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Human rights situations that require the Council's attention

**Joint written statement* submitted by France Libertés :
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International (WHRIA), non-governmental organizations in
special consultative status, and Mouvement contre le racisme
et pour l'amitié entre les peuples (MRAP), a non-
governmental organization on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2010]

Camp Ashraf continues to be at risk of crime against humanity

Introduction

The situation in Ashraf-Iraq, home to 3,400 members of the Iranian opposition, is deteriorating. The departure of US forces from Forward Operating Base (FOB) Grizzly on 2 July 2010, which was situated inside Ashraf, has increased concerns about security of Camp Ashraf and its residents. The Iraqi authorities, allegedly backed by Iranian officials, have stepped up pressure on residents. Severe restrictions for the delivery of essential goods continue. On several occasions in recent weeks the Iraqi authorities have allowed a group of agents of the Iranian government who are at the gate of Ashraf to enter the Camp. These agents have been stationed at the gate for the past six months, constantly threatening the residents of Ashraf to death and destruction of the Camp by the Iraqi Army. This is a continued psychological torture of the residents.

Families of Ashraf residents face execution in Iran

The Iranian authorities consider members of the People's Mojahedin Organization of Iran (PMOI) as Mohareb. Since the beginning of 2009, Iranian officials have on a number of occasions stated that any link or affiliation with the PMOI is according to the law considered as Moharebeh (waging war on God).

Ebrahim Raeesi, Deputy to the Judiciary, said in a television interview that: "Moharebeh is the description used for anyone who stands against God..... In reality, it means waging war against God and God's Prophet, waging war against the Islamic ruling system, which is based on religious commands. But, Moharebeh is also sometimes referred to an Organisation. An Organisation can become a Mohareb Organisation, like the PMOI. Anyone who helps PMOI in any way or under any circumstances would deserve the title of Mohareb."¹

Tehran's prosecutor announced on 15 May that the death sentences of Ja'far Kazemi, Mohammad Ali Haj Aghaei, Mohammad Ali Sarem, Abdolreza Ghanbari, and father and son, Ahmad and Mohsen Daneshpour Moghaddam, were upheld by the Appeal Court after they were found guilty of "enmity against God" in relation to their alleged links to the PMOI.² Indeed, some were only charged with having participated in anti-government demonstration in 2009 or visited their family members at Camp Ashraf. Several dozens more have been arrested for having visited Camp Ashraf and sentenced to several years of imprisonment.

The United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, in his last report³ wrote on Ali Saremi: "Mr. Ali Saremi (or Sarami), aged 62, was arrested by Ministry of Intelligence officials in September 2007 after speaking at a ceremony on 29 August 2007 at the Khavaran cemetery in Tehran commemorating the victims of the alleged execution of thousands of prisoners, mostly supporters of the People's Mojahedin Organization of Iran (PMOI), in 1988. His arrest might also be related to a visit to Camp

¹ <http://deathpenaltynews.blogspot.com/2010/05/iran-six-men-facing-execution-for.html>

² <http://www.amnesty.org/en/library/asset/MDE13/047/2010/en/9b80b1d5-0a06-4eaf-b980-d219adf26db4/mde130472010en.html>

³ A/HRC/14/24/Add.1

Ashraf in Iraq which he undertook in April 2007 (members of his family live in Camp Ashraf). He was subsequently detained in Ward 209 of Evin prison and is currently detained in Gohardasht prison. On 29 December 2009 he was sentenced to death for moharebeh after being convicted of membership of the PMOI.”

It is also reported that Javad Lari and Farah Vazehan have been sentenced to death. Vazehan was arrested 8 month ago for having connection to the PMOI and participation in the anti-government demonstration.

Background : The forgotten massacre

Since the beginning of 1980s the Iranian government has executed 120,000 of its opponents mainly from the PMOI. In 1988 ayatollah Khomeini issued a religious fatwa (decree) condemning all PMOI supporters in jail to death. In addition, according to Article 186 of the Iranian Islamic Punishment Act which came to effect in 1991 all those affiliated with the PMOI are considered enemies of God.

In 1988, some 30,000 political prisoners were executed in a spate of a few months between the summer and autumn of 1988, following the fatwa issued by Ayatollah Khomeini. The religious decree stated “...Whereas the Monafeqin [Mojahedin] are traitors who disbelieve Islam, it is decreed that all those imprisoned across the country that persist in their hypocrisy are condemned to death for being at war with God.... May those responsible for taking decisions not waver, not doubt, nor proceed with subterfuges. They must strive to repress the disbelievers with the utmost violence...” Khomeini further said “In all the above cases, whoever and at whatever stage insists on their position of hypocrisy, is sentenced to death. Eliminate the enemies of Islam immediately.”

According to Ayatollah Hossein-Ali Montazeri, the designated successor of Khomeini and the regime’s number two official at the time “*Several thousand people were hanged in the span of a few days*”.

Many observers, including jurists, believe these executions amount to a “crime against humanity”.

The Special Rapporteur on Summary or arbitrary executions at the UN Commission on Human Rights (Mr. Amos Wako) in his 1989 report⁴ stated that “On 14, 15, and 16, in August 1988, 860 corpses were transferred from Evin prison to the Beheshte Zahra cemetery”.

In the course of killing political prisoners affiliated with the PMOI in 1988, all prisoners were given a choice. As a first step they would be asked about what movement they are affiliated with. Whoever responded by using the term “Mojahedin” (PMOI) was hanged without any questions asked. However, if the person replied “Monafeqin” (literally meaning ‘hypocrites,’ a derogatory term used by the regime to refer to the PMOI), further questions were posed.

Ali Khamenei, the current Supreme Leader was the President of the Islamic Republic of Iran at the time of the massacre. Members of “Death Commission” such as Ebrahim Raeesi and Hosseinali Nayyeri who sent the 30,000 prisoners to death are current Iranian judicial officials.

⁴ E/CN.4/1989/25

Today: Preventing a human catastrophe

Since beginning of 2009, when protection of Camp Ashraf was transferred to Iraqi authority, the residents have been under constant threat. The Iraqi government has so far refused to respect the rights of the residents of Camp Ashraf who have recognized as protected person under the IV Geneva Convention. The Iraqi government which consider all residents of Ashraf as enemies of God attacked the Camp in July 2009 killing 11 residents and wounding 500.

There is no doubt that the Iraqi government is neither willing nor capable of providing protection to the residents of Ashraf. The Iraqi officials are on the record to have stated clearly their intention to close down Camp Ashraf and expel the residents.

Both the UN and the US have responsibility for the protection of residents of Camp Ashraf. The US has signed individual agreement with each one of the residents of Ashraf to protect them until their final disposition.

In these circumstances, we urge:

1. The Iraqi government to respect the rights of Ashraf residents in the context of the Fourth Geneva Convention, immediately lifting the siege on Ashraf, and allowing families, lawyers, parliamentarians, human rights advocates and medical staff to freely enter the camp as was the case during the years 2003 to 2008, and to cease placing restrictions on the entry of fuel and medicine to the camp;
 2. The American government to assume its moral and legal responsibilities by guaranteeing the full physical and psychological protection of Ashraf residents, preventing violence against them and their forcible displacement inside Iraq, and re-establishing its monitoring team in Ashraf;
 3. UNAMI to post its monitoring team in Ashraf and make efforts to lift the siege on the camp and end the psychological torture of residents; UNAMI should improve his current resources in Camp Ashraf and take more responsibility to ensure safety of the residents protected by the IV Geneva Convention.
 4. The High Commissioner for Human Rights, as well as the Special Rapporteur on Torture, the Special Rapporteur on the Right to Food, and the Working Group on Arbitrary Detention to investigate the human rights violations occurring in and around Camp Ashraf in order to inform the Human Rights Council and other relevant UN Bodies about the current situation in Camp Ashraf and take appropriate steps to protect its residents.
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