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Human rights situations that require the Council's attention

**Joint written statement* submitted by France Libertés :
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International Association (WHRIA) and the Women's
International League for Peace and Freedom (WILPF), non-
governmental organizations in special consultative status;
Mouvement contre le Racisme et pour l'Amitié entre les
Peuples (MRAP), a non-governmental organization 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 May 2013]

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

Protection of the fundamental rights and the life of the Iranian asylum-seekers in Iraq: The UN responsibility

In 2012 the residents of Camp Ashraf, who lived there for the past 26 years, were forcibly relocated to Camp Liberty, near Baghdad airport, with the assurances of the UN Special Representative of the Secretary General (UNSRSG), Ambassador Martin Kobler, about the safety and security that would be provided to the asylum-seekers.

After their relocation to Camp Liberty, the Iraqi government removed 17,500 protective T-walls, making the Camp more vulnerable to missile attacks; subsequently, it refuses to allow the T-walls to be brought back to the Camp. The residents have been refused permission for construction work and expansion of the camp. In addition protective vests and helmets and the residents' basic medical equipment are not allowed to be brought from Camp Ashraf.

The pro government paramilitary groups which carried the 9th February 2013 attack have publicly warned to launch more attacks on Camp Liberty.

On 26th February 2013, Associated Press reported that "The head of a new Shiite militant group in Iraq has threatened to carry out more attacks on a refugee camp for Iranian exiles that was struck by dozens of rockets and mortar shells earlier this month."

Almost four months after missile attack on Camp Liberty that killed eight defenseless residents and wounded up to 100 others, the Iraqi government continues to refuse any measure to enhance the security in the Camp, which is very vulnerable and the UNSRSG seems to be unable to meet the commitments made to the asylum-seekers. Moreover, more than one year after the relocation in Camp Liberty only a handful of people have been resettled outside Iraq and the number of the asylum-seekers killed due to missile attack and lack of medical care is higher than those resettled in third countries.

We are appalled by misrepresentation of facts by those who blame the residents for lack of progress. Despite all efforts by representatives of the residents outside Iraq, there seems to be no prospect of resettlement for the overwhelming majority of the resident in foreseeable future.

Mr. Tahar Boumedra, former senior UNAMI¹ official who was in charge of the Camp Ashraf question, testified on 13th September 2012 at a U.S. Congressional Hearing and provided evidence that the residents and international community were misled about condition in Camp Liberty. Interestingly, he stated "I do confirm here in front of you that UNAMI has no independence what so ever that is every issue dealt with regarding Ashraf is decided at the Prime Minister's office and sometimes at the Iranian Embassy in Baghdad."

This is a clear breach of the International Refugee Law that does not allow anybody including the UN officials to discuss the fate of the political refugees with the authorities of the country from which they have fled.

The misrepresentation of the real situation in Camp Liberty is a matter of grave concern. The UN fails to report the systematic breaches of asylum-seekers' rights by the Iraqi government, including among others the right to freedom of movement. It is also a matter of grave concern that some asylum-seekers have been encouraged to abandon their political belief and return to Iran. In this critical situation the Office of the High Commissioner for Human Rights should intervene in order to protect the rights of the residents.

¹ UN Assistance Mission for Iraq

The living conditions at Camp Liberty remain a matter of grave concern. Based on irrefutable facts and evidence, basic rights of the asylum-seekers such as free access to medical care are frequently violated: patients are being constantly harassed by various means such as refusing them to have interpreters or breaching the confidentiality of their relations with physicians by interference of security officers.

Despite official statements assuring that Camp Liberty has a well equipped medical center, in reality, the place lacks equipment and by no standard the existing infrastructure could be described as a medical center. The UNSRSG wrote in a letter on 15th February 2012: "Residents in need of specialized medical and hospital treatment will be directed to these institutions by the Iraqi doctors in the medical clinic in Camp Liberty. The residents will bring their medical equipment to Camp Liberty."

However, no medical equipments have been allowed to be transferred to Camp Liberty and the clinic suffers from serious lack of the most basic equipment and facilities. It has no space for hospitalizing patients not even for an hour. There is no regular supply of electricity in the clinic and no more medicine than Aspirin and simple pain killers.

This situation has so far resulted in the death of at least 11 asylum-seekers in Camp Liberty who could have otherwise survived. The names include Behrooz Rahimian, Mehdi Abed, Ali Ahmadi, Hamid Rabi, Mansour Kofei, Mohammad-Hossein Barzmehri and Reza Nasiri.

The number of patients with serious ailments in Camp Liberty exceeds 800, many of whom were wounded during the two massacres in 2009 and 2011 in Camp Ashraf. There is only one Iraqi general practitioner in the Clinic of Camp Liberty who can visit only 15 patients every day. From 20th February until 20th December 2012 (i.e. in 10 months) only 255 patients were sent to Baghdad for medical treatment. Given that this clinic has only 2 ambulances and the Iraqi authorities do not allow the residents to bring their ambulances from Camp Ashraf, it will take almost two years before the present patients receive the required medical treatment. Furthermore, there are 149 patients in the waiting list for various medical operations.

Since the transfer of the more than 3'000 asylum-seekers from Camp Ashraf to Camp Liberty, the UNSRSG praises the Iraqi Government for its "humanitarian" approach of the matter and criticizes the asylum-seekers for their lack of cooperation with the Government; while the Working Group on Arbitrary Detention issued two opinions in 2012² which clearly state that "The conditions in Camp Liberty are synonymous with those in a detention centre "

In this context we denounce the Iraqi Government's prevention of safety arrangements and cruel medical siege and the role of the Iraqi Government in the February 9 massacre, as well as the failure to hold any investigation regarding the past two massacres that occurred in Camp Ashraf and we call upon the High Commissioner on Human Rights, the High Commissioner for Refugees and the UN Secretary General to recall to the Iraqi Government its obligations under International Law and International Humanitarian Law.

Furthermore, we invite the Secretary General to avoid any possible conflict of interests that could emerge in Baghdad for the UN and to do everything possible to avoid that one day the UN has to publicly present a "mea culpa" and repeat once more "never again".

From a humanitarian perspective, protection of Camp Liberty residents is a pressing and vital matter. Under current conditions, this issue can be achieved through the temporary

² A/HRC/WGAD/2012/16 (17 July 2012) and A/HRC/WGAD/2012/32 (23 November 2012)

return of the asylum-seekers to Camp Ashraf which is better equipped and is relatively safer.

Recommendations

In light of above elements, we urge the Human Rights Council to call upon the Security Council:

- to establish a fact finding mission on the killings that took place in Camp Ashraf on 28th and 29th July 2009 and 8th April 2011 and the one that took place in Camp Liberty on 9th February 2013 and
- to take immediate necessary measures to ensure the protection and safety of the asylum-seekers in Camp Liberty including among others by transferring them to Camp Ashraf;

We also urge:

- the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to investigate on the living conditions of the Iranian asylum-seekers in Camp Liberty and to report to the Human Rights Council;
 - the UN High Commissioner for Refugees, in accordance with its mandate, to take responsibility of Camp Liberty and the Iranian asylum-seekers in Camp Ashraf and Camp Liberty.
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