



General Assembly

Distr.: General
8 June 2012

English only

Human Rights Council

Twentieth session

Agenda item 4

Human rights situations that require the Council's attention

**Joint written statement* submitted by France Libertés -
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the roster**

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

[3 June 2012]

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

The UN responsibility to protect the Iranian asylum seekers in Camp Ashraf and Camp Liberty (Iraq)*

The appalling situation of 3'400 Iranian dissidents in Iraq, including a thousand women, has long been in the centre of international attention. As soon as the United States of America handed the protection of Camp Ashraf over to the authorities of Iraq, in January 2009, the Iraqi authorities announced their intention to close Camp Ashraf and move the residents to another place. In May 2011, the Iraqi authorities announced that Camp Ashraf was to be dismantled by the end of the year 2011.

On 13th 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".

Protected by the fourth Geneva Convention, the asylum-seekers have for many years lived in Camp Ashraf. In July 2009 and April 2011, the Iraqi forces attacked the defenceless residents of Camp Ashraf leading to the death of 47 persons, including eight women, while hundreds were wounded. UNHCR and the UN High Commissioner for Human Rights condemned Iraq for the use of violence against the unarmed and defenceless residents.

To prevent further bloodshed, the 3'400 asylum-seekers agreed to move to Camp Liberty, near Baghdad airport. At this time of writing, 2'000 asylum-seekers have moved to Camp Liberty.

According to eye witnesses Camp Liberty is more like a prison than a refugee camp where the asylum-seekers are being denied their basic humanitarian and human rights. They have no freedom of movement and no access to their lawyers. There is a heavy presence of armed forces and armoured vehicles, serious shortages of basic infrastructure such as water, electricity and sewage, and a serious lack of necessary facilities for the disabled and elderly.

UNAMI representatives seem to turn a blind eye on the illegal and inhumane measures adopted by the Iraqi government, which violate the terms of the UNSG Special Representative's letters of 28 December 2011, 15 February 2012, 16 March 2012 and 21 April 2012 and the provisions of the Memorandum of Understanding (MoU) signed on 25 December 2011 between the UN and the Iraqi government. In particular, the MoU stipulated that "The government of the Republic of Iraq shall undertake the management of the temporary transit locations, and shall ensure (...) the transit locations meet humanitarian and human rights standards".

Preventing the transfer of basic necessities for the disabled

The Iraqi government, in full defiance of all its commitments and written guarantees, exerts inhumane pressure on the asylum-seekers in both Camp Ashraf and Camp Liberty. In addition to preventing the transfer of necessary equipment, it prevents the transfer of basic necessities for the disabled and injured, most of who are paralyzed, and have to use wheelchairs.

Among the equipment that was prevented from being transferred are accessible vehicles for their movement and specialized trailers that have suitable bathrooms and ramps for

* The Association of Humanitarian Lawyers, an NGO without consultative status, also shares the views expressed in this statement.

wheelchairs. Despite repeated requests, the Iraqi government has prevented any construction or even building ramps for disabled residents and elderly residents in Camp Liberty which is entirely on rocky ground. Preventing the transfer of this equipment and depriving basic necessities for the injured and disabled constitutes an evident violation of the international humanitarian law and the international human rights, in particular of the Convention for the Protection of Disabled Persons that Iraq recently has joined. This behaviour is also, undoubtedly, a form of psychological torture.

The water crisis

The only source of water supply for Camp Liberty is a water hydrant located 12 km from the Camp. Area residents as well as private companies in the airport and government agencies use water from this hydrant, such that water tankers sometimes must wait in queue for many hours and must also wait at the entrance of Camp Liberty for hours. Often under various pretexts, the Iraqi forces prevent water tankers from entering Camp Liberty. Accordingly, the 2'000 asylum-seekers can hardly be provided with adequate water and they receive less than an half of the average quantity received by Iraqis in the country.

The further transfer of other asylum-seekers to Camp Liberty before resolving the water issue would be inhuman and criminal. The critical and serious shortage of water becomes a real concern of public health as more and more asylum seekers are moving from Camp Ashraf to Camp Liberty. Preventing the asylum-seekers' access to water is clearly a form of physical torture.

Electricity shortage

Lack of proper infrastructure in Camp Liberty is becoming a matter of serious concern as the hot season is approaching. Currently five power generators in various sections of the Camp are out of order or have a low output because they are worn out; two other generators have an output of below 50% and don't have the capacity to work in hot weather.

The asylum-seekers have suggested replacing the non-functional units with the available ones that are in Camp Ashraf. Inexplicably, Sadeq Mohammad Kazem, the Iraqi government representative in Camp Liberty (who has been summoned by a Spanish court for massacre of Camp Ashraf residents in July 2009 and April 2011) and the Prime ministerial committee in charge of closing Camp Ashraf obstruct any such transfer.

The issue of non-functional air-condition units for the residents living in hot containers remains unsolved and the current explosive situation may lead to unknown and unfortunate outcomes.

To let deliberately the asylum-seekers live in hot containers is clearly a form of physical and psychological torture.

Infrastructure problems

One of the most serious problems for the asylum seekers of Camp Liberty is corrosion and malfunction of the camp's infrastructure systems. For example, the septic tanks leak, which causes severe hygienic problems. This is due to the fact that the septic pumps are old and corroded. Furthermore, the asylum-seekers have to face the inconvenience related to corroded pipes and breakages in water and septic pipes.

The asylum-seekers are currently paying a very high price for fuel, water, septic discharge and garbage disposal. They are also trying to provide minimum living conditions, but the ill condition of the camp's infrastructure has practically produced a crisis which is unbearable.

To let deliberately the asylum-seekers live in unhealthy conditions is clearly a form of physical and psychological torture.

Asylum seekers' assets

The 3'400 asylum-seekers that move to Camp Liberty lived for more the 20 years in Camp Ashraf where they built not only dormitories but also some small factories which allowed them to earn their living. Today, Iraq does not allow the asylum seekers to sell their properties in Iraq or transfer them to another country. The authorities are expecting looting and confiscating all the assets after the evacuation of Camp Ashraf.

In his "letters to residents of Camp Ashraf", 28 December 2012, the UNSG Special Representative, Martin Kobler stipulated : "With regard to other issues, such as assets and properties, we will continue discussions towards reaching a solution that respects the property rights of the residents in an organized way under Iraqi law".

The Iraqi Commander, in response to the residents' protest over returning Iraqi merchants from the entrance of Camp Ashraf, said no one can enter to buy items unless he has written agreement of the Commander in chief of the forces from the Prime Minister's office, and no agreement has been made by the Prime ministerial committee about selling property.

Forbidding asylum-seekers from disposing of their assets is a form of confiscation, and hence, a human rights and humanitarian law violation.

Recommendations

At present, the Iraqi authorities justify the severe restrictions on Camp Liberty because they attribute to the Camp the status of "Temporary Transit Location" (TTL). The 2000 asylum seekers who moved from Camp Ashraf have been in Camp Liberty for a few months now. When the remaining 1400 asylum seekers will move there, it will take to UNHCR personnel several months to complete the Individual Refugee Verification process.

In the light of the above elements, we urge:

- The Iraqi Government to respect all the provisions contained in the MoU signed last 25 December with the Special Representative of the UNSG;
- The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to request to Iraqi authorities authorisation to visit Camp Liberty;
- The Special Representative of the UNSG to call on the Iraqi Government to respect all the provisions contained in the MoU signed last 25 December and to ensure that the minimum recognized humanitarian and human rights standards be respected in Camp Liberty;
- The United Nations to declare Camp Liberty as a "refugee camp" and to place it under the supervision of the UNHCR in order to ensure that the rights of the asylum seekers to security and well-being are protected.