

A report to the UN Security Council

Ashraf and Liberty

Between two Security Council sessions on Iraq

(March 2013-July 2013)



July 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. The 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, and the SRSG's speech at the UNSC on March 21 clearly shows this partiality. The ISJ strongly urges the UNSG not to let his report to UNSC session in July 2013 be impressed by Kobler's guidelines and policies, and not to let his flagrant partiality be considered as that of UN and UNSG anymore. Otherwise, the UN Secretary General would be held personally accountable for further catastrophes.
3. To be brief, over the past four months:
 - Liberty went under missile barrages twice;
 - Two were killed and 70 others were wounded. Many of those wounded due to previous attacks continue to suffer their injuries;
 - The antihuman medical siege is still going on and two have already passed away due to the siege;
 - The Iraqi government has prevented providing minimum security necessities even at the expense of residents themselves;
 - Only four percent of Liberty population have already been resettled;
 - There is no prospect for resettlement of all or a major part of the residents;
 - There exist many reasons that more missile attacks are underway.
4. The aforementioned deplorable results could have surely been avoided; they had already been discussed in detail in previous report of the ISJ to the UNSC and in letters and statements by residents, their representatives and lawyers as well as various parliamentarian groups. They had also been raised in letters by the ISJ President to the UNSG and UNSC members. The residents, their representatives and Ashraf residents' human rights advocates at international level had repeatedly warned against the emergence of these catastrophes.
5. On the eve of the UNSC session, the ISJ President, while sending ISJ's previous report, wrote in his letter to the UNSG and Council members, "Under current circumstances, security cannot be provided in Liberty. Any solution must be quick and in the meantime cover all residents without any exceptions."

In this letter he asked for the immediate transfer of all the residents to Europe or the United States, reiterating that if this is not feasible, they should at least be returned to Ashraf where they could enjoy minimum security. At the same time he asked for the provision of minimum security requirements in Liberty. Should these warnings have been taken into consideration, the situation would have definitely been different.
6. In the 'Summary' of previous report, some essential issues were underscored including the ones reminded below:

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.

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. 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.

7. The 'Recommendations' of previous ISJ report to UNSC partly reads:

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.

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

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.

II- Missile Attacks of April 29 and June 15

8. As stated in the previous ISJ report to the Security Council, Liberty was targeted by dozens of missiles on 9 February 2013, leading to the death of 8 residents and around 100 others being injured.
9. Following that attack, there were no doubts that further attacks are on the way and we had warned about them. In the previous report we wrote: *“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.*
 - *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.*
 - *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.”*
10. In the previous report we had also warned, *“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;*
 - *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.”*

For example, it refuses to authorize the return of 17,500 protective T-walls for the trailers, transferring helmets and bullet-proof vests and the minimum medical equipment from Ashraf to Liberty, importing basic tools such as shovels, hacks, and sand bags, and increasing Liberty's area. It also refuses to permit the residents carry out

minimum construction in Liberty to build a number of buildings that will be immune to shrapnel and lower the vulnerability and casualty toll.

11. Unfortunately, none of the abovementioned warnings – proven with the passing of time – were ever taken seriously. Everything could have been forecasted, analyzed and prevented. It was in such conditions that on April 29 for the second time Liberty was the target of a missile attack, yet fortunately the missiles did not land inside the camp. This was another warning that could have averted the future catastrophe. Following this attack, the ISJ President wrote to Secretary Kerry on May 3, 2013: *“I ask you and the U.S. government to do all you can to immediately return the residents to Ashraf in order to prevent another human tragedy. On March 20, I made the same request, however, current conditions make this necessity even more urgent, and ignoring it may result in catastrophes for which the U.S. government will have direct responsibility.”*

Firing of 20 missiles at Liberty on April 29, that fortunately left no human casualties, showed once again that Liberty residents have no security and Liberty is prone to massacre at any given time. Three months after the February 9th missile attack, the Iraqi government has not yet allowed any of the necessary security measures to be taken by the residents at their own expense: T-walls are not returned, protective vests and helmets and the residents’ basic medical equipment are not allowed to be brought from Ashraf, and constructions and expansion of the camp’s area has not been allowed.”

12. On April 30, Iranian Resistance President-elect Mrs. Maryam Rajavi wrote to the US President: The April 29th missile attack *“was a serious warning as far as the safety and security of more than 3,000 defenseless residents are concerned. Some 80 days after the previous missile assault, the Iraqi government has prevented the implementation of security measures at Liberty. Neither a single T-Wall has been returned, nor have the protective helmets and vests been allowed to be brought from Ashraf. The residents have not been permitted to engage in construction or expand the area of the Camp and denied permission to transfer their medical equipment from Ashraf to Liberty. .. Camp Liberty is only 0.2mi² and consists entirely of trailers that are very vulnerable to missiles, rockets and mortars...”*

Since there are no immediate prospects for the resettlement of all the residents to the United States or Europe, the only practical option to avert another massacre and to ensure the safety and security of the residents is their temporary return to Ashraf and gradual resettlement from there.”

13. The residents’ representatives wrote to the US Secretary of State on 5 May 2013: *“.... another bloodshed is inevitable. The only way to avoid it is an active US intervention and specifically taking immediate measure for the return of the residents to Ashraf, deposal of Kobler from the residents’ dossier and undertaking the responsibility of the Ashraf and Liberty dossier by the UNHCR within the mandate of the UN.”*
14. In such conditions and considering the complete neglect by the US government and UN, on June 15 at 1:15 pm Liberty was targeted by at least forty 107mm missiles, leading to two residents losing their lives and 70 others being injured. This attack took place only hours prior to announcement of final result of Iranian regime’s presidential elections. This concurrency is no coincidence.

15. Residents were very fortunate that missiles were fired with a 30 minute lag since two of the places hit were dining halls that only 20 minutes before the missiles hit had dozens of residents gathered there.
16. The role played by Kobler and people under his command in Camp Liberty during the June 15 rocket barrage is quite suspicious and demands an exact and impartial investigation. Three facts among many are enumerated below:
- While every day Kobler’s special agents came to Camp Liberty both in the morning and in the afternoon, on June 15, they strangely did not show up. Was it Government of Iraq (GoI) that barred them from entering the camp? Or did they themselves had signals of an upcoming attack? Or
 - Following the February 9 attack, residents demanded on hundreds of occasions that the T-walls be returned to the camp. UNAMI and GoI, after many calls by residents, informed residents that only T-walls for encircling the gathering halls are approved to be returned and they asked for plan sites of these places. Representatives of residents handed the plan sites of 30 gathering places to UNAMI. Places targeted by missiles in the June 15 attack were among these 30 locations. Interesting is that a while after handing over these plan sites to UNAMI, Government of Iraq reneged on its previous promise and officially stated that no T-walls would be given even for these gathering halls.
 - In the past one and a half years, Kobler used to press the residents to all gather in one dining hall at the corner of the camp. Residents stressed that this dining hall does not have the capacity to accommodate all these people; besides, amassing so many people in one panel building makes them very vulnerable. On May 29, Kobler told European parliament that PMOI is not democratic because they prevent gathering of all residents in one dining hall! This ludicrous allegation was to exert pressure for amassing everybody in one vulnerable place. Is this related to the missile attack in a direct or indirect manner? This matter needs to be clarified through an investigation.
17. Following this attack, a well-known Quds force element by the name of Watheq al-Battat was sent to the scene to claim responsibility for his fabricated group by the name of Jaish al-Mokhtar (Mokhtar Army) to distance accusations from well-known groups linked to the Iranian regime and Maliki’s government such as “Kataeb Hezbollah” and “Asaeb Ahl al-Haq”. On the night of Saturday, June 15, Watheq al-Battat said in this regard: *“Youths of the Mokhtar Army prepared 120 missiles to attack Camp Liberty”, and threatened Camp Liberty residents to “further missile launches”*. (Mada Press, 15 June 2013)
18. In the month of March, an Iraqi security official revealed: *“Jaish al-Mokhtar is an unreal army and measures associated to it were actions of Kataeb Hezbollah and Asaeb Ahl al-Haq... Those who manage Kataeb Hezbollah and other insurgents are associated to Iran, and they have an office in Baghdad to carry out briefings and supervising measures.”* This security officials stipulated, *“Maliki, commander-in-chief of the armed forces, was aware of all this information with details, sources, names, means to store weapons and those providing the finances from the abroad.”* (Al Sharqiya TV, 1 March 2013)
19. The Iraqi TV station of Al-Taghier declared on July 8, “a footage on internet shows the General Secretary of the Iraqi Hezbollah Wassaq al-Battat who is briefing the Iraqi fighters being dispatched to Syria using sectarian language. He says that he and his

party support the government with all their capacity because this government has facilitated their transfer to Syria (to fight alongside Bashar al-Assad)”.

20. Following this attack the Iranian Resistance obtained a video tape from inside Iran, recorded by Iraqi police from the launch site, and the Prime Ministry had provided to the terrorist Quds Force and the mullahs’ Embassy in Iraq in Baghdad. This video footage and the conversations recorded reveal new details:

- The launch site was a half-constructed building in the *Shorte Khamese* neighborhood located southeast of Liberty near the Adib al-Jomaili Mosque. Supplementary reports show the Quds Force through its Iraqi agents had purchased this real estate and built the mentioned building for this very purpose on this site.
- Five launching pads were installed in this location, each consisting of two rows of 10 missiles, meaning each pad could launch 20 missiles. The remnants at the scene show each of the five pads had launched missiles. Other indications in the footage point out that each pad had fired 10 missiles, totaling to 50 missiles.
- All pads are alike and built with similar standards in a professional-style industrial workshop. Furthermore, reinforced 107mm missiles were used in this attack.
- The pad pillars were fixed to the ground with cement at an approximate distance of 1 meter from each other in separate fashion to prevent any shaking, and the pads were fixed to them with heavy-duty nuts and bolts. The fact that the pads were separate from the pillars facilitated their transport to the launching site. Considering the pillars being fixed to the ground, there was no possibility to change the angle of the missile launch. This clearly shows that the attack was planned from long ago with pin-point calculation.
- Anti-PMOI slogans were written on the walls of the half-constructed building such as “Death to PMOI, Oh Zahra” and “Hey PMOI, get out”.
- This video footage clearly shows this criminal operation was not possible without the full cooperation and coordination of the Iraqi government and its security forces. This criminal attack was carried out by professional and trained teams, and according to the plan targeted gathering centers and dining halls during the residents’ lunch-hour. If it weren’t for the residents’ awareness and readiness, the number of casualties would have been much higher.
- The method of the attack and missile landing sites show the attackers were fully aware in detail of Liberty’s internal map and the residents’ gathering areas. While Kobler’s special agents, especially an individual by the name of Massoud Durrani, were inside Liberty on a daily basis harassing the residents, their sudden absence on the day of the June 15 attack raises many questions.

21. **In a simple factual assessment, it becomes evident that the June 15 attack could have been predicted and prevented. The attack was organized by the Iranian regime in a special political moment i.e. the presidential election in Iran, and the Iraqi Government did actively collaborated and coordinated with those who executed this plan of the Quds Force. Kobler played a suspicious and destructive role and a further attack could occur any moment.**

III- Resettlement

22. As stated in the ISJ report to the previous Security Council session, Kobler sent the residents to Liberty prison with lies, deception and an illusion called swift resettlement. Today, there is no doubt he knew from the very beginning that this was a big deception and only used it to mislead and forcefully displace the residents.
23. All Ashraf residents, even though they were considered refugees in Iraq since 1986 and despite being under the protection of the Fourth Geneva Convention, at the request of the UNHCR individually filed for refugee status from the High Commissioner in late August 2011. However, the Iraqi Government with the collaboration of Kobler conditioned the interviews and the refugee status determination (RSD) to departure from Ashraf and transfer to Liberty. This is while all the facilities and conditions were available at Ashraf to carry out the interviews and UNHCR personnel had affirmed this.
24. From February 2012, meaning with the transfer of the first group of residents to Liberty, until 8 February 2013, meaning the day before the first missile attack, 2048 individuals were interviewed by the UNHCR. Some of them were interviewed for up to 17 times. Yet in as much as the resettlement of these individuals is concerned, as of today, only ^^ have been transferred to Albania and 7 to Germany and less than 10 to Italy and Norway. This means less than 3% of all the residents and around 4% of the interviewed individuals have been resettled.
25. Other attempts for resettlements are as follows:
 - In November 2012, German officials interviewed 99 individuals, yet only 7 have been transferred;
 - In June and July 2012, 66 residents were interviewed by US officials yet not even one person has been transferred to this country;
 - In April 2012, 29 individuals were interviewed by French officials, yet to this date no one has been transferred;
 - In 2011 and 2012, 80 individuals were interviewed by Italy, yet only 3 have been transferred to this country.
26. In relations to Albania, in early 2012 the National Council of Resistance of Iran, through Ashraf's European supporters took up the initiative and raised the issue of transferring all of the residents to this country with Prime Minister Berisha, and he approached the issue positively. Subsequently, this issue was followed up with the US Government and the UNHCR. After the trip of Secretary Clinton to Tirana in November 2012, the Prime Minister agreed to accept 210 residents, and on 22 November Secretary Clinton's advisor informed the residents' representative of this issue. The residents' representatives met with the Prime Minister in Tirana on 8 January 2013, and while giving a written guarantee about the expenses of all the residents that will be transferred to Albania, asked for more people to be accepted. The Prime Minister had a positive approach to this issue. The US Government, Albanian Government and the residents' representatives all agreed that in order to prevent endangering this opportunity, no media coverage should be given to the issue. This was strongly observed by the residents.
27. However, on 15 March 2013 in a publicity trip to Albania, Kobler used the humanitarian measure of the Albanian Government in accepting 210 residents as a publicity tool in favor of himself and misused it to skirt the urgent security crisis and divert all minds of his destructive role in displacing the Ashraf residents and transferring them to the Liberty killing field. By doing so, Kobler practically let the

Iranian regime in the case and practically closed the door for raising the number of acceptances. He meanwhile attempted to place the blame on the residents for the lack of development in the resettlement process. He untruly said on several occasions that 210 individuals will be transferred to Albania in April, if only the camp's leadership and the leadership in Paris cooperate!!

28. From December 2012, the residents presented list number 1 of the ill residents and those who are first priority transferees to the Albanian Government, UNHCR and the US. After that, in the months of March, April and May, in 4 other lists the names of a total of 400 individuals were presented to the UNHCR for transfer to Albania. Therefore, there was no problem in raising the number of transferees to Albania. However, the first group of residents transferred to Albania in mid-May and to this date 88 individuals have been transferred to Albania in 5 groups. A group of around 15 people that was to be transferred on 5 July, due to the hindrances of the Iraqi Government, has not yet been transferred. The 4 July letter of the residents' representative to the UNHCR reads: *"the transfer of the fifth group of Liberty Residents to Albania that was due to take place tomorrow, July 5, is now postponed for the third time. It is quite obvious that the cause of this delay is neither the residents of Liberty nor the UNHCR but the Iraqi government.*

This is while there are certain quarters that falsely declare and publicize that the residents are not ready to be resettled. You know quite well that since March we have submitted 5 lists comprised of 500 residents who are ready to be relocated to Albania and Germany."

29. On Germany, Kobler said on April 18, this country has agreed to accept 100 residents. On April 16 he told Al-Arabiya TV, *"Next week 100 residents will go to Germany and 210 to Albania, and it's in the PMOI's interest to accept this proposal."* Although Kobler's promises of 300 residents being accepted by Germany at the end of 2011 was repeated dozens of times in writing and orally, the residents' representative on April 19 presented to the UNHCR a list of 100 German refugee residents to transfer to this country. However, the first group of 8 are to be transferred to Germany on July 8.
30. Obtained reports indicate the UNHCR's effort to convince various European countries, including during its July 2nd summit in Geneva, to accept a number of residents were fruitless. All signs indicate there is no quick relocation, or even relatively quick relocation in the prospect and therefore, overshadowing Liberty residents' security and protection under the pretext of a fictitious resettlement is just another justification for neglect in the face of the residents' massacre in the lack of minimum security necessities.
31. Despite the above mentioned facts, in several letters including in his 14 letters after the February 9 missile attack as well as in his speech in the Security Council and the European Parliament, Kobler tried to blame the residents and their leadership for the failure of resettlement project and deceive the international community in this regard. He wrote in one of his last letters dated June 28 to the representative of the residents: *"Of equal concern is the lack of cooperation of liberty residents with the UNHCR. During my farewell visit at the Iraqi House, UNHCR staff informed me about the lack of attendance of residents... I have repeatedly requested you to instruct the residents to show up at the ipn interviews. I would encourage you to go on with the cooperation with UNHCR to speedily resettle liberty residents to Albania and Germany. This*

process is too slow. Residents often agree to settle but only if all residents are able to leave the country.....the responsibility is yours."

But the truth is as stated above, the Camp leadership and the People's Mojahedin Organization of Iran have made their best effort to use all resettlement capacities in third countries and so far no serious offer for resettlement has been unused due to any disagreement, delay or inaction from the residents. Fast relocation to third countries is a big lie based on which Kobler sent residents to Liberty prison and now wants to blame the PMOI for its failure. The US Secretary of State stressed on April 17 and 18 in the Senate and House of Representatives that "*We have contacted countless countries, we have been refused by countless countries*"

32. What Kobler wants to portray that not continuing the interviews is an obstacle for resettlement is completely irrelevant. More than 2000 people have participated in UNHCR interviews but to date only 4 percent of them have been relocated to outside Iraq and there is no prospect for relocation of all or a big portion of them to outside Iraq. Then how can the lack of interviews by the remaining 1000 people obstruct the relocation to third countries?

After the deadly attack of February 9, the residents have repeatedly said and written to the US and UN officials that the most urgent issue in Liberty is the security for all that can be achieved either by their collective temporary relocation to the US or Europe or to Ashraf. Until then, returning to interviews and drop-like resettlement would have no other result than pretention of normalization of the situation, ignoring the protection concerns and opening the door for further attacks. Two subsequent attacks (on April 29 and June 15, which left two dead and 70 injured) proved this to be the case.

33. Kobler writes: "*UNHCR will from Sunday on substantially reduce its personnel, as residents are not showing up (at interviews) anymore.... I will brief the EU and the US accordingly. These states are the main funders of the operation.*" As though the money that Kobler has got from the EU and the US and even the Iraqi government under the name of Mojahedin has been used for safety and security of Liberty residents or their transfer to third countries. Part of that money that was not spent for other purposes, has been used for forcible evacuation of Ashraf and transferring residents from Ashraf to Liberty and making Liberty a double prison by his special agents such as Masoud Dorrani.

IV- Camp Liberty Security

34. We reminded in our previous report to the UNSC: "*All evidence support the fact that this attack may be repeated.*" And we also reiterated: "*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;*
 - *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.”*
35. We reiterated that the first choice for resolving the security problem is to expeditiously transfer all residents to U.S. or Europe, but if this does not prove to be a solution, then residents ought to be returned to Ashraf where they have relative security and be gradually resettled from there. On the other hand, we insisted on the urgent matter of providing the abovementioned security provisions to Camp Liberty. However, neither the U.S. government nor the United Nations lived up to their responsibilities in this regard and failed to insist on implementation of any of these solutions. Had they done so, we would not have faced the June 15 massacre and even if this missile barrage had taken place, the degree of damages and human loss would have been much more limited.
36. The subject of Liberty residents' security is important due to the fact that the Iranian regime's declared objective is their annihilation or surrender. There is no third option on the table for the Iranian regime. This regime under no conditions wishes to see the transfer of Liberty and Ashraf residents outside of Iraq. Mehmanparats, the mullahs' former foreign ministry spokesman, on March 5 threatened the countries seeking to grant asylum to Liberty residents, and cautioned them in this regard under the pretext that Liberty residents are elements of instability and security.
37. In this regard the mullahs' regime has made and is making extensive efforts to prevent the Albanian government from accepting the residents. The mullahs' Revolutionary Guards (IRGC) threatened through its affiliated news agency, *“Learning the experiences of various countries that in the past have supported the PMOI, Albania must be reminded of the dangerous consequences of its offer...”* (IRGC-affiliated Fars news agency, 18 March 2013)

Seyyed Bagher Hosseini (member of Iran's parliament Foreign Relations and National Security Commission board of directors) said in this regard, *“Hosting the PMOI will endanger Albania's national security.”*

The state-run Quds daily wrote in this regard, *“Our diplomatic apparatus should make Berisha aware of his perilous move vis-à-vis his country and people and his bilateral relations with Tehran.”* (Quds daily, 19 May 2013)

38. The Iranian regime is the source of the Iraqi government’s policy in massacring and suppressing Ashraf and Liberty residents. The acting Iraqi Interior Minister said during his trip to Tehran, *“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 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 state-run news agency – 6 March 2013)
39. Ambassador Jeffrey Feltman, UN Under-Secretary-General for Political Affairs, who is involved in the case of Ashraf and Liberty, four years ago as the US Assistant Secretary of State for Near Eastern Affairs emphasized on 28 October 2009 in a US House of Representatives Middle East Subcommittee hearing, *“We’re actually more concerned about an Iraqi desire to move Camp Ashraf to someplace else inside Iraq. The expectation...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 three missile attacks on Liberty prison, this prediction has turned out to be true.
40. Immediately after the first missile attack, Liberty residents and their representatives and supporters across the globe demanded the residents’ return to Ashraf. Also, both the residents and their representatives had from the very beginning demanded minimum protective means to be provided at their own expense. These protective necessities were as follows:
 - *Returning 17,500 T-walls that protected the trailers when US forces were stationed in Liberty*
 - *Transferring 500 small individual bunkers from outside the camp to inside its perimeters*
 - *Installing a double-layer protective cover above each trailer to lessen their vulnerability*
 - *Transferring the residents’ helmets and bulletproof vests from Ashraf to Liberty*
 - *Transferring minimum medical supplies and equipment from Ashraf to Liberty*
 - *Authorizing construction inside Camp Liberty*
 - *Expanding Liberty’s area with the aim of decreasing population density*

The residents placed a commitment to provide all the necessary expenses for the above mentioned measures.

41. In the beginning, the transfer of 500 small individual bunkers was authorized. However, halfway through they stopped the process from April and the residents’ efforts through Iraqi, US and UN officials to resume the transfer were futile. None of the other above mentioned protective measures have been provided for through this period and the Iraqi government has officially informed the residents of its opposition to transferring these necessities inside Liberty. The National Council of Resistance of Iran (NCRI) revealed in its statement dated 5 April 2013 that Moslehi, the mullahs’ ministry of intelligence, following his return from Baghdad, *“in his report to Khamenei’s Office, Moslehi has underscored that Maliki and Faleh Fayyaz have reassured him(Moslehi) that they would treat residents of Camp Liberty in the harshest way and that returning of the*

protective T-walls, extending the area of Camp Liberty and construction in the camp, as well as entering of sandbags would be prohibited.”

42. NCRI announced in its statement of June 12, “*four months after the rocket barrage of February 9, 2013, the representative of Government of Iraq, speaking at camp’s management meeting held after a five week delay, once again officially declared his government’s opposition to providing security provisions at Camp Liberty. He specifically stipulated that entry of any T-walls or transfer of protective helmets and vests to Liberty have not been approved. Moreover, he informed residents’ representatives that continuation of transfer of 500 small bunkers, approved by Government of Iraq after the day of the rocket attack on Liberty, has been cancelled. Only half of these bunkers were brought to camp in past months at residents’ own expense.*

Previously on April 16, 2013, in presence of representatives from UNHCR and UNAMI’s deputy, representative of Government of Iraq had agreed to the transfer of large T-walls and continuing the transfer of small bunkers.

Last month, following a May 8 visit by a delegation of UNAMI officers and representatives of Government of Iraq from gathering sites of Camp Liberty such as dining halls and mosque, they informed residents’ representatives that they have only approved entry of 2600 T-walls for protection of gathering sites. Now, the Iraqi government is reneging on his agreements.”

V- Kobler and demonization against the residents

43. Kobler's policies and the conduct of his special agents at Liberty between the two Council sessions has always been an issue of concern for the residents and their representatives. Kobler is carrying out his activities in sync with the Iranian regime against Iranian dissidents at Ashraf and Liberty, and has unfortunately turned into an element of suppression for the residents.

44. Some of the measures of Kobler’s special agents are as follows:

- *Relaying messages from Iran’s security agents to the residents that led to widespread complaints by the residents.*
- *Insulting the residents and carrying out provocative measures in order to instigate a scuffle. The residents' representative addressed the Secretary General in a 15 March 2013 letter and wrote: “ The residents ... in order to prevent any kind of intentional provocation, they will no longer talk to this person”*
- *Repeated and indecorous entrances into the dwelling areas of men and women during rest hours.*
- *Repeated and indecorous entrances into the resting quarters of disabled residents. This could only be described as psychological torture.*
- *Encouraging the residents to give up their dissent to the Iranian regime and abandon the PMOI ranks and return to Iran, or encouraging them to go to hotels in Baghdad under the control of the Iranian regime’s Ministry of Intelligence.*
- *Shooting footage and taking snapshots of the residents’ private areas without their consent.*
- *Raising untrue allegations and fabricating cases against the residents.*

45. Struan Stevenson wrote to the UNSG in this regard, *“Last February in Brussels we found out that the Iranian Ambassador in Baghdad had set the relocation of the Ashraf residents to Camp Liberty as a precondition to grant Kobler a visa to visit Iran. Furthermore Kobler, in his visit to Tehran last May, when over two thirds of the residents of Ashraf had already relocated to Liberty, had discussions with Iranian Intelligence officials and discussed the relocation plans and progress. Prior to that Maliki’s advisor on national security, on his return from Tehran in April 2012, had said that Kobler has been coordinating his activities to close down camp Ashraf with the Iranian Ambassador and other Iranian high ranking officials. (Al-Iraqya TV, April 24, 2012)*

Kobler had apparently predicted to the Iranian Ambassador that more than half of the residents of the camp would return to Iran after the relocation to Liberty (Fars news agency, January 22 and 24, 2012). Mr. Tahar Boumedra, the former high ranking UN official, in his testimony in the US Congress on September 13, 2012, under oath revealed that during the latter part of 2011 and the beginning of 2012 he himself was present in five separate meetings between Kobler and Iranian ambassador Danaifar where camp Ashraf was discussed.

Now that Kobler has realized that despite all the harsh and inhumane conditions imposed on the residents of Camp Liberty and despite the fact that the residents know that speedy relocation to a third country has been nothing but a mirage, the residents will not submit to surrender and will not return to Iran. Kobler now has instructed his special monitors to increase the pressure on the residents. The daily reports from Liberty indicate that UNAMI monitors, especially an Afghan by the name of Massoud Dorani, has been interfering in the personal lives of the residents and has subjected them to pressure and psychological torture. Numerous incidents have been reported that UNAMI special monitors have gone to the residents’ rooms during the hours of sleep and rest, have taken unauthorized photos and films, have insulted them and have encouraged them to return to Iran. Even on a few occasions they have tried to pass messages from the Iranian intelligence agents to the residents, stirring up disturbances. Embarrassed from this deteriorating situation, Kobler is now trying to whitewash his actions by claiming that the PMOI have prevented the monitors from contacting the residents!”

46. On 27 January 2013, ISJ President wrote about this individual to the UNSG that he was informed that Massoud Dorani relayed to one of the residents a message of Iran’s Intelligence Ministry that caused his sever protest. ISJ President added, *“Let me reiterate once again that we are facing a systematic tolerance of the interventions of the Iranian regime and its agents in the fates of the residents of Camp Ashraf and Liberty. That includes Mr. Kobler’s extensive collaborations with the Iranian regime’s ambassador in Iraq about Ashraf, his visits and negotiations with the Ministry of Intelligence and Security agents in Iran and in Iraq, and his remarks to the media in this regard. Those are all in addition to actions of monitors under his supervision and control. These are sheer violations of Fourth Geneva Convention and many other international and asylum conventions. They carry very dangerous consequences for these refugees.”*
47. However Kobler, in a bid to distort the facts and attempt to place the blame elsewhere in his letters, including his 14 letters after the 9 February missile attack, has resorted to fabricating cases and alleges that the PMOI does not give monitors access to the residents and specific areas. I draw your attention to a few examples of these letters:

- On June 28, he wrote, *"finally, the abuses of human rights in camp liberty and restrictions imposed on liberty residents by the camp leadership continues to be a matter of concern. monitors a still not in a position to talk to individual residents without supervision. i urge you to instruct the camp leadership to grant freedom of movement inside the camp, free access to Iraqi medical facilities, free and unsupervised internet access and unsupervised access to cellphones for every single resident."*
- In his letter of May 4 he wrote; *"of great concern continues to be the human rights situation of the camp. I urge you to allow freedom of movement of all residents within the camp, free communication and allow for the access of UN monitors to have private conversations with individual residents without supervision."*
- He wrote on April 13, *" I would like again to remind you that UN monitors should have access to individual residents. monitors report that they were told that private meetings could not take place without the approval of the section heads... i also would once again stress that aggressive behavior vis a vis the residents, like spitting in their direction, is unacceptable. our mission is a humanitarian one and our monitors are performing a difficult task. they deserve all our support."*

48. These are criminal slanders that Kobler is trying to use to legitimize the crimes of the Iraqi Government, the inhumane siege on Liberty and the prohibition imposed by the Government to provide the minimum security equipment at Liberty.

49. Regarding these falsifications, Struan Stevenson wrote to the UNSG on May 16, *"I have worked closely with the PMOI for many years and receive daily briefings regarding Camp Liberty. These statements by Mr Kobler could be used as justifications for another massacre. The reality is that the monitors have had free access to everywhere in the camp and have been free to talk to anyone in the camp. On various occasions in the past Kobler had falsely accused the residents of spreading their own garbage around the camp to make it look unhygienic. He had claimed that the residents purposely exploded the camp sewage lines and even that some residents had deliberately sand-papered off their fingerprints! His deceptions are becoming quite ludicrous. His unprecedented animosity towards the residents of the camps, prevent him from being the UN's unbiased special envoy. In Srebrenica we were faced with negligence or cowardliness of UN officials, but here we are facing collusion, which could cost the reputation of the UN a great deal.*

"I am afraid that Kobler, with his policy of collusion, could aid and abet another crime that would seriously impact on the UN, US and EU. Please be reminded that you and we were among the first leaders to promote the relocation of the residents of Ashraf to Camp Liberty. Hence I request that you:

First, remove Kobler from his responsibilities in Camps Liberty and Ashraf immediately. There is in any case no further need for UNAMI. The issue at hand is now entirely the question of refugees and can be handled exclusively by UNHCR.

Secondly, to expose the truth of what is happening in Camp Liberty, please arrange for a visit to Liberty by me and my colleagues from the European Parliament. I am ready to go on this mission as soon as possible and promise to give you a personal report of my findings first hand".

50. On 3 May 2013, ISJ President wrote in his letter to Secretary Kerry, *"The Iranian regime that considers the People's Mojahedin Organization of Iran (PMOI/MEK) as*

the only threat to its survival, has succeeded in recruiting the UN and Kobler for the goal of dissolving the MEK. As Tahar Boumedra, a former senior UN official, revealed on September 13, 2012 at a U.S. Congressional Hearing under oath, UNAMI's decisions about Ashraf were taken at the Iraqi Prime Minister's Office and at the Iranian government's embassy in Baghdad. Only in late 2011 and early 2012, Kobler met for 5 times about Ashraf with Danaiifar, who is the Iranian Ambassador in Baghdad and a commander of the terrorist Quds Force.

"Similarly at Liberty, instead of monitoring Iraqi government's compliance with the rights of residents and preventing them from violating those rights, Kobler's agents are trying to impose additional controls to interfere in their personal lives and internal affairs, and encourage them to leave the MEK and return to Iran. Instead of focusing on the Iraqi forces, locations of missile launch pads, and controlling Sadeq Mohammad Kazem, the murderer of the residents in the 2009 and 2011 massacres, they are concentrating on the victims, submitting them to physical aggression and psychological torture. Kobler's correspondences for the past year and a half have been consistently expressing gratitude and admiration for the 'humanitarian' approach of the Iraqi government and criticizing the MEK for lack of cooperation with that government; not even a word about making Liberty a prison or unfortunate living conditions there, Iraqi government's prevention of safety arrangements, the role of that government in the February 9th massacre, or the fate of the investigations regarding the past two massacres."

51. On May 27, eighteen prominent European and American figures who had visited Ashraf once or more prior to the Iraqi forces' siege on Ashraf, wrote about Kobler's special agents, *"Hence, the monitors who were originally supposed to protect the rights of the residents from Iraqi forces' transgressions were regrettably employed as collaborators of prison wardens to psychologically torture the residents. One of them is an Afghan called Massoud Dorrani who was brought along with him to Iraq from Afghanistan. Neither Dorrani's administrative rank nor his background qualifies him to occupy this position.*

"Mr Kobler writes letters on a weekly basis to residents' representatives, sending copies to numerous U.S., European and UN personalities claiming that his monitors are not allowed to visit everywhere in the camp or to talk privately with people and that they are humiliated and boycotted by residents. In his letters he claims that he is worried about violation of residents' rights by the PMOI or the camp's leadership!

"Our personal acquaintance with Liberty residents, telephone conversations with them, daily examination of Liberty Daily Reports and the repeated behavior of Mr Kobler force us to the conclusion that in all probability he is in fact not implementing the goals of the UN but rather playing into the hands of officials and regimes who have every intention to liquidate the inhabitants."

52. These personalities added in their statement, *"In light of the above points, we underscore the followings:*

1. *"Liberty residents are a most valuable part of the Iranian society with considerable political expertise and many years of experience in struggling against the mullahs' regime. Their only goal is to free their homeland and it is natural that they will not accept dissolving or annihilating their organization at any price. In any turn of events,*

2. Measures conducted by Mr Kobler and his staff in Liberty are criminal and need to be investigated in a competent court so that such crimes would not be repeated in Liberty or Ashraf or any other place under the name of United Nations. Considering our knowledge about the PMOI, Ashraf and Liberty residents, Mr Kobler's deeds, the situation of Iraqi and Iranian governments, we are ready to testify before any international legal authority.

3. All indications show there is a genuine difference between Mr Martin Kobler's action and other mistakes of UN in issues like Rwanda, Srebrenica and Sri-Lanka. Usually in such cases, the negligence or the fear of a UN senior official has contributed to the occurrence of catastrophe; but as to the case of Ashraf and Martin Kobler, the issue, much beyond a fear or negligence, is a clear collusion with the perpetrators of massacre and repression and siege.

5. We urge President Obama, Secretary Kerry, Secretary General Ban Ki-moon, High Commissioner António Guterres and High Commissioner Navi Pillay:

Firstly- To discharge Mr Kobler from the case of Ashraf and Liberty and to hand over the responsibility of these two camps within the United Nations to UNHCR;

Secondly- The residents should be returned to Ashraf immediately in order to enjoy relative security, and be resettled gradually from there to third countries;

Thirdly- We ask for an international investigative delegation, by common consent, to look into the actions of Mr Martin Kobler and his staff against the residents of Ashraf and Liberty. Their investigations should be made public."

53. U.S. Colonel Wesly Martin, who used to be in charge of Ashraf security in 2005, prepared a detailed report titled as '*INVESTIGATIVE REPORT concerning Camp Liberty Residents' Allegations Against UNAMI Monitor Massoud Durrani*' dated 31 May 2013. In its 'Summary', he writes,

a. Massoud Durrani is a problem. His behavior against the residents adds further strain on 3,100 who have enduring enormous physical and mental torture since the Iraqi government assumed security responsibilities of the MeK population.

b. Massoud Durrani's total lack of qualifications and failure to receive U.N.- required training has been ignored by Ambassador Kobler. There are reasons basic qualifications and selection standards are established. A person should be chosen for a position because he or she is the right fit, not because of a personal relationship with Martin Kobler and willingness to deliver a service that ultimately benefits Nouri al-Maliki

c. It must be remembered that Massoud Durrani is not the only person to be in position because of the Kobler - Maliki team effort. The same holds true for Brita Wagoner (Frau Kobler). Her experience base did not qualify her for the position of German Ambassador to Iraq any more than Massoud Durrani's qualifies him to be a U.N. monitor. Both came to their positions because of their relationship with Martin Kobler and willingness to serve the interests of Nouri al-Maliki. Since assuming their respective positions, both have well proven this to be true.

d. As identified in paragraph 4b of this document, the UNAMI mission has established mandates. Mandate number 3's "Promote the protection of human rights" has been thoroughly violated by both Massoud Durrani and Martin Kobler.

e. *Other than Mandate 1c “development of processes acceptable to the Government of Iraq to resolve disputed international boundaries,” Martin Kobler’s term of service has been a complete failure. He has been severely criticized in the Iraqi Parliament, the European Parliament, and by provincial leaderships and people throughout Iraq.*

h. *Martin Kobler has been very successful in combining everything into a single package and delivering out of that package what pleases those in position of power and influence. Unfortunately what is not delivered out of his package is truth and integrity. Those commodities are sacrificed along with the future of the MeK residents and the citizens of Iraq. In short, Martin Kobler is sacrificing human balance sheets in favor of international business and political balance sheets. Unfortunately, the governments of the United States, Germany, Iraq, and Iran are not complaining.*

If all elements of the UNAMI mandate are to be honored and pursued, identifying the way ahead is not difficult:

(1) Massoud Durrani needs to be immediately removed from position and released from his duties with the United Nations.

(2) The same needs to be done with Martin Kobler. He clearly places his own agenda before the goals established by the UNAMI mandate.

(3) United Nations Secretary General Ban Ki-moon and Under Secretary for Political Affairs Ambassador Jeffrey Feldman should immediately stop considering Martin Kobler as a reliable source of information and instead order an independent investigation into the behavior of Martin Kobler and Massoud Durrani. The problem here would be to find an honest investigation team within the United Nations.

54. Martin Kobler, the Special Representative of the UN Secretary General for Iraq, took part in the meeting of the European Parliament's Foreign Affairs Committee in Brussels on 29 May, and once again tried to repeat some false information which he uses in order to impress certain people. He again stated that the UN monitors were facing difficulties in having access to the Camp Liberty residents and that there was no cooperation from the camp management and the PMOI leadership in Paris. But a large number of MEPs protested that he has attempted to deceive the parliament in the past, has presided over a disastrous decline in the domestic situation in Iraq while doing little to criticize the Iraqi government and has brought progress on the re-settlement of 3,200 refugees in Camps Ashraf and Liberty to a virtual standstill through his incompetence. In the meantime he tried to ignore the most pressing and immediate issue, namely the safety and security of the residents facing rocket and missile attacks in that tiny, prison-like compound. He was challenged three times by MEPs to explain why hard hats and protective vests that were left behind in Camp Ashraf had not been returned to the residents of Liberty to provide them with even rudimentary protection. His feeble reply was that this was a matter for the Iraqis.

55. In one deliberately misleading statement Kobler claimed: *"The Prime Minister of Albania had agreed to accept 105 Camp Liberty residents. But I travelled to Tirana (March 15, 2013) and increased the number to 210."* In fact, four months prior to this trip, Ambassador Dan Fried, the advisor of then US Secretary of State, Hillary Clinton, wrote to representatives of the Camp Liberty residents stating: *"The Government of*

Albania has confirmed privately that it is prepared to accept for resettlement up to 210 former Ashraf residents." Indeed Kobler's blundering into this issue, by holding a press conference on his return from Albania, served to alert the Iranian government to the issue and, as sworn enemies of the PMOI, they then began to exert pressure on the Iraqi government and the Albanians to prevent this humanitarian relocation.

56. Struan Stevenson, President of the European Parliament's Delegation for Relations with Iraq, pointed out the lack of any proper response by Kobler to the massive increase in executions and human rights abuse in Iraq and the lack of proper attention by Kobler regarding the on-going popular uprisings in cities across Iraq and their demands. Mr Stevenson also told Martin Kobler that he had signed the Memorandum of Understanding (MoU) regarding the transfer of the residents of Camp Ashraf to the prison of Camp Liberty, with the Government of Iraq without the consent of the residents of Camp Ashraf. He further accused Kobler of deceiving members of parliament on the conditions in Camp Liberty by showing them doctored photographs. Stevenson stated that Martin Kobler had guaranteed that the 3,100 residents would enjoy safety and security at Camp Liberty and they would be rapidly transferred to third countries. Stevenson pointed out that Tahar Boumedra, a senior UN staff officer with UNAMI, had resigned in protest at the behavior of Kobler and had testified to the US Congress under oath that Kobler had doctored photographs of Camp Liberty with the sole intention of deceiving MEPs and other decision-makers.

Stevenson ended his intervention by holding up five lists of names of residents of Camp Liberty who are ready to transfer to Albania and Germany. These 440 names were provided to UNHCR weeks ago, Stevenson said, and asked Kobler why only 14 have actually been transferred so far.

57. Jim Higgins MEP said to Kobler *"You say the Government of Iraq considers the Ashraf & Liberty residents as terrorist. But they have been removed from the US and EU terror lists and you, representing the UN should state that they are not terrorists. Why you do not take a position on this? What you are doing is very hypocritical. Can you tell us what is your achievement in view of all the money that you receive? You should be fired. The UN Security Council should fire you"*.

Vytautas Landsbergis MEP pointed out: *"Scores of Iraqi politicians condemn you. Why do you involve Iran, a foreign country, into the issue in Iraq? Why do you bring Iran into the issue of the status of Camp Liberty and refugees that the Iranian regime hates so much?"*

Ryszard Czarnecki MEP said: *"Mr Kobler, you promised that the standards of living at Liberty would be the same of Ashraf and that the residents would be transferred to third countries quickly. You showed us pictures that you claimed demonstrated that Camp Liberty would be an excellent place. But none of these promises were true. The residents do not trust you. You are part of the problem, not part of the solution. Don't you think it is about time that you should resign and leave?"*

VI- Ashraf and property

58. Based on the quadripartite agreement between the Iraqi Government, UN, US and the residents on 17 August 2012, and according to Kobler's official 6 September 2012 letter to the residents, 100 residents will remain at Ashraf until the final determination of the property. At that time Secretary Clinton's advisor wrote that there is no time

limit for the stay of the 100 individuals. On 3 October he also told Agence France Presse in Brussels that there is no time limit for the individuals' stay at Ashraf.

59. Yet despite the abovementioned fact, and while the Iraqi Government hasn't allowed the sale of even a dollar of the residents' movable and immovable property, Kobler has for many months turned into an element of pressure for the Iraqi Government to evacuate Ashraf. He wrote to the residents' representative on 11 May: *"the government of Iraq informed us on May 9th, that the government is in possession of an eviction order issued by a court... on the other side we made it clear on many occasions to you to allow us to transmit the names of the lawyers to the government in order to initiate a negotiated solution.... we informed you regularly that the government wants to get a court eviction order and urged you to authorize us to communicate the names of the lawyers. you failed to do so. the responsibility is yours."*
60. He wrote to the residents' representative on 28 June: *"The GoI decided to go ahead with the property inventory soon. The committee of the property inventory is formed... the GoI further said that Ashraf residents rejected to receive the papers on the inventory and on the eviction.... we made however clear to the government to resolve the process peacefully and in cooperation with Ashraf residents.... I once again urge you to authorize us to convey to the government the names of the three lawyers or to communicate them directly to them. The conditions Mr. Torricelli put after his visit have been agreed on beginning of the year....also here the ball is in your court and the responsibility is yours."*
61. In this regard, the NCRI announced on July 1: *"These remarks smell of a conspiracy and blood. Otherwise, what is the point in evacuating Ashraf while neither the property issue nor the security of the PMOI in Liberty has been addressed? Kobler's claim that he is interested in the "peaceful" resolution of the Ashraf issue is a big lie. If he was really interested in the peaceful resolution of this issue, he could have easily said that there was no point in the evacuation of Ashraf unless and until Liberty's security and the moveable and immovable property at Ashraf are addressed. By picking his words, Kobler is trying to hide his role in a possible massacre at Ashraf."*
62. At UNAMI's recommendation, Senator Torricelli, along with Professor Schneebaum, went to Iraq on January 1, 2013 to resolve the property issue. However, contrary to prior agreement, the Iraqi officials neither met with him nor allowed him to visit Ashraf and Liberty. Senator Torricelli wrote in his report on the trip: *"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"*.
63. In a bid to facilitate plundering of the residents' property, Iraqi officials and Kobler insisted that Senator Torricelli assign Iraqi lawyers to resolve the issue. On 7 and 13 January, Senator Torricelli informed Kobler and his deputy that if Kobler were to officially agree in writing on behalf of the Iraqi Government to three criteria, he would assign Iraqi lawyers as his advisors in contact with Iraq. However, not only did Kobler ever sign these three criteria, but rather clearly showed in his letters (including the 24

February letter) that the Iraqi Government substantially disagrees with the context of at least two of the three criteria.

64. Struan Stevenson, President of the European Parliament Delegation for Relations with Iraq, in his 16 May letter to the UN Secretary General, described this letter as “*exceptionally questionable and alarming*” and wrote: “*It is clear that Mr. Kobler is trying to wriggle out of his responsibility for any such tragedy ahead of the event. Interestingly the very same phrase “the responsibility is yours”.*”

This was exactly repeated two weeks before in Kobler’s 27 April letter: “*the head of the Ashraf committee informed me that time is running out and the eviction decision of the court is expected soon. the government of Iraq asked us to convey to you that they expect you to relocate to camp liberty immediately. we have been asking you since mid November 2012 in innumerable mails and letters and personally to allow us to communicate the names of your three lawyers to the government. a court ruling could thus have been prevented. you failed to authorize us. the responsibility is yours.*”

65. Mr. Stevenson added: “*It is a well-known fact that the Iraqi government, by creating severe illegal obstacles, has prevented the resolution of the issue at hand. The Iraqi judicial system, which as stated by the UN High Commissioner, Navi Pillay, has been sending condemned prisoners to slaughter houses as if they were animals, is simply a political tool of Prime Minister Nouri al-Maliki and his puppet-masters - the Iranian regime. Hence it does not make any sense for Martin Kobler to insist that the residents of Ashraf have to evacuate the camp immediately and sell their belongings in haste. This is nothing but a pretext for yet another massacre of the residents of the camp and the blatant theft of their belongings. The Iraqi lawyers representing the camp’s residents have been forced to abandon the case by the Iraqi forces through intimidation and threats to their lives. You may be aware that Akram Naqib, one of the camp’s lawyers, was assassinated (in Baghdad) in September 2012.*”

66. The fact that Ashraf residents have not accepted the ‘documents’ regarding the property and leaving the place is completely within the context of the law and consistent with the quadripartite agreement between the US Government, Iraqi Government, UN and residents’ representatives and they have acted upon the directions of their legal representative. The 100 residents at Ashraf are only responsible for safeguarding the property and the legal representative for the sale of the property is Senator Torricelli. He advised the residents in his 18 May letter: “*You are, hereby, advised that if at any time you are approached with such legal process, it should be referred to me as your Legal Counsel. As guardians of the property you have no authority to accept process or engage in negotiations on behalf of the rightful owners of the property at Camp Ashraf. As Counsel, Mr. Schneebaum and I have offered to meet and discuss resolution of all real and personal property issues with the Government of Iraq. Our offer to meet remains outstanding and properly lies with Counsel.*”

VII- Safety and security of Ashraf and Liberty residents is a U.S. and UN obligation

67. The United States and the United Nations, and in particular the Security Council and the Secretary-General, are legally responsible for protection, safety and security of residents of camps Ashraf and Liberty. This responsibility has been there ever since the occupation of Iraq by the U.S., but has doubled because of the displacement of residents to Camp Liberty.
68. Basis for this U.S. and UN responsibility are as follows:
- In July 2004, the U.S. government and the MNF-I endorsed the fact that Ashraf residents are civilians who enjoy protection of the Fourth Geneva Convention. Legally speaking, there have been no elements that would have annulled this status of the residents.
 - Transfer of protection to Iraq has been an illegal measure by the United States. Especially following the July 2009 attack on the residents, according to Article 45 of 4GC, U.S. should have reassumed protection of residents from the Iraqi government. This matter is presentable to any court.
 - United States has signed an agreement with each and every resident of Ashraf that in exchange for their disarmament, it would assume their protection until their final disposition. United States is responsible for this compact and its unilateral revocation is considered a criminal act.
 - All the residents are refugees or asylum seekers and are people of concern and enjoy international protection.
 - Transfer of residents from Ashraf to Camp Liberty took place on the basis of UN and U.S. assurances and the U.S. government, through its most senior officials including its Secretary of State, has numerously announced that safety and security of residents in Camp Liberty would be provided.
 - On 25 December 2011, Secretary Clinton supported the Memorandum of Understanding between the United Nations and the Government of Iraq (GoI) and emphasized on the safety and security of residents. She stated that U.S. diplomats would frequently and regularly visit Camp Liberty.
 - According to the four-party agreement between U.S., UN, GoI, and the residents, on the transfer of the rest of residents to Camp Liberty, U.S. committed itself to support residents' safety and security.
 - In this four-party agreement and in UN official letters, safety and security of Ashraf residents who are in Ashraf as guardians of property has been underscored.
69. These agreements aside, in conditions where Ashraf and Liberty residents are threatened with massacre -- a matter experienced four times -- the international community, especially the Security Council and the U.S. government should provide for residents' protection according to the principle of responsibility to protect (RtoP).
70. Regrettably however, in practice, neither the U.S. nor the UN or the UNSC have lived up to their responsibilities. Here we just allude to one example and shall take on this matter in our later and complementary reports. Five months past the February 9 rocket barrage, U.S. officials have only visited Camp Liberty twice. This is while U.S. has commitment for frequent and regular visits.

VIII- Inhumane Medical Siege Continues

71. From the beginning of 2009 an inhumane siege was launched against Ashraf residents, which has continued to this very day. Here we will only concentrate on the medical siege, and postpone the other aspects to future reports. This siege imposed on the medical care, continuing with the utmost severity, has in these years resulted in at least 14 victims, with 6 being in Liberty. This includes Bardia Mostofian, Batoul Rajaei, Behrouz Rahimian, Mansour Koufei, Mohammad Hossein Barzmehri and Reza Nasiri.
72. These statistics do not include the wounded residents who lost their lives due to lack of medical care. This medical siege is without a doubt a clear example of crime against humanity and war crimes, and the perpetrators must be brought to justice and punished.
73. The siege intensified following the residents' transfer to Liberty. In Ashraf, the residents resolved their minimum medical needs with the equipment they had procured throughout the years. However, with their relocation to Liberty the residents were prohibited from transferring their medical equipment. The medical supplies in the camp's Iraqi clinic is even less than the medical equipment available in a village clinic. The efforts of the residents and their representatives for transferring the residents' equipment to Liberty during the past months have been futile.
74. According to reports issued by PMOI physicians, the number of residents suffering from serious illnesses in Liberty is over 800. A large portion of this list are residents injured in four attacks of 2009 and 2011 in Ashraf. The camp's Iraqi clinic has one Iraqi general practitioner and he is not able to prioritize this number of patients for appointments with medical specialists in Baghdad. This clinic is a preliminary medical center that is only able to provide visits for 15 patients a day and deliver care for very basic illnesses. A large number of patients have been waiting for months and even over a year to be sent to Baghdad hospitals for visits with medical specialists. Many of them have been in line for months to undergo urgent surgeries deteriorating their illnesses. According to an assessment made by PMOI physicians, if no new patient is added to this list, it will take nearly two years for the cases of just the current patients to be finalized.
75. This clinic has only two ambulances and most of the times the patients and the resident accompanying them for their transfer to a hospital in Baghdad are literally piled up inside the ambulance in terrible conditions. In the hospital, the interference of Prime Ministry Office agents and Army Intelligence officers in the patients' medical cases make the situation unbearable for the residents.
76. The Iraqi clinic lacks minimum standards of any simple clinic:
 - There is no emergency section for emergency cases;
 - Clinic lacks simple and elementary medical equipment such as:
 - o suction apparatus
 - o airway tube
 - o laryngoscope set
 - o endotracheal tube
 - o D.C shock device
 - o Adrenalin and Zantac injection
 - o IVG. tube
 - o CV Linen set
 - o Resuscitation equipment
 - o Oxygen set
 - o Stretcher

- Only simple drugs such as Aspirin, Flu-Out, or other simple pain relievers are available in the clinic;
 - There is no room to hospitalize a patient even for one hour;
 - There is no constant power supply in the clinic.
77. There are various difficulties in going to a specialist doctor or a hospital in Baghdad such as:
- Patients have no freedom in choosing the specialist doctor or the hospital they wish to go to. They are allowed to go to only few hospitals. It is forbidden to go to private hospitals or doctors outside locations where the Iraqi government has assigned.
 - The number of patients departing to go to specialist doctors depends on the capacity of a single ambulance which is very limited.
 - In many cases due to obstructions made by the Iraqi escort teams, these very prescheduled trips are not accomplished, or are done with such delays that makes the patients arrive at the hospital late and their doctors do not have enough time for their treatment and taking care of them.
 - Moreover, due to Iraqi escorts' pushing patients to be quick, usually the job is left unfinished. In many cases, this makes the patient go to the hospital several times whereas not more than once is needed.
78. Yet, Martin Kobler has tried repeatedly to present the Iraqi clinic as a well-equipped center. Last December, UNAMI falsely wrote, *"A medical facility is staffed by an Iraqi doctor. Ambulances are on constant standby."* On 15 February 2012 and before the first group of residents' departure for Liberty, he wrote, *"Residents in need of specialized medical and hospital treatment will be directed to these institutions by the Iraqi doctors in the medical clinic in CL. The residents will bring their medical equipment to CL."* With his dishonest manner, he blames the residents for shortages in medical equipment and claims that the Camp leadership does not allow the residents to use Iraqi clinic.
79. In the statement signed by more than 3000 Liberty residents on 30 May 2013, they wrote, *"In yet another lie aimed at covering up the 4.5-year medical siege imposed on Ashraf and Liberty and lack of our free access to medical services that up till now has led to 14 deaths, Martin Kobler claims "There is an Iraqi clinic. Not every Liberty resident knows that there is an Iraqi clinic. I think that it is very important that there is free access to the medical clinic." Is it really possible to hide an Iraqi clinic from the residents in such a small area and then deny them access to it? This is both folly and villainy at the same time. Not only everyone knows of this clinic, but we also know that three of our friends who had been transferred to the clinic on an emergency basis in the past few months lost their lives due to absence of basic vital equipment. This clinic lacks the most rudimentary apparatuses that can be found in any small infirmary and our repeated requests for the transfer of our equipment from Ashraf to Camp Liberty are unheeded and Mr. Kobler has done nothing in this regard. We unequivocally declare that Kobler has responsibility for the murder of those who lost their lives due to lack of medical equipment and we shall follow this matter with juridical bodies."*
80. The problem does not stop at residents' lack of access to medical services. Dire sanitary conditions and lack of a standard sewage system in Liberty, as well as prevention of

timely poison spraying, have tremendously increased cases of various diseases in Liberty. NCRI announced on April 7, *“With the arrival of the hot season, seasonal winds and dust and sand storms have spread contamination and aggravated diseases. During the two floods in December 2012 and January 2013, the overflow of one million liters of black water from torn or timeworn sewage tanks spread contamination throughout the camp. Due to the inhuman siege, this contamination was never treated with anti-bacterial and anti-pollutant materials and insecticides not allowed into the camp. The contaminated areas of the camp have practically turned into centers for propagation of all sorts of contagious diseases. Due to absence of asphalt roads, the dirt roads and the traffic of vehicles on the dirt roads cause spread of contaminated particles throughout the camp.*

Due to this situation, the number of residents suffering from eye infection has reached over 400 cases. This disease initiates with redness of the eye, eye pain, and blear-eye to be followed with inflammation of the eye and at times blurred vision.

Also, up till April 5th, more than 800 residents came down with viral fever. This illness is accompanied by extreme fatigue, general body pain, severe sore throat, dyspnea, chills and fevers that sometimes reach as high as 40o C. Due to dense population and impossibility to separate patients from the healthy, and lack of adequate spacing in containers, these diseases become epidemic very quickly.”

81. In a Joint letter to Madam Pillay dated June 30, 2013, on UNAMI’s semi-annual report, physicians and medical personnel in Camp Liberty wrote:

"This report claims that Camp Liberty has “A medical facility is staffed by an Iraqi doctor. Ambulances are on constant standby. The GoI ensures movement of residents to any external medical appointments as necessary”. This fallacious claim is while during this period both the patients and the wounded in Camp Liberty face extremely limited medical resources, are constantly harassed by Iraqi prime ministry forces and the police... Lies about the Iraqi clinic in Camp Liberty are absurd since everyone knows that three residents taken to the Iraqi clinic on an emergency basis in the past few months lost their lives due to absence of the vital rudimentary instrument. This clinic lacks the simplest instruments that any small infirmary has and our numerous requests for transfer of our own medical equipment and instruments in Ashraf to Camp Liberty have been turned down and Mr. Martin Kobler has done nothing about it. Throughout this report there is no mention whatsoever about pressures, restrictions and blockade imposed on us by government of Iraq. In other words, this report is nothing but a cover up of the realities, suppression, and Iraqi government’s crimes that portrays Camp Liberty as enjoying all international standards. Question is: if indeed Camp Liberty is as presented in this report and enjoys all necessary standards, then why requests from U.S. dignitaries, lawyers and jurists, European parliamentarians, U.S. congressmen, and organizations defending human rights to visit the camp are unequivocally turned down? We request that you, as the highest authority on human rights, immediately appoint an envoy to investigate this matter and visit Camp Liberty so that Iraqi government is not emboldened any further by this report to suppress and imprison us in this camp."

IX- Summary

82. Two missile attacks were carried out against Liberty in the period between the two Council sessions. In one attack the missiles landed outside of the camp, and in the latter

40 missiles landed inside the camp, leaving two residents killed and 70 injured. In this missile barrage, the camp's gathering centers were targeted and if the missiles were fired just half an hour earlier, dozens of residents would have been killed and hundreds wounded.

83. The June 15 attack was completely predictable and preventable. The US Embassy in Iraq had warned of such attacks on 11 February 2013. ISJ, the residents and their representatives, along with various groups throughout the world, had warned of such attacks. However, the US and UN took no effective action.
84. In addition to a political and moral responsibility, there are strong legal reasons that the US government and the UN have duties and responsibilities regarding the protection of Ashraf and Liberty residents. This responsibility has increased following the transfer to Liberty and missile attacks. The residents are all protected persons under the Fourth Geneva Convention, refugees or asylum seekers and persons of concern, and each and every one has signed a bilateral agreement with the US to be rendered protection in return for voluntarily disarming. The residents transferred to Liberty based on a quadripartite agreement (signed between the US, UN, Iraqi government and residents' representatives). Under this agreement the US and UN guaranteed the residents' safety and security.
85. For various reasons (including its very small area, lack of concrete or even brick buildings, geographical location and...) Liberty is very vulnerable against missile and mortar attacks, and as stipulated by US officials who have visited the camp, is completely defenseless. Ashraf enjoys much more security in the face of such attacks.
86. The rapid resettlement project has been a complete failure. Despite full cooperation by the residents, the camp leadership, PMOI and NCRI, until the preparation of this report (10 July 2013) only about 3 percent of Liberty residents have been transferred outside Iraq. In the best of circumstances, this figure will reach 10 percent by the end of 2013. Therefore, in the lack of a quick resettlement, the only solution for the residents' security and protection is their immediate return to Ashraf.
87. In Liberty lies the possibility of another tragedy taking place similar to that of 9 February and 15 June 2013, where the collaboration of the Iranian and Iraqi governments is very obvious. There is no doubt in the motive of these two governments to inflict further blows. Within the same context, after the February 9th missile barrage and also in the period between the two Council sessions, the Iraqi government has prevented provisions of protection requirements to the camp, even at the residents' own expense, in order to maintain high level of vulnerability and hence the number of casualties in face of further attacks. The seven-article minimum protection requirements announced by the residents can be easily provided for. They include the return of T-walls, transfer of small bunkers to the camp, installation of a two-layer protective cover over the roofs of all trailers, transfer of protective vests and helmets from Ashraf to Liberty, transfer of medical equipment from Ashraf to Liberty, expansion of the camp's area, and permission to carry out necessary construction work inside the camp.
88. Despite enormous efforts and expenses by the residents during the past 18 months, Liberty is far from meeting the humanitarian standards. The inhumane siege continues on all areas. In this report we only discussed aspects concerning the medical situation and hygiene, as a result of which, two residents lost their lives and over 1,000 have suffered from various infectious diseases during the period between the two Council sessions.

89. The Special Representative of UN Secretary-General and his special agents, instead of focusing on the issue of security, continued forging completely false and distorted reports to the UN, US, EU and GoI along two lines:
- First: Blaming the residents, camp leadership, PMOI and NCRI for the failure of resettlement project;
 - Second: Demonizing the residents and camp leadership in order to pave the way for legitimizing crimes against humanity and prepare the grounds for further attacks.
90. After careful assessment of Kobler's 14 letters to the residents' representative during the period between the two Council sessions, his speeches in the Security Council (21 March) and European Parliament Foreign Affairs Commission (29 May), and his interviews and private remarks, ISJ has no doubt about his dubious role and strongly welcomes Secretary-General's decision to replacement him, despite long delay.
91. The Iraqi government is imposing enormous pressure through various methods in order to evict the residents currently in Ashraf looking after the remaining property. Kobler has also acted as an instrument of pressure for the Iraqi government in this regard. This is while it has been stipulated in the Liberty transfer quadrilateral agreement that 100 residents will remain - without any time limit - as guardians of property until all assets of Ashraf are sold. Needless to say that the eviction from Ashraf is out of question while the subject of Liberty residents' security is yet to be resolved.
92. The UN Working Group on Arbitrary Detention in its two opinions of May and August 2012 emphasized that Camp Liberty is under prison-like condition. The UNHCR has time and again stressed the need for freedom of movement, yet no effective action has been taken by the US and UN to resolve this issue.
93. The shocking testimonies provided by Tahar Boumedra, former UNAMI advisor on Ashraf, who resigned in protest to Kobler's biased policies, have remained unanswered. His newly published book entitled "The Untold Story of Camp Ashraf" clearly shows that Kobler's actual mandate was to dismantle the PMOI. Leaving these testimonies unanswered by the UN extends Kobler's collaboration in crimes and felony to all of the UN and the Secretary-General.

X- Recommendations

94. The UN Security Council, and in particular the US, must convince the Iraqi government to immediately return the residents from Camp Liberty to Ashraf. They are directly responsible for every drop of blood spilled in Liberty.
95. Until a long-term solution is found (transfer to US or Europe) and/or a mid-term solution (transfer to Ashraf), the Council and the US must impel the Iraqi government to allow the seven-article protection requirements to be provided for in Liberty.
96. Since Kobler's report to the Security Council will by no means be impartial, we strongly request the presence of a representative on behalf of the residents in the 16 July session to present a real report and respond to the Council members' questions.
97. The Secretary-General and Security Council must take into consideration the opinions of the residents and their representatives in appointing a new Special Representative, and/or any individual assuming responsibility over Ashraf and Liberty on behalf the UN, and be assured of the individuals' impartiality and that he/she will not come under

the influence of the governments of Iraq and Iran. ISJ is ready to provide its advice and experience in this regard to the Secretary-General and his representatives.

98. The Secretary-General and Security Council should establish an impartial inquiry commission to investigate the following:

- Missile barrages against Liberty
- Kobler's record regarding Ashraf and Liberty, residents' transfer to Liberty prison and his role in the massacres of 9 February and 15 June 2013
- Testimonies presented by Mr. Tahar Boumedra

99. Adopting necessary measures to implement the opinions of the UN Working Group on Arbitrary Detention on Ashraf and Liberty

100. The US government and UN must impel the Iraqi government to revoke the cruel siege, especially the medical siege imposed on Ashraf and Liberty, in order to allow the residents open access to medical services in Iraq at their own expense.

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 Iranian Opposition 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.

International Committee In Search of Justice (ISJ)

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