

8 March 2013  
Ambassador Jeffrey Feltman  
United Nations Undersecretary for Political Affairs  
The United Nations  
New York, NY 10017

Dear Ambassador:

I thank you for your 25 February 2013 response to my 8 February letter to the Secretary-General and your condolences on the death of seven Liberty residents.

We hoped such a catastrophe would not have taken place against the opposition of the religious fascism ruling Iran through the United Nations and US government assuming their responsibilities regarding the protection of Ashraf residents. Unfortunately, however, not only were the actions of the UN and Martin Kobler anything but preventive, in fact they prepared the grounds and facilitated this catastrophe. The reasons for this is quite clear for you, being in various posts, including US Assistant Secretary of State for Near East Affairs and familiar with the issue of Ashraf up close.

On 28 October 2009 you emphasized in hearing at the US House of Representatives Subcommittee on the Middle East and South Asia,

*"We're actually more concerned about an Iraqi desire to move Camp Ashraf to someplace else inside Iraq....The expectation is .... that they would try to move them -- forcibly move them to a different location in Iraq, and that, too, could lead to bloodshed."*

Now after the third massacre your forecast has once again been substantiated. The residents' forcible relocation to Liberty prison by the Iraqi government was carried out, of course, with the assistance of UN Special Representative of the Secretary-General Martin Kobler, and under the supervision of the US Secretary of State Special Advisor on Ashraf. The first phase of the bloodbath took place on 9 February 2013 and further attacks are in the making.

According to reliable information we obtained from inside the Iranian regime, the terrorist Quds Force has ordered its Iraqi agents to prepare for further missile and mortar attacks against Camp Liberty.

The Iraqi Deputy Interior Minister who is currently in Iran in company of his masters says, *"We recognize no limits in our contact and growing relations with Iran, and we believe we must have good and developing cooperation on all grounds."* In preparations for the next massacre of People's Mojahedin Organization of Iran (PMOI) members, he said, *"These are traitors and murderers of the Iraqi and Iranian people and their presence disrupts Iraq's security and stability."* (IRNA, Iran's official government news agency – 6 March 2013)

On the other hand, Iran's foreign ministry spokesman Ramin Mehmanparast on 5 March threatened countries intending to grant asylum to Liberty residents and called on them to reconsider accepting Liberty residents as refugees, because they are "elements of instability and insecurity".

Furthermore, the GOI has announced that it cannot prevent missile and mortar attacks on Liberty. In fact, four weeks after the missile attack against Liberty, the GOI is preventing the procurement of vital security needs, including blocking the delivery of protective T-walls and the transfer of the residents' helmets and bullet-proof vest from Ashraf, deliberately leaving them without any shields and defenseless against further attacks.

Dear Ambassador,

Prior to this, Liberty residents and their representatives and lawyers, along with a large number of US Congressman, dozens of prominent American dignitaries, thousands of European lawmakers – especially considering Kobler's blatant biased position in favor of the Iraqi government and Iranian regime – had warned the US government and UN Secretary-General of a new massacre. However, these warnings received not even the least of attention. (A number of such warnings are attached – attachment no. 1)

One day prior to the recent missile attack I had written in my 8 February letter to the Secretary-General, which you responded to on 25 February, *"I would like to draw your attention to the looming third massacre against Iranian opposition by the Government of Iraq and the Iranian regime."*

The truth is Ashraf residents' experience with the UN and Kobler himself has been quite bitter and full of pain and suffering. I write this as not only the representative of Ashraf and Liberty residents, but also as an individual who has 10 of his close relatives, including two my sons and a sister living in Liberty. One of my sons was injured in the 2009 attack against Ashraf and once again in the 9 February missile attack against Liberty, while the other was injured on 27 August 2012 in the Iraqi forces attack against Ashraf residents, taking place before the very eyes of UN monitors.

Believe me, Ashraf and Liberty residents and their families and friends and generally Iranian community, are seriously protesting Mrs. Rajavi's trust in the UN and Kobler in the course of the transfer to Liberty. Mrs. Rajavi in her speech in Geneva on 27 February said the UN is the body to follow up on many complaints, and now that we have complaints against the UN envoy in Iraq, to what body are we to refer?

We hoped the Secretary-General would follow up on this issue. However, your response on behalf of the Secretary-General was rather shocking and disturbing. Of course, we are familiar with Kobler's cheap policy of obtaining supportive letters to justify and cloak his criminal role. He had previously resorted to such methods on numerous occasions with Ambassador Dan Fried, and he had mistakenly – due to his excessive haste - sent us his request for a supportive letter to use as a pressure lever against us.

Certainly you recall your 15 August 2012 and 14 December 2012 letters to Mrs. Rajavi and me.

You wrote:

*"It is imperative that the National Council of Resistance of Iran be forthcoming in cooperating with Mr. Kobler in resolving all outstanding issues. In this connection, I strongly encourage the full and*

*unconditional cooperation of the residents of Camp New Iraq with the monitors and other UN representatives under the leadership of Mr. Kobler."*

*" I would like to reiterate the Secretary-General's full support and appreciation for the impartiality and commitment demonstrated by Mr. Kohler to solve this issue in a peaceful way,..."*

Dear Ambassador,

In your 25 February letter you had correctly recalled two duties of the UN and written, *"the safety and security must be assured"* and *"The United Nations remains committed to the peaceful relocation of the Camp Liberty residents to Camp Liberty and their resettlement outside Iraq."*

Unfortunately, however, you have not at all referred to the requirements of these two issues, especially considering the fact that you know quite well the UN has completely failed in both projects, meaning the TTL and the residents' resettlement, and the residents' safety and security, during the 13 months that has passed from their stationing in Liberty.

The rest of your letter, however, can be easily used against the residents' *"safety and security"*. As we have written to you before, and later on I will mention again, Kobler is part of the problem and not the solution. Any court or impartial body that doesn't intend to provide political, administrative or professional support for Kobler will consider him responsible in the 9 February catastrophe.

Additionally, by emphasizing on the fact that *"Any violence and provocation are unacceptable"*, you are providing the Iraqi government and Iranian regime the possibility of taking advantage of this and placing part of the blame on the residents. Based on Martin Kobler's false reports, you have spoken of the necessity of *"unimpeded access of United Nations personnel to all parts of Camps Ashraf and Liberty for unsupervised consultations with the residents,"* as if the PMOI or the camp leadership has blocked such access. A brazen lie that Mr. Kobler's repeated in his latest remarks in the Security Council provides the best pretext for the Iraqi government to attack the residents and carry out another bloodbath.

What has taken place in the so-called Camp Liberty – which has been recognized as similar to a detention center in two reports of the UN Working Group on Arbitrary Detentions – by violating the UN's fundamental principle and trampling the rights of refugees and asylum seekers by Kobler and his Iraqi partners, is a war crime under the Rome Treaty, and by violating the Fourth Geneva Convention regarding protected persons under this convention, is also a crime against the International Community.

one cannot remain indifferent or minimize and downgrade, the third massacre, crimes against humanity, war crimes and crimes against the International Community, and Kobler's role and responsibility in these crimes. Your condolences is of course appreciated, but unfortunately your condolence was neutralized by expressing appreciation for a man who as Mayor Giuliani put it, has the blood of our martyrs on his hand. His name is Martin Kobler. Actually your appreciation for Kobler is like pouring salt to our wounds. A month after this crime, the Iraqi government continues to refuse to hand over the martyrs bodies to have them buried, and Kobler has remained silent.

## **Safety and Security, the Residents' Absolute Priority**

Your 25 February letter is especially more damaging since after the Liberty missile attack, the residents' safety and security is the absolute priority and nothing must overshadow it. Unfortunately Mr. Kobler, in cooperation with the GOI, has made a hideous effort to divert attention from the residents' safety and security, and by trying to normalize the situation intends to clear the vital and important issue of all the residents' safety and security off the agenda. In this regard I draw your attention to the following issues:

1. There is no doubt that the 9 February attack was carried out under the order of Khamenei himself; organized by the Quds Force and executed with the aid of the GOI and its forces. The details have been specified in the NCRI 13 February statement (attachment no. 2).

2. Liberty, due to its incredibly small area and lack of any buildings or shelters, is severely vulnerable against any attack. During last 13 months, the residents and their representatives have asked Kobler and UNAMI, US and Iraqi officials several hundred times to allow the residents to build a limited number of buildings at their own expense. However, the GOI has not given them such permission even for the patients, and Mr. Kobler, using the lie that I also live in similar facilities, never took the residents' requests seriously.

3. At any moment another missile or mortar attack could be carried out against Liberty. The "Iraqi Hezbollah Battalions" that is part of the Quds Force announced in an interview that it will inflict heavier blows to the PMOI at Camp Liberty. Meanwhile, the Iranian regime and GOI, as an Iraqi security officer revealed, by promoting a phenomenon called the Mokhtar Army intend to wash off their hands of this crime. I draw your attention to the following documents. (attachment no. 3)

- NCRI statement dated 25 February regarding the interview of Wathiq al-Battat with the Al-Hayat and Asharq Al-Awsat newspapers
- Wathiq al-Battat 26 February interview with Associated Press
- NCRI statements dated 4 and 7 March

4. Four weeks after the 9 February missile attack, the GOI is preventing the entrance of basic equipment for minimum safety and security such as helmets, protective vests, shovels and picks to dig individual shelters and sandbags.... There is no doubt that the GOI, at the behest of the Iranian regime, wants to take more casualties from the residents in the next attack. (NCRI statement dated 6 March attachment no. 4)

5. To this end, it is clear that the safety and security of Liberty residents is in no way provided and guaranteed and every day of delay in this camp means welcoming a catastrophe. At the same time the experience of the past one and a half years clearly shows that if we are to not trust Mr. Kobler's lies, there is no expeditious resettlement at hands

reach and referring the residents' safety and security to their resettlement means welcoming another catastrophe at Liberty.

6. In this regard the UNHCR precisely stated in its 1 March statement:

*"UNHCR renews its deep concern about the safety and security of the residents of Camp Liberty in Iraq in light of threats, made this week, by the group claiming responsibility for the 9 February mortar attack that killed seven people and wounded dozens. UNHCR reaffirms that this population is entitled to international protection according to international law.*

*UNHCR strongly calls on all countries to redouble their efforts to find humanitarian solutions for this population outside Iraq and urges the Iraqi Government to do everything possible in the meantime to guarantee a safe and secure environment for this population".*

Is there any doubt that Liberty is in no way "a safe and secure environment".

7. Section 1.7 of the 'UNHCR Manual on Security of Persons of Concern' that was published in 2011 and has the signature of High Commissioner Antonio Guterres, states:

*"Attacks on camps and settlements represent a serious crisis, even a breakdown of protection. The re-establishment of a peaceful and secure environment for persons of concern has to be UNHCR's primary objective.....*

*Work to prevent further incidents. Provide guidance to victims and persons of concern on immediate and short-term protection measures, including advice on risk areas and risk factors.*

- *Depending on the nature and extent of the attack, evaluate the case for relocating the people most directly affected or the entire camp population.*
- *If the host government is unable or unwilling to provide adequate security and cannot guarantee the safety and welfare of persons of concern, consider the merits of relocating the camp or settlement population".*

8. To this end, providing the residents' safety and security will be possible through one of the following two options:

a. Immediate temporary evacuation of all residents to the United States of America or one of the European Union member states so that they could gradually resettle to other countries.

b. Immediate and straightaway transfer to Ashraf, in which they will have relatively more security. Ashraf, because it is 80 times greater than Liberty and has concrete buildings and shelters that the residents built over the course of 26 years, has a much higher security level. During the course of 26 years and 21 bombardments and Scud missile attacks and hundreds of other missiles, and various terrorists attacks carried out by the Iranian regime and its Iraqi proxies who are now in the Iraqi Government, only one person was killed.

### **Consensus on necessity to return to Ashraf**

9. Any logical person and conscientious politician familiar with the situation of camps Ashraf and Liberty residents would not hesitate that after the February 9 attack, the residents must be returned to Ashraf. Hence, there is a large consensus amongst American

and European dignitaries and parliamentarians on the necessity to return to Ashraf. I shall just mention four examples here:

**First** – An official delegation from the U.S. Congress declared in Paris on February 17:

*“The full protection of the residents of Camp Liberty can only be ensured by moving them out of the harm’s way and returning them to their home for 26 years at Camp Ashraf. In 112th Congress, the House passed a legislative language as part of H.R. 1905 which called for the U.S. Government to urge the Iraqi Government not to close Camp Ashraf until all the residents of Camp Ashraf are interviewed by the UNHCR in the Camp and resettled in third countries.*

*Moving the residents to Camp Liberty has only made the 3,100 members of the MEK--whom Tehran considers its biggest internal threat and seeks to destroy--more vulnerable to attacks as we witnessed the tragic February 9th attack on the camp which left 7 people dead and nearly 100 wounded. The conduct of the UNAMI and the UN Secretary General Special Representative is biased and unacceptable, and the U.S. Government, the Secretary General of the United Nations, and the UN High Commissioner for Refugees should give top priority to resolving the security situation of the residents of Camp Liberty—which can be ensured by their return to Camp Ashraf”*(The statement is enclosed. Attachment no. 5)

**Second** – A bipartisan group of senior U.S. congressmen registered a resolution on February 28 that while condemning the attack on Camp Liberty stipulates:

*urges the Government of Iraq to allow the residents’ families and lawyers as well as international observers, including parliamentarians, Members of Congress, and the media to visit Camp Hurriya and assess the situation on the ground;*

*urges the President to work with the Government of Iraq and the United Nations High Commissioner for Refugees to return the residents of Camp Hurriya to Camp Ashraf where they will have more protection from any future terrorist attacks* (Attachment no. 6)

**Third** – Six European parliament vice-Presidents, together with a number of this parliament’s senior members, in their letter of 7 March 2013 to President Van Rompuy (President of the European Council) and President Jose Manuel Barroso Rompuy (President of the European Commission) called for urgent action to return residents to Camp Ashraf. In their letter they wrote:

*“Liberty is a camp with less than half a squared kilometre in total area with very high population density. There are no fortifications and the residents live in makeshift houses made from containers which are very vulnerable to attacks. The relocated people had lived in camp Ashraf for over twenty six years. Ashraf has an area that is eighty times bigger than Liberty. Ashraf is a city that was built by these people with their own funds. The buildings in Ashraf are fortified by cement and the camp has safety bunkers as well. The air strikes and missile attacks over the previous twenty six years had caused the death of only one resident. You are well aware that last year the Iraqi Government in collaboration with Martin Kobler as was demanded by Tehran, forcefully relocated the residents to Liberty, a camp that was called a prison by the UN’s Working Group on Arbitrary Detention....*

*All the promises which were made by the Special Envoy have proven to be wrong. There is no security, no health care and not even normal standards of living in Liberty. There has been no relocation to third countries as promised. In the thirteen months since the relocation to camp Liberty, only seven people have been moved out of Iraq. Many promises of relocation have proven*

to be untrue. Furthermore, Martin Kobler has continuously ignored the requests of the residents not to talk to the Iranian regime on their behalf.

The Iraqi Government, despite the February 9<sup>th</sup> tragedy, has been preventing the very basic safety essentials such as helmets, bulletproof vests, shovels and picks from entering the camp. It is clear that the Iraqi Government's intention is to have more casualties in future attacks.

Given the above facts, and the fact that Liberty cannot be considered a safe and secure environment by the UNHCR, we request that;

- The Iraqi Government returns the Camp Liberty residents temporarily to Ashraf which is relatively much more secure. Otherwise the US, EU and UN might be seen as sharing part of responsibility for any harm caused to the residents of Liberty
- The Secretary General of UN assigns an impartial Envoy instead of the current one who has consistently sided with the Iraqi government.

(The letter is enclosed. Attachment no. 7)

**Fourth** - British Parliamentary Committee for Iran Freedom which enjoys a majority support in the parliament and support of their 200 peers issued a statement on February 9 saying:

*"We should demand that the United Kingdom government takes immediate action to bring this matter to the UN Security Council and takes steps to ensure that the residents of Camp Liberty are given humanitarian aid and returned to Camp Ashraf. It is time for weakness to cease in the diplomatic approach to Camp Liberty. The Iraqi ambassador should be summoned to the Foreign Office immediately."* (Statement is enclosed. Attachment no. 8)

## **Kobler's attempt to portray conditions as normal**

10. As 3000 residents of Camp Liberty in their joint letter of February 14 to High Commissioner Antonio Guterres wrote that in such circumstances, continuation of the UNHCR interviews or the slow resettlement method would in fact increase the dangers for the wide majority that will remain in Liberty and no honorable person would leave the lives of others in danger. (Joint letter is enclosed. Attachment no. 9)

11. Nonetheless, despite the abovementioned evident realities, by imposing pressure on residents through various means, Mr. Kobler essays to compel residents to continue with their interviews and accept minuscule resettlements and through repeating deviating falsities on the issue of property, he wants to go around and overshadow the vital issue of safety and security. Kobler is the same person who on February 9 refused to come inside the camp for half an hour "due to security threats". This is ultimate disgrace for a senior UN official that through falsification, deception and duplicity sends 3100 people to Camp Liberty, a place that he himself is unwilling to go to for half an hour. This would be a disgrace if UN chooses to keep silent on this.

12. Through writing letters and lobbying prominent international figures, Mr. Kobler tries in vain to deceive them and us as in the past. Now that he has failed to break the resolve of the residents and to force them to return to Iran, he intends to place them under mortar and missile attacks in the same dirty way that he deployed previously in order to send the residents to Liberty prison. He is guilty and has to be put to justice in a competent court.

Mr. Ambassador, it is my request that you distance yourself from his ominous aims and do not allow his crimes to be blamed on the UN. As one example of dozens, I draw your attention to the letter of Kobler's deputy on February 26 to Mr. Struan Stevenson, President of the Delegation for Relations with Iraq at the European Parliament, and Mr. Stevenson's reply to Mr. Busztin on February 27 (Attachment no. 10). Mr. Stevenson was the first person that encouraged us to cooperate with Mr. Kobler. He wrote in this letter:

*while Martin Kobler has now written to Mrs. Rajavi pleading with her to allow things to return to normal in Camp Liberty, so that the interviews may proceed as before, nevertheless, 18 days after the February 9th catastrophe, the Iraqi government has still not allowed the transfer of basic protective helmets and armoured vests from Ashraf to Liberty. Nor has it returned protecting T-walls to Liberty and nor does it allow the entry of cranes and trailers that the residents have hired to transfer and install individual shelters. It does not even allow the residents to bring in shovels, picks and gunny sacks. Perhaps, Mr. Busztin, you can explain why Mr Kobler and UNAMI believe that after this most recent of three separate massacres, it should simply be a case of 'business as usual' in Camp Liberty? Perhaps you can tell me exactly how many of the residents must be annihilated before you will take action to protect them? Why do you think we, in the European Parliament and in democratically elected parliaments around the world are demanding that these people are immediately returned to Ashraf for their safety and from there taken without delay to a country of refuge? In my opinion you have failed these people miserably. Martin Kobler deceived me and other parliamentarians into persuading the residents to abandon Ashraf and move to Liberty, where they are now being slaughtered and you simply expect me to persuade them to allow the interview process to proceed as if nothing has happened!*

13. In his speech at UN Headquarters in Geneva on February 28, Mr. Stevenson said:

*"I can tell you Mrs. Rajavi, that today I advise these people who have been deceived and deceived by me in the past. My advice to them today is stop cooperating with Martin Kobler, stop cooperating with any further interviews with UNHCR, do not allow cherry pickings so that 10, 20, or 30 people can be plucked out and taken to some country of safety, leaving those who remain behind even more vulnerable. Tell them there is no more business as usual. We must get these people out of Camp Liberty where they are in imminent danger of annihilation, all 3,000 of them, and we must get them immediately to a place of safety, and that means temporarily getting them back to Ashraf where because of its size and because of its concrete bunkers and buildings they will be more safe while we find a way of getting all 3,100 of them out of Iraq to another place of safety where the UN can continue their very slow process of registration at their leisure. Until that time, we must get them out".*

(Complete text of this speech is enclosed. Attachment no. 11)

14. Sid Ahmed Ghozali, former prime minister and foreign minister of Algeria, while underscoring the vital need for residents to return to Ashraf, reiterated on February 28 at the UN Headquarters in Geneva:

*"I say to Madam High Commissioner, the role of the High Commissioner, is to provide assistance to people in danger and that the lack of protection of the population, eventually is a crime."*

Addressing Ashraf and Liberty residents he said: *"Do not accept to discuss any more with Mr. Kobler. It serves no purpose, since it has been demonstrated that he lied, he betrayed, he failed in his mission not only as senior official of the UN, and fortunately the top UN official is not only Kobler, it's also Boumedra, and more of the Boumedras, saving the honor of the United Nations, who has*



*testified. Do not accept to leave Iraq until after you have absolute guarantees for your safety. Because this process ultimately sought only one thing and that is to ensure the safety of people like you who are in Ashraf. We were those who applauded the fact that the PMOI and Ashraf residents showed an extraordinary political maturity because they have put in brackets their fundamental rights. They have not entered in Iraq secretly, they were there by law and they could say we're here, we don't have to go, and we haven't entered secretly. Do not accept to leave Ashraf, when you are returned, without an absolute guarantee to recover all your goods that are your property in all laws. International property law is sacred and even criminals, you don't touch their property, unless such property has been acquired dishonestly. These goods then you have built with your blood, sweat and your money. Do not leave Iraq until you have guarantees that you will recover your property."*

15. Mr. Kobler who knows well that he shares the February 9<sup>th</sup> crime seeks to cover up his role in this crime by laying various traps such as the issue of property,. In this regard I draw your attention to NCRI's March 5<sup>th</sup> statement and its attachments (attachment no. 12) These shameless maneuvers are while Liberty residents are still suffering from the results of February 9<sup>th</sup> attack, and among other things, they are facing the threat of outbreak of infectious Meningitis due to February 9<sup>th</sup> explosions and two of them are in dire conditions at the hospital.

16. Since day one, Martin Kobler was well aware that he is sending Ashraf residents to the prison and killing field of Camp Liberty. Mr. Taher Boumedra, UNAMI Special Advisor on Ashraf Affairs and Head of UNAMI Human Rights Group (2009-2011) who was responsible for the case of Ashraf for three and a half years and visited Ashraf on a weekly basis, shockingly revealed:

*"We operated always on the presumption of guilt of these people. Everything we did at UNAMI, we presumed that they are terrorists and we dealt with them accordingly. I did advise UNAMI that the fundamental principle in the United Nations is to presume innocence, but unfortunately that was not the case. We worked exactly opposite and in defiance of the fundamental principle of justice, which is the presumption of innocence".*

While recalling Kobler's conspiratorial conduct in drafting the MoU, he added:

*"After the signature of this document we started preparing the transfer process. We first made the security assessment of Camp Liberty and we found that the camp is so vulnerable. And then we started talking about how to attenuate the vulnerability of the camp. It was by making sure that we had more Fijians, more soldiers, Fijians are the ones protecting UNAMI, to protect not the Ashrafis but to protect the UN staff. So we were reinforced to the attentuate security situation. But we did not do anything to protect the Ashrafis"(28 February at UN in Geneva – complete speech is enclosed. Attachment no. 13)*

Dear Ambassador

Although we were not familiar with all dimensions of Kobler's conspiracy, but we have identified some of its aspects and already informed the international community on it, especially the U.S. and UN. Even though you have already received copies of all of our correspondences with the Secretary-General, the High Commissioner for Refugees, Special Representative of Secretary-General, Special envoy of Secretary Clinton, and other

U.S. officials, in order to leave nothing unsaid and just very briefly I mention here some of the background and essential points so that there would be no ambiguity on the responsibility of United Nations in sending Ashraf residents to Liberty prison and killing field and the mass murder of February 9 and then call on you to immediately undertake two actions:

First – Thoroughly setting aside Kobler from the Ashraf and Liberty dossier and designation of an impartial representative

Second – Immediate transfer of residents of Camp Liberty to Ashraf. And if the GOI is not willing to accept this transfer, either the Secretary-General or yourself declare the essentiality of this transfer for the safety and security of residents in a statement and call on the Security Council for assistance. Then surely, the GOI would take you more seriously. Otherwise, along with the U.S. the United Nations would bear full responsibility for any incident which may happen against the residents of Ashraf and Liberty.

### **A-Background after April 8, 2011 massacre**

1. Following the massacre of Ashraf residents on April 8, 2011, High Commissioner Pillay declared on April 15:

*“There is no possible excuse for this number of casualties. There must be a full, independent and transparent inquiry, and any person found responsible for use of excessive force should be prosecuted.”*

This call was endorsed on the next day by the SRSG Ad Melkert. Both before and after the call by Ms. Pillay, similar calls were given by the U.S. State Department; Senator John Kerry, at the time Chair of the Senate Foreign Affairs Committee; Baroness Ashton, High Representative of EU; the Amnesty International; and many other international bodies. However, these calls were soon forgotten and neither UNAMI, nor OHCHR took any steps for an investigation despite our extensive endeavors.

2. In the shadow of this inaction by the international community and absent such investigations, instead of responding to this crime against humanity, in a bid to distort the situation, Government of Iraq called for the expulsion of PMOI from Iraq by the end of 2011 and displacement of Ashraf residents inside Iraq.

3. Despite their absolute right for remaining in Ashraf and in Iraq, and at the request of Mrs. Rajavi, Ashraf residents agreed to the European parliament plan in early May 2011 that advocated that through specific conditions, residents of Ashraf be transferred to third countries.

4. In his seven visits to Ashraf from May to July 2011, U.S. representative Ambassador Larry Butler attempted to convince Ashraf residents to displace inside Iraq which met residents’ resolute opposition. Camp Ashraf leadership and representative of residents outside of Iraq, in their meetings and letters presented seven alternative solutions to Mr. Butler most of which were absolutely practical for the U.S. government at the time, but none received any attention.

5. Ad Melkert, the at the time Special Representative of Secretary-General for Iraq, and UNAMI whose representative was present in all meetings, were against the displacement plan and declared their opposition to both residents' representatives and the U.S. officials. They knew all too well that this transfer means suppression and slaughter of residents by the Iraqi government.

6. In September 2011, Ambassador Lindwall, a U.S. diplomat, replaced Ambassador Butler. In his first visit to Camp Ashraf in September 2011, Mr. Lindwall stipulated that the displacement plan inside Iraq is a dead plan.

7. After the April 2011 slaughter, residents' representatives suggested an alternative plan for Camp Ashraf to be placed under monitoring and control of the UNHCR and UNAMI and that UNHCR would confirm the collective refugee status of all residents who have been refugees in Iraq since the 1980s. Nevertheless, at the suggestion of High Commissioner Antonio Guterres in August 2011 aimed at providing security and protection to the residents, they accepted to present their individual refugee applications to the UNHCR. Subsequently, the High Commissioner immediately declared that all these people are asylum-seekers under international protection. Then UNHCR announced its readiness to conduct the RSD process in facilities adjacent to Camp Ashraf and this process was to begin toward the end of October 2011. Nonetheless, Iraqi government obstructed and preconditioned it to departure of residents from Ashraf.

8. Mr. Kobler had told us that the area of Camp Liberty that would be allocated to Ashraf residents is 40 square kilometers.

- I later wrote to him on this point in my letter of January 4, 2011:

*"we continue to receive troubling reports on plans by the Iranian regime and the Iraqi government to imprison Camp Ashraf residents in Camp Liberty.*

*These reports totally contradict your messages to the residents of Ashraf and your remarks to us in subsequent meetings on December 7 in Brussels, on December 13, 19 and 29 in Camp Ashraf and on December 16, 17, 26 and 27 in Paris. From all indications the following can be surmised:*

1. *The details on the area allocated to the residents at Camp Liberty of Ashraf made available to us make clear that it would be a de facto prison.*
2. *....Initially, UNAMI officials conveyed your message to the residents of Ashraf which indicated that the size of Camp Liberty is 40 Sqr kms and the infra-structure and facilities are superior to Camp Ashraf. You underscored this point in the December 7 meeting with me and my colleagues in Brussels"*

I also reminded UNSG Ban Ki-moon on 22 May 2012 by writing:

*"We were first told that the area of Camp Liberty is 40 sq. Kilometers. On 26 December, Ambassador Kobler presented a map to Mrs. Rajavi and specified the area was 2.5 sq. Km. However, this was in practice reduced to 0.5 sq. Km (i.e. almost eighty times smaller than Ashraf.)"*

- Dr. Alejo Vidal-Quadras, the EP vice-President and President of the International Committee in Search of Justice (ISJ) with 4000 members on both sides of the Atlantic, wrote to the Secretary-General on February 9, 2012 :

*“Since early December, the SRSG had informed the residents of Ashraf that a fully-equipped Camp Liberty, 40 Sqr. Km in area, was prepared for their arrival. The SRSG said the same thing in his December 7th meeting with the representatives of the residents of Ashraf in Brussels and conveyed the same message to our colleagues in the European Parliament. However, he informed the residents of Ashraf on December 16 that only 2.25 Sqr. Km had been allocated to the residents. On December 27, he informed Ashraf residents that Iraq had agreed to expand the area to 3 Sqr. Km. But now, it has become clear that only 0.5 Sqr. Km will be allocated to the residents”*

## **Kobler’s mandate is to close Ashraf and implement Khamenei and Maliki wishes**

1. In October 2011, Kobler entered Iraq as the new Representative of Secretary-General. He came to Iraq with this priority to close down Ashraf at any price. He himself has stated time and again that 90% of his time and energy and UNAMI’s resources have been allocated to the transfer of Ashraf residents to Camp Liberty. Following Kobler’s entry and activation of the displacement plan inside Iraq, the Iraqi government preconditioned the RSD process to the departure of residents from Ashraf.
2. In 20 November 2011, Mr. Kobler sent a message to Ashraf residents that: *“he would not sign any document unless both sides agree on its content”* Special Representative added that he would continue this process until he finds a solution that would be acceptable to both parties as stated in Secretary-General’s report to the Security Council. Nonetheless, if he gets to a point that this process cannot be continued, he would hold a press conference and say that he has no mandate to impose a solution and has no facilitating means and that he would go as far as saying in such a conference which party has caused the situation to reach an impasse. Kobler stressed: *“This is not an agreement between the Government of Iraq (GOI) and the UNAMI but it is between the residents and the GOI. The SRSG should only be a facilitator and not the negotiator and the residents’ lawyers should definitely be present in meetings.”* But afterwards, Kobler easily reneged on all these promises and signed the MOU without our knowledge and concert.
3. Although we were distrustful of Mr. Kobler’s goodwill from the outset, we offered utmost cooperation to him. In the period of December 2011 and July 2012, Mrs. Rajavi met with him ten times in her headquarters for a total of 70 hours. In the period of one year, we have had hundreds of phone contacts and hundreds of correspondences with him. However, he used all these contacts to forcibly evict residents from Ashraf. It is over 15 months that we are facing a series of lies, duplicities and deceptions by Mr. Kobler and as a result 3100 Iranian refugees that are all protected persons under the Fourth Geneva Convention were sent to Liberty prison and suffered the February 9, 2013 massacre.
4. What is more important, Mr. Kobler has implemented all these measures in coordination and close cooperation not only with the Iraqi Prime Ministry, but the embassy of the Iranian regime in Baghdad as well as other Iranian regime officials. Faleh Fayyaz, security advisor to Maliki whom you know well, has explicitly declared that Mr. Kobler advances the project for closing Ashraf with the Iranian ambassador in Baghdad

and other Iranian regime officials. Our many referrals to Mr. Kobler and our numerous letters to the Secretary-General and other pertinent officials for Mr. Kobler to deny this matter got nowhere. Of course, it was obvious from the outset that Mr. Faleh Fayyaz has just disclosed a small portion of this relationship and that Mr. Kobler's relation with the Iranian regime for annihilation of its opposition is much more extensive. This is clearly a trade with blood.

5. Mr. Tahar Boumedra specified in his testimony under oath before the U.S. Congress on September 13:

*"Yes, Mr. Chairman, I do confirm here in front of you that UNAMI has no independence whatsoever. That every issue dealt with regarding Ashraf is decided at the (Iraqi) prime minister's office and sometimes at the Iranian embassy in Baghdad."*

In part of his speech, Mr. Boumedra who resigned In May 2012, in objection to conspiratorial measures of Kobler against Ashraf, emphasized that he participated along with Kobler in 5 meetings with Iranian Ambassador and the main topic of the talks was Ashraf. You know well that Iran's Ambassador in Baghdad, Hassan Danaifar is one of the terrorist Quds force commanders. The text of Mr. Boumedra's testimony in US Congress in September 13, 2012 and the text of his speech in British Parliament in... December 2012 are enclosed. (Attachment no.14).

6. Although remarks of Mr. Boumedra and Falih Fayyadh is sufficient enough to prove Kobler's cooperation with the religious fascism ruling in Iran against the opposition, but the relationship of Kobler with Iranian regime is more blatant than this. I have enclosed some of the remarks of Iranian regime's officials and some other news about his relationship with Iranian regime concerning Ashraf. (Attachment no.15)

7. I would like to ask you, as a senior official of the United Nations, as how you are silent in face of such obvious violation, and at the same time you also advise us to cooperate with Mr. Kobler who is in collusion with our killers. Dr. Alejo Vidal-Quadras, in a letter to Secretary-General on October 19, which enumerated some of the facts of cooperation of Mr. Kobler with Iranian regime against Ashraf and Liberty residents wrote:

*"Discussions with the Iranian regime regarding its opposition members that under 4th Geneva convention and as declared by UNHCR are "asylum seekers" and are "people of concern" is itself a criminal act. .... The SRSG's communications with the Iranian regime's representative in regards to the Iranian opposition will have devastating security implications and would pave the road for a third massacre of the residents that would have legal implications for the UN and the SRSG".*

As you can see the anticipation about the third massacre became true. The letter is enclosed. (Attachment no. 16)

### **c- Lying, faking and hypocrisy of Kobler**

1-Since Mr. Kobler is committed, with no question, to the policies of Maliki and Iranian regime for closure of Ashraf and annihilation of Iranian opposition, from first day, his relationship with Ashraf residents and their representatives and lawyers and even the

Parliamentarian groups from different countries and American personalities has been based on lying, deceiving, faking and hypocrisy. On early May, after the transfer of 5<sup>th</sup> group of residents from Ashraf to Liberty, Mr. Kobler received his Visa to go to Tehran and immediately he traveled to Tehran and one of the topics that he discussed in Tehran, especially with the officials of Iranian Ministry of Intelligence was Ashraf and PMOI. I would like to draw your attention to the statement of ISJ in this regard. (Attachment no.17). As you can see in this statement, in his trip to Brussels in February 2012, Kobler told to EU officials that Iranian regime has made condition for closure of Ashraf in order to grant visa for him. After this trip we didn't see ourselves permissible to meet and talk with such person about the fate of Ashraf residents and that is why Mrs. Rajavi refused his continuous demands for meeting.

2- Bipartisan prominent American personalities including Mayor Giuliani. Judge Mukasey, Governor Rendell, Secretary Ridge, Senator Torricelli and European friends like Mr. Verheugen (Former European minister of Germany and Vice President of the European Commission), Mrs. Sussmuth, former President of the German Parliament, Dr. Alejo Vidal-Quadras, and Struan Stevenson, insisted that we continue our talks with Kobler and give him another chance and test him. As a result of these insistencies, on July 1<sup>st</sup> Mrs. Rajavi met with Kobler in the presence of the above mentioned personalities. (The report of European observers from July 1 is enclosed- Attachment no.18). Subsequently on July 26, Mrs. Rajavi had another meeting with him. But later it became clear that he even misused these meetings. Please pay attention to the letter to Ambassador Fried on July 30. (Attachment no.19)

3. Kobler's approach to the Missile attack against Liberty and his statement in this regard leaves no doubt that he is in Maliki and Khamenei's camp. This was the ending point of any relationship between the residents and their representatives with Mr. Kobler. I would like to draw your attention to the statement no. 16 of Secretariat of the NCRI in this regard. (Attachment no.20). We have enough reasons and documents that Kobler had role in the crime against humanity on Feb 9 and he must be taken accountable for this crime.

4. Statement of Mrs. Kobler, German Ambassador to Iraq, about Feb 9 attack which probably was drafted by Mr. Kobler, clearly indicates that mandate of Mr. Kobler and his wife in Iraq has been the annihilation of Iran's opposition. Hundreds of websites and TV stations and newspapers under the control of government in Iran covered the statement of German Ambassador and emphasized that German government has asked for expulsion of PMOI from Iraq. Concerning this issue Mr. Verheugen said in a public meeting in Geneva 27<sup>th</sup> of February:

*"it does not really help that Mr Koblers wife, the German ambassador to Baghdad, issued a statement which is not acceptable and so I have also to mention the question to the government of Germany, my own Government . I expect the German Chancellor and the German foreign affairs to make it very clear that statement of the German ambassador to Baghdad is not the position of the German Government. This statement shows a shirr ignorance and political incompetent. The*

*German Ambassador is supposed to represent German people in those countries, I can only say, she doesn't represent me, she doesn't represent hundreds of thousands. , she doesn't represent hundreds of thousands supporters for peace in my country. "*

I also would like to draw your attention to NCRI's statement in this regard. (Attachment no.21)

5. Right now there is an unprecedented consensus among the personalities who have been closely following the issue Ashraf and they believe that Kobler has lied to them, he has deceived them, Kobler is criminal and he must be put on trial. I have enclosed part of speeches of Mayor Giuliani, Secretary Tom Ridge, General Jones, Secretary Richardson, Governor Howard Dean, speaker Newt Gingrich, Senator Santorum, Governor Rendell, Judge Mukasey, Ambassador Bolton, Frances Townsend, Andrew Card, Senator Torricelli from US, Gunter Verheugen, Paulo Casaca, Professor Jean Ziegler in this regard. (Excerpts from remarks by some of above personalities are in attachment no. 22). This is only a limited part of the remarks and I did not send the rest. These are the same people who in June and July asked Mrs. Rajavi to resume her meetings with Kobler.

6. Ambassador Bolton, on Feb 27, 2013 in a meeting in Geneva said:

*Kobler is suffering what in the US State Department we call client titers he thinks he works not for the United Nations and its member governments but for the Government of Iraq and I think his situation at this point is simply hopeless. That is why within the UN system we need the High Commissioner and we need the under secretary General for coordinating humanitarian assistance to assert themselves.*

*What we are seeing now in respect to the treatment of the people in camp Liberty is the systemic failure of the United Nations and its entire system the UN assistance mission in Iraq acts as a paid agent of the Al Maliki government in Baghdad. UN High Commissioner for refugees and the under secretary general for coordinating humanitarian assistance in New York are failing to uphold their mandates and the UN system as a whole is once again being discredited. Secretary General Ban Ki Moon someone whom I have known personally for 20 years I think is not fully informed about what is happening but in any event is making a huge mistake on his own behalf and on behalf of the UN if he does not correct matters instantly.*

*Let me run through some important points here that seem to get lost in the debate. First the Secretary General Special representative for UNAMI is not the tsar of the UN system in Iraq he is merely one agent of a large operation and in fact the security council of the Un has repeatedly recognized that the role of the High Commissioner for Refugees in Iraq is not subordinate to Martin Kobler or UNAMI the most recent pre authorization of UNAMI in the resolution 2061 of July of last year in paragraph 12 the Security Council says specifically that it endorse the important role of the High Commissioner for refugees in coordination with UNAMI not under UNAMI's direction in coordination with UNAMI.*

*High Commissioner says specifically that the work of the High Commissioner shall be of entirely non political character it should be humanitarian and social and what Martin Kobler has done and what the High Commissioners office has permitted to happen is that its role has been politicized it is following the will of the Al Maliki's government which is following the will of the mullahs in Tehran. If there were ever a group of people who could demonstrate in the original word of the High Commissioner statute a well founded fear of persecution it is obviously the resident of camp Liberty and the government of Iraq has contributed to this in many respects*

7. Mayor Giuliani, on Feb 20, 2013 in Houston and before that in Washington said:

*"In June of last year the delegation that I was a part of with judge Mukasey went to Paris and met with Martin Kobler and his designees and we worked out a ten point agreement that had to be met so that the people would move and Martin Kobler assured us that they would be safer at concentration camp liberty then at Ashraf because it would be right near Baghdad, it would be right near the airport. I put up a picture before if you can put it up again- I want you to look at where this is. This concentration camp Liberty is a small part of what used to be a much bigger camp Liberty when we were there. It's in the middle of that area you see outlined in red. It's a small little part. The rest of that area is a military encampment made up of the Iraqi military.*

*Then right beyond it, right below where that water is the airport. So Martin Kobler made the point that this is a very secure place to be; you're basically on a military base. You're in a military base surrounded by the Iraqi military. And you're in an area that the Iraqis keep very secure because the airport and military is there and there are cameras all over the place so this will be a safe place for them to go, safer than in Ashraf.*

*He assured us of that. He assured us of that even though the facilities looked horrible, they looked awful. He promised us those facilities would be fixed, he promised us they would be water, he promised us there would be electricity, he promised us many many things. And the most important thing he promised us is that they would be moved out of there very very quickly; that they would expedite the process of finding countries for all these people to go.*

*Every single thing I said to you Martin Kobler has a reason. I believe every single thing he said to us in June was a lie. Because he has proven himself to be a professional liar, which is unfortunate. I believe there is no choice with Martin Kobler, if the UN wants to do the right thing he should be removed immediately. He is doing the dirty work of the Iraqi and Iranian governments. He is not doing the work of the UN. He is not doing the work of trying to protect people who are in a vulnerable status".*

8. Struan Stevenson, simultaneous with the meeting of council of Human rights, on Feb 28, 2013 in a conference in the European headquarters of the United Nations in Geneva said:

*We were promised when Martin Kobler came to see me in my office at Brussels and see other senior members of the European Parliament; he brought with him a large dossier of photographs to show us what a wonderful concept this Camp Liberty would be and that it was humanitarian and comfortable and would be provided with complete security, all be it, it was rather small, but they would only be there for a few weeks and then they would be taken off the places of safety.*

*Twice I came here to Geneva to speak to Antonio Guterres and he told me that the concept was to have in his words, a revolving door, where several hundred people would be brought from Camp Ashraf to Camp Liberty, interviewed by UNHCR, registered as refugees, and immediately taken to countries of safety. And I went to Paris and persuaded Mrs. Rajavi to tell the people of Ashraf that this was their only chance of getting out of Iraq. They had to move to camp Liberty. The UNHCR interviews could not be undertaken at Ashraf. It was a red line for Maliki and the Iraqi government. And against her better judgment, Mrs. Rajavi finally gave in to my insistence and spoke to the people at Ashraf and persuaded them to move, based on the guarantees we have had from Martin Kobler, which now have proved to be completely false. I was deceived, the dossier of photographs had been doctored. We know that on first hand evidence from Taher Boumedra who worked for UN in*



*Baghdad and resigned in disgust at being ordered to doctor these photographs. This is the behavior of the United Nations in Iraq.*

*I was deceived; my colleagues were deceived; and in turn, we deceived the people of Ashraf, forcing them to make themselves vulnerable targets of assassination and murder. And that is exactly what has happened now and I feel guilty for that....*

9. Professor Jean Ziegler said:

*“. Kobler, Martin, is one of the 53 special representatives throughout the world of the UN Secretary-General with a clear mandate. To understand his situation, his wife is an ambassador of the Federal Republic of Germany, Brita Wagner in Baghdad. It is obvious that when you are an ambassador in a country, you must have the best possible relations with the local government. So, of course, Ms. Wagner does everything not to anger Maliki, to show herself the most accommodating as possible. And her husband, not to hinder the career of his wife, is normally driven in complicity, but this time by the murderous policy of politeness, active complicity with a Prime Minister who is no other than a pure lackey of the mullahs of Tehran. I think it is legally worth - and really I'm talking as a lawyer - it is worth examining of what Mr. Kobler may be charged with complicity in crimes against humanity. It is a procedure ... you know his behavior: intentional lies in face of the President of NCRI in the transfer, then refusal of protection in Liberty, closing blind eyes on the living conditions in this prison camp, and finally, his refusal to go and meet with the survivors of the attack.*

*All these amount to a heavy record. Or in German courts who have a very safe and strong legal system on crimes against humanity, or before an international court in The Hague. There must be a procedure against Martin Kobler for complicity in genocide.*

*..... Without the principles of the Charter (of the UN) and without the principles of the declaration, there is no civilization on earth. So, we all have interest in keeping the United Nations alive, be credible and do its job. We all have interest in this*

10. Governor Ed Rendell said: on Feb 27, 2013 in a meeting in Geneva said:

*“we have failed the residents of Ashraf and Liberty because we were lied to by Mr. Kobler, we were misled by our own government, and we helped to persuade Madam Rajavi to persuade the leadership of Ashraf to begin the resettlement process..... We were lied to and we were naïve. There was never any caring about protecting residents at Liberty. Remember the whole condition precedent for going to Liberty was that it was going to be safer at Liberty. It wasn't isolated, it was near Baghdad; it was going to be safer. It is also a hellhole. Every promise made about the condition at Liberty, about what is in the MoU, what residents of Ashraf could bring with them, almost every promise has been violated.”*

11. Due to his mistrust in Kobler's reports, ISJ president sent three detailed reports about the situation of Ashraf and Liberty to the UN Security Council sessions in April, July, and November 2012. These three reports are attached (Attachment no. 23). In his last report to the Council on 28 November 2012, he reiterated:

*“ The motivation for preparation of this report, which is the third report of its kind, is the lack of an impartial and comprehensive vision on the situation in Ashraf and Liberty by UNAMI and the Special Representative of the Secretary-General, Ambassador Kobler. Members of the European Parliament, the U.S. Congress, the British and the French Parliaments, and many prominent international figures and jurists, have been in contact and cooperation with Mr. Kobler with good faith since the first weeks that he took over the Ashraf case, but unfortunately our bitter experience*

*showed that Mr. Kobler was following a specific political agenda which is far from being impartial. In previous sessions of the Security Council on Iraq, in particular the July 2012 session, it became evident that Mr. Kobler was not a trusted rapporteur with respect to Ashraf and Liberty, and political considerations with respect to the governments of Iraq and Iran overshadowed his perception of facts and his analysis”.*

ISJ asks UNSC in this letter: *“to give the Secretary General the responsibility to form a fact finding committee to investigate the actions of the Special Representative in regard to Ashraf and Liberty and his communications with the Iranian regime and the government of Iraq, in particular to examine the remarks of Mr Tahar Boumedra, a former senior UNAMI official, who testified in the US Congress“ and resolve “the UN Secretary General should appoint an impartial envoy instead of Mr. Kobler with respect to Ashraf and Liberty.”*

12. In short, we have not seen anything but lies and deception from Kobler during past 15 months. Three big lies by which he tried to relocate the residents to Liberty prison with could be categorized generally as: Liberty meets humanitarian standards; Liberty is a temporary transit location and the residents will be transferred quickly from there to third countries; and Liberty is a safe and secure place. Thirteen months after the move of first group to Liberty all three lies are revealed and Mr. Kobler must be held accountable.

#### **D. Humanitarian Standards**

1. As I mentioned earlier, contrary to Kobler’s remarks, the 40 sq. kilometer area of Liberty that he promised reduced to 0.5 sq. kilometer in practice.
2. On January 18, Kobler sent me as the residents’ representative 85 pictures of Liberty to give them to the residents. Mr. Boumedra who had sent me those pictures on Kobler’s behalf, said under oath in the U.S. Congress hearing session:

*“When Iraq decided to start relocating the exiles to the new site at Camp Liberty in December 2011, I made several visits to inspect Camp Liberty, and reported that it was not fit to accommodate 3,400 men and women. The SRSG visited Camp Liberty and saw the reality; yet when the Office of the United Nations High Commissioner for Refugees (UNHCR) hired a consultant to assess the conditions at Camp Liberty, The SRSG pressured him to certify that the camp met all required humanitarian standards, which we knew was far from the truth. After the consultant declined, SRSG Kobler issued a report that misled the international community and the exiles alike into believing the standards were being met so the transfer process could proceed.....*

*The most immoral exercise in my view was that of UNAMI staff being instructed to take photographs selectively at Camp Liberty. The least offensive ones were filed and sent to the exiles’ representatives in Paris with the message that the new site would measure 40 square kilometers, reduced to 2.5 square kilometers. On that basis, the exiles consented to move out of Camp Ashraf. In reality, the site at Camp Liberty attributed to Ashraf residents measures 0.6 square kilometers and is surrounded by three-to four-meter concrete walls (T-walls)”.*

3. On January 31 Kobler announced:

*The United Nations High Commissioner for Refugees (UNHCR) and the UNAMI Human Rights Office have now confirmed that the infrastructure and facilities at Camp Liberty are in accordance with the international humanitarian standards stipulated in the MoU.*

This is while it was revealed later that the UNHCR expert on January 19, had announced officially and in writing that based on his visit to Liberty on January 18:

*"From the technical point of View, **UNHCR cannot***

*Certify and/or verify that the above location meets Humanitarian Standards according to the many existing standard books, i.e. UNHCR Handbook, SPHERE, WHO and others, bearing in mind that these are thought for Refugees in Emergencies.*

*UNHCR cannot certify and/or verify the functionality of infrastructures and/or utilities that are buried.*

*UNHCR cannot certify and/or verify the functionality of infrastructures, such as:*

*Generator sets*

*Water pumps*

*Water supply*

*Water tanks*

*Waste water disposal (pipes, tanks and pumps)*

*Electrical/IT supply and distribution etc."*

Is there anybody to explain to us how all those standards were met within 10 days?

4. The UNHCR expert's report (attachment no. 24), specifies:

*It is essential that the Gol permits Ashraf Contractors to enter the TTL 3-5 days prior to relocation of the caseload.*

This is what the residents and their representatives had asked Kobler dozens of times, but he never gave any answer to this legitimate right.

5. European Parliament Vice-President wrote to UNSG on 3 January 2013 while underscoring Martin Kobler's deception: (attachment no. 25)

*The result of this attitude and this obvious deception has been the forced eviction of the residents, making them homeless by obvious violation of UNHCR's standards and under the banner of the UN. Under the current circumstances, no one with the least principles could remain silent.*

*Once again I would like to urge you that in order to prevent the continuing violation of the rights of Ashraf and Liberty residents and in order to prevent the violation of humanitarians and human rights standards and above all, in order to preserve the values that the UN has been built upon, to appoint a personal and impartial representative who is acceptable to all parties to investigate on Ashraf and Liberty, including this obvious deception and ruse. Any lack of investigation on any violation of law and crime, in practice is tantamount to encouraging it and calling for its repetition".*

6. Thirteen months after the transfer of first group of residents to Liberty and despite extensive expenses by the residents (\$7m just for water and fuel), Camp Liberty's humanitarian conditions continue to be unacceptable and camp's infrastructures remain critical. After each rainfall, Liberty becomes uninhabitable; sewage and rainwater covers all over the camp making the environment contaminated, and movements are almost impossible due to water and mud.

## **E-Resettlement and TTL**

1. One of the rascal measures taken by Kobler was that at the behest of the Iraqi government he called camp Liberty a Temporary Transit Location, despite he knew that stay of the residents in Liberty would last for many years. According to international standards, such a place is made for staying for a few weeks or months. The name TTL has given Iraq and Kobler an excuse to justify all the security and humanitarian deficiencies. Since the first day Kobler lied about the outlooks for resettlement in order to deceive the residents.

2. In February 2012, High Commissioner, Guterres emphasized that the best solution for displacement of the residents to Liberty is to act as rotatory door meaning that some of the residents move to Liberty and then be transferred out of Iraq and then the next people be moved but due to pressures by Kobler 3100 residents were piled up in Liberty prison.

3. However, as far as the resettlement is concerned, in my 8 February letter I had raised the result of UN efforts till the night before 9 February attack and I repeat it exactly:

- *Since the beginning of 2012 till now, UNHCR has declared to 31 residents that certain countries have accepted them; nonetheless, only seven have been resettled up to this point. Of the thirty-one residents, twenty-five have announced their agreement with the country suggested by UNHCR while six have turned down the country suggested. Three who had refused the offer to go to Finland were convinced by residents' representatives to go to that country and they have expressed their consent to the UNHCR.*
- *To this day, the UNHCR has informed 62 residents the countries their cases have been referred to have refused to accept them as refugees.*
- *Mr. Kobler's 14-month-long promises to accept the 300 refugees that hold German refugee status were completely baseless and one person has yet to be transferred to Germany. In November 2012, German officials interviewed 99 residents, yet none have been transferred.*
- *Last summer 66 residents were interviewed by US officials, yet none have been transferred to this country.*
- *29 individuals were interviewed by French officials in April 2012, yet none have been transferred.*
- *80 individuals were interviewed by Italy in 2011 and 2012 but only three have been transferred.*

*while both representatives of Ashraf and Liberty residents and their representatives abroad have from 2009 to this day time and again provided lists of patients, and individuals who are having a tougher time tolerating conditions in Iraq, to UNHCR and UNAMI officials to expedite their resettlement. On 22 December 2012, the Liberty residents' legal advisor once again sent a list of 69 names to the UNHCR and wrote,*

*"I would like to share with you the enclosed 'List No.1: Suggested patients and individuals for expediting refugee process and resettlement in EU member states'. Most of the names in this list were already given to UNAMI in the lists dated November 2009, and April 2010, August 2010." However, of these 72 individuals to this day only 2 have been sent abroad, which are among the seven individuals who have been resettled by the UNHCR up to now*

4. You have asked us to work with countries along resettlement. Since May 2011, when the residents accepted Mrs. Rajavi's suggestion for relocation from Ashraf to third

countries, the residents' representatives and Mrs. Rajavi used all the resources and made huge expense till the 9 February attack, trying to convince the countries to accept a number of Ashraf residents. In her trip to different European countries including Spain, Italy, Belgium, Norway, Estonia, Switzerland, Finland and... Mrs. Rajavi, personally frequently asked for accepting some of the residents and so did the representatives of the NCRI and residents in all the European and Arab countries. Although more people were transferred this way as compared with the process of the UNHCR but still the numbers were very very limited. Anyway, after 9 February the issue has changed and we have no other way than to concentrate absolutely on the security and safety of the residents and on finding a solution for all of them without any exception either by immediate evacuation to the US or immediate relocation to Ashraf.

## **F. Access to all parts of the camp**

Lack of access to different parts of the camp is a lie made up by Martin Kobler. I, in Paris, and the residents' representatives in Liberty and Ashraf have asked him repeatedly, both orally and in writing (including in 18 August and 12 November 2012 letters to Kobler and in 14 November 2012 letter to Kobler's deputy), when, where, and who has prevented which monitor or UNAMI official from having free access or from having private interview, he had no response and he never answered our request to clarify this allegation. Today there is no doubt about Kobler's incitement. This way he intends to prepare the grounds for and to justify the probable assault by Iraqi forces against Ashraf or Liberty. Below, I have quoted part of the letter to Kobler on 12 December 2012:

*"At the end of your letter, in a questionable way without mentioning any details or facts, you write: "We are also increasingly concerned by the fact that our monitors have more and more difficulties to have unsupervised meetings with individual residents".*

*The claim is completely false. It is mixed with political aims and intentions and is without any reasoning. It is merely an allegation against Liberty residents and the Mujahedin Organization and the leadership of the camp. It becomes clear now why during the past week the number of visits by monitors have increased. They are to set grounds for such allegations. In this regard, I bring the following notes to your attention:*

*1- I wrote you in my letter of August 18, 2012: "... I told you in the meeting in Paris on April 14 that the residents' representatives have never prevented confidential meetings of the UNAMI monitors with the residents and will never do so. At the time, the residents' representatives explicitly stated to the monitors that even those who were present on the ground to help the monitors with translations or advice as of that time will no longer be present unless the monitors would need them for translations and to ask them to be present on the venue .... I would like to ask you that instead of resorting to writing general points and levying baseless allegations, write me with specifying with date, day, and time, which one of the monitors in which section faced difficulty and restriction in meeting with which resident. Subsequently I urge that if you have a specific case and fact, the pertinent monitors meet with the representatives of the residents and designated representatives of each section and review that case and send you and me the minutes of the meeting".*

2- But three months past, you did not even bring even one incident into our attention. Of course, I'm sure you have tried your best but there have been none. Your monitors on the ground have always expressed satisfaction about having free access to all parts of the camp and to all people.

3- Your monitors have had a much more active presence in the camp since Sunday November 4 visiting different locations in the camp. Based on letters and numerous complaints from the residents to you personally and to Mr. Motta and also to their legal advisors and lawyers and leadership of the camp, the monitors have been going unexpectedly to any part of the camp, had surprise visits to rooms where ill patients are, to resting areas of women. They have been raising harassing and offensive questions which have nothing to do with their monitoring duty and are beyond United Nations' standards. This is in reality a psychological torture of the residents. Nevertheless, the leadership of the camp, as always, has suggested to the residents to act patiently with tolerance. I asked Mr. Saffari to prepare a report of these complaints.

4- No representatives of the Mujahedin Organizations or the leadership of the camp has been present for these visits and were not informed about them. In no meeting, have any of your monitors ever expressed dissatisfaction to camp representatives about lack of free access.

5- Among all complaints, there are two issues completely unacceptable and red-line. We seriously ask you to stop them.

Men (claiming to be monitors or persons protecting monitors) going to women's resting quarters. This is completely unacceptable for Muslim women in Liberty. There can be no excuses for justifying this. Breaching religious traditions along with basic human, and human rights principles and specially rights of women provided for in international laws and conventions, are appalling. I am imagining it is in anticipation of this that in your letter today you are trying to have the upper hand by alleging the residents.

Another shocking issue among complaints is that in some cases, your monitors take police personnel to dwelling locations of the residents which the police normally don't go there. This is very provocative and raises concern. It facilitates future oppressive measures of the police in the camp. I seriously warn against that.

6- Based on some letters and complaints of the residents, when they try to communicate day-to-day problems of the camp with some monitors, they hear from them that the monitors have no interest in hearing them. Their goal is clearly to encourage people to leave the organization in which they mostly receive a clear 'no' answer from the residents and emphasis on their loyalty to the Mojahedin.

If you refer to the past and remarks made by Iraq's former National Security Advisor, Mowaffak al-Rubaie in 2009, he, using fascist methods, claimed that all 3400 residents are brainwashed and there are only 20 people who want to keep the rest in Ashraf. Later, Iraq's Human Rights Ministry, at the presence of American forces and under supervision of the International Committee Red Cross, interviewed every one of Ashraf residents outside the boundary of the camp from February 26 until April 22, 2009. The interviews took place inside Iraqi military unit, in private and person by person. They spoke for hours and hours. At that time 11 from 3418 people chose to leave Ashraf. They were given a lot of promises to be sent to Europe and the United States of which none came true. We have letters from some of them giving details of their fate after they left Ashraf. Some of them wrote letters to the UN High Commissioner for Refugees on August 26, 2011. Residents of Ashraf are generally members of the PMOI who have dedicated their lives and all capabilities to the struggle against the theocratic-fascist rulers of Iran. Anyone of them who has any doubts about this, at anytime, he or she can go to your monitors or the UNHCR or Iraqi officials and leave Liberty as easily as you can leave your personal home,.

*A list of people who have been staying with us as guests in Ashraf, or are related to members of the PMOI or are families of those executed in Iran and had taken refuge in Ashraf has been provided almost 20 times to UNAMI, the UNHCR and American officials. Since 2009 that the gates of Ashraf closed, we have been insisting constantly for them to have an expedited transfer to third countries. Copies of all communications are available and can be published. You are trying in vain to attract defectors, by posing these allegations, inquiries, propaganda and pressures, only to present them to the mullahs regime. I was hoping you would be smart enough to draw logical conclusions from the events of the past 10 months. In January, you told Iran's Ambassador that a considerable number of the residents (as Danaiefar quoting you over 1600) will return to Iran. Obviously you cannot have a good track record now.*

*I once again repeat what I wrote to you on August 18: "Opening the doors of Liberty to lawyers, journalists, parliamentarians, and human rights defenders that we have been calling for from the onset is the only viable way to put an end on these allegations. In insist that in line with the February 1, March 1, and March 28 statements of the UNHCR, in an official statement defend the freedom of movement of the residents and opening the doors of this detention center so that everyone, except the religious fascism ruling Iran, would have free access to Liberty and its residents".*

In addition, I suggest that you form an independent delegation, not in the framework of UNAMI, to go to Liberty and Ashraf and visit everywhere closely and report back to you.

Dear Ambassador,

The truth is what Senator Torricelli and Professor Schneebaum wrote after their trip to Iraq. They had gone to Iraq at the suggestion of Kobler in order to resolve the issue of residents' property. In their report on the trip they reiterated that UNAMI's priority is to protect Maliki from probable threats. Therefore, UNAMI looks at the issue of Ashraf and Liberty from perspective of Maliki's interests. (The report is attached. Attachment no. 26).

You may have seen the disgusting scene where Kobler is currying favor with Maliki in his presence on International Day of Human Rights on 10 December 2012. For any thoughtful person this was an insult to human rights and to the United Nations. I have attached the clip (Attachment no. 27). No wonder why replacing Kobler is one the Iraqi people's request who have risen against the cruelty and oppression by Maliki and the Iranian regime.

Sorry for the prolonged word. What was mentioned above is only a small part of the complaints of 3200 defenseless refugees who have been betrayed by the United Nations after five years of siege and suppression by the Iranian regime's puppet government in Iraq.

While recently, Secretary-General, Ban Ki-moon apologized for the role of the United Nations in Sri Lanka's massacre, and prior to that the Srebrenica and Rwanda events left a black taint in the history of the United Nations, in order to prevent further disasters

and massacres and to prevent continuation of breaching human rights and the rights of Iranian refugees, I ask you, persistently to:

- 1. According to the agreement that the United States signed with every resident of Ashraf and Liberty to provide them with protection until their final disposition in return for their weapons, the US should transfer all the residents to the US, even if it meant to be on a temporary basis.**
- 2. If the United States does not want to meet its responsibility in this regard, the UN must relocate all Liberty residents to Ashraf immediately without delay for their protection. They can then be transferred from Ashraf to third countries. There is relatively more security in Ashraf.**
- 3. Please note that in both solutions there are two essential and vital elements: the solution must respond to the urgency of the situation and must cover all the residents without any exception. We will no longer waste time with Kobler as it constitutes to welcoming another massacre.**
- 4. UN must condemn Mr. and Mrs. Kobler for trading with the lives of human beings and their political conspiracy to annihilate the Iranian opposition in the interest of the religious fascism ruling Iran. Martin Kobler must be dismissed and a new competent and impartial representative should be assigned to deal with Ashraf and Liberty dossier. The Security Council must make an impartial investigation into his practices over the past year and a half.**

Best Regards,

Mohammad Mohaddessin  
Chair, NCRI Foreign Affairs Committee  
Representative of Ashraf and Liberty residents outside Iraq