



# General Assembly

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## Human Rights Council

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Human rights situations that require the Council's attention

**Joint written statement\* submitted by France Libertés -  
Fondation Danielle Mitterrand, the Marangopoulos  
Foundation for Human Rights, the Women's Human Rights  
International Association, the Women's International League  
for Peace and Freedom, non-governmental organizations in  
special consultative status, the International Educational  
Development, Inc., the Mouvement contre le racisme et pour  
l'amitié entre les peuples, non-governmental organizations on  
the roster**

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

[10 February 2012]

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

## **Asylum seekers must not be threatened as prisoners: the residents of Camp Ashraf must be protected**

Since the conclusion of the 18<sup>th</sup> session of the UN Human Rights Council, the issue of Camp Ashraf in Iraq has turned into a major international concern. The UN Security Council (on 6<sup>th</sup> December 2011 and 10<sup>th</sup> January 2012) and the Council of Ministers of the European Union (on 1<sup>st</sup> December 2011) have debated this issue.

On 13<sup>th</sup> September 2011, after the submission of individual applications for asylum by the Camp Ashraf residents, the UNHCR recognized them as “asylum-seekers under the international law” who should “enjoy basic protection rights to security and well-being”.

In the aftermath of the 8<sup>th</sup> April 2011 massacre in Camp Ashraf, in which, according to a United Nations Assistance Mission for Iraq (UNAMI) report, 34 unarmed residents were killed and scores more injured, Ms. Navi Pillay the UN High Commissioner for Human Rights called for “an independent and transparent enquiry”. Not only the Iraqi government ignored the appeal, but the Iraqi Prime Minister, declared that the Camp was to be evacuated by 31<sup>st</sup> December 2011.

The 3’400 Iranian opponents, residents of Camp Ashraf, had previously agreed to their relocation in third countries after the completion of the primary process of verification and individual interviews with the UNHCR.

In his report to the Security Council pursuant to paragraph 6 of Resolution 2001 (2011)<sup>1</sup>, the Secretary General wrote that “UNAMI has called on the Government to abide by its obligations under international human rights law, in particular by protecting Camp residents from the use of force, forcible deportation, expulsion or forced repatriation, in contravention of the principle of non-refoulement.”

On 6<sup>th</sup> December 2011, Mr. Martin Kobler, the Special Representative of the Secretary General (SRSG), declared: “Subject to all conditions being met the UNHCR is ready to begin the verification and interviews for the purposes of refugee status determination. However the process will take time to complete and clearly the situation could not be fully resolved before December 31”.

In the midst of a large international campaign, the Iraqi Prime Minister announced on 22<sup>nd</sup> December 2011 that the Government of Iraq had agreed to extend the deadline of the closure of Camp Ashraf until April 2012.

In his report to the Security Council, the Secretary General underlined that any solution to this issue should be acceptable to Ashraf residents: “ The UN is committed to doing its utmost to help address this humanitarian issue in a way that fully respects Iraqi sovereignty and international law and that is acceptable to all concerned ” <sup>2</sup> and reminded the fundamental obligations of the Iraqi Government: “The Government of Iraq bears primary responsibility for the welfare and safety of the residents of Camp Ashraf... ”<sup>3</sup>.

Of course, the final solution requires the cooperation of the international community as the Secretary General affirms: “The success of the UNHCR process will depend on the strong

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<sup>1</sup> S/2011/736 (28.11.2011) – par. 66

<sup>2</sup> *ibid* – par. 86

<sup>3</sup> *ibid* – par. 87

support of the international community and, in particular, on the willingness of third countries to receive camp residents ... ”<sup>4</sup>.

On the basis of the above position, the Ashraf residents declared their readiness to discuss a peaceful solution with the Iraqi government’s representatives in presence of the SRSG in order to avoid another massacre.

A Memorandum of Understanding (MoU) was signed between the Government of Iraq and the SRSG on 25 December 2011 outlining a relocation process. The plan consists in moving the 3’400 civilians from Camp Ashraf to Camp Liberty, a former US military base at the Baghdad International Airport.

The Ashraf residents asked the SRSG for clarifications on the document. In an open letter addressed to the residents on 28<sup>th</sup> December, the SRSG wrote: “The MoU is a good start. It outlines the process of relocation to Camp Liberty which will take place exclusively under the security responsibility of the Government of the Republic of Iraq. ... Given the short time it was not possible to address all your requests. ... Safe and secure transfer of the residents of Camp New Iraq to Camp Liberty and from Camp Liberty to other countries is ensured in the MoU... Upon arrival of the residents to Camp Liberty, the UN will conduct 24/7 monitoring at Camp Liberty until the residents leave Iraq... I am aware of your request for respect for your privacy in particular regarding women. ... With regard to other issues, such as assets and properties, we will continue the discussions towards reaching a solution that would respect the property rights of the residents in an organized way... ”.

Before the above commitment, several high UN, US and EU officials had stressed the need to guarantee the implementation of the MoU. The Secretary General said he believed that “ ... the agreement lays the foundation for a peaceful and durable solution to the situation, respecting both the sovereignty of Iraq and its international humanitarian and human rights obligations, ... ” and “ ... that any violence or attempt at a forcible solution would be unacceptable. ... ” (26<sup>th</sup> December 2011).

Mr. António Guterres, UN High-Commissioner for Refugees declared: “UNHCR is fully engaged in this initiative and looks forward to the voluntary and peaceful transfer of the asylum seekers to a temporary site so that UNHCR can proceed immediately with the determination of their status... ” (27<sup>th</sup> December 2011).

Addressing Ashraf residents and their leadership, Baroness Ashton, High Representative of the European Union for Foreign Affairs asserted: “They should be reassured by the terms of the MoU and the commitment of UNAMI and the United States to ensure a robust monitoring. Thanks to this, the entire International Community ... will continue to follow very closely the implementation of this agreement. ... ” (26<sup>th</sup> December 2011).

U.S. Secretary of State Hillary Clinton in her statement on the situation in Camp Ashraf advocated a peaceful and durable solution for the Camp’s residents and emphasized their “safety and security ” and that “officials from U.S. Embassy in Baghdad will visit (Camp Liberty) regularly and frequently” (26<sup>th</sup> December 2011).

On 28<sup>th</sup> December, the news agency Reuters reported that: “The leader of an Iranian dissident group in Iraq said on Wednesday that 400 members were ready to move from their Camp outside Baghdad to a new location ... ”.

Yet, the Iraqi government has been hampering a peaceful solution to the Camp Ashraf issue, by constantly violating its international obligations seemingly making arrangements to transform Camp Liberty into a prison for the 3’400 asylum seekers.

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<sup>4</sup> ibid – par. 90

These include:

- refusal to authorize the residents to transfer their personal assets and properties to Camp Liberty;
- reducing the surface of Camp Liberty to a half square kilometer;
- surrounding the limited zone of the Camp with walls as high as 3,60 meters;
- setting up two police stations within this largely reduced space and preparing a large presence of its security forces within the residents' living quarters;
- banning the free movement of the residents;
- refusal to authorize the UNHCR to start the verification process for re-confirmation of the residents' refugee status, thus delaying the process for their relocation in third countries for at least five months by conditioning the beginning of this process on residents' prior settlement in Camp Liberty;
- absence of an official reaction to the four cases when rockets were fired at and hit Camp Ashraf between 25 and 28 December 2011.

## **Recommendations**

- we call for an international conference to be held in Geneva in presence of all parties: the UN Secretary General's Representative for Iraq, the UNHCR's representative, the US State Department's representative for Ashraf, the EU High Representative's special envoy for Ashraf, the Iraqi government's representative and the Ashraf residents' representative;
- recalling the principle of the Responsibility to Protect, we call upon the UN Secretary General to use all his authority to protect the security and safety of the residents in order to prevent a humanitarian disaster;
- we also call upon the UN SRSG for Iraq to refrain from agreeing to any decisions concerning the residents' future – including their living conditions in Camp Liberty – without their prior agreement and consent, as has been underlined by the Secretary General himself;
- we call upon the UNHCR as well to refuse to make the process of determination of the Ashraf residents' refugee status subject to the Iraqi government's political considerations, by leaning on the authority of the mandate the international community has confided in this institution and begin the process immediately;
- we call upon the United States to fully assume their legal and moral responsibility vis-à-vis the protection of the safety and security of the Ashraf residents by virtue and on the basis of the individual agreements they have signed with each of the residents in 2003;
- we call upon the UN Member States, especially those who have already granted asylum to some residents, to agree to receive a large number of them with priority given to the gravely ill and the wounded.