



General Assembly

Distr.: General
5 September 2012

English only

Human Rights Council

Twenty-first session

Agenda item 4

Human rights situations that require the Council's attention

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

[24 August 2012]

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

The UN must ensure fulfilment of the protection, humanitarian needs and human rights of the Iranian asylum-seekers in Camp Liberty**

With regards to the current situation of Camp Ashraf residents (3400 Iranian asylum-seekers in Iraq), as of May 4 2012, 2'000 asylum-seekers moved to Camp Liberty, near Baghdad airport. However, 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.

In February 2012, ten residents in Camp Liberty complained to the UN Working Group on Arbitrary Detention about the prisonlike conditions at this camp. The Group reviewed the case and on July 17, an opinion adopted by the Group at its sixty-third session, 30 April–4 May 2012 was made public.¹ In the absence of a response from the Government and further to its Methods of work, the Working Group could render an opinion on the basis of the information submitted to it by the source. The Government has not rebutted this information, although it had the opportunity to do so.

In the above mentioned Opinion (par. 15), the Working Group notes that « Residents of Camp Liberty have the status of “protected persons” under the Fourth Geneva Convention; they are asylum seekers and have neither been charged with or tried for any offence. »

In the following paragraph, the Working Group highlights the fact « The conditions in Camp Liberty are synonymous with those in a detention centre, as residents have no freedom of movement, nor interaction with the outside world, nor do they have freedom of movement and the semblance of a free life within the camp. The situation of the residents of Camp Liberty is tantamount to that of detainees or prisoners. »

In paragraph 17, the Working Group underlines that « The Working Group considers that there is no legal justification for holding the above-mentioned persons and other individuals in Camp Liberty, and that such detention is not in conformity with the standards and principles of international human rights law, and more specifically violates article 9 of the Universal Declaration of Human Rights and articles 9 and 10 of the International Covenant on Civil and Political Rights. »

A former UN official who has resigned recently from his post in Iraq told the Washington Times on August 21² that the top UN official in Iraq directed his staff to cover up the prisonlike conditions of Camp Liberty in reports to the United Nations. In an exclusive guest column for The Hill,³ he said he visited Camp Liberty and compared it to a “concentration camp” unfit to accommodate 3,400 people.

He wrote, « The fundamental rights of these exiles — humane living conditions, access to justice, humanitarian necessities — have been repeatedly denied by the Iraqi government at the direction of the prime minister’s office. UN “Special Representative

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

¹ A/HRC/WGAD/2012/16.

² <http://www.washingtontimes.com/news/2012/aug/21/camp-for-refugees-in-iraq-worse-than-a-prison/>.

³ <http://thehill.com/blogs/global-affairs/guest-commentary/244733-former-un-human-rights-chief-in-baghdad-tahar-boumedra-why-i-quit-the-un-in-iraq>.

Martin Kobler, unlike his predecessor, who maintained his mission's independence and integrity even at the displeasure of Nouri al-Maliki, has enabled the prime minister's agenda while falsifying information reported to senior U.N. leadership and the international community. »

Mr Struan Stevenson, President of the Delegation of Relations with Iraq in the European Parliament, stated on August 17, "We in the European Parliament are deeply disturbed by these reports (...). These events reaffirm my determination to insist on UN, US and EU intervention at the highest level to sort out this shambles, force the Iraqi authorities to fulfil their commitments to humanitarian treatment of the residents of Ashraf and Liberty and speed up the re-settlement of these people to safe countries outside Iraq. Until such assurances are received and evidence of their implementation on the ground can be witnessed, I will not recommend any further transfers from Camp Ashraf to Camp Liberty. We cannot urge the final transfer of the remaining 1'200 Ashraf residents into these squalid conditions in Liberty."

Mr Stevenson added:

- they want fresh water piped from the main Baghdad water supply;
- they want six specially adapted containers to be transferred from Ashraf to Liberty in which their disabled residents can live in comfort;
- they want their own generators transferred from Ashraf to Liberty so that they can be sure of a reliable supply of electricity;
- they want to sell their former homes and properties in Ashraf and not have them looted and plundered by the Iraqi regime;
- they want the materials to build paths over the rough gravel so that lame and disabled people can move around and they want canopies to help them shelter from the blistering sun;
- they want some minibuses, fork-lift trucks and water, sewage and fuel tankers either purchased new or transferred from Ashraf to Liberty.

Residents initially had more demands like freedom of movement, access to lawyers and families etc but these were reduced day by day and finally ended up in the above points that are the minimum humanitarian demands which have not been fulfilled by the Government of Iraq over the past months. For that reason, relocation of the residents to Liberty had been stopped for four months.

After 4 months of stalemate, Mrs Rajavi⁴ announced in a goodwill gesture that asylum-seekers would resume the relocation to Camp Liberty while their humanitarian needs have not yet been provided in the camp. It is time now to compel the Government of Iraq to return the flexibility shown by the asylum-seekers through fulfilling its obligations towards the residents' security and welfare.

Recommendations

Consequent upon the opinion rendered, the Working Group on Arbitrary Detentions requested the Government of Iraq to take the necessary steps to remedy the situation of the asylum-seekers in Camp Liberty and bring it into conformity with the standards and

⁴ President of the National Council of Resistance of Iran (NCRI) to which belong the 3'400 asylum-seekers in Ashraf / Camp Liberty.

principles set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.⁵

Taking into account all the circumstances of the case, the Working Group considers that adequate remedy would be immediate release and lifting of all restraints on the free movement of these persons as well as an enforceable right to compensation, in accordance with article 9, paragraph 5, of the International Covenant on Civil and Political Rights.⁶

Therefore, we urge:

- the UN Secretary General and his Special Representative to ensure that humanitarian requirements of the residents of Ashraf and Liberty will be fulfilled without delay, and connecting the camp to the adjacent river, transfer of generators (particularly the six 1.5MW ones that are in Ashraf), transfer of a passenger vehicle for every 40 people, transfer of six utility vehicles for water, fuel, and sewage for every 400 residents, transfer of 5 forklifts and minimum construction will all be allowed immediately;
- the UN Security Council, UN Secretary General and his Special Representative to call on the Government of Iraq to respect the residents' right to their movable and immovable property, allow them to sell their properties and to compensate for any loss of property during the transfer;
- the UN Secretary General and his Special Representative to support minimal demands of the residents such as freedom of movement, increase of the camp area, access to lawyer and family and protection against violence, arrest and forcible relocation and to oblige the Government of Iraq to implement them;
- the UNHCR to recognize Camp Liberty as a refugee camp and offer the necessary political, humanitarian and financial aid for expediting the process of determination of the residents' refugee status and to call on the member states to accept the Iranian asylum-seekers.

⁵ A/HRC/WGAD/2012/16 - par. 19.

⁶ A/HRC/WGAD/2012/16 – par.20.