

**A report to the UN Security Council**

# **Ashraf and Liberty**

**Between two Security Council sessions on Iraq**

**(November 2012-March 2013)**



**March 2013**

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# I - Preface

1. This report studies the situation at camps Ashraf and Liberty in the period between two Security Council sessions. Report is based on ISJ's continuous communications with residents of both camps and the residents' daily reports; reports by UNAMI; meetings and talks with residents' representatives, United Nations, U.S. government and the European Union; as well as numerous correspondences with relevant parties.

2. The astounding partiality demonstrated by the Special Representative of the UN Secretary-General for Iraq (SRSG) who fully advances the political dictates of the governments of Iran and Iraq, was the impetus behind preparing this alternative report. Secretary-General's March 12 report to the Security Council, vividly prepared by the SRSG, quite clearly demonstrates this partiality that we shall shed light on in this report. We hope that the Secretary General will correct this report to ensure that the numerous misconducts of Martin Kobler will not be attributed to the United Nations and the Secretary General himself. If not, surely Mr. Ban Ki-moon will be held responsible for any future tragedies.

3. As covered in this report, in the period between the two UNSC sessions, bitter incidents have occurred that were both predictable and preventable. These incidents had been underscored and warned about in previous ISJ reports; regrettably, they received little attention from the SRSG, the Secretary-General, as well as the United States government.

4. In the Summary and Conclusions of our previous report, several fundamental issues had been underlined; including:

*"1. In the period between two UNSC sessions, relocation of Ashraf residents has been completed while a number of major issues, including sale of residents' movable and immovable assets, humanitarian and human rights standards at Camp Liberty, resettlement, designation of Camp Liberty, and involving the Iranian regime in the fate of its opponents in camps Ashraf and Liberty remain unresolved.*

*4. The resettlement process shows no definite prospect. Fifteen months past applying for individual asylum by each and every resident to the UNHCR, merely five people have been transferred to outside of Iraq. Designation of Camp Liberty as a Temporary Transit Location (TTL) has no meaning but submitting to the will of Government of Iraq. The real status of Camp Liberty is 'Refugee camp' and through such recognition, Government of Iraq should be brought to observe the humanitarian and human rights of the camp residents.*

*5. Amongst the principal issues where no progress has been made is that of Ashraf and Liberty residents' assets. In violation of international and Iraqi law, Government of Iraq has obstructed transfer of 95% of residents' movable assets to Camp Liberty, has denied the residents of their ownership rights over their immovable property, and bars the sale of their immovable and even movable property preventing merchants from coming to Ashraf and implementing contracts. This is while the sole source of income for residents to make Camp Liberty operational or to transfer and resettle residents in third countries is the assets compiled in 26 years at residents' expense and toil.*

*6. UNAMI's record in general and that of the SRSG in particular, have been negative and unconstructive in resolving the abovementioned issues. The principal reason that*

*explains this failure, regardless of some details, is that the SRSG unequivocally implements the policies of Government of Iraq and the Iranian regime which are in stark contrast with the SRSG's mandate as well as fundamental values of the United Nations."*

5. In our previous report, we also criticized United Nations' astonishing muteness and indifference regarding the statements made by Mr. Tahar Boumedra, UNAMI Advisor on Ashraf who resigned in May 2012 in protest to Mr. Kobler's lopsided behavior, and we went on to stress:

*"such issues raised by a senior official of the United Nations about the SRSG's measures are culpabilities and merit immediate reaction and formation of an investigative commission, which regrettably the UNSG has already had much delay in forming. Mr. Boumedra's remarks fully conform to our findings over the past year revealing a deeper perspective of the catastrophe we have been witnessing every day." (Chapter VII, Summary and conclusions).*

Our criticism remains in force even more seriously than before and the ongoing indifference of the United Nations and the Secretary General seriously undermines their credibility.

6. The most important development during this period was the rocket attack of February 9 on Camp Liberty together with its background and consequences which changes all data and assessments of this camp. Although issues discussed in the previous report persist and have been even aggravated in some cases, the framework and the spirit ruling issues of Liberty and Ashraf have now changed following the February 9 attack on Liberty. At the core of the relocation of residents to Camp Liberty was their safety and security that was guaranteed by the United Nations and the United States. It is now abundantly clear that there is no such thing as safety and security in Camp Liberty which demands a thorough review and reassessment.

## **II - Previous warnings and security guarantees**

7. Since the first months, we had warned about attacks against Liberty residents by Tehran regime and the Government of Iraq. ISJ statement of June 18, 2012 wrote:

*"The 6-point requests of Ashraf residents for continued relocation to Liberty must be clearly and unambiguously supported and we must ask the Iraqi government to immediately carry out the points related to that government. Defying these simple and basic requests would demonstrate that the government of Iraq has ominous intentions and plans to turn Liberty into a prison and a slaughter-house for its residents and in that case, continuing relocation to Liberty is by no means wise."*

8. On July 30, 2012, Mr. Mohammad Mohaddessin, representative of the residents of Ashraf and Liberty abroad, wrote to Secretary Clinton's Advisor on Ashraf:

*"During the July 26, 2011 meeting with Mrs. Rajavi, Mr. Kobler made it abundantly clear that he stands with the Iraqis on this issue and continues to defer the procurement of life support needs after the sixth convoy has relocated. By repeating the GoI's ultimatums, Mr. Kobler hardly left any doubt that another massacre aimed at destroying the PMOI is in the offing. If after 2,000 have already relocated, the residents of Ashraf are to be attacked for insisting on the provision of the minimum life support*

*requirements, you should be certain that dumping them in Liberty would facilitate such a massacre and double the human toll.”*

9. On February 8, 2013, residents’ representative wrote to the UN Secretary-General:

*“I would like to draw your attention to the looming third massacre against Iranian opposition by the Government of Iraq and the Iranian regime.*

*Fifteen months of our experience with SRSR Martin Kobler with exchange of 600 emails and letters, more than 70 phone contacts and meetings, and issuing more than 250 statements by National Council of Resistance of Iran (NCRI) in addition to daily reports from Ashraf and Liberty has most bitterly and painfully proven that he is on the side of Iraqi government and the Iranian regime. More than 5000 parliamentarians and prominent political personalities in U.S., Europe, Arab states and Iraq have testified to this reality via thousands of letters, statements, interviews and conferences.”*

10. Despite these consecutive warnings, the United Nations and the United States constantly reassured that they guaranteed safety and security of Camp Liberty residents. On December 25, 2011, subsequent to the signing of the Memorandum of Understanding, Secretary Clinton declared:

*“We are encouraged by the Iraqi government’s willingness to commit to this plan, and expect it to fulfill all its responsibilities, especially the elements of the MOU that provide for the safety and security of Ashraf’s residents. We welcome the agreement by the Government of Iraq to allow the United Nations to station monitors at this new location around the clock and to observe the move from Ashraf to this new location. In addition, officials from U.S. Embassy Baghdad will visit (the camp) regularly and frequently.”*

11. In his statement of December 26, 2011, Secretary-General stated:

*“As reflected in the MoU, the Government of Iraq has a clear and exclusive responsibility to ensure the safety and security of the residents. ...The Secretary-General reminds all concerned that any violence or attempt at a forcible solution would be unacceptable.”*

12. In the congressional hearing of February 29, 2012, Secretary Clinton noted:

*“Well, first, we are deeply concerned about the security and safety of the residents of Camp Ashraf. And we have supported the work of the United Nations to find a path forward to relocate the residents, and that has now begun. We fully support the MOU, signed in December, between the United Nations and the Government of Iraq, and it includes commitments from the Iraqi Government for the safety and security of the new camp where the relocation is taking place.”*

13. When residents stopped relocating to Camp Liberty after the fifth move due to absence of minimum humanitarian standards, once again Secretary Clinton’s Advisor on Ashraf and other U.S. interlocutors emphasized to residents as well as their supporters in Europe and the United States that the United States government supported residents’ safety and security in Camp Liberty.

14. Following the sixth move on August 29, 2012, State Department’s spokesman announced:

*“The United States also reiterates its commitment to support the safety and security of the residents throughout the process of their relocation outside of Iraq.”*

### **III - The attack of February 9**

15. On February 9 before sunrise, dozens of rockets hit Camp Liberty slaying five residents instantly. The sixth victim died a few hours later while being taken to hospital, the seventh died on February 12 in the hospital, with the eighth victim dying 33 days later on March 13 in the hospital. Three of the victims were refugees in Germany whose passports had expired.

16. Since the first rocket hit, it took two hours for the first of the wounded to reach hospital. Moreover, there were no medical equipment available inside Camp Liberty beside an ambulance which was down as well. Residents were not allowed to take the wounded to the hospital with their own vehicles which markedly made the recovery process of the wounded harder.

17. There are utterly convincing reasons to support the fact that the February 9 rocket attack was carried out by groups affiliated with Tehran regime's Qods Force such as the Hezbollah of Iraq with collaboration from the Iraqi government. Statement issued by the National Council of Resistance of Iran on February 13 offers remarkable detail on the perpetrators and the elements of this criminal operation.

18. International Arabic language newspapers of Al Hayat and Asharq-al-Awsat on Monday February 25 published interviews with Vasegh Albattat, leader of “Iraqi Hezbollah” and “Army of Al-Mokhtar” who is in Najaf, Iraq. He stressed in these interviews that he was under the command of Iran Supreme Leader and promised more attacks on the People’s Mojahedin of Iran (PMOI) and said “he would inflict a second crippling blow on PMOI and stressed that we consider striking and killing them as a religious and ethical duty and we would target them again in near future” and added “I am a faithful to the line of Vali-e-Faqih (Supreme Leader) that Mr. Khamenei represents and Hezbollah is a follower of Khamenei and we are committed to him as our leader and refer to him for military and political issues ... All of Hezbollah branches across the world are in touch with the office of the Supreme Leader, Mr. Khamenei ....” Albattat said “he has got Master’s of military science from Tehran University”, “has executed 1200 operations against Americans” and “has inflicted blows to Kuwait’s Bandar Mubarak.” He acknowledged “he was in touch with Al-Qaeda from the past and this relationship continues till now. We occasionally contact them to get information against some money and they would provide it to us.”

A day later, this individual, in his interview with the Associated Press more explicitly assumed responsibility for the attack and reiterated that such attacks would continue.

### **IV - Motives for the Attack, similar attacks, security measures**

19. Although the attack on Camp Liberty may hurt Maliki inside Iraq as well as internationally, current situation in Iraq where Maliki’s condition is quite fragile makes an all-out support by

Tehran extremely important for him. Therefore, he collaborated with Tehran government in such a criminal operation.

20. On the other hand, the government in Tehran is in great need to deal a blow to its organized opposition because:

- Firstly – on the eve of its presidential elections, the regime is facing very serious infightings while it is extremely unpopular inside Iran,
- Secondly – regional developments and the high probability of Bashar al-Assad's downfall and the critical situation in Iraq, have rendered Tehran's regional front severely unstable and vulnerable,
- Thirdly – advances by the Iranian Resistance and the PMOI, especially following the delisting of PMOI in the U.S., plus a spike in Resistance's activities inside the country,
- Fourthly – miscalculation of Tehran regime and Martin Kobler concerning the outcome of the relocation of residents to Camp Liberty. Kobler had told Tehran's ambassador in Iraq that following the relocation to Camp Liberty, half of the residents would surrender and return to Iran (Fars news agency affiliated with IRGC –Jan 24, 2013).

21. Therefore, with such an attack, the Iranian regime is hoping to declare a victory at home as well as making conditions difficult for the residents to force some to surrender and return to Iran.

22. All evidence support the fact that this attack may be repeated, including:

- Government of Iraq has explicitly declared that it cannot prevent missile attacks on Liberty (AP); politically meaning that the attack would repeat itself,
- Through its Iraqi elements, Tehran regime assumed responsibility for the operation and promised further attacks,
- The US government warned on February 11 that the security situation in Iraq has deteriorated and attacks similar to the February 9 attack on Camp Liberty may occur at any time.
- The impetuses for the attack remain intact, especially as the presidential election in Iran approaches and added internal schism increases the need to attack.

23. Besides, vulnerability of Liberty emboldens Iran's regime to repeat such attacks. In fact, what it achieved from the recent missile attack against Liberty, i.e. 8 killed, 100 wounded and extensive harms, are considered very positive for Tehran, especially considering that Tehran's terrorist attacks against Ashraf gained trivial achievement. Three air raids, nine Scud-B missiles and hundreds of 107mm rockets and mortars against Ashraf during 25 years left only one person killed. Ashraf was vulnerable only to direct attacks of Iraqi official forces.

24. Politically, this terrorist attack points the finger of responsibility less at Iraq. In unison with others, even Iraq condemns the attack and expresses regret for the victims.

25. Technically, however, Liberty is vulnerable for the following reasons:

- The population density in Liberty is more than 5,000 people per square kilometer, and when we consider it coupled with the factor of no departures from the camp, this density becomes much more serious and increases the rate of casualties;
- Lack of any kind of shelters;
- Lack of any kind of buildings, and living night and day in trailers without any protection.

Therefore, in the current conditions of the PMOI and Tehran's regime, even by security measures in another likely attack one cannot decrease the amount of casualties to zero, or close to zero, or even by 50 percent.

Although security measures in Liberty cannot resolve the issue of the residents' security against missile and mortar attacks, however the Government of Iraq during the past 40 days after the attack has not allowed the residents to carry out any security measures to decrease the threats. It appears the Government of Iraq – under orders from Tehran – is seeking to inflict more casualties in further attacks.

26. For example:

- When the US soldiers were stationed at Liberty, the camp's trailers were protected with 17,500 T-walls. With the arrival of Ashraf residents to Liberty, the Government of Iraq removed these T-walls outside the camp. The residents' repeated requests to return these T-walls were futile.
- When Ashraf was under US forces protection, under a civil defense framework and in agreement with US forces, the residents had helmets and protective vests. Currently, the Government of Iraq is not allowing the transfer of these items to Liberty.
- The Government of Iraq is not allowing the delivery of the most basic tools such as shovels, hacks and sand bags to build shelters in Liberty.
- Government of Iraq does not agree to an increase of Liberty's area, not even to 2 sq Kilometers which was told to Mrs. Rajavi by Martin Kobler in Paris on December 26, 2011. If this is done, it could reduce vulnerability as well as the casualties.

## **V - Safety and Security: A Big Lie**

27. After Kobler began the process of transferring the residents to Liberty, in line with a political agenda, the PMOI, the residents and their leadership were extremely suspicious of the intentions behind this relocation. Kobler openly and distinctly threatened Iraq would attack Ashraf if the relocation was not accepted by the residents under the terms he was proposing. He justified the signing of the Memorandum of Understanding with the Government of Iraq, without the residents' and their representatives' knowledge or consent, under this very pretext.

28. All the events indicate this was Kobler who sought the quick signing and speedy transfer of the residents to Liberty, even more than the Government of Iraq. Revealing the behind-the-scenes of the MOU signing, considering the fact that Kobler himself had said time and again if he had not signed there would have been a possibility of an attack, Tahar Boumedra concludes this MOU therefore lacks credibility and is void because Articles 51 and 52 of the 1969 Vienna Convention, supervising over international agreements, stipulates no agreement signed under threats and through force is credible.

### *Article 51*

#### *Coercion of a representative of a State*

The expression of a State's consent to be bound by a treaty which has been procured by the coercion of its representative through acts or threats directed against him shall be without any legal effect.



## *Article 52*

### *Coercion of a State by the threat or use of force*

A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations.

29. However, many of the friends of the PMOI and defenders of Ashraf residents' rights in Europe and the US called on the residents insisting despite Liberty's unacceptable humanitarian conditions, they should accept Kobler's proposal to relocate to Liberty for the sake of their safety and security and to transfer to third countries. Following the transfer of 2,000 residents to Liberty and while the PMOI no longer had any doubts in Kobler's ominous intentions, and after seeing Liberty's conditions with their own eyes, they refused to continue with the transfer until minimum humanitarian conditions were provided for in Liberty. They argued if these minimums are not provided, there will also be no security in the camp. This strife continued in the period between May to August 2012. During these months, friends of the PMOI imposed enormous pressure on the residents to accept the transfer and forgo many of their humanitarian requests.

30. Considering useless any dialogue with Kobler and while Mrs. Rajavi discontinued her meetings with him, through the insistence of these friends the PMOI accepted to conduct a joint meeting on July 1, 2012 between Mrs. Rajavi and Kobler, with the presence of US and European dignitaries, including the ISJ President. Previously in letters to the UN and the US officials, and in various statements, the PMOI had raised six conditions for the continuation of the transfer. In this meeting, with the mediation of the American-European delegation, Mrs. Rajavi waived more than half of these conditions despite her grave concerns. Arrangements were made for a smaller portion of these conditions to be provided for to allow the relocation to continue. However, in practice most of these agreed articles were never implemented by Kobler and the Iraqi government.

31. Today, there is a consensus that Kobler, with the support of the US State Department, was deceiving the PMOI's European and American friends to use them as pressure lever against the PMOI.

32. Rudy Giuliani Former Mayor of New York City said in a conference in Houston on February 20, 2013:

*"Martin Kobler made the point that this is a very secure place to be. You are basically on a military base; you are in the middle of a military base surrounded by the Iraqi military.... He promised us many many things. And the most important thing that he promised us was 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.... I believe every single thing he said to us in June was a complete absolute lie because he has proven himself to be a professional liar, which is unfortunate. I believe there is no choice with Martin Kobler that 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 also said in a conference in Washington D.C. on February 9, 2013:

*"Martin Kobler, it is not only a concentration camp, it is a killing field. And you Martin Kobler watched it become a concentration camp, you allowed it to become a*

*concentration camp and you permitted it to become a killing field and the responsibility is directly on your hands. You shouldn't resign; Ban Ki-moon should fire you today. Martin Kobler, I am personally outraged because you lied to me, you lied to Judge Mukasey, you lied right to our face, you lied to Madam Rajavi. You are a liar and the blood of these people is on your hands."*

33. Michael Mukasey, former US Attorney General, too said in a conference in Washington D.C. on February 9, 2013:

*"Mayor Giuliani and I traveled to Paris and met with Mrs. Rajavi and with Martin Kobler and with his assurance, his two-faced duplicitous lying assurance that the residents of Ashraf as they then were would be protected if they moved to Camp Liberty. We urged -- I feel terribly guilty about this -- we urged her to please, please ask the residents of Ashraf to move peacefully to Camp Liberty because we were told by Martin Kobler that's where the UN High Commissioner for Refugees could conduct interviews in aide of getting people out. And so she did, and so they did and nothing happened."*

34. Struan Stevenson, President of the EP Delegation for Relations with Iraq, said at UN Headquarters in Geneva on February 28:

*"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."*

35. Ed Rendell, former Governor of Pennsylvania and Leader of Democratic Party, said at International Conference in Geneva – 27 Feb 2013:

*"We have failed Madam Rajavi, most importantly the American friends of the MEK, we have failed the residents of Ashraf and the residents of Liberty because we were lied to by Mr. Kobler. We were misled by our own government and we fell for it. We helped persuade Madam Rajavi to help persuade the leadership at Ashraf to begin the resettlement process. Time and time again when that process broke down, we the American friends of the MEK got back on the phone with Madam Rajavi and her staff and said we've got to keep this going, it's the only hope for true resettlement. Well we were lied to and we were naïve. There was never any caring about protecting the residents at Liberty."*

36. Günter Verheugen, Former Vice-President of the European Commission and former minister of State in the Department of Foreign Affairs of Germany:

*"After some initial doubts I supported the decision to recommend to the Ashrafis to go to Camp Liberty because I trusted the promises and the guarantees we got from the*

*representative of the international institutions. Today I can only say I feel cheated. I feel betrayed and have serious doubts whether these promises and guarantees were never ever serious. The question for me is whether there was ever the intention to find safe haven for the Ashrafis or if their purpose was simply to make them exposed and to make them easier targets for attacks.”*

## **VI - Security: an absolute priority and its solutions**

37. The new circumstances created by the missile attack on Camp Liberty have placed residents' safety and security as their absolute priority. No one, including the PMOI that more than any other stakeholder was apprehensive of the threats against Camp Liberty, can claim of having expected the February 9 attack. Therefore, honesty demands that regardless of previous position or attitude, every stakeholder answers this question as to what is a realistic and practical solution to avoid another catastrophe. We have studied suggestions by all parties involved. There are four distinct options:

- First option: Providing Camp Liberty security against similar attacks;
- Second option: Expediting resettlement process while providing security at Liberty;
- Third option: Immediate and temporary transfer of all residents to the United States or to any other acceptable European country so that residents' resettlement would be followed from there;
- Fourth option: Immediate transfer of everyone to Ashraf and following the resettlement process to third countries from Ashraf.

Many other hybrid options are presented that are a composition of the above options.

38. The first option as already assessed above is not a solution and security provisions at its best if the Iraqi government agrees to them may relatively reduce casualties, but it will not prevent similar catastrophes. The second option of expeditious resettlement as will be discussed below, in the most wishful of assessments, promises resettlement for a few hundred during 2013. Secretary-General's latest report to the UNSC stresses this fact as well; meaning that while resettlement outside of Iraq is indeed the long-term solution to the problem, it however cannot resolve the security concerns as residents' immediate and present problem.

39. The most effective solution is clearly the third option where all residents are temporarily transferred to the United States or a European country and final resettlement takes place from there. As U.S. is the party responsible here as it disarmed the residents and signed an agreement with each and every one of them assuming their protection until final disposition. By transferring them to the United States, the U.S. can permanently end an outstanding problem that has tarnished America's image while it is a completely practical solution that only requires a political decision. We invite all our colleagues in the United States to work for and advocate this solution.

40. Now, if the United States is unwilling to accept this responsibility and no other European country steps forward, then the sole solution is to return residents back to Camp Ashraf and work for their gradual resettlement from there. Albeit Ashraf is not completely safe and secure, it does

however offer relative security, especially considering its large area, concrete buildings, and bunkers.

41. Undoubtedly, remaining in Camp Liberty by whatever pretext, including gradual resettlement from this camp, is not in any way an option and must be shelved; otherwise, we shall be witnessing further massacres.

42. Struan Stevenson wrote to the Secretary General on February 28, 2013:

*"There are only two solutions conceivable. Either all of the residents, without any exceptions, should be temporarily transferred to a location in the United States or Europe, or be returned to Camp Ashraf so they can be resettled from there.*

*There are two main elements involved in considering both solutions. First, as already stated, is that either solution should include everyone, without any exceptions. Secondly, the urgency of the matter, as we should not waste more time in useless talks and continue the past processes, giving an opportunity for the next catastrophe to take place."*

## **VII - Resettlement record and prospects**

43. Eighteen months after Martin Kobler and Daniel Fried, former U.S. Secretary of State Advisor, engaged the case of Ashraf, it has become abundantly clear that the "resettlement" motto has been a deception to evacuate Ashraf and send its residents to Liberty prison under the TTL designation.

44. Kobler's test for honesty in the resettlement issue may be clearly seen by looking at the identification documents of the eight individuals who were slain in the February 9 attack. Three of the eight had refugee status in Germany and had refugee travel documents and permanent residency permit in Germany. All needed was for the German Embassy under Mrs. Wagner -- Kobler's wife -- to extend their travel documents. The tragedy of the death of Hamid Rabi, one month after the attack, is an ineradicable stigma for Kobler and the German Embassy as his life could have been saved if he had been transferred to Germany in this period of one month.

45. Since August 2011 that upon suggestion of the High Commissioner Antonio Guterres to Mr. Struan Stevenson, all residents filled application forms for asylum, until February 8, 2013 being 24 hours before the February 9 attack, only seven residents had been transferred out of Iraq. The record of resettlements achieved through residents own endeavors and that of their families and lawyers, albeit more successful, fails to exceed a few dozens.

46. The record of resettlements achieved by the UNHCR as alluded to in the February 8 letter of residents' representative to the Secretary-General given below differs little from the statistics offered by the United Nations:

*"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."*

47. Secretary-General's report to the Security Council quite well discloses the outcome of the resettlement process. This report reads in part: *"To date, 25 residents have been accepted for consular solutions by seven countries. Another 26 individuals have been accepted for resettlement by five countries. Discussions with other countries are in an advanced stage for the admission on humanitarian grounds of a few hundred persons."*

Therefore, the Secretary-General is hopeful that his endeavors would offer resettlement to only hundreds of individuals.

48. On the eve of the Security Council session in a despicable act, Kobler wrote to Mrs. Rajavi on March 17, 2013 that he had travelled to Albania and met with that country's Prime Minister and the PM had accepted to grant asylum to 210 residents of Ashraf. This matter was conveyed to the Associated Press news agency by Mr. Kobler in the evening of March 16. What Kobler wants to represent as his novel achievement to buy respect for himself at the Security Council and cover up the February 9 crime is neither new nor has it anything to do with Kobler.

49. Supporters and advocates of Ashraf opened dialogue on this matter with the Albanian government over a year ago and requested admittance of a considerable portion of residents. In its humanitarian stance, in principle, the Albanian government asked for support of the U.S. government in the matter. Following the delisting of the PMOI from FTO list, the U.S. got more involved in this issue. In Mrs. Clinton's trip to Tirana in early November 2012, the Albanian PM agreed to the transfer of 210 residents to that country.

50. Subsequently, Ambassador Fried wrote to residents' representative on November 22:

*"as you may have heard, the Government of Albania has confirmed privately that it is prepared to accept for resettlement up to 210 former Ashraf residents. UNHCR is now preparing referrals to the Government of Albania and may be in contact with leaders of Camp Liberty to discuss this.*

*I hope and expect that the leaders at Camp Liberty and your own leadership will welcome this news and will cooperate fully with UNHCR to carry out this important resettlement. I urge you and the MEK not to make this offer public, but to work quietly with UNHCR to help your people leave Iraq in safety for a better future. The MEK's cooperation in making this relocation effort to Albania a success will encourage other governments to move more swiftly in accepting former Ashraf residents for resettlement."*

51. Subsequently, on January 8, 2013 in Tirana, residents' representatives gave written assurance to Albanian Prime Minister that PMOI would undertake the expenses of these individuals in

Albania and then requested admittance of a greater number of residents. A project kept secret by the U.S. government, residents, and their representatives and friends is now being used by Kobler for his despicable propaganda drive. The reality is that Mr. Kobler has achieved new records in opportunism and dishonesty.

## VIII - Return to business as usual

52. After the February 9 attack, residents correctly stressed that before all else, their collective security issue needs to be resolved; otherwise, individually and piecemeal solutions that do not address the issue of collective security would be to the detriment of all. In two collective letters to the Secretary-General, the High Commissioner for Refugees, the High Commissioner for Human Rights, the U.S. officials, and other international bodies on February 14 and on March 15, residents wrote:

*“Over past one month after the missile attack, we have repeated time and again that our most urgent issue is immediate provision of security. Continuation of interviews in Liberty and the very slow method of resettlement which is consistent with the Iranian regime’s will is not the solution to the vital issue of our collective security, and any just conscience would agree that in fact it increases the dangers for the wide majority that will remain in Liberty for a long period. It covers the truth and portrays this wrong image as if everything is normal and matters are being pursued in the right path. None of us accept this dishonorable attitude that leaves the lives of the others in danger.*

*“Our immediate security can be provided by rapid transfer of all of us to the US even though temporarily. The US government has signed an agreement with each and every one of us and in return for getting our arms has taken the responsibility of our protection until our final disposition. In its statement of August 29, 2012, the US State Department reiterated the US government’s commitment on ‘the safety and security of the residents throughout the process of their relocation outside of Iraq.’*

*“Otherwise, the only solution is our immediate return to Ashraf which is relatively safer since it is eighty times larger than Liberty with entrenched buildings as well as equipped bunkers that we built ourselves. A polluted environment and extremely insanitary situation at Liberty due to a deficient sewage system and overflow of sewage tanks, outbreak of infectious diseases, and medical siege and crisis doubles the need to transfer residents to Ashraf.*

*“Refugee Status Determination process and the transfer to third countries, which has been covered with blood and has become impossible in Liberty, could continue in Ashraf.”*

53. However, the current SRSG, whose interests lie clearly in showing the status quo as calm and peaceful, is using various methods to impose pressure and threaten the residents to return to the normal trend before the February 9 missile attack, and completely forget the issue of security by participating in interviews and accepting the excruciatingly slow resettlement process. This is an opportunist policy for which the residents’ life and security is of no importance. Mr. Kobler came to Iraq with a mandate, from the very beginning, to close Ashraf and annihilate the Iranian opposition, and through this intended to rise in UN ranks. Seeing his project half-finished and facing the perseverance and resistance of the residents and their supporters and defenders, Kobler intends to cover up any further revelations of his role in the crimes in Liberty by returning to the normal trend.

54. Kobler is actively attempting to, directly and indirectly, once again impel Iranian Resistance supporters to misguide the residents. In his numerous letters he says resettlement is the only solution, and for resettlement the UNHCR natural process must be carried out and etc. However, he does not say how many more people must be killed so long as the residents are in Liberty. He does not mention the fact that Liberty lacks even minimum protection. He lies in his numerous letters that security measures in Liberty have improved while he knows no effective steps have been taken.

55. More shameful is the fact that he himself has not come to Liberty even 40 days after the missile barrage; he very correctly fears for his life. However he is not honest enough to admit he has sent 3,100 unarmed and innocent refugees to a killing field that he himself is not willing to go to for just half an hour.

56. By sending his letter addressed to Mrs. Rajavi, to Struan Stevenson and some more political dignitaries who support Ashraf, Kobler intended for them to encourage the PMOI and Mrs. Rajavi so the residents would resume interviews. Stevenson replied to him:

*“It is worth noting that 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!”*

57. In a conference on Liberty and Ashraf in the UN European Headquarters on February 28, former Algerian Prime Minister, Sid Ahmed Ghazali, said:

*“Never again accept talks with Kobler. It will be no use because he has set up this show and has lied. He has betrayed us and has failed to carry out his duty as a senior UN official and thank God that all UN officials are like Kobler and there is Boumedra who saves the UN’s reputation.... In no circumstance accept departure from Iraq unless you have received absolute guarantees for your security, because this whole process had only one goal and that was to provide protection for people like you in Ashraf. And we were amongst the people who made the encouragement and the PMOI showed an incredible policy because they set their fundamental rights aside in a bracket. They*

*didn't enter Iraq illegally and stayed there legally. They could have said that we are here and we will not leave because we didn't come here illegally... do not accept departing from Ashraf without receiving an absolute guarantee over your property. In all laws and international laws, the right to ownership is respected and even the property of criminals is not confiscated unless it has been stolen. You have gathered this property through your blood and sweat and at your own expense. And do not leave Iraq until you have received a guarantee that you will have your property back."*

## **IX - Property**

58. The issue of the property of Ashraf residents has been one of the critical issues in the past months. The Iraqi government had obstructed the sale of the residents' property from the beginning with clear plans for stealing their property. Based on the estimates, the movable and immovable property of residents is worth \$600 million. On September 6, Kobler wrote in an official letter on behalf of the Government of Iraq that 100 residents can remain in Ashraf until all properties are sold. Ambassador Fried also immediately on the same day said that the stay of these 100 residents have no time limit and it will be until the sale of property.

59. At first stage, the Iraqi government did not allow Iraqi businessmen to come to Ashraf and purchase property and even harassed and arrested some Iraqi merchants who went to Ashraf for this purpose. At second stage, residents signed a contract with an Iraqi merchant for the sale of a significant part of their property but the Iraqi government prevented the implementation of this contract by exerting pressure and through influence peddling. Subsequently residents signed a contract in September 2012 with a British company to buy all their movable and immovable property. This contract was registered in the UK Foreign Office, the Iraqi embassy in London and the British-Arab Chamber of Commerce, and the Iraqi representative of the company contacted the Iraqi authorities to get the contract implemented but the Iraqi security forces threatened this individual and the family of the owner of the British company, who was Iraqi-born, to death and expropriation of their property. The Iraqi government with the assistance of Martin Kobler wanted to impose its conditions on this merchant and virtually take over the property. Therefore, it brought the sale of the residents' property to a deadlock for the third time over the past few months.

60. Upon the recommendation by the UNAMI, Senator Robert Torricelli and Professor Schneebaum, legal representatives of the residents, went to Iraq on January 1, 2013 to reach a consensual solution. They were supposed to meet with Ashraf and Liberty residents as well as the Iraqi officials and the UNAMI and American authorities.

61. A report by Senator Torricelli and Professor Schneebaum on this trip states:

*"The trip turned out rather differently from what had been expected. No Iraqi Government agent would meet with us, and we were denied permission to visit Camp*



*Ashraf or Camp Liberty. Our meeting with the people of Camp Liberty was conducted off-site, and attendance was limited to seven designated representatives of the residents.*

*Still, it was and remains our conclusion that it was the right decision to proceed with the trip, even if we had to travel over New Year's Eve, to demonstrate our and the residents' desire to reach a fair solution."*

62. While thanking the UNAMI for its hospitality, the report reveals that before everything else, it seems that the UNAMI's mandate has turned into protecting Al-Maliki against potential risks. It reads:

*"UNAMI has concluded that the future development of Iraq is dependent upon the survival of the current government of Nouri Al-Maliki. Shoring up Maliki, and protecting him from any potentially avoidable disruption, seem to UNAMI to be the only alternative to watching Iraq descend into 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. Contrary to UNAMI's analysis, many observers consider Maliki to be the problem, not the solution.*

*In our view, much of the attitude of UNAMI toward the MEK 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. In our view that is a preposterous leap of logic, but it is highly instructive that it reflects the position of UNAMI at the highest levels: the outcome of the MEK negotiations controls the survival, or not, of what UNAMI sees as the last bulwark against chaos."*

63. The report identifies the obstacles created by the Iraqi government against solving the issue of property and reads:

*"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 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."*

64. After the return of this delegation from Iraq, the Iraqi government tried to use this trip as a lever to pressurize the residents and their representatives to accept the government's conditions to forgo their property. Contrary to initial agreement of the UNAMI with the residents' representatives, the Iraqi government wants to replace Senator Torricelli and Professor Schneebaum by Iraqi lawyers in talks over the property issue so that it can go through its

objectives by exerting pressure and intimidating them. The report about the trip dated January 10, 2013, reads:

*"Since returning to the U.S., we have identified the Iraqi lawyers to Martin Kobler, and have asked him to inform us in writing that he has obtained Iraqi Government assurances of three things before we can move forward: no retaliation or retribution for their activities; (ii) an understanding that negotiations are to be with us as principals and not with the lawyers; and (iii) acceptance that those negotiations, when they do occur, will be with respect to all property and not just the moveable assets. Before we move forward, we must have assurances on these points. Its willingness or unwillingness to agree will indicate whether the Government of Iraq really wants a solution."*

65. Through exerting pressure on the residents and their legal representatives (Senator Torricelli and Professor Schneebaum), Martin Kobler and the Iraqi government try to force them to give up on their three conditions and to make Iraqi lawyers party to this issue. Certainly, this will only lead to the expropriation of the residents' property.

66. On January 13, 2013, Senator Torricelli asked Kobler and his deputy to put the three conditions in writing on an official UNAMI letterhead and sign it, in order to remove any ambiguity and to restore minimal trust between the parties. In order to facilitate the issue, Senator Torricelli proposed the following draft to Kobler:

*"I'm pleased to address the three issues raised in your e mail of January 7, 2013. I have raised each of these concerns with the National Security Advisor, Mr. Faleh Fayyad, and received his personal assurances. This letter is sending with his knowledge and consent on behalf of GOI.*

*First, the directive from the Council of Ministers regarding cooperation with the MEK by Iraqi citizens has no impact on the right to ownership of this organization and does not apply to Lawyers generally and specifically is not relevant to these circumstances since the GOI welcomes their involvement. I'm also pleased to report that your lawyers will not be prosecuted and their security would not be jeopardized.*

*Second. The GOI recognizes that the Attorneys represent the Residents for the purpose of presenting and receiving proposals for the sale or liquidation of their assets in Iraq. Senator Torricelli and Steven Schneebaum as the legal representatives of the Residents retain the exclusive right to negotiate, accept or reject proposals and to maintain or discharge Counsel. Ultimate authority rests entirely with the Residents' representatives in Paris.*

*Third, Negotiations between legal representatives of the Residents and the GOI will be held without preconditions and includes all personal property, movable property, immovable property and real estate. No agreement on any issue will be deemed accepted*

*or inferred until Steven Schneebaum and Senator Torricelli have delivered written affirmation.*

*I hope that these comments provide the assurances that the Residents require for the meetings between your Iraqi Counsel and the GOI to proceed. My office will be in contact with both parties to facilitate arrangements and be present to be certain that these understandings are maintained.*

*I will try to make sure that the unfulfilled commitments of the GoI to the residents will be implemented to build up the trust."*

67. Although Martin Kobler has since claimed repeatedly that the Iraqi government has accepted all the three conditions of Senator Torricelli, he never agreed to put in writing Senator Torricelli's proposed letter of January 13. On the contrary, he has stressed on several occasions that the Iraqi government is only prepared to work with Iraqi lawyers.

## **X - Kobler's report in the name of Secretary General**

68. On the morning of March 15, 2013, Kobler sent a letter to Mrs. Rajavi citing three articles of the Secretary General's report to the Security Council, demanding the residents to return to normal status quo and forget the catastrophe. This report, written by Kobler himself and is dated March 12, was placed on the website on March 14. Martin Kobler had the chance to pursue the political agenda dictated by the Iranian regime and Iraq through the words of the Secretary General.

69. The process of how such reports are prepared was explained in detail by Tahar Boumedra. On September 13, 2012 he testified under oath in the US Congress, saying:

*"As the lead person on Camp Ashraf-related matters in UNAMI, I faced a serious moral dilemma as I saw my reports doctored and censored. No first-hand report of mine ever reached U.N. Secretary General Ban Ki-moon or top officials in New York. And while I kept silent far too long, I have now resigned and my conscience demands that I bring the truth to light. I am prepared to attest to these facts under oath.*

*When Iraqi forces attacked the unarmed residents of Camp Ashraf in 2009 and 2011, it was I who conducted the body count. The April 2011 raid, which took 36 lives and caused hundreds of injuries, was a massacre in which men and women alike were crushed to death by military vehicles or killed with one bullet at close range. Yet when the Office of the High Commissioner for Human Rights and UNAMI called for an independent commission of inquiry, the Iraqi government refused. Our repeated efforts to send severely wounded exiles to Iraqi hospitals were blocked by the Iraqi government, and some died. UNAMI never objected, reporting instead that Iraq had met its international obligations.*

*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."*

70. Boumedra said in the UK Parliament on December 11, 2012:

*"We are employees of the UN and most of us try to keep our job. They are not there to defend human rights, we are there to defend our jobs. So before I do anything I have to make sure that my report will satisfy the SRSG. And I know that whatever I report the report will be rewritten at what we call the front desk of the SRSG. So he's got his own staff who have never been out of that office. His staff don't know the situation on the ground, his staff never met any Ashrafis and yet the words in those reports prevail over my reports coming from the ground. So whatever I report it never reaches New York, it never reaches Washington. And what I'm saying applies to my counterparts within the American Embassy. Because we visit the camp together, we report objectively what we saw and what we heard and yet New York and Washington never receive the reports that reflect the reality on the ground. Simply because at the level of the UN, the SRSG's office will reshape the whole thing and put it the way it should be done, because we are there to report and to keep everybody happy. When the al-Maliki is happy the Secretary General of the UN is happy. This is a reality and Kobler has been congratulated during the Arab League Summit in Baghdad and he [Secretary General] said to us that he [Kobler] is my best SRSG, because he is to the word, he said because he is keeping al-Maliki happy. So now the UN has become an instrument in the hands of the Government of Iraq to fulfill their policies the way they see them and the way they conceive them. We are there as an instrument."*

71. The report states:

*"On February 9, 27 rockets were fired at Camp Hurriya, resulting in 7 dead and more than 40 injured."*

- Even UN sources have emphasized the firing of 40 rockets;
- NCRI on February 12, 2013 published the names of 66 wounded residents, including 10 maimed residents in critical conditions.

72. The reports states:

*"My Special Representative requested Iraqi authorities to promptly conduct an investigation...The Prime Minister formed a committee to investigate the incident."*

Here we simply refer to Patrick Kennedy's words in the February 27, 2013 International Conference in Geneva where he said:

*“I saw that Martin Kobler call on Iraq and Maliki to investigate. We know that Iraq as the puppet to the Tehran regime was complicit in these attacks. “You know what that sound like to me? It sounds like us asking Osama Bin Laden to investigate 9/11.”*

The Secretary General knows better than anyone else that investigating into any crime is the first step to prevent the repeat of that crime. However, no reports are ever issued asking what happened to the investigations on crimes against humanity in July 2009 and April 2011.

## **XI - Removing Martin Kobler is a Necessity**

73. Article 89 of the Secretary-General’s report is focused on the Special Representative himself. In this report, drafted by Kobler, we read:

*“I am deeply concerned about the unwarranted focus on my Special Representative by those who express support for the residents of Camp Hurriya and the remaining residents of Camp New Iraq. I would urge them to cease spreading insults and falsehoods about the Special Representative and instead help to promote a durable solution. This could include urging residents to accept offers of relocation in third countries and encouraging Member States to accept more residents from Camp Hurriya.”*

The report adds:

*“Similarly, the significant funds evidently spent on high-profile lobbying could be more usefully utilized to improve aspects of the humanitarian conditions often cited in media and lobbying campaigns. I unequivocally support the efforts of my Special Representative in courageously and creatively doing his utmost to resolve the situation in exceptionally difficult circumstances. I urge other parties to play a constructive role in contributing to his untiring efforts.”*

74. We completely agree with Mr. Stevenson who wrote in his letter to the Secretary-General on March 16:

*“He is the person who sent Ashraf residents to the prison-like conditions of Camp Liberty against their will, by promising them safety and security, speedy resettlement and humanitarian living standards, none of which conditions have been fulfilled. The deaths of 12 of the Ashraf residents since their forcible move to Camp Liberty and the serious injury to over 100 others, is directly attributable to the activities and deceptions of Mr Kobler, who should be held to account for his behaviour. Your unequivocal support for him not only weakens the credibility of the UN but will cause the loss of further lives in Ashraf and Liberty for which you and the UN will be held responsible.”*

75. The truth is that the problem is neither “unwarranted focus” on the Special Representative, but rather is excessive optimism and trust in him from the very beginning. Our silence in the face of the signing of the MOU by the SRSG without the residents’ knowledge and consent, silence in the face of the residents’ mandatory transfer, silence in the face of the cruel transfer of the third group on the eve of the Iranian New Year which led to the death of engineer Bardia

Amir Mostofian, imposing pressure on the residents to accept the relocation, our insistence on Mrs. Rajavi to reengage in meetings with Martin Kobler, our recommendations and insistence on the residents to forgo the majority of their conditions to resume relocation in the summer of 2012, were all unwarranted. Most importantly, our silence in the face of Kobler's suspicious contacts with Tehran regime and his dialogue on the fate of its opposition were unacceptable. When Faleh Fayyaz, Maliki's National Security Advisor, on April 24, 2012 said Kobler in coordination with the Iranian ambassador and other officials of this regime is following the project to close down Ashraf, and Kobler wasn't willing to deny this, a principled approach required a firm stance on our part to end our relations with him. The truth is that the Special Representative of the Secretary-General has taken the utmost advantage of our trust to deceive and send the residents to Liberty prison and killing field. If today we raise our voice on just a portion of Kobler's flagrant violations, it is for our loyalty to global values such as human rights, refugee rights, etc.

76. We are very disappointed and angry that Kobler, through the words of the Secretary-General, describes defending a humanitarian case – which Mr. Stevenson so very correctly defined as “*one of the largest humanitarian cases of the current century*” – as lobbying. We are in unison with Mr. Stevenson when he wrote to the Secretary-General:

*“Regarding your envoy in Iraq, Ambassador Kobler, on behalf of many of my colleagues in the European Parliament, allow me to repeat what I wrote to you on 28 February: “Please believe me that Mr Kobler’s actions do not represent you or the values of the United Nations. He has little or no professional integrity. He has repeatedly provided false reports to the residents, their representatives and their friends like me, while he himself has been completely aware of the bogus nature of these reports. Please consider his extraordinary statement following the February 9 attack.”*

77. Kobler shamefully writes in the name of the Secretary-General, “*significant funds evidently spent on high-profile lobbying*” should be spent on improving the humanitarian conditions. With these demagoguery and lie, he seeks to cover up the voices of protests against him. He is the man who paves the path for the plundering of the residents' assets in Ashraf – worth \$500 to \$600 million – resulting from the work and effort of thousands of residents through 25 years. Yet now, he is thinking of improving the residents' living standards!

78. Today the Secretary-General is facing a serious question. Does he truly have convincing replies to the hundreds of legitimate questions regarding Kobler's conduct? Is he capable of defending Kobler's record? There exist some serious allegations against him that will turn into many filed lawsuits once the Secretary-General lifts the UN immunity from him. With no doubt his misconduct can be perused in many judicial courts.

79. We call on the Secretary-General to respond to the below questions that are just a small portion of our questions on Kobler:

a. The UN Working Group on Arbitrary Detention in two Opinions in 2012 has described Liberty as a prison. Despite his knowledge of Liberty's prison-like condition, the SRSG tenaciously removed the residents from Ashraf to this prison. Does the Secretary-General approve sending persons under international protection to a prison?

b. If Mr. Kobler did not have the knowledge of Liberty's conditions from the beginning, which seems most improbable, why did he insist to continue the relocation to this prison after the first report of the Working Group on Arbitrary Detention on May 2012?

c. The UNHCR shelter expert on January 19, 2012 reported the following on his visit to Liberty:

***From the technical point of view, UNHCR cannot***

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

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

*5) 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.*

The SRSG neglected this report, covered it up and announced on January 31, 2012 that Liberty met the relevant standards. Does the Secretary-General consider this acceptable?

d. What is Kobler's explanation of sending selected pictures and presenting a completely false image of Liberty in January 2012?

e. Why did Kobler knowingly lie to the residents' representative about Liberty's surface area to be much larger than it really was?

f. Tahar Boumedra stipulates:

*"We first made a 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's by making sure that we have more Fijian soldiers, the Fijian soldiers are the ones protecting UNAMI, to protect not the Ashrafis, to protect the UN staff. So we were reinforced. That is to attenuate the security situation, but we did not do anything to protect the Ashrafis." (28 February, UN Geneva Headquarters).*

These words mean that to Mr. Kobler the February 9 missile attack or a similar attack was predictable. What is the Secretary General's explanation in this regard?

g. The report on Mr. Kobler's meeting with EU officials on February 2, 2012 specifies:

*"SRSG ended by clarifying the really tough position of the Iranian Ambassador who has clarified that he will deny providing a visa to SRSG until the movement*

*to TTL is completed. This Iranian decision has an impact on the political mandate UNAMI.”*

The question is what impact did this position of the Iranian ambassador have on Mr. Kobler’s conduct in the mandatory evacuation of Ashraf residents and their sending to Liberty prison?

On April 24, 2012, Faleh Fayyaz, Maliki’s National Security Advisor, said:

*“Mr. Martin Kobler... has talked in details with Iraqi and Iranian parties through the Iranian Embassy or other channels communicating with Iran in order to provide the requirements for implementation of the understanding which has been agreed on between him and Iraq to close Camp Ashraf and put an end to the presence of this organization on Iraqi territory during the current year. Talks included the mechanisms and Iran’s role in what has to be done to solve this matter.”*

To the Secretary-General, is it lawful to coordinate with the religious fascism ruling Iran against its opposition, or not?

h. Why doesn’t the Secretary-General ask Kobler to explain in detail his contacts with the Tehran regime on the fate of Ashraf residents?

i. Tahar Boumedra stipulates in his testimony under oath that UNAMI’s decisions on Ashraf are taken in the Iraqi Prime Ministry and/or the Iranian embassy in Baghdad, adding he had participated in at least 5 meetings with the Iranian ambassador along with Kobler where the main subject was the status of Ashraf. Does the Secretary-General consider this as sound and why aren’t the details of these talks published?

80. Ashraf and Liberty residents and their representatives truly have the right and must boycott Kobler. He is part of the problem and his actions are criminal and must be investigated by an impartial authority. An individual under such allegations cannot advocate the UN’s values. Therefore, the only solution is for him to be immediately removed and replaced by an impartial person. Furthermore, Kobler’s conduct in Iraq must be investigated by an impartial organ.

## **XII - Summary**

1. Although the humanitarian conditions in Camp Liberty during the period between the two Security Council sessions have seen no improvements, and in various fields have actually deteriorated, today however, following the February 9 missile attack and the residents’ third massacre, the most vital and urgent issue is their safety and security. There are enough reasons to show this attack was organized by Tehran regime and the Iraqi government.

2. Considering the Iranian regime’s crises on the verge of its upcoming presidential elections, and also its concerns regarding Assad’s downfall and the Iraqi people’s uprising, Tehran is in serious need to inflict a blow to its organized opposition, being the PMOI. The crises inside



Iraq and Prime Minister Maliki's serious decrepitude have made him more than ever in need of the regime, making him the unwilling follower of Tehran. The result of this situation is that the probability of further attacks against Liberty is very high. The Iraqi government has officially announced it cannot prevent such attacks in the future. Therefore, finding a solution should be placed on the agenda as an urgent matter.

3. However, Martin Kobler through a non-transparent policy is doing his best to have conditions portrayed as ordinary by returning to the normal trend before the February 9 attack and overshadow the urgency of the security matter. By conducting fruitless interviews and a very excruciating pace of resettlement, he will portray the status quo as actually quite normal. This will most definitely pave the path for a fourth massacre.

4. Martin Kobler acts as a specific barrier in resolving the issue of Ashraf and Liberty. There are enough reasons to show he is the implementer of the policies of Tehran and its puppet government in Iraq in relation to Ashraf and Liberty. Well-established documents are available that can be presented in court showing his reports during the past 18 months have been biased, distorted, full of lies and prejudiced. He came to Iraq with the objective to close Ashraf at all costs, without taking into consideration the consequences. He has in a rogue manner inserted his purposes in the UN Secretary General's March 12, 2013 report to the Security Council in the sections regarding Ashraf and Liberty, which is very destructive and damaging. He must be held accountable for sending 3,100 refugees to Liberty prison and the February 9 massacre, and a fair court must see into his probable charges.

5. Tahar Boumedra, former UNAMI advisor on Ashraf and a senior UN official with a very brilliant record, delivered shocking testimonies especially in the US Congress, UK Parliament and UN Headquarters in Geneva on the conducts of the UNAMI and Martin Kobler. Unfortunately, the UN and the Secretary General have only responded with an intense and unacceptable silence. Mr. Boumedra's claims are not simple issues that can be ignored with the passage of time and with showing no reaction. Continuing this silence only proves the validity of these accusations and the fact that the UN has no answers to deliver. Vague and protocol denials on these specific claims resolve nothing.

6. There are precise reasons that the UN and the US government have not lived up to their duties and pledges regarding the residents' protection. Specifically, they are completely responsible for possible further attacks and threats the residents may face from this day onward.

7. The project of speedy resettlement is a failed project. According to the Secretary General's report dating March 12, 2013, to this day a very limited number of residents have been accepted by third countries and according to this very report, it is the Secretary General's wish that a few hundred residents will be accepted in coming months by various countries. Therefore, in the best circumstances, the majority of the residents will remain in Iraq. Kobler's propaganda trip to Albania and publishing the news of 210 residents being accepted by the government of this country, which Prime Minister Berisha had already agreed to last year, has made fruitless the efforts of the Iranian Resistance, its supporters and the US State Department for this country to accept all or at least half of the residents. Kobler's actions have actually delivered a serious blow to the third option, being temporary transfer of all the residents to a third country.

8. Very small area of the camp, lack of buildings and shelters, removal of protective T-walls by the Iraqi government, and its refusal to provide protective supplies such as helmets and protective vests for the residents and to return the T-walls after the attack, have left Liberty much more vulnerable, and the casualties in a probable attack will be very high. This is while in Ashraf in the face of such attacks due to the very large area, concrete buildings and equipped bunkers, the residents would enjoy relative protection and the casualties would be far lower.

9. The hygiene conditions and the outbreak of contagious illnesses have made circumstances in Liberty much more critical. The fundamentally damaged infrastructure, especially the sewage system, has seriously contaminated Liberty's environment. Contrary to Martin Kobler's reports, the Iraqi clinic in Liberty has no equipment; the latest patient died on March 12 in this clinic due to the lack of basic supplies and equipment. The Iraqi government prevents transfer of the residents' equipments and supplies from Ashraf to Liberty and therefore, a continuous crime is taking place there with Martin Kobler's approval.

10. In relation to the residents' security, the following triple principles should be considered as guidelines:

- a. Security cannot be provided in Liberty.
- b. A rapid solution is needed.
- c. The solution must include all the residents without any exemptions.

11. The preferred option is the immediate transfer of all residents to the US or a European country, even on temporary terms, to then resettle in third countries. However, if this option is not practical, the next option is the immediate transfer of all residents back to Ashraf and continuing the refugee process from Ashraf.

## **XIII - Recommendations**

1. The Security Council and the Secretary General to call on Iraq to immediately return Liberty residents to Ashraf to carry out the RSD process and transfer to third countries from there.

2. Until the transfer to Ashraf, minimum protective measures must be taken in Liberty, especially T-walls be transferred into the camp and installed outside the worn-out trailers to act as shields, and protective helmets and vests as well as medical equipments and supplies be transferred from Ashraf to Liberty and the residents be allowed to do construction work and the camp area be increased to minimum 2.5 sq Kilometers.

3. Martin Kobler must be replaced by an impartial representative on the case of Ashraf and Liberty by the Secretary General, and an impartial committee be appointed to review the conducts of Martin Kobler and the UNAMI, including the allegations raised by Tahar Boumedra.

4. The Security Council to appoint an independent commission to investigate on the February 9, 2013 massacre.

5. Martin Kobler's interference in the issue of resettlement must be stopped and the issue must remain solely within the authority of the UNHCR.

6. The UNHCR must play a more active role in supervising the situation in Ashraf and Liberty, the residents of which are all refugees and asylum-seekers.
7. Free access to medical services must be provided to the residents and until their return to Ashraf, the residents must be able to temporarily transfer their medical equipment and supplies to Liberty.
8. In view of the fact that the hostility of the Iraqi government and its representative in the UN against the People's Mojahedin Organization of Iran and Ashraf residents is no secret to anyone, and considering the fact that the reports of the SRSG on Ashraf and the residents are biased and unfair, a representative of Ashraf and Liberty residents needs to be heard in the Security Council session on March 21, 2013 to explain about this issue.
9. Necessary measures must be adopted based on the guidelines in two Opinions of the UN Working Group on Arbitrary Detentions on Ashraf and Liberty in May and August of last year.
10. The Council should urge the UN Member States to accept the residents' group resettlement.

*About ISJ:*

*In 2008, several senior Euro MPs initiated the International Committee In Search of Justice (ISJ) which brought together prominent international politicians and jurists to challenge the unjust blacklisting of the PMOI in Europe. We successfully won the courts in UK and in Luxembourg and justice was done to PMOI in Europe when they were de-listed from both British and EU blacklists in 2008 and 2009 respectively. The PMOI (MEK) was finally removed from the USA black list on 28 September 2012.*

*ISJ enjoys the support of over 4000 parliamentarians on both sides of the Atlantic.*

*President of ISJ, Dr Alejo Vidal-Quadras, has been Vice-President of the European Parliament since 1999.*

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