ally of its own. This includes forces deployed under a Security Council mandate, or a mandate from a regional Organisation, even if they are not, or are no longer, parties to the conflict in the strict sense of the term. It would therefore encompass obligations of the United States towards persons in its 'hands' or the 'hands' of a party to the conflict.

4.3 The Protections due to the PMOI as Refugees and 'Protected Persons'

In the light of the stated intentions of the government of Iraq, as evidenced *inter alia* by the measures announced on 17 June 2008, the transfer of Camp Ashraf to that government would violate the United States' obligations under international humanitarian law, human rights law and refugee law. In particular it would breach the principle of *non-refoulement*.

Non-refoulement, a principle enshrined in Article 33 of the 1951 Convention relating to the Status of Refugees, which is declaratory of customary international law, prohibits the taking of measures that would result in persons being transferred to into the control of other States in circumstances where they have a well founded fear that such transfer will lead to their persecution. It 'encompasses any measure attributable to the State which could have the effect of returning an asylum seeker or refugee to the frontiers of territories where his or her life or freedom would be threatened, or where he or she is at risk of persecution, including interception, rejection at the frontier or indirect refoulement.'³⁵ The principle of *non-refoulement* is also reflected in Rule 129 of the ICRC's Rules of Customary International Humanitarian Law,³⁶ Article 7 of the International Covenant on Civil and Political Rights, and Article 3 of the 1984 Convention against Torture. On 9-11 August 2008 MNF-Iraq conducted a census of the residents of Ashraf, which included private interviews with every single resident. When asked about being repatriated or going under the protection of Iraqi forces all Ashraf residents expressed strong fears of persecution. Reports by non-governmental

³⁴ *Hammid v Rumsfeld* (n 30), Justice Kennedy, 19; Justice Stevens states at page 70 that 'it appears that the Government "regard[s] the provisions of Article 75 as an articulation of safeguards to which all persons in the hands of an enemy are entitled." Taft, *The Law of Armed Conflict After 9/11: Some Salient Features*, 28 *Yale J. Int'l L.* 319, 322 (2003).'

³⁵ *The Principle of Non-Refoulement*, Cambridge Round Table UNHCR/IOM/08/2002 Annex 3 (United Nations High Commissioner for Refugees and the Lauterpacht Research Centre for International Law 9-11 July 2001).

³⁶ Rule 129 of the ICRC's Rules of Customary International Humanitarian Law; J-M Henckaerts and L. Doswald-Beck *Customary International Humanitarian Law* (n 24) Volume I, 457; Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949; International Covenant on Civil and Political Rights, 19 December 1966; Convention against Torture or other Cruel, Inhuman or Degrading Treatment, 10 December 1984; See also UN General Assembly Resolution 2675 (XXV) (adopted by 109 votes in favour, none against and 8 abstentions).

Organisations such as Amnesty International and the Iraqi governments own stated intentions towards the PMOI as evidenced by the measures announced in June,³⁷ clearly show that these fears are well founded.

In addition to the risk of unlawful transfer to Iran where they would very likely to be persecuted, there are also well founded grounds for fearing that, if transferred to the government of Iraq, the PMOI would be subjected to serious violations of their human rights, including the right to life, and to freedom from torture and inhumane treatment; as well as fears that they would be subjected to the imposition of punitive measures without being granted the right to a fair hearing. Violations of this nature constitute grave breaches of the Geneva Conventions, as set out in Article 147 of Geneva Convention IV.³⁸ The change in the nature of the conflict in Iraq from international to non-international cannot exempt the United States from its responsibility to ensure respect for the prohibition on war crimes.³⁹

4.3.1 *The Protections due to the PMOI as 'Protected Persons'*

The Geneva Conventions are regarded as being, in large part, declaratory of customary international law. The Secretary-General in his Report on the setting up of the International Criminal Tribunal for the former Yugoslavia (ICTY) referred to the Geneva Conventions, The Hague Convention and the Charter of the International Military Tribunal of 8 August 1945 as 'part of conventional international law which has beyond doubt become part of international customary law.'⁴⁰ The International Criminal Tribunal for the former Yugoslavia held, in the *Tadic* case, that with the development of customary international humanitarian law, many of the rules that previously applied only in international armed conflict, or at least the general essence of those rules, may now be applicable in non-international armed conflict.⁴¹ Leading academics such as Theodor Meron have also concluded that many of the provisions in the Geneva Conventions constitute customary international law.⁴²

One of the core means by which the Geneva Conventions attempt to secure protection of the civilian population from discriminatory attacks and abuse is through the provisions relating to 'protected persons.' Paragraph 1 of Article 4 of the Fourth Geneva Convention defines 'protected persons' as:

those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Paragraph 2 of Article 4 provides that:

³⁷ The Republic of Iraq, Secretariat of the Council of Ministers, Ratification of the Council of Ministers No. (216), 27th Ordinary Session, 17 June 2008.

³⁸ Also Article 50 Geneva Convention I; Article 51 Geneva Convention II; Article 130 Geneva Convention III.

³⁹ 1998 Rome Statute of the International Criminal Court, Articles 8 (c) (i), (ii), (iv) and 8 (e) (viii)

⁴⁰ Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808, U.N. SCOR, 48th Sess., U.N. Doc. S/25704.

⁴¹ ICTY *Prosecutor v. Dusko Tadic (Jurisdiction)* No [T-94-I-AR72, ¶126].

⁴² T Meron *Human Rights and Humanitarian Norms as Customary Law* (Clarendon Press Oxford 1989), 46 - 47; David Kretzmer, *The Occupation of Justice* (State University of New York Press Albany 2002) 43; MJ Kelly *Restoring and Maintaining Order in Complex Peace Operations* (Kluwer The Hague 1999), 157-159.

Nationals of a neutral State, who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

Other than those that are US nationals or nationals of co-belligerent States in the conflict,⁴³ the PMOI currently have the status of 'protected persons.' In July 2004, the United States military designated the PMOI as protected persons under Geneva Convention IV,⁴⁴ and Major General Geoffrey D. Miller, who was deputy Commanding General of the MNF-I in Iraq, wrote 'to congratulate each individual living in Camp Ashraf' on their status.⁴⁵ Over the ensuing years the United States has repeatedly assured the PMOI of its commitment to honouring its obligations to them as 'protected persons,' thus effectively acknowledging that even in the changed environment of a non-international armed conflict the obligations towards 'protected persons' must still be respected.

'Protected persons' status is intended to ensure that persons in the hands of a party of which they are not nationals are protected from discrimination leading to serious violations of their human rights. For example Article 31, prohibits physical or moral coercion to obtain information from protected persons or from third parties; Article 32, prohibits corporal punishment, a prohibition that encompasses not only murder and torture but 'any other measures of brutality whether applied by civilian or military agents' and Article 33, prohibits punishment of a protected person for 'an offence he or she has not personally committed.' Article 33 also prohibits collective penalties and reprisals against protected persons and their property.

If control of the PMOI were to be transferred to the Iraqi authorities they would still be in the 'hands' of a party of which they are not nationals and therefore would fulfill the criteria for qualifying as 'protected persons' set out in paragraph 1 of Article 4; but since many of them are Iranian, and Iran restored diplomatic relations with Iraq in 1990, many of the PMOI would be excluded from the category of 'protected persons' under the terms of the second paragraph of Article 4. (Those of them that are stateless would still be 'protected persons.')

However, Article 4 should be interpreted in such a way as to give proper effect to its intentions. The purpose of the provisions on 'protected persons' is to ensure that persons who find themselves 'at a given moment and in any manner whatsoever'⁴⁶ in the hands of a Party of which they are not nationals (and thus may not benefit from them the protections accorded by States to their own nationals), and whose own State is unable to provide for their protection (because it does not have normal diplomatic relations with the State in whose power its nationals find themselves) are given explicit protection because of the vulnerable position in which they find themselves. The PMOI are refugees and have been

⁴³ These are excluded under paragraph 2 of Article 4.

⁴⁴ Proclamation by the Commander, Multi-National Force, Iraq, on the signing of the 'Agreement for the Individuals of the PMOI at Ashraf, Iraq' dated 2 July 2004 cited in Guy Goodwin-Gill and Vern Gowland-Debbas, *Legal Opinion The Protection of Members of the People's Mojahedin Organisation of Iran (PMOI) under International Law* 20 November 2006, [9].

⁴⁵ New York Times, 'U.S. Sees No Basis to Prosecute Iranian Opposition "Terror" Group Being Held in Iraq,' 27 July 2004.

⁴⁶ Geneva Convention IV, [4].

recognised as such by the United States and by leading academic experts on refugees.⁴⁷ Because the PMOI are refugees the fact that Iran has normal diplomatic relations with Iraq does not offer them any protection, rather the reverse, as is clear from the statement by the Council of Ministers of the government of Iraq, setting out the measures it intends to adopt towards them.⁴⁸

Jean Pictet discussed the problem of refugees in his comments on Article 4 and also Articles 44 and 45 in the ICRC's 1958 *Commentary to Geneva Convention IV*. He stated that:

In the actual course of the discussions, [at the Diplomatic Conference of Geneva 1949] however, certain speakers observed that the term "nationals" ("ressortissants," in the French version) did not cover all cases, in particular cases where men and women had fled from their homeland and no longer considered themselves, or were no longer considered, to be nationals of that country. Such cases exist, it is true, but it will be for the Power in whose hands they are to decide whether the persons concerned should or should not be regarded as citizens of the country from which they have fled. The problem presents so many varied aspects that it was difficult to deal with it fully in the Convention. Nevertheless, Article 44, which is applicable to the territories of the Parties to the conflict, lays down that the Detaining Power is not to treat refugees who do not, in fact, enjoy the protection of any Government, as enemy aliens "exclusively on the basis of their nationality de jure of an enemy State."⁴⁹

The PMOI are in the hands of the United States and therefore according to the Commentary it is for the United States 'to decide whether the persons concerned should or should not be regarded as citizens of the country from which they have fled.' The ICRC suggests that in interpreting the status of refugees under Article 4 account should be taken of Article 44.⁵⁰ Article 44 makes clear that since refugees do not in fact enjoy the protection of any government, their treatment by the State in whose 'hands' they find themselves should not be determined 'exclusively on the basis of their nationality de jure.' The ICRC's Commentary to Article 44 observes that because of the complexity of the problem and the variety of cases that may occur in practice, the conference had to confine itself to laying down rules of a flexible character but that 'it is to be hoped that belligerents will apply this Article in the broadest humanitarian spirit, in order that the maximum use may be made of the resources it offers for the protection of refugees.'⁵⁰ The same principle of applying the 'broadest humanitarian spirit' to the interpretation of provisions affecting refugees would apply to Article 4, as the ICRC (through its reference to Article 44 in its Commentary on Article 4, and through its statements that the 'problem presents so many varied aspects that it was

⁴⁷ Guy Goodwin-Gill and Vera Gowland-Debbas, Legal Opinion, 'The Protection of Members of the People's Mojahedin Organisation of Iran (PMOI) under International Law' 20 November 2006, [9] [19-51].

⁴⁸ The Republic of Iraq, Secretariat of the Council of Ministers, Ratification of the Council of Ministers No. 1216), 27th Ordinary Session, 17 June 2008.

⁴⁹ Article 44 provides that 'In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality de jure of an enemy State, refugees who do not, in fact, enjoy the protection of any government.'

⁵⁰ J Pictet (ed) *The Geneva Conventions of 12 August 1949. Commentary IV: Geneva Convention* (n21), Article 44.

difficult to deal with it fully in the Convention,' which occur in the commentaries to both articles) implies.

The International Criminal Tribunal for the former Yugoslavia stated in 1999, in the *Tadic* case, that

Article 4 of Geneva Convention IV, if interpreted in the light of its object and purpose, is directed to the protection of civilians to the maximum extent possible. It therefore does not make its applicability dependent on formal bonds and purely legal relations. Its primary purpose is to ensure the safeguards afforded by the Convention to those civilians who do not enjoy the diplomatic protection, and correlatively are not subject to the allegiance and control, of the State in whose hands they may find themselves. In granting its protection, Article 4 intends to look to the substance of relations, not to their legal characterisation as such.⁵¹

If the substance of relations is considered, rather than their formal legal characterisation as Iranian nationals in Iraq, the PMOI clearly come within the category of 'protected persons,' whether they are in the 'hands' of the United States or of Iraq and regardless of whether or not the conflict in Iraq is now non-international.

Moreover under Article 6 'protected persons' whose release or reestablishment may take place after the Convention has ceased to be applicable 'shall meanwhile continue to benefit from the present Convention.'⁵² The purpose of this was to ensure protection continued in the interim period after the Convention ceased to be applicable but before the 'protected persons' were in a position to be able 'to resume a normal existence.'⁵³ Article 3 of Additional Protocol I contains a very similar provision.⁵⁴ Article 6 clearly intends that in the event of a change of circumstances (such as the termination of the conflict, or as in this case a change in the conflict's legal characterization) that may bring to an end the formal applicability of the provisions of the Fourth Geneva Convention, 'protected persons' should continue to benefit from the protections to which they had previously been entitled until such time as they are able to establish a normal existence.

Article 45 provides that if a 'protected person' that is in the 'hands' of a Power, is subsequently transferred to another Power, and that other Power fails to respect the obligations due to 'protected persons' under the Convention 'the Power by which the protected persons were transferred shall...take effective steps to correct the situation or shall request the return of the protected persons.' Moreover, '[i]n no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political or religious beliefs.'⁵⁵ Since the PMOI are

⁵¹ ICTY, *Prosecutor v Dusko Tadic*: (IT-94-I-A), 15 July 1999, [168].

⁵² Geneva Convention IV, [6].

⁵³ J Pietet ed. *The Geneva Conventions of 12 August 1949, Commentary, Geneva Convention IV* (n 21), Article 6, [4].

⁵⁴ Additional Protocol I, [3].

⁵⁵ Geneva Convention IV, [45]: 'The provisions of this Article do not constitute an obstacle to the extradition, in pursuance of extradition treaties concluded before the outbreak of hostilities, of protected persons accused of offences against ordinary criminal law.' The ICRC's Commentary notes that the constraints under Article 45 on the transfer of 'protected persons' from one Power to another are 'general in character' and apply to all 'protected persons' within its 'hands' whatever their status may be and.

refugees from Iran at high risk of persecution if returned there the United States cannot transfer the PMOI to Iran; such a transfer would also breach the customary law principle of *non-refoulement*.⁵⁶ A more difficult question is whether Article 45 permits the United States to transfer the PMOI to the government of the 'host' State in which it is deployed, or whether it should refuse to do so given that there is a high probability that the Iraqi government will not afford them the PMOI the protections due to them as 'protected persons.'

The general essence of Article 45 of Geneva Convention IV is clear: a State continues to have a responsibility to ensure that 'protected persons' that were previously in their hands, continue to be accorded the protections due them under the Geneva Conventions, if it transfers them into the hands of another State. As the ICRC's Commentary states:

The Power which has transferred the protected persons must not, however, cease to take an interest in their fate. Although they are no longer 'in its hands' it remains responsible for them in so far as the receiving Power fails to fulfil its obligations under the Convention 'in any important respect'.⁵⁷

If the State to whom the 'protected persons' are transferred fails to treat them according to Convention standards, the State that transferred them must 'take effective steps to correct the situation or shall request the return of the protected persons.' Statements made by the government of Iraq clearly indicate that if transferred the PMOI will not be accorded the rights of 'protected persons.' The ICRC's Commentary states that protected persons cannot be transferred if 'the Detaining Power has reason to fear that certain categories among the persons transferred may be subjected to discriminatory treatment by the authorities of the country receiving them.'⁵⁸ The Commentary to paragraph 4 of article 45 reiterates this point even more strongly: It states that 'the Detaining Power cannot transfer protected persons unless it is absolutely certain that they will not be subject to discriminatory treatment' and notes that this provision is of particular relevance to refugees.⁵⁹

It may be argued that for a former occupant to refuse to transfer protected persons in its 'hands' to the legitimate government of the State in which it is deployed

include 'persons who are not subject to restrictions on their liberty, internees and refugees.' J Pictet ed. *The Geneva Conventions of 12 August 1949, Commentary, Geneva Convention IV* (n 21), Article 45, [1].
⁵⁶ Rule 129 of the ICRC's Rules of Customary International Humanitarian Law: J-M Henckaerts and I. Doswald-Beck *Customary International Humanitarian Law* (n 24), Volume 1, page 457. Article 49 of Geneva Convention IV prohibits deportations from occupied territory but Article 45, which prohibits transfer to a power that is unlikely to secure the rights of the 'protected persons' does not explicitly prohibit parties to the conflict (other than occupants) from expelling aliens, including protected persons, from their territory. However the ICRC in its Commentary noted that 'practice and theory both make this right [to expel aliens] a limited one.' J Pictet ed. *The Geneva Conventions of 12 August 1949, Commentary, Geneva Convention IV* (n 21), Article 45, General. Expulsion cannot take place if to do so would breach the principle of *non-refoulement* or customary international humanitarian law, for example Rule 129 of the ICRC's Rules on Customary International Humanitarian Law.

⁵⁷ J Pictet ed. *The Geneva Conventions of 12 August 1949, Commentary, Geneva Convention IV* (n 21), Article 45, [3] B. *Responsibilities*.

⁵⁸ *Ibid*, Article 45, [3] A. *Preliminary safeguard*.

⁵⁹ *Ibid*, Article 45, [4] The Commentary states that 'This clause, which was inserted in the Convention by the XVIIth International Red Cross Conference, should be compared with the preceding Article [44, discussed above] on refugees.'

would violate that State's sovereignty; but respect for State sovereignty cannot override obligations under international humanitarian law. Article 45 should be read in conjunction with Article 147 of Geneva Convention IV dealing with grave breaches. Transfer into the hands of Iraq would place the PMOI at high risk of violations of the right to life, to freedom from torture and inhumane treatment, unlawful transfer to another State where they would be at risk of persecution, and the imposition of punitive measures without being granted the right to a fair hearing; all of these are prohibited as 'grave breaches' under Article 147. They also constitute violations of customary international humanitarian and human rights law. Humanitarian law is binding on each and every soldier as well as the High Contracting Parties; superior orders do not exempt soldiers from compliance. If orders from their own commanders cannot exempt soldiers from compliance with their international humanitarian law obligations, respect for State sovereignty cannot do so either.

The United States' obligation not to transfer the PMOI is also supported by Rule 144 of the Rules of Customary International Humanitarian Law compiled by the ICRC, and common Article 1 of the Geneva Conventions. Rule 144 requires States to 'exert their influence, to the degree possible, to stop violations of international humanitarian law.'⁶⁰ Logically the obligation of States to prevent violations of international humanitarian law, particularly where there is a high risk that war crimes may be perpetrated, is even stronger where the State is, or has been, involved in the conflict, and especially so where the State concerned has assumed responsibility for the 'protected persons' security; and is currently protecting them; and has also declared its intention to continue to ensure that they receive the protections due to them as refugees and 'protected persons.'

Moreover the Iraqi government is in power as a consequence of an intervention that facilitated regime change. That intervention unintentionally placed the PMOI in a very vulnerable position; it is now disarmed and dependent on the protection of the United States. Given that the fears of the PMOI relate to the potential transfer of 'protected persons' from a former occupying power, Article 45 should also be read in conjunction with Article 47, which provides that protected persons must not be deprived 'in any case or manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation into the institutions of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power.' This provision was included because of the danger of the occupant putting pressure on the legitimate authority to conclude agreements prejudicial to 'protected persons.'⁶¹ The United States has never sought to deliberately deprive 'protected persons' of the benefits they currently enjoy under the Convention. Nevertheless the regime change facilitated by the 2003 intervention, whose purpose was in part to improve the human rights situation of the people of Iraq, has unintentionally placed the PMOI in a position of grave vulnerability. Moreover it is now an established norm of international law that sovereignty implies a 'responsibility to protect' and that all States have a responsibility to prevent (within the constraints of the United Nations Charter on the rules on the use of force) serious violations of human rights where these are foreseeable, and where the State in question is in a position to do

⁶⁰ J-M Henckaerts and L Doswald-Beck, *Customary International Humanitarian Law* (n 24), Volume 1, 509.

⁶¹ J Pictet ed, *The Geneva Conventions of 12 August 1949. Commentary: Geneva Convention IV* (n 21), Article 47, [3].

so.⁶² The obligations of the United States in the wake of its 2003 intervention and the subsequent regime change in Iraq should also be viewed within the 'responsibility to protect' context, particularly since the former regime's human rights violations were a major factor in the decision-making processes leading to the United Nations' legitimization of the United States' presence there.

⁶² See section 5 below.

5. The United States Obligations towards the PMOI under 'The Responsibility to Protect'

The United States intervention into Iraq in 2003 was premised on a threat to international peace and security based primarily on the belief, subsequently found to be ill-founded, that the Baghdad regime possessed weapons of mass destruction; and secondarily (as indicated by statements to the media and in parliamentary institutions) on human rights violations by that regime.⁶³

In 2005 at its World Summit meeting the General Assembly undertook to take collective action (on a case by case basis) in response to genocide, war crimes, ethnic cleansing and crimes against humanity.⁶⁴ This provision was affirmed by the Security Council in its third resolution on the Protection of Civilians in Armed Conflict, Resolution 1674, adopted unanimously on 28 April 2006.⁶⁵ These resolutions were adopted in the context of an emerging 'responsibility to protect' norm by which States, international and regional Organisations, have undertaken to prevent serious violations of human rights.

Whilst these resolutions focus on a commitment to take collective action on a case by case basis, the significance of the resolutions is not limited to intervention but also affects forces already deployed into a situation in which serious human rights violations are already taking place or are predicted. This is because the International Commission on Intervention and State Sovereignty in developing the 'responsibility to protect' norm on which the relevant paragraphs of these resolutions are based,⁶⁶ deliberately moved away from traditional arguments focused on the right of States to intervene on humanitarian grounds, to a position focused on responsibility. The 'responsibility to protect' is an ongoing responsibility and it encompasses taking proactive steps to prevent serious violations of fundamental human rights as well as reacting to such violations once they have occurred.⁶⁷ Louise Arbour has posited that 'because of the power they wield and due to their global reach, the members of the Security Council, particularly the Permanent Five Members (P5) hold an even heavier responsibility than other States to ensure the protection of civilians everywhere.'⁶⁸ The United States has particular responsibilities towards the PMOI since they came under its control as a consequence of the 2003 intervention and the United States subsequent occupation of Iraq, and of the United States' promotion of regime change on human

⁶³ JM Welsh 'Conclusion: Humanitarian Intervention after 11 September' in JM Welsh (ed) *Humanitarian Intervention and International Relations* (Oxford University Press Oxford 2004) 176, 183; The Independent, A Grice and B Russell, 'Now Blair cites regime change as basis for war. So was it legal?' (15 July 2004) 5.

⁶⁴ A/RES/60/L. 24 October 2005, [139].

⁶⁵ S/RES/1674, 28 April 2006, [4].

⁶⁶ International Commission on Intervention and State Sovereignty (ICISS) *The Responsibility to Protect* (Ottawa International Development Research Centre 2001); Report by the Secretary-Generals' High Level Panel on Threats, Challenges and Change: *A More Secure World: Our Shared Responsibility*, (2004) www.un.org/secureworld/; Secretary-General's Report *In Larger Freedom: towards development, security and human rights for all* A/59/2005 21 March 2005.

⁶⁷ ICISS, *The Responsibility to Protect* (n 66), [2,28-2,29].

⁶⁸ L. Arbour, 'The responsibility to protect as a duty of care in international law and practice' 34 *Review of International Studies* (2008), 445,453.

rights grounds. Having disarmed the PMOI the United States undertook their protection. To abandon them now would be inconsistent with its avowed aims in promoting regime change and with its endorsement of the 'responsibility to protect' norm. As the Institut de Droit International observed in its resolution on the *Application of International Humanitarian Law and Fundamental Human Rights in Armed Conflicts in which non-State Actors Are Parties* '[r]espect for international humanitarian law and fundamental human rights constitutes an integral part of international order for the maintenance and re-establishment of peace and security.'⁶⁹

6. Conclusion

For so long as the United States continues to be engaged in combat operations in Iraq it must comply with international humanitarian law.

The PMOI remained neutral in the Gulf War and in the 2003 conflict. Since the PMOI did not participate in the conflict and are not part of the Iraqi armed forces and have never had any relationship with that government they are entitled to the humanitarian law protections accorded to persons taking no part in hostilities.

Under common article 1 of the Geneva Conventions the United States must 'ensure respect' for the provisions of the Conventions 'in all circumstances.' This is reflected in Rule 144 of the ICRC's Rules of Customary International Humanitarian Law, which provides that States 'must exert their influence, to the degree possible, to stop violations of international humanitarian law.'⁷⁰ These obligations are especially pertinent to violations committed against persons whose protection the United States' forces has assumed.

In particular the United States must take all steps possible to prevent violations of the principle of *non-refoulement*; of Common Article 3 of the Geneva Conventions and of Article 75 of Additional Protocol I; and of the customary law rules and principles concerning 'protected persons,' particularly where, as in the case of the PMOI, those persons are at risk of being subjected to war crimes, including those set out in Article 147 of Geneva Convention IV dealing with 'grave breaches.'

The principle of '*non-refoulement*' prohibits the transfer of refugees into the 'hands' of another State or into another territory if circumstances are such that they have a well founded fear that if they are transferred to that State they will be persecuted. The principle also prohibits transfer of refugees to a State or territory if circumstances are such that the refugees may be transferred on from the State that has received them, in violation of the principle of *non-refoulement*, to another State or territory where they fear they will be persecuted. This well established principle of

⁶⁹ The Institut de Droit International adopted a resolution on 25 August 1999 on the Application of International Humanitarian Law and Fundamental Human Rights in Armed Conflicts in Which non-State Actors Are Parties (Fourteenth Commission, Berlin Session 1999, 25 August 1999), I, 11

⁷⁰ J-M Henckaerts and I. Doswald-Beck *Customary International Humanitarian Law* (n 24), Volume I, 509.

customary law also finds expression in Article 33 of the Convention relating to the Status of Refugees 1951; Rule 129 of the ICRC's Customary Rules of International Humanitarian Law; and Article 45 of Geneva Convention IV which sets out the responsibilities of a 'Detaining Power' in relation to the transfer of 'protected persons' in its 'hands,' to another 'Power.' The PMOI are 'protected persons' currently in the 'hands' of the United States. The United States formally declared that the PMOI are 'protected persons' in July 2004, and communicated that declaration to the ICRC.⁷¹ The ICRC's acceptance of the United States declaration suggests that it supports the designation of the PMOI as 'protected persons.' The United States has reaffirmed that the PMOI are 'protected persons' on a number of occasions in 2005 and 2006, and has also acknowledged its obligations under Article 45.⁷²

Paragraph 4 of Article 6 of Geneva Convention IV provides that 'protected persons' whose 'release, repatriation or re-establishment' may take place after the end of the period in which the Convention is formally applicable 'shall meanwhile continue to benefit by the present Convention.' The ICRC's Commentary notes that 'establishment' in this context refers to such time as the protected persons 'are able to resume a normal existence.'⁷³ The PMOI, being refugees, should be treated as 'protected persons' for as long as there continues to be an armed conflict in Iraq, regardless of whether or not they are in the 'hands' of the United States or of Iraq.

Thus the United States has continuing responsibilities to the PMOI, under customary law and as a consequence of humanitarian obligations that first arose during the United States occupation. These require that it take all feasible steps to ensure that key provisions of international humanitarian law relating to the security of the PMOI as refugees and as 'protected persons' continue to be respected until such time as they are able 'to resume a normal existence.'⁷⁴ In the light of these obligations and of the well-founded fear of persecution of those in Camp Ashraf if transferred to the government of Iraq, the United States should continue to protect the PMOI for as long as its forces remain in Iraq. When it does leave it should ensure that the PMOI will continue to receive the protections due to them as refugees and 'protected persons,' after its forces depart.

In conclusion, the transfer of the protection of the residents of the Camp to the Iraqi government should only take place under the following conditions:

- a) The United States has given written guarantees that the authority to which it is transferring their protection respects their rights according to international law, including international refugee law and international humanitarian law and will treat them based on the provisions which

⁷¹ Proclamation by the Commander, Multi-National Force-Iraq, on the Signing of the 'Agreement for the Individuals of the Peoples' Mujahedin Organisation of Iran (PMOI),' at Ashraf, Iraq, 2 July 2004; Letter to the People of Ashraf from Major-General Geoffrey D Miller, Deputy Commanding General of Multi-National Force-Iraq, 21 July 2004.

⁷² Letter to Secretary General Madame Sedigheh Hosseini, Ashraf from Major-General John D Gardner, Deputy Commanding General of Multi-National Force-Iraq, 16 February 2006; Letter to the People of Ashraf from Major-General William H Brandenburg, Commander of Multi-National Force-Iraq, 7 October 2005.

⁷³ J Pietet ed. *The Geneva Conventions of 12 August 1949, Commentary, Geneva Convention IV* (n 21), Article 6, [4].

⁷⁴ *Ibid.*

apply to 'protected persons.' This is because the PMOI are refugees whose final disposition is not yet determined and therefore should be accorded the protections due to 'protected persons' under article 4 of the Fourth Geneva Convention.

- b) The Iraqi government's restrictions on Camp Ashraf, including the denial of food, fuel and medicine rations, have been lifted.

27 December 2008

Geneva / Cork



Prof. Marco Sassoli

Lecturer at the Law Faculty, the University of Geneva, Chairman, Board of the Geneva Academy of Human Rights.



Dr Siobhán Wills

Lecturer in the Law Faculty and the Centre for Criminal Justice and Human Rights, University College Cork

Colonel MARTIN. Matter of fact, I just did.

Senator KING. The other piece that I want to follow up on is, I'm a little uncomfortable with this hearing because we don't have anyone here from the administration. We—I—there—I'm old enough to realize there are always two sides to every story, and I—you've made a very strong case. In fact, the case is so strong, you have to wonder why isn't this—why wasn't this taken care of some time ago, and there must be some reason. I would like to hear—

Perhaps, Mr. Chairman, we could solicit the comments of the administration or the State Department or the Department of Homeland Security to determine why this hasn't been dealt with. I'm

just—again, I'm not taking any side here, but I—I'm uncomfortable not hearing both sides of the situation.

Colonel MARTIN. Yes, sir. If I may. Congressman Dana Rohrabacher offered them a chance of what you speak of, that I would be at the table along with Colonel Gary Marsh and a representative of the State Department. They refused. I would love to sit at a table in front of you ladies and gentlemen and go through the issues with U.S. State Department. Every time we have made that offer, they've refused.

Earlier, your question was—the promises. There's been a series of promises, especially in 2012 from Dan Fried, that these actions would be taken to get them out of harm's way. He came to us. General Jones was on the phone calls, as well as myself, Louis Freeh, Tom Ridge, Ed Randell, Howard Dean, and many others, and Hugh Shelton especially. "We will do this, we will do this, we will do this." Even one of the promises, "We're going to be out at that camp on a continual basis." I have that one in writing in this—

Senator KING. Well—

Colonel MARTIN.—packet.

Senator KING.—I understand. I understand that the circumstances have changed because of Iran's influence in Iraq at this moment, and that that raises the level of, as you said, stress in this situation, and perhaps urgency. I fully understand that. I just want to—I just want to get some of the details and some of the background, and I want to understand why, if it's so obvious we should do this, it's not being done. That—

I'm out of time, but—

Colonel MARTIN. Yes, sir.

Senator KING. I appreciate your testimony, and I appreciate the urgency of this situation, and just want to be sure we understand all the implications when we move forward.

Thank you.

Thank you, Mr. Chairman.

Senator MCCAIN. Could I just mention to the Senator that we have been trying for years to get the State Department to react—correspondence, meetings, every method that I know of, besides a congressional hearing—to try to get this issue resolved and these people, who are now in greater and greater danger, what we promised them.

I've got to say, Colonel Martin, you didn't exactly describe—it was—that was in return—that guarantee was in return for them giving up their weapons, and, in giving up their weapons, we said we would guarantee their safety and gave them—under the Geneva Conventions. But, that doesn't mean anything but the United States used that as a rationale for guaranteeing their protection. It's been going on for years. And—

Go ahead, General.

General JONES. After you, sir.

Senator MCCAIN. Go ahead. Please.

General JONES. I just wanted to say that we have worked diligently with the administration on a regular basis, on a daily basis almost. All of Colonel Martin's reports have been sent to both the National Security Council and the State Department. There are three of us at the table, but it's a part of a larger group, including

six former Ambassadors, former Director of the FBI, former Attorney General, eight four-star generals, one Speaker of the House, four Governors, six Members of Congress, one White House Chief of Staff—

Senator KING. Now, when you mention those Governors, that's—

General JONES.—and three former—

Senator KING.—that's—you're doing well when you've got—

[Laughter.]

Senator LIEBERMAN. Incidentally, broadly bipartisan.

General JONES. Yeah, it's broadly bipartisan. This is not work that's being done in isolation. I mean, every document has been provided. All the Colonel's weekly reports go directly to the State Department. So, we have really tried to collaborate with this, and we still want a collaborative outcome, but we need an outcome before the next tragedy happens.

Senator MCCAIN. Senator Shaheen.

Senator SHAHEEN. Well, thank you, Mr. Chairman, and thank you, Senator Reed, for holding this hearing today, and for—our witnesses for being here to testify about what I also believe is a travesty and that we have not lived up to the commitments that we have made to the people who are now at Camp Liberty.

I was in Iraq, back in 2009, and we heard about this issue, and I've had a chance to see the video—a video of one of the attacks on Camp Liberty, and the people being murdered. So, I think it's an area where we need to do much more to address what has happened there. I don't understand why people who have relatives here are not able to come and join their relatives and be resettled in America.

So, I guess I'm—I appreciate that I'm asking you all for a subjective analysis of why the resettlement has been so slow, but is it just bureaucratic foot-dragging? Is it because it has not risen to the level of the attention of some of the people at State who can make it happen to put pressure on Iraq to release the residents of Camp Liberty? Or is there something else going on?

General Jones or Senator Lieberman, I don't if either of you have a perspective on that.

General JONES. Senator, I don't know the answer to that. All I know is that, for the last several years, things that look like they're finally going to move are replaced by another obstacle. The delisting of the MEK, we thought was going to be the end of it, but it was replaced by another listing that was somewhat, in my view, arbitrary, but it has served to delay the process even more.

I don't think the Iraqi government has been particularly helpful. They play cat-and-mouse with the residents. Sometimes they deny food, they deny protection, they turn off the water, they don't take out the trash or the garbage for days on end. I mean, it's just a constant problem.

But, I really think that the real answer is for someone in authority to just make a decision, "Enough. We're going to do the right thing. We made a commitment to these people. We didn't live up to it. It's time to finish it." I think it's that simple. It's a humanitarian gesture that—I, frankly, don't care what the Iranians think about this. I think it's the right thing to do.

Senator SHAHEEN. Senator Lieberman, one of the things that I have heard from relatives of people at Camp Liberty that they're very concerned about is this requirement that they renounce MEK, and concerned about what that might mean in the future and if somebody could use that to then come back and address their ability to continue to live in the United States. I've not had anybody explain to me adequately why that is something that people are being requested to do. Have you had anybody explain to you why that's so important?

Senator LIEBERMAN. I have not.

First, Senator Shaheen, let me thank you for the leadership that you've shown on this matter. You've been a real great advocate for the people in Camp Liberty. I know all their families and friends appreciate it a lot.

This requirement of renouncing membership in an organization that is no longer considered a threat or a terrorist organization by any means, and really there are questions about whether it ever should have been on the terrorist organization—seems to me to be very un-American. I mean, it's like—it's a belief test. It seems contrary to the First Amendment. It—the truth is that the—there are a lot of people there who have had a long history in Camp Liberty with the MEK. As I mentioned, they're freedom fighters. I mean, they were against the Shah, then they were part of the revolution, then they turned against the Ayatollahs, because they replaced one dictatorship with a worse dictatorship. So, I have never—and to what extent Members of Congress can push the State Department to explain that or, really, to rescind it, because it's an—it's an unfair obstacle.

You've made a good point, it's going to raise insecurity, anxiety in the mind of people coming into the country, that somehow this is going to come back, 3, 4, 5 years from now, and they may be subject to deportation.

I would say to you—Senator King, I'm just taking this moment—I think the State Department, if they were here, would not question the promises made to the residents of Ashraf and then Liberty. But, what I would like to hear them explain is, Why all the delay? What's—and you're left—I don't know this, but we're left—because we know how much the Iranian government wants to torture these people, essentially, wants them in the stress, and worse. It leads us to, naturally, suspect that the Iranians are putting pressure on the Iraqis to do that, and maybe on us, in the diplomatic negotiation. But, it would seem much bigger than the status of 2,400 people in a camp in Iraq. But, you know, again, America's supposed to be about the right, liberty—the right to life and freedom of individuals. There's 2,400 individuals in this Camp Liberty whose freedom is constantly under stress.

Senator SHAHEEN. Well, thank you all very much. My time is up.

Colonel Martin, I'd—I want to thank you for your good work on this, but I do want to disagree with you. My recollection is that nobody was urging Maliki to run for a third term, that, in fact, there was a lot of effort put into trying to get him to step aside.

So, I do hope that we can continue to do everything possible, and that this committee will do everything possible, to urge that the

residents of Camp Liberty are allowed to emigrate either to the United States or to someplace safe.

Thank you all.

Senator MCCAIN. I thank you, Senator Shaheen, for a very compelling statement.

Senator Sessions.

Senator SESSIONS. Thank you, Mr. Chairman.

Thank you, this distinguished panel.

Senator Lieberman, we're glad to have you back in your old abode.

Senator LIEBERMAN. Thanks, Senator Sessions. Great to be here.

Senator SESSIONS. Every now and then we did some good work.

Senator LIEBERMAN. We did.

Senator SESSIONS. I appreciate that.

General Jones, thank you for your service, and Colonel Martin.

Well, I've been sympathetic to the Camp Liberty people for some time, but there have been problems. Some of this is their own problem. One of the problems, I understand, with their desire to emigrate to the United States is, they want to come as a group. They don't want to be diversely populated around the country. They want to maintain their unity. Is that true?

Colonel MARTIN. No, sir. They will come anyway they can come here. The issue about coming as a group—I was in the room when Major General Jack Gardner was talking to Madam Parsai about a place that they could possibly go. Madam Parsai said, "Tell you what. We'll gladly go to California. I'll tell you what, if they did come as a group, find an old ghost town that has water underneath it, and, within 2 years, you'll have a flourishing community." But, they are willing to come as individuals. They want to come out of that danger.

What we often forget is, this is the former National Liberation Army that was a military unit. So, when people say, "They're a cult, they wear uniforms"—well, yes. I was a soldier. I wore a uniform, but I wasn't in a cult. They're loyal to their leadership.

Senator SESSIONS. Well, Colonel Martin, there's something unusual about the bunch. I mean, they're communists, right—

Colonel MARTIN. No, sir.

Senator SESSIONS.—their heritage?

Colonel MARTIN. No, sir.

Senator SESSIONS. That's not so?

Colonel MARTIN. Communism and Islam does not mix, sir. They are—

Senator SESSIONS. Well—

Colonel MARTIN.—not communists. There was a communist element—

Senator SESSIONS. Theistic communist—

Colonel MARTIN. No, sir.

Senator SESSIONS.—is that what you would call it?

Colonel MARTIN. No. There was a communist element that Massoud Radjavi was able to defeat, and that is the organization that went away. This is not a communist. They're moderate, they're democratic.

[The information referred to follows:]

The Mujahedin-e Khalq are not communist:

The mainstream MEK has always been a Muslim movement. In 1966, the organization adopted a set of philosophies that would put them at odds with both the ruling government and rising Islamic fundamentalists. They came to embrace equality between those in power and those not, between men and women, and among various religions and races. Going even further, they believed the clergy should not have total control over interpretation of the Quran, nor should the clerics have total control over their congregations. These philosophies, which still have major influence on the MEK, would cast them into fighting successive enemies.

Even further problems were growing. As in the case of many organizations, an internal element often develops that does not share organizational beliefs, but are within the ranks because it best suits their purpose at the time. When the opportunity presents itself, this element will either split off or attempt to take control of the original organization. This became the situation as a Marxist element emerged within the MEK. Often at serious odds with established senior leadership, the Marxists soon found themselves in a very advantageous position.

The Shah's regime arrested sixty-nine members of the MEK in August of 1971. The core of the MEK leadership was off the streets, and most ended up on the gallows, including the three founding members. As very few remaining members of MEK leadership survived in the Shah's prisons, awaiting the end of torture that only death would bring, the rift between the rival elements intensified. By May of 1972, two MEKs existed, with the preponderance of power favoring the Marxists. The two elements spent as much time fighting each other as they did engaging the Shah's regime. Meanwhile, one imprisoned member who was not executed by the government enforcers, but rather remained captive until the final days of the Shah's rule, was a young Massoud Rajavi. Inside prison he built an organizational structure and a large membership anchored on original MEK concepts and independent of Marxist influence.

In November of 1976, the strength of the Marxist MEK was shaken when they lost a major gun battle with Iranian police. In January of 1979, ten days before Ayatollah Khomeini returned to Iran from exile in Paris, Rajavi was released from prison. As he worked to rebuild the MEK, most of the subordinate leadership he selected also came from Qasr Prison. By then, the Marxist element had abandoned any claim to the MEK name and renamed themselves "Paykar" (Struggle). Paykar has long been defunct.

The best analysis to this situation was provided by former Undersecretary of State George Ball in his August 19, 1981 *Washington Post* article. Mr. Ball stated, "... The sloppy press habit of dismissing the Mujahedeen as leftists badly confuses the problem ... Its intention is to replace the current backward Islamic regime with a modernized Shiite Islam drawing its egalitarian principalities from Koranic Sources rather than Marx ... "

Senator SESSIONS. Well, I've been sympathetic because I think we've been awfully slow to be helpful, here. I thought we could have been helpful over the years. I've always felt that way.

I'm not comfortable with a group with a military history coming to the United States as a group. I'm not comfortable about that. I think that's one of the problems they've had. So, you're telling me they'll come individually, let's talk about that.

Colonel MARTIN. I'd be glad to, sir.

Senator SESSIONS. What is the danger—I don't want to go back. I'm sure you've talked about the danger they face today. I'll try to read the transcript and maybe submit some questions. Because I assume it is increasing with the Iranian influence in Iraq increasing.

Senator LIEBERMAN. That's correct.

Senator SESSIONS. That's an unfortunate event that I wish hadn't occurred. So, I'm willing to look at this. I see others—maybe we're finishing up in our testimony. But, I do have—question the concept of bringing in larger numbers of people that only want to adhere together in the country. I'm not sure that's healthy for us at this point in time.

Senator LIEBERMAN. Senator Sessions, I do want to respond to that. As I understand it—and right now, of course, most of the folks who have left have gone to Albania. In some ways, we're raising, today, the possibility—and I know it's been raised somewhat before—about all of them coming here. But, as I understand it, the residents of Camp Liberty want a—want to leave together, they want to leave Camp Liberty together, because they don't want to leave a smaller number behind. But, they don't expect to be settled in the same place if they come here or if they go to Albania. The—here, we know that they have family and friends throughout the country, and, you know, each of them—family and friends have said, "I'll take two" or "I'll take three," whatever. So, they'll be spread out all across America.

Senator SESSIONS. Well, I only—my initial impression was, Why are we having such a hard time with this?

Senator LIEBERMAN. It's a good question.

Senator SESSIONS. I've then learned that the group is sometimes hard to deal with, and they have very firm views about certain things they want and don't want, and it's made it difficult, and they've not been able to negotiate effectively with U.S. officials. So, it's presented a difficult problem.

Thank you for your leadership and for sharing with us. Thank—

Colonel MARTIN. If I may, for a moment, sir. General Jones will back me up.

We have offered to State Department to help resolve those differences. One day on the telephone, Dan Fried was complaining. He says, "Well, they don't understand the way we do things, they're a problem." I said to Dan Fried, I said, "Then let me go with your team over to Iraq, and I will bring them to the table, and we'll resolve all issues." Dan Fried snapped back at me and said, "We don't need any outsiders involved."

Senator MCCAIN. Identify who Dan Fried—

Colonel MARTIN. Dan Fried was the Ambassador of the United States that worked the arrangement of the residents to leave Camp Ashraf and come to Camp Liberty, and then started working the resettlement process.

I did find out one thing. Before I could respond to Dan Fried to that comment, "We don't need any outside"—

Senator SESSIONS. He was talking about you? Is that who he was talking about?

Colonel MARTIN. He was talking about me, but he was talking about everybody. General Jones heard the conversation, "We don't need any outsiders involved." I started to reply, but, before I could, Governor Tom Ridge stepped in. I did learn one thing. Anybody who's going to slam a combat veteran better not do it in the presence of Tom Ridge.

[Laughter.]

Senator SESSIONS. Well, Tom Ridge is a strong man, I agree.

Well, thank you for your testimony. We'll try to wrestle with this. I don't think the State Department's at all at fault in this.

Thank you.

Senator MCCAIN. Thank you, Senator Sessions.

Senator Blumenthal.

Senator BLUMENTHAL. Thanks, Mr. Chairman. Thank you for holding this hearing.

Thank you to each of our witnesses for being here today.

I want to say, particularly to Senator Lieberman, my former colleague, that you are missed here.

Senator LIEBERMAN. Thank you.

Senator BLUMENTHAL. Although——

Senator MCCAIN. Not by all.

[Laughter.]

Senator LIEBERMAN. You've visited, and you missed the opening statement, when Senator McCain thanked me for taking the time to leave the bingo game at the senior center in Connecticut.

[Laughter.]

Senator LIEBERMAN. But, you've been to that senior center. You know how good a time we have.

Senator BLUMENTHAL. We have a great bingo game. I'll take this occasion to invite Senator McCain——

Senator LIEBERMAN. Yes.

Senator BLUMENTHAL.—to join us.

Senator LIEBERMAN. I've done pretty well at the bingo table, incidentally.

Senator MCCAIN. I think I qualify.

[Laughter.]

Senator BLUMENTHAL. But, I will stay steadfast and true to my contention that you are missed.

Senator LIEBERMAN. Thank you.

Senator BLUMENTHAL. But, you continue to do great work. I am very sympathetic and supportive of the cause that brings you here today, not only because the United States made a promise, and promises should be kept, as a matter of morality, but I believe that our image and our standing in the world community depends on our keeping our promises as a great nation and a nation that follows its ethical precepts.

I was particularly struck by your contention, Senator Lieberman, that we ought to put aside the nuclear agreement that has been reached and continue to pursue interests that may, in fact, put us at odds with Iran. I'd like to take this occasion to say that Iran is unlikely to change its behavior or conduct in the region in the wake of that agreement. If anything, flush with additional financial resources and with the need to demonstrate its revolutionary ambitions, it almost certainly will increase its mischief in that area. I would invite you to suggest other areas that perhaps we should pursue that could counter that continuing influence. Obviously, our keeping our promise in this instance is one that's important, but perhaps other areas where the same goals can be pursued.

Just to mention that Senator Cardin and I and others have introduced legislation that would provide for additional economic sanctions if it increases its aid to terrorism, and other measures to aid our allies in the region, especially Israel, to counter that threat.

So, if you wish to take this opportunity to comment on that question, I would invite you to do so.

Senator LIEBERMAN. Thanks very much, Senator Blumenthal. Thanks for your leadership in that legislation with Senator Cardin and others.

So, as I said at the beginning just briefly, the nuclear agreement is going into effect. I hope that my skepticism about it is proven to be an overreaction and not well founded. But, it's over there. I think it's amazing. We have to learn from the Iranians. They haven't changed anything else about their behavior, and I think, therefore, we should not. So, I think the additional economic sanctions for their continuing horrific support, and contrary to U.S. interests and values—of terrorism, human rights violations—inside the country are very important, and the continued enforcement by the administration of the existing sanctions.

I mean, the truth is that, though the lifting of some of the sanctions because of the nuclear agreement will give the Iranians billions of dollars, which I'm afraid they're going to use not only to support the regime inside the country economically, but also to support their terrorist proxies outside—the fact is that Iran is still not a good place for business to do business, because the existing sanctions on—because of terrorism and human rights violations continue, and they're quite significant. So, I think that's one thing.

The other that I mentioned today, and I know it's—it takes a step to it in another direction—but, really, the heart of this government is so contrary to the values of the United States. It's an Islamic dictatorship and really suppresses its people terribly, including—you look at the number of people executed under the so-called moderate Rouhani, it's more than under Ahmadinejad before him. Therefore, I think we ought to be explicit about the fact that to really have good relations with Iran, they're going to have to become a more democratic, small “d,” country and to find ways to support the opposition to them.

I mean, I referred to solidarity and the Refuseniks and in those days—well, two things. One, as Senator McCain knows, because we've heard Sharanski say this directly, never minimize—even this hearing, never minimize the power to those who are essentially incarcerated—and in Sharanski's case, it was in the gulag; in this case, they're living in stress, a really frightening situation in Camp Liberty—to know that somebody over here cares about it.

The second is, Who would have guessed that solidarity would have overthrown the government in Poland, that the regime in—the Soviet regime would have collapsed. But, they did. These things always start with small, principled, zealous freedom fighters. They're there—in this group, but also throughout Iran. I think we would be derelict and disloyal to our own national values if we did not find better ways, overt and covert, to support democratic opposition to the dictatorial regime in Tehran.

Senator BLUMENTHAL. Thank you—

Senator LIEBERMAN. Thank you—

Senator BLUMENTHAL.—very much.

Senator LIEBERMAN.—for the question.

Senator MCCAIN. Well, Senator Lieberman, I don't think I could summarize any better than what you just did.

So, I want to thank the witnesses, and we'll continue this effort, which has assembled a remarkable coalition, as General Jones just pointed out, of former Attorney Generals, former head of the Homeland Security, Department of Homeland Security to all walks and all—in both political parties. Hopefully we will bring this issue to

a conclusion, which means that these men and women who are suffering today on a daily basis are able to be freed of both the bondage in which they are existing and the threats to their lives which continue to grow as we see the Iranian influence grow. No doubt about the Iranians' desires concerning them.

So, I thank the witnesses. This is important. Hopefully we'll—this will spur movement forward and we'll achieve our goal.

Thank you.

[Whereupon, at 11:10 a.m., the hearing was adjourned.]

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR CRUZ

STALEMATE ALONG SECTARIAN LINES AND IRANIAN INFLUENCE OVER THE GOVERNMENT OF IRAQ

1. Senator CRUZ. Despite the efforts of U.S. advisors, the effects of U.S. airpower and our support of the Iraqi government, this summer the Iraqi Army lost control of Ramadi and it has failed to retake and hold Fallujah. General Jones, what capabilities do the Iraqi Security Forces need to “ultimately destroy” ISIS in Ramadi, Fallujah, and Mosul and when do you believe they could have those capabilities?
General JONES. Please see Appendix A for response.

2. Senator CRUZ. General Jones, I understand that Iraqi security forces rely heavily on Shi'ite militias, particularly for maintaining control of parts of Northern Iraq. Are the loyalties of those Shi'ite militias to the Government of Iraq, or do their primary loyalties lay elsewhere?
General JONES. Please see Appendix A for response.

3. Senator CRUZ. General Jones, how much control does Iran exercise over those militias?
General JONES. Please see Appendix A for response.

4. Senator CRUZ. It is no secret that after U.S. Forces left Iraq, the Iranian government exercised strong control over Baghdad through Nouri al Maliki. General Jones, how much influence does Iran maintain over Iraq because of Iraq's reliance Shi'ite militias to maintain control and security?
General JONES. Please see Appendix A for response.

5. Senator CRUZ. General Jones, if Iran called upon the Shi'ite Militias to oppose Abadi and the government of Iraq, does Abadi's government possess the will and capabilities to prevail?
General JONES. Please see Appendix A for response.

6. Senator CRUZ. General Jones, could Abadi survive politically if Iran rallied groups against him during elections, particularly if Iraq fails to extend control over the Sunni areas currently controlled by ISIS?
General JONES. Please see Appendix A for response.

7. Senator CRUZ. General Jones, do you believe that Abadi exercises control of the Government of Iraq only with the cooperation and accommodation of Iran?
General JONES. Please see Appendix A for response.

8. Senator CRUZ. General Jones, is liberation of the primarily Sunni regions of Western and Northern Iraq in the interest of Iran, or does that actually decrease Iranian influence by broadening the Sunni's base of support in Baghdad?
General JONES. Please see Appendix A for response.

9. Senator CRUZ. General Jones, are you concerned that Iran is continuing to expand its influence over the Government of Iraq while the Iraqi Army prepares for a ground offensive into Western and/or Northern Iraq?
General JONES. Please see Appendix A for response.

10. Senator CRUZ. General Jones, in the wake of Russia's move into Syria, the Russian foreign ministry has indicated that they will provide air support to Iraq,

if Iraq asks. Five days ago, Abadi said that he “welcomes” Russian air support in Iraq. Do you believe that Iraq’s willingness to accept Russian airpower is a sign that the United States is failing to provide Iraq with the sufficient air support to meet their needs?

General JONES. Please see Appendix A for response.

11. Senator CRUZ. General Jones, how do you recommend we turn the Government in Baghdad away from the influence of Iran and Russia?

General JONES. Please see Appendix A for response.

APPENDIX A



October 28, 2015

The Honorable Ted Cruz
United States Senate
404 Russell Senate Office Building
Washington, DC 20510

Dear Senator Cruz:

It was a great honor to appear before the Senate Armed Services Committee earlier this month on the topic of Iran's influence in Iraq. I hope my testimony was helpful to you and the other members of the committee. As you are aware, I remain deeply concerned about Iran's influence in Iraq, which you rightly point out was nurtured and abetted by Prime Minister Maliki.

I was asked by Chairman McCain to testify mainly on a particular manifestation of Iran's influence on the Baghdad government -- the continuous mistreatment of and repeated attacks upon Iranian dissidents housed at Camp Ashraf and then Camp Liberty in Iraq.

I am a member of a large and growing group of former senior U.S. government and military officials who believe that the plight of the refugees deserves swift action by the United States government and the international community. Unquestionably Iran inspired, if not directed, the deadly attacks on the compound. That Iraq would shun its legal and moral obligation to protect the refugees is a disturbing and telling indication of Tehran's political and martial influence in the country; though, of course, not the only manifestation. The United States' failure to take swift and decisive action to right this wrong is also deeply troubling. I thank you and the committee for whatever actions you can take to ensure that America does right by individuals who helped our country and who we gave our commitment to protect.

I am in receipt of the important questions for the record that you posed following the hearing. The input you requested is vital to inform the debate on the foreign policy and national security actions necessary to advance U.S. values and interests in the Middle East.

Naturally, I have not held an official national security post for a number of years now. Without access to the relevant classified data, I don't believe I can answer the more technical and operational level questions with the factuality, precision, and expertise they deserve. So, in terms of the queries related to the ISF's capabilities and requirements, the command and control of Shi'ite militia and the sectarian and political implications of certain scenarios, I would respectfully defer to the experts within the Department of Defense and the U.S. intelligence community.

The Honorable Ted Cruise
 October 28, 2015
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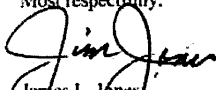
I would, however, appreciate the opportunity to offer a few thoughts on the very important strategic question you asked about how to turn the Iraqi government away from the influence of Iran and Russia. I would highlight five important elements that I propose should accompany a strategy centered on clearly showing Iraq that it can gain a far more promising future by embracing friends who observe international norms than by aligning with nations who prefer operating outside of them.

1. Maintain an intense and continuous global spotlight on Russia's and Iran's retrograde actions and intentions in the Middle East, and on the bleak and unstable future their path will beget in this vulnerable region.
2. Along with our allies, make clear to Mr. Abadi and the Government of Iraq the adverse economic and political consequences of Iraqi alignment with Iran and Russia.
3. Identify, cultivate, and support up-and-coming Iraqi civilian and military leaders who understand that Iraq's future will not be one of prosperity, progress, and true sovereignty if dominated by sectarianism and violence.
4. Embrace our friendship and longstanding relationship with the KRG, and ensure that it receives the necessary assistance to protect itself against ISIS and to remain a regional beacon of freedom, tolerance, and modernity.
5. Engage with Baghdad, Erbil, and Ankara to plan and implement a set of large, strategic, trans-boundary economic projects (energy, transportation, communication, and trade infrastructure) including pipeline capacity enhancements and interconnectors to foster stronger economic ties and cooperation between Turkey, the Kurdish Region of Iraq, and the whole of Iraq; along with the U.S. and our European allies.

Like others I believe we are in danger of losing the battle of ideas in the Middle East. Regaining the upper hand in that regard is an important component of defeating ISIS, removing Assad so that Syria can be governed responsibly, lessening malign Iranian influence, and finding a way in which Sunnis, Shi'ites and Kurds to co-exist peacefully in Iraq and around the region. Success will require a much clearer allied strategy, a broad toolkit, strong international support, and committed U.S. leadership.

Thank you for the opportunity to provide my input.

Most respectfully,



James L. Jones
 General, USMC (Ret.)
 President, Jones Group International