



National Council of Resistance of Iran

شورای ملی مقاومت ایران

Foreign Affairs Committee

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Hon. Jakob Kellenberger  
President,  
International Committee of the Red Cross  
19 avenue de la Paix CH  
1202 Geneva  
Switzerland

Dear Mr. Kellenberger,

I am writing to you as the chairman of the foreign affairs committee of the National Council of Resistance of Iran (NCRI) and representative of Ashraf residents outside Iraq.

I was apprised through my colleague, Mr. Behzad Saffari, legal advisor to Ashraf residents, that Mr. Robert Zimmerman, coordinator for ICRC protection activities in Iraq, who has just replaced Mr. Laurent Saugy, is willing to contact and probably meet Mr. Saffari. With all due respect to Mr. Zimmerman, who we have not yet met, in order to avoid further misunderstanding and tensions between Ashraf residents and their families on the one hand and the ICRC on the other in view of the ICRC's policy over the past three years against them and their rights, in this letter, I am going to draw your attention to some critical issues regarding the situation of Ashraf residents as well as the relations between the ICRC and Ashraf residents. It is my hope that you personally follow up on this issue so that the ICRC performs its expected duties with regards to Camp Ashraf, which is at risk of facing a humanitarian catastrophe posed by the Iranian regime and its proxy forces in Iraq.

As you are aware, and as I have informed you by way of numerous letters, Ashraf residents and their relatives and sympathizers in Iran and across the world are extremely disappointed for the ICRC's unexpected approach over the past three years with regards to Camp Ashraf and for the ICRC's failure to answer scores of their questions. They hold the ICRC accountable and responsible at least for failing to prevent the unlawful transfer of protection of Ashraf residents to Iraqi forces, the catastrophe that took place last July, and the 18 months of unlawful and unjust siege that has been imposed on Ashraf.

Throughout the past two years, relatives of Ashraf residents and other Iranians intended time and again to stage sit-ins in Geneva in protest to the ICRC's behavior, but the NCRI requested that they refrain from such protests in order to prevent the situation from gaining in complexity. Since Mr. Zimmermann has requested a contact and a meeting, I would like to share some issues with you once again and suggest that as the first step, Mr. Zimmermann and any other ICRC official he deems appropriate to meet with me and some of the legal representatives of Ashraf residents in Geneva over issues regarding the camp, and thereby, receive answers to certain questions and remove ambiguities, so that potential subsequent contacts with Ashraf residents can prove to be productive and avoid adding to misunderstandings.

### **ICRC's questionable policy toward Ashraf**

I hope you are not dismayed by my frankness in this letter. It is undeniable that the ICRC's policy and behavior with respect to Ashraf has undergone a dramatic transformation since three years ago. Whatever the reasons may be, such a behavior is not at all in line with the ideals that ICRC was established to uphold.

Our movement has had an active relationship with the ICRC starting 33 years ago in 1977 when the ICRC visited Shah's prisons for the first time. I have been directly engaged in these relations for most of this time period. As someone who has deep respect for the ICRC and its ideals and objectives, I can say with confidence that never in the last three decades, the ICRC's policy has so much benefited the religious fascism ruling Iran like it has in practice over the past three years.

The residents of Ashraf, over the past three years, have encountered a number of significant problems regarding which the ICRC, despite being aware of their gravity, had a negative role, or at best, an ineffective one. Some of these issues were: the transfer of protection from U.S. forces to Iraq, forcible displacement of Ashraf residents, the attack on Ashraf on 28 and 29 July 2009 and its consequences, the continued presence of agents of Iran's Ministry of Intelligence at Ashraf's main gate and the psychological torture of Ashraf residents since early February 2010, the unjust siege of Ashraf since the beginning of 2009, and the departure of U.S. forces from Ashraf that is currently being considered.

We are not in a position to know the exact reasons behind the ICRC's policy. Nevertheless, we are aware of some developments, the coincidence of which with the ICRC's policy toward Ashraf is quite questionable.

Firstly, the Iranian regime has started a very extensive and intense attempt since a few years ago to manipulate the ICRC against Ashraf residents and in favor of its ominous intentions. The regime's requests from the ICRC for the eradication of the People's Mojahedin Organization of Iran (PMOI) in Camp Ashraf were even picked up by the

press; nevertheless, it remains puzzling that the ICRC did not find it necessary to take any stance against it. Please consider two examples:

On 25 June 2007, the Wall Street Journal wrote, *“Iranian officials have floated proposals at international events that would allow agencies such as the Red Cross to oversee the resettlement of MEK personnel out of Camp Ashraf either back to Iran or to third countries.”*

on 20 June 2007, the Financial Times wrote in an article by Selig Harrison, the director of the Asia program at the Center for International Policy in Washington, that, *“In the Baghdad talks, Iran rejected a US offer to transfer the camps to Morocco, aides to Ayatollah Ali Khamenei, the supreme leader, told me. What Tehran wants is a complete dismantling of MEK paramilitary forces, starting with a screening process in which the Red Cross would arrange reunions between MEK members and their families. Members opting to return to Iran would get an amnesty.*

*Dismantling the MEK would be the best way to signal US readiness for an accommodation with Tehran, since it is the only militarized exile group seeking to overthrow the Islamic Republic.”*

We were always optimistically hoping that the ICRC would refuse to be influenced by such pressures and demands. Sadly, our optimism proved to be misplaced.

Secondly, while Switzerland’s exports to Iran in 2003 ranked fifth in Europe (after Germany, France, the UK and Italy), the country’s rank jumped to second right after Germany just three years later in 2006, leaving France, the UK and Italy behind. Such exports amounted to 3.5 billion dollars in 2008. Everybody knows how important and influential this would be to a country like Switzerland with a population of about 12 percent of those of Italy, France or Britain, and the significant it bears on its policies toward Iran. I think that you, as a seasoned Swiss diplomat, are well aware of it. It is also well known that a large number of Swiss merchants and industrialists are in Iran. It is also well known that the governments of Switzerland and the U.S. are two of the main sources of the ICRC’s budget.

Thirdly, the extensive and growing political and diplomatic ties between the Iranian regime and Switzerland, at a time when the Iranian regime today faces a mounting international isolation, has constituted one of the exceptions in the Iranian regime’s diplomacy with western countries.

The painful memory of the assassination of Professor Kazem Rajavi in Switzerland and the shocking closure of its case in this country without any condemnation of the Iranian regime’s top officials who ordered for this assassination is still a cause of disappointment for Iranians. The Berlin Court condemned in subsequent years the regime’s top officials for their terrorist act at Mykonos restaurant.

Fourthly, we know that the religious fascism ruling Iran and its embassy in Baghdad have repeatedly encouraged Nouri al-Maliki's government to use ICRC as leverage against Ashraf residents. In one of the latest examples, an intelligence agent at the regime's embassy in Baghdad, Haj Ali Navidi (Nobakhati), repeated this request in a meeting with Mrs. Wijdan Mikhail Salim, Iraq's Human Rights Minister. Navidi is in charge of Ashraf's dossier in Iran's embassy on behalf of the Intelligence Ministry of mullahs ruling Iran.

Fifthly, the ICRC's relations with the Iranian regime and its governmental organizations and institutes (although disguised as NGOs) have expanded astonishingly over past three to four years, whereas during this same period, human rights organizations and UN rapporteurs have been banned from traveling to Iran, due to which the Iranian regime has been extensively criticized. You are surely aware that the ICRC never enjoyed such resources in Iran, neither during Ali Khamenei's presidency in the 1980s, nor Ali Akbar Hashemi Rafsanjani's term in the 1990s, nor Mohammad Khatami's presidency. We wish that the ICRC could have explained the reasons for the Iranian regime's opening for the ICRC during Mahmoud Ahmadinejad's presidency. As you know, he is a former notorious torturer of Evin prison who personally fired coup de grace shots at the political prisoners and witnesses have testified to this on numerous occasions.

### **Transfer of protection of Ashraf to Iraqi forces**

Since early 2008, on numerous occasions (including in my meetings with Ms. Megevand-Roggo and Mr. Bittel, in numerous letters by jurists and Ashraf lawyers, and many parliamentary groups in Europe and the U.S.), we had warned the ICRC that transfer of protection of Ashraf residents to the Iraqi forces would set the stage for the occurrence of a humanitarian catastrophe.

We informed the ICRC in detail about the practical initial steps for this catastrophe in the second half of 2008. Part of a letter by President-elect of the Iranian Resistance Mrs. Maryam Rajavi to yourself dated 20 April 2009 also focused on this issue. But, sadly, not only no effective measures were taken by the ICRC, it provided the Iraqi government with letter(s) that Iraqi officials used to justify their crimes and attacks against the defenseless residents of Ashraf. Whereas despite all letters and insistences by us, Ashraf residents, families, jurists and parliamentarians, ICRC completely refrained from writing a single letter or even one sentence about the rights of Ashraf residents.

Certainly, Mr. Juan Pedro Schaerer and his delegation recall their first visit of Camp Ashraf in August of 2008, where I also was present. Both Ashraf officials and hundreds of its residents had meetings with the ICRC delegation in groups or in private, where

they expressed their concerns to the ICRC regarding the transfer of protection to the Iraqi forces.

Professor Eric David, the prominent scientific position and humanitarian character of whom you are aware of, was also present during the ICRC delegation's visit to Ashraf. At our request, he participated in our meeting with this delegation and Mr. Schaerer himself. In that meeting, Professor David emphasized by relying on purely legal grounds that the transfer of protection to Iraq is a breach of the fundamental rights of Ashraf residents under the International Humanitarian Law (IHL) and Common Article 3 of Geneva Conventions, among others, that it is not permitted, and that the ICRC must take stance with respect to it.

Under the pretext of the absence of the ICRC's lawyer, Mr. Schaerer evaded discussing the issue, and upon the technical insistence of Professor David, Mr. Schaerer was extremely discourteous and disrespectful to Prof. David. This was an offensive stance against a reputable lecturer which stemmed from the illogical position of the ICRC regarding the issue of transfer of protection. Nevertheless, I did not attribute that behavior to the ICRC as an organization.

When leaving the camp at the end of his three-day visit, Mr. Schaerer told us that during his visit he had been convinced that the concerns of residents over the transfer of protection to the Iraqi forces was very serious. Regrettably, the ICRC did not adopt a public or private stance to address this concern.

Numerous letters by Ashraf residents, lawyers and jurists, parliamentary groups, and many dignitaries who defend Ashraf were either ignored or received cliché and irresponsible replies from Ms. Megevand-Roggo.

There is no doubt that the ICRC was the only party that through an explicit and decisive stance regarding the dangers of transfer of Ashraf residents' protection to the Iraqi forces, could have prevented this transfer from taking place or reduced its negative consequences, and in more explicit terms, it could have prevented the catastrophe of 28-29 July 2009. This catastrophe left 11 killed, 130 maimed, 370 wounded, more than 1,000 battered, and 36 taken hostage; more than 2.5 million dollars worth of Ashraf residents' belongings, including dozens of vehicles, were either stolen or remain confiscated. (Please find a list of these items attached).

### **Visits by the ICRC and its unhindered access to residents**

In their first visit to Ashraf in the summer of 2008, ICRC representatives reached a mutual understanding to visit Ashraf every 2 to 3 months, an understanding that was strongly welcomed by Ashraf residents. This process was implemented. During these visits, ICRC representatives had full and free access to the residents and upon hearing the insistence of Ashraf representatives to extend their stay, allowing them to meet

more residents, ICRC representatives pointed to their logistical and personnel challenges.

On 25 December 2008, ICRC spokeswoman, Ms. Dorothea Krimitsas told Radio Farda: *"In the last three months, we have visited Camp Ashraf three times and have spoken with the camp's residents. We have conveyed the residents' concerns regarding their future to responsible officials in the event that their protection transferred from one government's forces to another."* In response to the question that *"some of them wish to leave Iraq for another country but there are obstacles in their way"*, she said, *"At present, if someone wants to contact with the ICRC, they can. Anyone who wants to meet with us can do so in private and present his/her request. Those who wished to return back to Iran have spoken with our people in private; completely freely and independently, so that we may be sure that it is their personal will to leave the camp and go anywhere they wish..."*

However, following the ICRC's last visit in February 2009, these visits were suddenly stopped. Subsequently, the ICRC was merely present as an observer in the interviews carried out by the Iraqi government's representatives with every single resident of Ashraf in April 2009.

Our only interpretation of this sudden cessation of visits was that the ICRC was not prepared to take any action with regards to the legitimate and genuine concern of residents that their protection should not be transferred to the Iraqi forces and that Ashraf residents should not be forcibly displaced inside Iraq. On the contrary, we came across correspondence between the ICRC and the Iraqi government that paved the way for a crime against humanity and placed Ashraf residents at critical risk. Representatives of the committee for closure of Ashraf, which was formed in Iraq's Prime Minister Office for suppression of Ashraf, handed over one of these letters to Ashraf residents' representatives in a bid to justify their crimes against the residents. This committee, which receives its instructions from the Iranian regime especially under the current uncertain political situation in Iraq, has always claimed that its measures are in accord with the standards defined by the ICRC.

### **Talks between ICRC and Iranian regime's agents on Ashraf residents**

Over the past three years, representatives of the ICRC have met numerous times with well-known intelligence operatives of the Iranian regime in Tehran, Geneva and some other capitals. According to media outlets affiliated with the Iranian regime, they discussed about residents of Ashraf and at times have taken a stance against Ashraf residents. Over these 3 years, on many occasions the NCRI, Ashraf residents, the International Committee of Jurists in Defense of Ashraf (ICJDA - composed of 8500 U.S. and European jurists), the International Committee in Search of Justice (ISJ - composed of 2000 parliamentarians in Europe and the U.S.), and other parliamentary committees have written letters to the ICRC requesting that it deny positions attributed to it by these media outlets, therefore preventing the Iranian regime to exploit it.

Unfortunately, the ICRC has refused these calls. A voluminous dossier exists about the Iranian regime taking advantage of the ICRC or the regime exploiting the ICRC's silence about Ashraf residents. Sadly, the ICRC has refused to adopt a stance against any of these and has even failed to provide a convincing private response. This posture leads any logical person to the conclusion that the ICRC approves these cases of exploitation.

In one of the latest cases, on 4 April 2010, a website affiliated with the regime's Intelligence Ministry, 'Nejat Association- Western Azerbaijan Center,' quoted parts of remarks by 'the respectful representative of the ICRC, Mr. Arman,' in the Association's meeting of 5-6 November 2009, following the incidents of July 2009 in Ashraf, *"our colleagues in Iraq's ICRC visited Ashraf twice but the PMOI did not allow them to meet with camp residents. They (PMOI leaders) tell us that we should meet with them since they represent the camp's residents. We visited Ashraf twice but they did not let us in. In the end, Iraq's ICRC decided not to pay any more visits to Ashraf until camp officials permit ICRC representatives to meet with individuals in Ashraf... Iraqi officials may close down the camp. They have made their decision. If this were to be done, then the ICRC can very easily go there."*

In a press release on 9 April 2010, we stated, *"These absurd lies are clearly designed to prepare the grounds for further crackdown on Camp Ashraf residents and to cause an even greater humanitarian catastrophe than on the deadly July 28 and 29, 2009 raid on Ashraf... Attending events organized by the Iranian regime against Ashraf, which seek to destroy the PMOI and the residents of Ashraf, by ICRC representatives is neither understandable nor justifiable in any way. By the same token, the ICRC's remarks which appear to be approving of the closure of Ashraf and the displacement of its residents – if accurate – are regrettable indeed. There is hardly any one unaware of the Iranian regime's designs to have Ashraf residents forcibly displaced by the Iraqi forces and the grave consequences of such a displacement. Many international authorities have already expressed their concerns in this respect."*

Astonishingly, following the bloody incidents in July, there have been no visits to Ashraf by the ICRC. Only on October 7, when the Iraqi government was returning the 36 hostages to Ashraf, two Iraqi employees of the ICRC accompanied the hostages. These two returned immediately and did not even accept the residents' invitation to stay for lunch. The last visit by the ICRC to Ashraf was in late February 2009 and as it was mentioned by the ICRC's spokeswoman, there were no restrictions for meetings with Ashraf residents. On the contrary, it was the residents who wanted ICRC representatives to meet with more people in Ashraf and learn about their problems.

I have attached for your review the ICJDA's letters of 22 October 2007, 14 July 2008, 2 July 2009, and 12 April 2010 which were sent to you and brought to your attention numerous cases of these abuses and requested the ICRC's denial. One of these cases mentioned in the letter of 14 July 2008, are the remarks of 9 July 2008 by the Iranian regime's ambassador in Iraq as quoted by the state-run ISNA news agency. According to ISNA, *"Iran's ambassador to Iraq, Hassan Kazemi Qomi, said on Wednesday, 9 July, that*

*the International Committee of the Red Cross (ICRC) has taken necessary measures to expel the (PMOI) members from Iraq”.*

In the same letter, the ICJDA refers to two other cases of manipulation of the ICRC by the Iraqi government (Mowaffaq al-Rubaie appearing in al-Forat TV on 13 July 2008, and the 7-article directive of Ali Dabbagh of 17 June 2008). According to the letter, *“ICJDA requests that Your Honour deny the Iranian regime’s claims and reaffirm the status of the residents of Ashraf. The Iranian regime should not be allowed to exploit the ICRC’s silence in order to complete its evil plans, that is, the physical elimination of the residents of Ashraf.”*

In its letter to yourself dated 2 June 2009, while pointing to the ambiguous remarks made by Ms. Dibeh Fakhr, ICRC's spokeswoman in Iraq, regarding Ashraf and the extraordinarily humanitarian depiction of the Iranian regime in the ICRC's annual report, the ICJDA wrote: *“Indeed what kind of a message would one derive from remarks by Ms. Dibeh Fakhr on 1 June, the ICRC’s lack of appropriate reaction to suppressive treatment of Ashraf residents which has been going on for the past few months, the ICRC’s annual report, 2008, the ICRC’s generous interactions with agents of the MOIS whose official declared policy is to annihilate Ashraf and the ICRC’s silence against these agents’ publicity about their relations with the ICRC and them overtly quoting remarks attributed to the officials of the ICRC? Are these all by coincidence or they should be considered as a response to repeated demands by the Iranian regime to get the ICRC involved in destruction of Ashraf.”* It went on, *“You do agree that the dubious and unfriendly behavior of the ICRC officials with respect to Ashraf residents and their generous treatment of the regime in Tehran at the same time are extremely alien to the bases and values upon which the ICRC was founded. Therefore, I hope that instead of this letter to stereotypical replies, you intervene in this matter personally and not allow the ICRC’s 150-year reputation to be sacrificed for political interests.”*

On 23 November 2009, in a meeting with ICRC's representatives in Iraq regarding the case of the PMOI, Nouri Al-Maliki, Prime Minister of Iraq, said, *“The Government of Iraq will not return them to Iran forcibly. However, it will also not allow them to stay in Camp Ashraf.”* Al-Maliki stressed that this organization and its members have no place in Iraq because of the crimes they have committed against the people of Iraq, their terrorist activities, cooperation with Baathists and meddling in Iraq’s internal affairs” (Al-Hurra TV, 23 November 2009).

These statements by which the government of Iraq wants to imply that it is backed by the presence of ICRC representatives and is endorsed by them means nothing but anticipating another bloodbath. Why did the ICRC remain silent in this regard, allowing the government of Iraq to manipulate the ICRC’s representatives at the highest levels. The 28 November letter in this regard by Lord Robin Corbett, Chairman of the British Parliamentary Committee for Iran Freedom, which was signed by dozens of high ranking members of both British Houses, has been attached to this letter.

## Status of Ashraf residents

You are well aware that since the beginning of 2009, Iraqi government officials have declared in an unlawful and repugnant manner, and in violation of all international laws and conventions, that Ashraf residents have no status. It is shameful that Mrs. Wijdan Mikhail, Iraq's Human Rights Minister, says, "The presence of Camp Ashraf residents in Iraq is illegal" (As-Sabah semi-official daily, March 18, 2010), and "Refugee status cannot be applied to members of the organization and they are not subject to the Geneva Conventions" (Al-Baghdadiya TV, 21 December 2009). A day prior to that, on 20 December, the Iraqi state-run TV quoted the same Minister as saying, "The government is taking initial steps to transfer residents of Ashraf to Baghdad under supervision of United Nations, ICRC and the U.S. Forces." Mrs. Mikhail also claimed, "According to laws and conventions regarding the protection of individuals, these entities should provide protection to the residents if they have come from a country that is engaged in military conflict and war; however, this cannot be applied to their case because they have not come from a country which is engaged in war or is suffering from a conflict" (As-Sabah semi-official daily, 18 March 2010).

On 16 February 2010, she claimed at the UN Human Rights Council in Geneva that, "Iraq's judiciary has condemned them (Ashraf residents) for their involvement in terrorist activities and contributing to creating insecurity, which constitutes meddling in internal affairs of the Republic of Iraq and has prompted the government to make the decision to close the Camp and expel them with the cooperation of UNHCR and the ICRC."

The claim that Ashraf residents have been condemned for terrorist activities and involvement in creating insecurity in Iraq is a sheer lie which has also been denied by U.S. officials. For example, on 20 July 2006, Gen. Caldwell said, "The MEK is out at Ashraf in a secure military facility that the coalition forces, in fact, guard on a 24-by-7 basis. They're under continuous surveillance and control. Their future status does need to be eventually determined, but currently, they're not operating within the country of Iraq ... they in fact are not allowed access out of it, and if it is, it's a controlled access, where they are in fact are escorted the entire time."

There is no doubt that from the outset, Iraqi officials' lies have prepared and are still preparing the ground for the suppression of Ashraf residents at the behest of the Iranian regime, but the ICRC has exercised silence on this vital matter. Why? I do not want to get into the ICRC's wrong opinion that the Fourth Geneva Convention does not cover Ashraf residents in the current situation, but what is the ICRC's clear response with respect to the status of Ashraf residents?

After the 28 and 29 July criminal attacks by Iraqi forces on Ashraf, does the ICRC not believe that the U.S. had to reassume the responsibility of Ashraf residents' protection in accordance with Article 45 of Fourth Geneva Convention?

In paragraph 55 of its published report in April 2009, UNAMI underscored, "*UNAMI has also reminded the concerned parties that the residents should enjoy fundamental rights and the protection provided by the fourth Geneva Convention.*"

On 4 September 2008, General Petraeus stressed, "*The residents of Camp Ashraf, the Mujahedin-e Khalq, are in a legal status that is called, 'Protected Persons Status' by international law.*"

In paragraph 52 of the UN Secretary General's 8 February 2010 report to the Security Council, he specified that the rights of the residents must be recognized "*consistent with international law and humanitarian standards.*"

In paragraph 54 of his 14 May 2010 report, UN Secretary General underscores, "*UNAMI ... has continued to advocate for the residents' unhindered access to goods and services of a humanitarian nature, as well as for their right to be protected from arbitrary mass displacement or forced repatriation against their will in violation of the universally accepted principle of non-refoulement.*"

Why has ICRC kept silent in these cases? Why is it silent about official statements by Iraqi government authorities regarding their intention to transfer Ashraf residents to Naqrat al-Salman and Camp Echo in Diwania province? On the contrary, both before and after July 2009 attack, whenever Ashraf residents and their representatives met with and talked to Iraqi government officials, they explicitly responded that according to the ICRC, displacement of Ashraf residents in Iraq is allowed, and made reference to the ICRC's letters (including the letter of 17 April 2009 by Mr. Juan Pedro Schaerer, then head of ICRC delegation to Iraq, to Mr. Haqqi, representative of the committee for closure of Ashraf in Iraq's Prime Minister office) as well as to the statements of ICRC's officials. It seems that Mr. Schaerer's 17 April letter teaches Iraqi officials how to justify forcible displacement of Ashraf residents. Whereas, anyone who has the least knowledge about the circumstances in Iraq and Camp Ashraf would know that displacement of Ashraf residents would guarantee the occurrence of a human catastrophe and so they will oppose to it.

Even UNHCR, which is by far less involved in the case of Ashraf, specified on 6 March 2007 that no action should be carried out which could endanger the life or the security of Ashraf residents, such as their forcible expulsion or their forcible displacement inside Iraq. The UN Secretary General's report of May 2010 also reiterates that it falls within Ashraf residents' rights to be protected against arbitrary mass displacement.

In circumstances where all the threats are clear, why does the ICRC refrain from stressing on prohibition of forcible displacement of Ashraf residents and why is it not even ready to reaffirm and update its 20 March 2007 letter?

## ICRC's silence

Whenever ICRC officials are criticized for their inaction and silence regarding Ashraf, they retort, *"ICRC has continuously refrained from issuing public statements and will continue its confidential approach which is its preferred way."* Of course, they stress that if their confidential approach proves ineffective then they will take a public stance.

Would you tell us that even if there was a confidential approach regarding Ashraf what effect has it had in preventing the catastrophe?

Anyone familiar with developments in Iraq and Camp Ashraf would be unable to comprehend the ICRC's silence at least after July 2009 and in the face of the sustained threats. According to Swiss media, at a press conference in Geneva, on 5 August 2009, attended by Mr. Eric Sottas, Secretary General of the World Organization Against Torture (OMCT), Mr. Jean Ziegler, Deputy of the UN Human Rights Advisory Committee, and Mr. Paolo Casaca, former member of the European Parliament, the ICRC was severely criticized for its inaction in the course of the 28 and 29 July incidents.

Tribune de Geneve wrote that Portuguese representative, Paulo Casaca, who has visited Camp Ashraf on several occasions, noted, *"I do not understand why the ICRC refused to say anything regarding Ashraf and did not even visit the place after the massacre."*

For the past five months, agents of the Iranian regime's Ministry of Intelligence and Security have been using 30 powerful and deafening loudspeakers to torture Ashraf residents round the clock, threatening to kill and massacre them or set the camp on fire. Can the ICRC explain how it has been effective in preventing such a psychological torture?

The psychological torture and the ICRC's silence with regards to it is taking place at a time when US forces have announced that they will soon leave FOB Grizzly in Ashraf and will transfer their facilities to Iraqi forces. Upon the U.S. forces' departure, the United Nations monitoring team will also have to leave Ashraf. At the same time, the Iranian regime is making efforts to harm Ashraf even more prior to the formation of a new Iraqi government.

On 20 June, Javan daily affiliated with the Islamic Revolutionary Guard Corps (IRGC), wrote, *"...The Islamic Republic can aggravate the situation of the Monafeqin grouplet [derogatory term used by the Iranian regime to refer to the PMOI] even more by applying more pressure on the government of Iraq and the occupying forces. In view of the unique winning card that our country's officials have in their hands, and in light of the recent terrorist activities of the Monafeqin and PEJAK terrorist grouplets, they should at least issue a warning that the Islamic Republic will reserve the right for itself to target the Monafeqin and PEJAK bases at an appropriate time, and by doing so it will snatch comfortable sleep from the eyes of these criminals as they rest comfortably in their nests."*

Dear Mr. Kellenberger,

In light of the fact that the record of the ICRC's approach towards the issue of Ashraf during the past three years has put a burden on our shoulders and has effectively rendered the regime able to benefit from the ICRC's role; since we have not received any satisfactory responses from the ICRC regarding the vital and important issues of Ashraf or the status of its residents; since we have been completely disheartened by the open-ended answers by Mrs. Roggo; since this is an issue which concerns the lives and status of 3,400 people regarding the attacks on whom the ICRC did not take a stance, and these attacks led to 11 killed, 130 maimed, 370 injured and 36 taken hostage; since the ICRC did not take any position regarding repeated announcements by the Iraqi government regarding intentions to displace Ashraf residents to Naqarat al-Salman to massacre them and on the contrary through its statements to Iraqi officials in its 17 April 2009 letter it has practically stood on Iraqi government's side; in view of the fact that the Iranian regime has been manipulating the ICRC as leverage to exert pressure on Ashraf residents to dismantle and destroy its main opposition; and since the ICRC has been silent regarding this manipulation; with all due respect to Your Honor and the ICRC, while we welcome relations with the ICRC, our minimum expectation, above all else, is to receive clear and frank responses to our questions, a number of which was mentioned above, so that we could inform Ashraf residents in an attempt to rekindle the minimum necessary trust between the two sides so that the residents can be reassured that this process would not be used against them.

It is a minimum legitimate expectation of Ashraf residents to know whether the ICRC would take any steps to prevent the violation of their inalienable rights by the Iraqi government at the behest of the religious fascism ruling Iran, or as in the past whether it would effectively turn into a leverage against them under the current circumstances in Iraq, as the Iranian regime demands. In this regard, I would respectfully ask that you please read the 15 November 2009 letter by Ashraf residents' legal advisor to Mr. Laurent Saugy, a copy of which was sent to yourself at the time (The letter is enclosed).

In order to provide a clear picture of the feelings of Ashraf residents towards the series of crimes committed against them by the Iranian regime and the current Iraqi government, I have enclosed the list of 239 restrictions imposed on Ashraf residents along with a list of 59 instances of cooperation of the residents with the Iraqi government. As a goodwill gesture, the residents have already handed over buildings worth millions of dollars along with observation towers, all of which were built at our own expense, as gifts to the Iraqi forces. In the course of the private interviews by Iraq's Human Rights Ministry outside of Ashraf at the Iraqi Battalion's base, each and every resident of Ashraf was fingerprinted and screened. They also provided the Iraqi government with the list of all individuals and all weapons and equipment that were delivered to US forces in 2003, a move that was praised by CENTCOM and described

as having a significant contribution for establishing a safe and secure environment in Iraq (CENTCOM Press releases of 10 and 17 May 2003).

In April 2009, the police dogs directorate of the Iraqi Interior Ministry searched and inspected all locations, farms and facilities in Ashraf, including the cemetery. In violation of all international laws and humanitarian standards, 3,400 people have been under house arrest for more than 7 years and three months. I respectfully request you to take urgent and appropriate steps to turn the page of the history of Iran and its people, as well as that of the ICRC and protection mandate, with the ICRC defending the rights of those who have been subjected to crimes, suppression, siege, deprivation and restrictions.

Since the beginning of 2010, the majorities of 23 parliaments, including the US Congress, the European Parliament, and parliaments in Canada, Britain, France, Italy, the Netherlands, Switzerland, Ireland, Sweden, Norway, Denmark, Finland, Iceland, Estonia, Malta, San Marino, Lichtenstein, and Jordan, as well as the majorities in the Irish, Swiss, and Dutch senates, in addition to a large number of lawmakers in the Spanish Congress, the German Federal Parliament, and the Australian Parliament, have expressed their support for the protection and respect for the rights of Ashraf residents in accordance with international conventions and a 24 April 2009 resolution passed by the European Parliament on Ashraf (Some of the related documents are enclosed).

As I mentioned at the beginning of my letter, in order to clarify and determine an answer to the above-mentioned questions, as the official representative of Ashraf residents (my letter of introduction is enclosed), I am ready and available to meet and talk to representatives of the ICRC in Geneva at any time you deem appropriate. It is my hope that with your good intentions, the ICRC can resume its appropriate role in helping the residents of Ashraf.

Very respectfully,



Mohammad Mohaddessin  
Chairman

Cc:

Robert Zimmerman