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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Joint written statement* submitted by France Libertés –
Fondation Danielle Mitterrand, the Women’s Human Rights
International Association, non-governmental organizations in
special consultative status, International Educational
Development, Inc., 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.

[10 February 2013]

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

Asylum seekers in Camp Liberty (Iraq) live in arbitrary detention and are subject to shelling: 6 killed and dozens injured*

One year has passed since Camp Ashraf's residents were transferred to Camp Liberty. The residents were told they would be transferred from the modern and green Camp Ashraf which they built in 26 years with their own resources, to a temporary transit location (TTL), a former military base near Baghdad airport called Camp Liberty, for UNHCR interviews. As of now, only 5 of the asylum seekers have been transferred out of Iraq. The lack of any prospect for quick transfer of the asylum seekers and the adverse and poor living condition at Camp Liberty indicate that this relocation has been nothing more than a deceitful eviction.

Despite all the efforts and expenditure made by the residents in the last 10 months, the infrastructure of Camp Liberty is far from meeting the international standards. Following a heavy rain on 25 December 2012, Camp Liberty was flooded such that the water level reached up to the knee, and cracks on the rusty and corroded waste and sewage tanks resulted in water and sewage mixture covering the entire camp, causing severe environmental pollution and the spread of infectious diseases. This situation clearly shows how unrealistic the UNAMI statement¹ on 31 January 2012 was. A shocking UNHCR document on 19 January 2012, stresses that technically, functioning of the Camp Liberty's infrastructure cannot be verified based on international standards and UNHCR and WHO rules.

In a parliamentary meeting in UK on 29 January 2013, Mr Taher Boumedra, a former senior UNAMI official, who was in charge of the Ashraf question, referred to the abovementioned document and told a group of UK parliamentarians that he clearly said to the Special Representative of the UN Secretary General for Iraq, Mr Martin Kobler, that the living conditions in Camp Liberty cannot be certified.²

Prior to this, Mr Boumedra testified under oath in a hearing at the US Congress that in Ashraf's case Mr. Kobler was not impartial and was taking the side of the Iraqi government. He testified that UNAMI consistently and systematically has held meetings and opinion exchange with the Iranian Embassy in Baghdad regarding the fate of Ashraf residents. This raises our serious concerns and requires thorough investigation by the UN Secretary General office.

According to testimonies, the basic rights of the asylum seekers such as free access to medicine and physician, the right of patients to have interpreter and accompanying nurse, and confidentiality of physician-patient relationship is frequently violated. Furthermore, allegedly there have been numerous instances where the Iraqi intelligence agents, sent by Iraq's prime ministry, have prevented hospitalization of patients and purchase of medicine, and have cancelled medical appointments and intentionally delayed transfers of patients to

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

¹ In that occasion the consistency of Camp Liberty's infrastructure with international standards was confirmed.

² Mr. Boumedra said: « Yet to prove that I'm wrong they brought the shelter expert, Mr. Martin Zion from Switzerland. The expert was brought in order to certify and nothing else. He was told from the day he arrived that he was there to certify. I went with him to Camp Liberty, he saw things, he reported that he cannot certify. Mr. Kobler was outraged and told him he wanted him to certify but Mr. Zion refused... A week later Mr. Kobler decided to certify. »

the hospital. These instances were described in details in a letter by the asylum seekers' physicians on 25 November 2012 to the UN High Commissioner for Human Rights, Mrs. Navi Pillay, and a copy of it was sent to the UN Secretary General, his Special Representative for Iraq, Mr. Martin Kobler, and other relevant UNAMI officials. These obstructions have resulted in the death of several Liberty patients including Mr Behrooz Rahimian in November 2012 and Mr Gholamhossein Sadeghi in January 2013 who could otherwise have survived.

The UN Working Group on Arbitrary Detention, which examined the complaint made by the Liberty asylum seekers in its sixty-third session, in an opinion³ which was published on 17th July 2012 described the condition of Liberty as "prison like". It also described Camp Liberty and its condition as a prison for the second time in another opinion⁴ published on 23rd November 2012. Even the lawyers of the residents who travelled to Baghdad from Washington DC on 2nd January 2013 have not been allowed to meet their clients at the Camp. Only some of the residents' representatives were able to meet with the lawyers beyond the walls of Camp Liberty at the UNHCR office.

The Iraqi Government firmly prevents the asylum seekers from selling their properties (\$550 million worth of moveable and immovable assets) which legally belong to them and rather intends to expropriate the residents' properties.

Senator Robert Torricelli and Professor Schneebaum, the legal representatives of the asylum seekers, visited Iraq during January 1 to 4, 2013 to resolve the Ashraf residents' property issues. There was an agreement between the legal representatives, the US government representative and the UNAMI prior to the trip and the agreement was that the trip would include meetings with US, UNAMI and Iraqi officials, visits to the Camps Ashraf and Liberty, signing contracts with Iraqi lawyers to guide Iraqi laws, and negotiations regarding all movable and immovable properties to resolve the property issues. But effectively, nobody from the Iraqi Government met with the residents' legal representatives and they were not allowed to visit Ashraf or Liberty to assess the properties.

The report of this four-day trip, which has already been provided to US and UN officials, among others stresses that:

"UNAMI has concluded that the future development of Iraq is dependent upon the survival of the current Government of Mr. Nouri Al-Maliki. Shoring up Mr. Al-Maliki and protecting him from any potentially avoidable disruption, seem to UNAMI to be the only alternative to prevent Iraq from descending into a civil war along ethnic (Arab / Kurd) and sectarian (Sunni/Shiite) lines. Sadly, this pessimistic prediction of the future of the country may well be accurate. However, contrary to UNAMI's analysis many observers consider Mr Al-Maliki to be the problem, not the solution."

"In our view, much of the attitude of UNAMI toward the MEK⁵ file can be explained in light of this premise. We were explicitly told, for example, that the Maliki Government would literally not survive a decision to pay the MEK for its immovable property..."

"We fully understand that the Iraqi Government will erect all kinds of barriers to a legally correct and fair outcome. We are concerned that UNAMI must not act in a way to legitimize or to support baseless arguments. Rather, we expect UNAMI to take an impartial position, consistent with international law principles that have long

³ A/HRC/WGAD/2012/16.

⁴ A/HRC/WGAD/2012/32.

⁵ Mujahadeen-e-Khalq (People's Mujahedin of Iran or PMOI).

been part of the United Nations system. If international and domestic law requires that the residents should be compensated for their property, saying so should be entirely consistent with UNAMI's mandate.”

“The abovementioned points clearly indicate that the conduct of UNAMI officials regarding the Iraqi Government and the residents of Ashraf and Liberty violates Article 100 in Chapter XV of the UN Charter which states: “In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization”.”

On February 9, 2013 at 5:45 AM Camp Liberty came under missile and mortar attacks; an incident that the UN Secretary General, the UN High Commissioner for Refugees, the US State Department, among others, have condemned in the strongest possible terms.

As of the submission of the present written contribution,⁶ while the Special Representative of the UN Secretary General for Iraq, Mr Martin Kobler, has refused to visit camp Liberty, six residents including a woman have been slain and more than 50 were wounded. Some of the wounded are in serious conditions, therefore the number of slain might increase. There is no assistance and no ambulance to move the wounded. The power generator of the Iraqi clinic at Liberty was hit and as a result the clinic lacks electricity and has become useless.

In a situation where the “Temporary Transit Location (TTL)” has lasted over a year,⁷ and the UNHCR refuses to recognize Camp Liberty as a refugee camp and since they have absolutely no security in this place, the asylum seekers are demanding to be immediately returned to Camp Ashraf, which is equipped with shelters that protected them already in the past from heavy bombing and where they can live in a condition consistent with international standards.

Recommendations

In light of the above elements, we urge:

- the Human Rights Council to call upon the Security Council to take the immediate necessary measures to insure the protection and the safety of the asylum seekers living in Camp Ashraf and Camp Liberty;
- the UN High Commissioner for Human Rights to use her moral authority in recalling to UNAMI personnel the fundamental human rights principles and standards the UN must promote and protect;
- the UN Secretary General to arrange for quick return of the asylum seekers settled in Camp Liberty to Camp Ashraf and to guarantee their rights, safety and protection while they are waiting to leave Iraq;
- the UN Secretary General to order a thorough investigation through relevant organs of the UN regarding the testimonies by Mr Boumedra and the disturbing documents which indicate a possible partiality of his Special Representative for Iraq.

⁶ 10th February 2013 (22:40PM).

⁷ Nearly 3'000 asylum seekers have been identified and over 2'000 of them have been privately interviewed by the UNHCR officials who estimate that another 18 to 24 months are needed to complete the process, while it is still uncertain which third countries will accept the asylum seekers.