

20 April 2009

Honourable President Jakob Kellenberger
International Committee of Red Cross
19 Avenue de la Paix
CH 1202 Geneva

Honourable Jakob Kellenberger,

I am writing to you to express the *National Council of Resistance of Iran's* (NCRI) strong protest against a letter by Mr. Juan Pedro Sherer (signed by Mr. Laurent Souji) on April 7, in response to a letter by a group of Ashraf residents in Iraq on March 25, and to share with you my concerns over its catastrophic consequences for the residents of Ashraf.

I am writing this letter following consultations with the International Committee of Jurists in Defence of Ashraf (comprised of 8,500 jurists from Europe and North America), the International Committee of *In Search of Justice* (encompassing 2,000 lawmakers on both sides of the Atlantic) and the Judicial and Foreign Affairs Committees of the National Council of Resistance of Iran, and after I received their views.

No doubt, if the letter by the ICRC reaches the Iranian regime or its proxies within the Iraqi government, it would be considered as a green light from the ICRC for forcible displacement of Ashraf residents. I am confident that the officials of ICRC can imagine the potential tragic consequences of such a letter.

Before going into the items of the ICRC's letter on April 7, I wish to remind you that so far only the authors of the March 25 letter, who amount to 2.5 percent of Ashraf residents, have learnt about the response by the ICRC. However, I have received many emails, letters and telephone contacts from them expressing their grave concern and disappointment towards ICRC's conduct on this matter. You can imagine the feeling and the extent of disappointment of all Ashraf residents, their families and Iranian communities in exile if they should find out about it.

You certainly recall that in December 2008 the families of Ashraf residents who were worried about their loved ones in there and the exiled Iranian communities ended their sit-in

after several months in Geneva upon my request. This was subsequent to the assurances I gave to them that I would pursue their demands through the ICRC, UNHCR, High Commissioner for Human Rights and the UN office.

It is quite predictable that if the Iranian regime and its well-known affiliates within the Iraqi government do take advantage of the letter on 7 April, by the ICRC to justify suppression of Ashraf residents and their forcible displacement, it would provoke protests by Ashraf residents, their families and Iranians who do not support the regime. I hope that your immediate intervention to prevent misuse of the April 7 letter would avert its negative ramifications and subsequent protests.

Your colleagues at the ICRC are quite aware of the history of this international body's relations with the NCRI and the People's Mojahedin Organization of Iran (PMOI). It goes back to 1977 and 1978 under the Shah when the representatives of the ICRC were allowed to visit the Shah's prisons in Iran and met with political prisoners including Mr. Massoud Rajavi, leader of the Iranian Resistance, who was serving a life sentence at the time. Since then, the PMOI and the NCRI have attempted to cooperate with the ICRC in good faith and full understanding. Among cases of cooperation are: NCRI's efforts to open the way for the ICRC to visit the clerical regime's dungeons which was regrettably barred by the regime; extensive cooperation over the released POWs who had joined the PMOI in 1990's which was settled in an appropriate manner after several meetings and a final interview with them; and the ICRC's attention into the state of Ashraf residents after the war in 2003, particularly when the ICRC recognized them on April 20, 2004, as protected persons under the Fourth Geneva Convention.

But the ICRC's positions in the past year and its inappropriate approach to the growing crisis concerning Ashraf are quite unprecedented in our 32-year long relations. Above all, the April 7 letter was indeed shocking.

The unusual scrutiny employed in the April 7 letter in an attempt to discourage Ashraf residents from a favorable interpretation of the prohibition of displacement, especially at a time when the attempts of Iranian regime and its affiliates within the Iraqi government to extradite, expel or forcibly displace the PMOI members with utmost pressure and unprecedented hysteria, will only lay the groundwork for greater violation of the rights of Ashraf residents.

I draw your attention to my points under the following headings:

Review of the ICRC's letter, April 7, 2009

The letter in part reads:

In your letter [March 25, 2009], you mention that: "The ICRC on March 20, 2007, (...) have prohibited any displacement of the residents if (sic) Ashraf inside Iraq". This does not accurately reflect the ICRC position in the letter dated 20 March 2007, which reads: "... the residents of Camp Ashraf must not be deported, expelled or repatriated in violation of

above-mentioned principle [the principle of non-refoulement] or displaced inside Iraq in violation of the relevant provisions of International Humanitarian Law (IHL) ”.

This statement means that Ashraf residents must not be displaced within Iraq if this displacement violates a norm of international humanitarian law. It does not mean that the displacement of Ashraf residents within Iraq would necessarily violate IHL. The legality under IHL of a possible displacement of the residents of Ashraf depends upon the reasons for which this displacement would be ordered and upon the modalities of its implementation.

IHL indeed allows for displacement of the civilian population if – for reasons related to the armed conflict – the security of the civilians is involved or if imperative military reasons so demand. It will have to be determined whether the displacement is indeed related to the ongoing armed conflict in Iraq.

- 1- The quotation of March 25 letter which was written by a group of Ashraf residents is to a great extent inaccurate. I have the original copy of the letter before me which is in Farsi carrying the signatures together with its English translation. This letter stipulates, “Previously, the ICRC on March 20, 2007, UNHCR on March 6, 2007 and UNAMI in June 2007 had prohibited displacement of residents of Ashraf inside Iraq.” In the English translation of the letter it was mistakenly stated, “Prohibited *any* displacement of residents of Ashraf inside Iraq.” (Enclosure no. 1 – Farsi and English text of the letter).
- 2- You would agree that an indirect quotation which refers to a common point in the position of three different organizations is very different to the direct quotation that ICRC’s April 7 letter implies. This is particularly while the March 6, 2007, letter by the UNHCR stresses unconditionally that, “UNHCR has repeatedly appealed to the competent Iraqi authorities and to the Multinational Forces (MNF-I) to refrain from any action that could endanger the life or the security of these individuals, such as their forcible deportation from Iraq or their forced displacement inside Iraq.” (Enclosure no. 2 – UNHCR letter dated March 6, 2007)
- 3- I wish that the authors of the March 25 letter were more accurate when quoting ICRC. But you know quite well that the dispute is not over words or legal articles. Nor is it the lack of knowledge of the authors of the March 25 letter or residents of Ashraf of IHL or the relevant conventions, particularly when such information is readily available on the Internet. Believe me that the problem concerns the lives of some 3,500 Iranian opponents that the Iranian regime is determined to annihilate on one hand and the ICRC’s duty to prevent a humanitarian catastrophe that the Iranian regime and its agents in Iraq are calling for. But to our utmost regret, the authors of April 7 letter forget about these calls and the prevailing circumstances in Iraq and instead seem to be engaging in academic arguments on international law in Geneva or Paris. Our minimum expectation was that in addition to references to legal paragraphs, references were also made to the harsh prevailing realities in Iraq and the dangerous situation of Ashraf residents that the ICRC is fully aware of.
- 4- The description of IHL in the April 7 letter as far as displacement is concerned is not a complete one based on logical and competent expert views of IHL. The letter states, “*The legality under IHL of a possible displacement of the residents of Ashraf depends upon the reasons for which this displacement would be ordered and upon the modalities of its implementation.*” In addition to the two elements mentioned in the letter, “*reasons*” and “*modalities of its implementation*” there are two other very important elements to be considered; “*real intentions*” and “*consequences*” in the “*legality*” of displacement. There

is no doubt that if the ICRC adopted a more responsible approach toward the issue of protection of Ashraf residents it would have found many more provisions in the IHL, international law, Human Rights Law and international standards to underscore the prohibition of displacement of Ashraf residents. Regrettably, however, it appears that the ICRC does not presently intend to fulfill its responsibilities as people deserving of protection, and their families, and the Iranian communities expect.

- 5- As I understand it, the ICRC's duty is not merely to explain or interpret the law and regulations. The ICRC's *raison d'être* confers on it a deterrent role. Naturally, in critical and dangerous circumstances, like that which Ashraf residents are facing today, that role should be to interpret the law in accordance with specific circumstances and of course before a catastrophe occurs. Otherwise, during the history of the ICRC, who among those involved in crimes against humanity, war crimes, genocide or similar crimes have admitted to violations of IHL, international law or Human Rights Law and other international standards?

ICRC's silence over the special situation in Ashraf

- 6- The April 7 letter states that in case of "armed conflict", IHL allows displacement of civilian population if "the security of the civilians is involved or if imperative military reasons so demand." In its next paragraph the letter states, "If a displacement of civilians is not related to armed conflict, Human Rights Law and international standards provide guidance for the displacement. Article 12 of the International Covenant on Civil and Political Rights allows for the freedom – for persons residing lawfully in a State – to choose one's residence. The same article stipulates that this freedom may be restricted if necessary to 'protect national security, public order, public health or morals or the rights and freedoms of others'." By mentioning permissible circumstances for displacement in the April 7 letter, without mentioning Ashraf's special circumstances, the ICRC leaves open the possibility for misuse as if such permissible circumstances apply to Ashraf as well. Beyond excuses that the Iraqi National Security Advisor may have produced, the forcible displacement of Ashraf residents has no relevance to the above circumstances, ie, "the security of the civilians is involved or if imperative military reasons so demand" and to "protect national security, public order, public health or morals or the rights and freedoms of others." Remarks by highest Iraqi authorities and leaders indicate that none of the above reasons apply to Ashraf residents. The residents of Ashraf and the NCRI's offices in various countries have brought to the attention of the ICRC in detail the inhumane restrictions and suppressive aggressions by Iraqi forces as well as unlawful calls by Iraqi officials for expulsion, extradition or displacement of Ashraf residents to remote desert areas in western and southern Iraq and the true motives of Iraqi officials in making such remarks and adopting such measures. Of course the ICRC had access to such information independently, regardless of such informative actions, but the April 7 letter made no reference to any of them at all.

- 7- In reference to this matter, I wish to draw your attention to remarks by Mr. Tariq Al-Hashimi, Iraqi Vice President, on April 6, 2009, where he stated, "We understand the sensitivity of the presence on Iraqi soil of groups opposed to regimes in neighboring countries. However, today, PMOI's presence in Iraq is a legitimate presence within the framework of the international conventions. They pose no threat to Iran since their camp which was previously under the control of the U.S. is now controlled by Iraq. Accordingly, I do not understand how they could interfere with our internal affairs or be the source of concern or agitation for neighboring countries such as Iran. Today, we hear talks about their

displacement from this camp to desert areas or another point, or of the persecution of those who remain in the Camp [Ashraf]. This does not do any service to Iraqi national interests and does not do any good to Iraq's reputation. We should not focus on this issue more than is necessary.”

8- Mr. Hoshyar Zebari, Iraqi Foreign Minister, in an interview with Al-Arabiya TV on March 27 said, “Iraqi government delegations from the Ministry of Human Rights, Interior Ministry and Foreign Ministry went there [Camp Ashraf] to encourage them [Ashraf residents] to return [to Iran] or to help them to go to other countries but we failed except in some limited cases.” He then added, “They have been disarmed. Indeed, their heavy and semi-heavy weapons, tanks and armored vehicles have been taken away by the Americans and at the present moment the Camp [Ashraf] is considered unarmed... They refuse to leave the region or go out of Iraq or go back to Iran... They have set up a network of connections, activities, and interests with the Iraqi society. There are Iraqi political and tribal leaders who have expressed solidarity with them.”

9- Even Mr. al-Rubaie, the Iraqi National Security Advisor, has clearly admitted in a number of occasions that the main issue in the calls for expulsion or displacement of Ashraf residents is for the Iranian regime's satisfaction and its security. On April 2, 2009, he told Al-Forat TV, “... We must gradually make their [Ashraf residents] presence in Iraq intolerable. Thus, they should understand that standing against our forces and the Iraqi army and causing obstacles on the path of a process which is rolling in order to resolve the problem is to no avail. Because their resistance cannot last for too long. The residents of the Camp should understand that they must cooperate with us in their transfer from the vicinity of the Iranian border to western parts of the country even if it is meant to be temporary. We will transfer them to western parts of the country because we want to take them away from the Iranian border and neutralize any pretext, such as statements that these people pose a threat to Iran's national security.”

10- In addition to Iraqi authorities, the U.S. officials have also stated on many occasions that suppression of Ashraf residents is the Iranian regime's desire. The U.S. Department of Defense in its March 2009 report to the Congress said, “Tehran has attempted to pressure government officials privately, through media campaigns and through largesse, to adopt pro-Iranian positions on such matters as the U.S.-Iraq SA, provincial elections, and the disposition of the Mujahidin-e Khalq (MeK). The large number of visits exchanged by Iraqi and Iranian officials testifies to the degree of Iranian influence in Iraq.”

Recalling a number of legal points

11- As you are aware, the Guiding Principles on Internal Displacement which was approved by the UN Commission of Human Rights in February 1998, stipulates in its principle 5: “All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.”

Is not the ICRC one of the main “international actors” and if it is, what has it done in respect to this matter?

Also in Principle 6 it states: “Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.”

Does the ICRC have any doubts that the calls by the Iraqi National Security Advisor against PMOI members including his call for their displacement are arbitrary? Does the ICRC have any doubts that Ashraf, after 23 years, is considered as the habitual residence of its inhabitants? Has not the ICRC received the information we have continuously supplied to it about the ongoing and repeated calls by the mullahs ruling Iran, for “retribution,” “expulsion” or “displacement” of the PMOI members? If so, why doesn’t the April 7 letter make any references to these matters and has only dealt with items which could be misused by the Iranian regime and forces under its influence in Iraq?

- 12- As you are aware, Article 17 of Additional Protocol 2 on “Protection of Victims of Non-International Armed Conflicts” (Additional Protocol to common Article 3 of the Geneva Conventions which has been referred to by ICRC covering Ashraf residents) states: “The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand,” and adds: “Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.”

Does the ICRC have any doubt that calls by the Iranian regime and the Iraqi National Security Advisor to displace the residents of Ashraf has nothing to do with “the security of the civilians involved or imperative military reasons?”

- 13- In addition to international humanitarian law, human rights law, international law and many other international conventions on prohibition of forcible displacement, Article 7 of the Statute of the International Criminal Court, considers the displacement of a population as a clear example of a crime against humanity. By referring to any dictionary, definitions given for ‘population’ befit the description of Ashraf residents. These people have lived in the same place for many years. They have built an uncultivated land with their own resources; farmed in it; built many buildings; built the city’s infrastructure such as water and power distribution network; set up educational institutions and built a university as well as a sports center; buried their dead in its cemetery; and have much affection and emotions attached to it.

- 14- You rightly underscored in your speech in St Petersburg on November 24, 2008, on the 140th anniversary of ICRC, the importance of the principle of Responsibility to Protect (RtoP) and said, “It therefore remains to be seen how the applicability and implementation of the RtoP will develop in the near future, an issue that the ICRC will follow very closely.” Doesn’t the widespread influence of the Iranian regime in Iraq and the threats to Ashraf residents for their displacement within Iraq that could pave the way for a human catastrophe and is among examples of crimes against humanity, make it obligatory on U.S. forces to take responsibility for protection of Ashraf? It is incomprehensible as to why the ICRC does not underscore this reality.

History of contacts with ICRC

- 15- From the start of 2008, representatives of the Iranian Resistance in meetings with and letters to the representatives of the ICRC in Geneva and Baghdad warned of the dangers in transferring the protection of the residents of Ashraf from the US to Iraq. They urged the ICRC to oppose such a transfer or at a minimum write privately to the residents of Ashraf to express its opposition to this transfer. Unfortunately, however, the ICRC refused to take this crucial position.

- 16- In its first visit to Ashraf in August 2008, the ICRC delegation saw for itself the dangers in transferring Ashraf residents' protection to Iraqi forces and the concerns of the population of the camp. On the final day of the visit, Mr. Juan Pedro plainly told the officials of the camp that the ICRC delegation has learnt of and takes seriously the concerns of Ashraf residents about the transfer of protection and there should not be a hasty effort to make the transfer. This reality became even more apparent in the subsequent visit of the ICRC to Ashraf in October 2008. There was no longer any doubt for the ICRC delegation that a violation of the principle of non-refoulement was very unlikely not to occur upon transfer of protection.
- 17- Allow me to recite the NGOs and various international organisations such as the United Nations OHCHR and the UNHCR as well as various European governments who have told us in their own ways that the highest relevant international authority with regards to the residents of Ashraf is the ICRC and the key to the problem lies in its hands. We have no doubt that had the ICRC taken a clear and unambiguous position in opposition to the transfer of protection to Iraqi forces, the circumstances today would be entirely different.
- 18- The Iraqi National Security Adviser Mowaffaq al-Rubaie has said that the transfer of protection was completed on 20 February 2009. Today, 50 days after this complete transfer, the concerns have proven themselves far more true than had been originally anticipated, thereby giving greater weight to the responsibility that the ICRC shoulders. A week later on February 28, the Iranian regime's Supreme Leader Ali Khamenei, in a meeting with the President of Iraq referred to the PMOI as the symbol of evil and corruption, and in a condescending tone, said, "The bilateral agreement on the expulsion of the PMOI from Iraq must be implemented and we are awaiting this". Khamenei thus revealed that the pressures on Ashraf residents are not an Iraqi affair or related to Iraq's national interests or even the policies of a particular Iraqi government; rather, they are the culmination of an agreement dictated by the religious fascism ruling in Iran. This is while the spokespersons of the US State Department and White House and the US embassy in Baghdad repeatedly affirmed in December that the Iraqi government had given the US government written assurances that it would treat the residents of Ashraf in accordance with its international obligations.
- 19- Khamenei, whose comments in effect triggered a comprehensive campaign against the residents of Ashraf, subsequently sent Ali Akbar Hashemi Rafsanjani, head of the regime's Expediency Council and a former president, and the mullahs' Majlis Speaker Ali Larijani, on two separate trips in order to follow up this matter. The main reason for the trips by the regime's Foreign Minister Manouchehr Mottaki and Khamenei's foreign policy adviser Ali Akbar Velayati in late February was to achieve the same objective. Today, a position by the ICRC against the pressures imposed on Ashraf and especially with regard to the forced displacement of Ashraf residents inside Iraq can have a preventative effect, whereas its silence on the matter will have a very destructive effect. To date, the Iraqi government and forces have taken the ICRC's silence on the matter as an indication of the lawful nature of this transfer, and have repeatedly pointed it out in different ways.

The realities on the ground

20- Following Khamenei's remarks, Mr. Mowaffaq al-Rubaie who also heads the government committee called "The Committee in Charge of Closing the File of Camp Ashraf", has on a daily basis called for the expulsion, extradition or forced displacement of the residents of Ashraf and imposed new pressures and restrictions against them. I draw your attention to some examples:

- Al-Rubaie told the Arab-language television al-Alam on March 8, "We understand the Iranian position that considers presence of Camp Ashraf a threat to the Islamic Republic's national security.... We therefore adopted a clear and precise policy of expelling this terrorist organization from Iraq and rapidly return Ashraf residents to Iran or a third country... These individuals have been brainwashed and we must free them from this poison. This process will be painful in the beginning but there are no other alternatives than to resort to this painful measure... The presence of Ashraf residents in Iraq is absolutely unlawful. They do not enjoy the special humanitarian status of refugees. They do not have the right to political asylum. I can clearly state that they have no right to stay in Iraq."

- The regime's state-run news agency, Fars, reported on March 9 that in an interview with al-Fiha television, al-Rubaie reiterated that the Iraqi government has decided to close Camp Ashraf as soon as possible and transfer its residents to the farthest point from the Iranian border.

- Al-Rubaie issued a 10-point directive on March 11 against Ashraf residents, about which I wrote to the UN Secretary General for his attention. A copy of this letter is enclosed (Enclosure 3).

- On March 13, the Iraqi forces cordoned off a building at the entrance of Ashraf which had been built entirely by the PMOI. The Iraqis demanded the building be evacuated by the residents. The building remains under siege for nearly a month.

- On March 16, the Reuters news agency reported: "A source at Iraq's Interior Ministry said Iraqi soldiers surrounded Camp Ashraf on Thursday after residents resisted an attempt to clear them out of one building inside it. The soldiers were blocking fuel and medicines getting in, he said. 'Iraqi forces have made a siege around the camp. No one is allowed to enter or leave,' the source said late on Sunday. 'We have instructions from Mowaffaq al-Rubaie to seal it off.' The interior ministry official also said Iraqi troops beat residents before U.S. forces helping guard the camp stepped in."

- In a Baghdad press briefing on March 27, al-Rubaie once again insisted that Ashraf residents will be expelled. He said: "Iraq will resettle militants of an Iranian opposition group living not far from the border with Iran if they do not leave the country voluntarily" ... "They are foreign terrorists living illegally in Iraq -- they should leave." (AFP, March 27, 2009)

- Following meetings with Larijani on March 28 and 30, al-Rubaie told the al-Forat television on April 1 of "incrementally increasing actions" which have been planned, including "several arrest warrants." He added: "Currently US forces are acting as monitors. We are working to end this role as soon as possible. ... Gradually, Iraqi security forces are entering the camp and setting up control posts and carrying out patrols, stop and searches, and attacks". In the same interview, al-Rubaie offered a collection of lies, saying: "There are a group of people there who are the leaders of the organisation and control and brainwash the people and residents of the camp. ... They are preventing the Iraqi government, international organisations and humanitarian organisations from contacting the people in the camp. ... We will therefore separate these people from their leaders. This means

that we believe that the absolute majority of them would like to return to Iran. ... They have no legal status. They are neither political refugees nor humanitarian refugees. ... We have decided to close down the camp... We will transfer them [temporarily] to the west of the country.”

- Unlike the past six years, over the past two months, Iraqi forces have prevented relatives of Ashraf residents from entering Ashraf. Ashraf residents can only meet their next of kin in make-shift holding facilities outside of the camp and only for a short period and under the watch of Iraqi army troops.
- Unlike the past six years, during which dozens of parliamentary and humanitarian delegations visited Ashraf, in recent months, journalists, parliamentary and humanitarian delegations and even Iraqi and foreign lawyers of the residents of the camp have not been permitted to enter and visit the camp.
- On April 3, Iraqi forces prevented three Iraqi physicians, including a sedation expert from entering Ashraf to visit mainly female patients requiring urgent medical attention. They wanted to carry out an operation on Ms. Fatemeh Alizadeh who is suffering from an internal cancerous tumour. They were scheduled to perform four other surgical operations as well. The ban continued for a week until international public outrage in different countries rose to the point that the doctors were finally able to carry out their operations on April 10.

21- The points raised above are only a small part of the hostile remarks and actions over the past two months against the residents of Ashraf. As you can see, the transfer of Ashraf to the deserts of western or southern Iraq is neither a theoretical discussion nor a security-inspired preventative measure by Iraqi forces; rather, it is blatantly laying the groundwork for the massacre of the residents of Ashraf, and this is something which the ICRC is not unaware of. However, over the past year thousands of visits, letters, and meetings with relatives of the residents of Ashraf, Iranians, parliamentarians, lawyers and international jurists have been left unanswered or received repeated cliché responses whose only purpose is to deflect the problem. An example of the cliché response has been: We “assure you that the ICRC will continue to uphold its humanitarian endeavour on behalf of all persons entitled to the protection of International Humanitarian Law." This statement has often been repeated and yet it does not answer any specific issue. Despite the insistence of the residents of Ashraf, in all three visits from Ashraf in recent months, the ICRC has not written even a single sentence to officially reiterate and update its letter of March 20, 2007 to the residents. However, to our utter surprise, this is the first time that it has sent the residents of Ashraf an official letter that can effectively be used against them.

Family contacts

- 22- The April 7 letter has implied that the ICRC’s most important task regarding Ashraf was “to help to establish and maintain family links.” We of course appreciate the ICRC’s good will but allow me to remind you of two points:
- a) Believe me that no one but the Iranian regime is preventing family visits and the problem is not simply establishing contacts or exchanging letters. Ashraf residents wish their families could visit more often and exchange letters. A good portion of expenses in Ashraf are paid for by funds provided by these families. Contrary to the malevolent

propaganda by the clerical regime and its agents in Iraq, thousands of relatives of Ashraf residents have met with them in the Camp over the past six years and have spent days sometimes weeks in Ashraf and have returned with no problem occurring in Ashraf and in Iraq. If ICRC wishes to facilitate family contacts, it would be better to do two very important things which would have constructive results in line with its objectives:

- I- To question Iraqi forces for preventing families from entering Ashraf and condemn their move in this respect and do not allow this inhuman trend to continue. Where in the world do the authorities prevent fathers and mothers to see their children at their residence or prevent meetings between cousins? In which democratic country do the authorities prevent people to see their relatives in prison?
 - II- More important, to condemn the Iranian regime for imprisonment and torture of families who had been to Ashraf to see their children or arrested families at the airport planning to go to Ashraf to see their children. ICRC is fully aware of this matter. This has been reported by the media and the Iranian Resistance has also informed the ICRC with full details. You are aware that many of those arrested were elderly fathers and mothers some of whom as old as 80 years. Indeed, what has the ICRC done for these families? A list of families of Ashraf residents who have been arrested by Tehran regime is attached. This had previously been provided to international bodies. (Enclosure no. 4)
 - b) But this regime, as you may know, does not just imprison and torture the families. It also tries to use the families against their children, the PMOI and Ashraf residents by threats and intimidations or giving them false information to cause anxiety among them. I must admit that sometimes I receive letters and messages from Ashraf asking me whether the ICRC's task is merely to deliver letters to families while this can be easily done on the Internet. Many of them complain and say that the regime is behind most of these letters and they are ready to prove it in any court. They say that the regime, without the ICRC knowing about it, uses this international body to complete its information on PMOI members and pressure them to defect so that they could be used for the regime's propaganda purposes against the PMOI and Ashraf residents. I have been informed by Ashraf residents that representatives of ICRC in their recent visits to Ashraf have spoken to some of the residents who have been the subject of these kinds of letters.
- 23- In its 2005 annual report, ICRC outlined its achievements and wrote that as an independent mediator, in a number of repatriation operations it managed to repatriate those members of the PMOI who wished to go back to Iran. We welcome the ICRC's humanitarian mission and highly respect it. But as we informed the ICRC at the time, describing a number of individuals as "members of PMOI" who had never been a member or had deserted the PMOI or dismissed from the PMOI and gone to TIPF (the exit facility adjacent to camp Ashraf, controlled by the U.S. forces) and in some cases were regime-infiltrators, is not at all a humanitarian act. Letters by these individuals are available and it worths noting that a considerable number of these individuals later appeared in a branch of the Iranian regime's Ministry of Intelligence and Security (MOIS) known as "Nejat" which has been set up to wage a psychological war against the residents of Ashraf and their families, or appeared on the regime's TV or MOIS websites. In brief, the regime has done its utmost to misuse the ICRC's humanitarian mission. You perhaps agree that hunting such preys to be used for suppressing the opposition to the religious fascism is very different to the repatriation of POWs.

24- You were recently on a visit to Iraq and the issue of PMOI was one of the topics in your talks with various Iraqi officials:

- Al-Iraqya TV, March 18, reported your meeting with the Iraqi Human Rights and said, "The issue of the PMOI in Iraq occupied a major part of the meeting and the Minister of Human Rights announced that Iraq would comply with the Geneva Convention in protection of individuals but not organizations."

- On March 22, the official website of the Ministry of Human Rights also quoted the Minister at her meeting with you as saying, "The government continues to be committed to the Geneva Convention which offers protection to individuals and not the organizations."

While the ICRC is in constant contact with the residents of Ashraf and the representatives of the Iranian Resistance in Europe, the least expected was that the residents of Ashraf, who are direct subjects of all risks and mistreatments, would be informed of the outcome of your talks and measures by the ICRC.

Dear Mr President,

In addition to hostile remarks and measures by Iraqi officials and forces which were referred to, and in addition to provisions of international humanitarian law, human rights law and international law that were pointed out here, any sincere and reasonable party who is aware of:

- The Iranian regime's meddling and crimes in Iraq;

- The brutal suppression of the PMOI and the Iranian Resistance by the regime, and the list of executions of the PMOI members and supporters presented to your representatives in Ashraf, Baghdad and Geneva (Edition 1, including the names and details of 20,000 victims of the PMOI);

- The criminal operations in recent years against Ashraf residents such as kidnapping PMOI members, blowing up water supply lines, blowing up water pump station, firing Grad missiles, plots to contaminate drinking water among others,

- Some 3,500 residents of Ashraf have been practically incarcerated for the past seven years facing all sorts of restrictions while they took no part in 2003 war;

Will undoubtedly reach the following two conclusions:

1- There is a well calculated criminal plot against the lives of 3,500 residents of Ashraf. It is reminiscent of the massacre of 30,000 political prisoners in 1988 which was described by Amnesty International and many other international bodies as a crime against humanity;

2- It is the duty of international organizations, especially the ICRC, to prevent such a human catastrophe from happening. This requires the ICRC to take a position on this matter as it is recognized as the main guardian of the IHL. I do not believe that adoption of a stance by ICRC would violate its recognized norms on a potentially serious threat facing Ashraf. This would not contradict ICRC's practices in similar cases in the past.

Today, therefore, Ashraf is a test of the ICRC's role and effectiveness as well as its historical position. Will the ICRC with all its capabilities, credibility and influence, take necessary

measures to prevent a highly probable disaster from occurring and use its full capacity to prevent a human tragedy?

Many ask me if something has changed with the ICRC since March 2007 and if political considerations have become overly weighed in its decisions. I continue to hope that this is not the case and the ICRC would take a clear position and adopt firm measures with regard to Ashraf residents, beyond general notifications and regardless of any political considerations. I therefore call on you to kindly respond to the following three questions to avoid any misunderstanding:

- 1- Since the April 7 letter by the ICRC opens the way for unlawful measures including forcible displacement which are pursued by the Iraqi government upon requests by the Iranian regime against residents of Ashraf (Bilateral agreement referred to by Khamenei to suppress the Iranian opposition in Iraq – February 28, 2009), has the ICRC taken into account the dangerous consequences of its letter and is it prepared to take responsibility for its dangerous outcome?
- 2- Do you endorse the letter of March 20, 2007, by ICRC or has your position changed?
- 3- Please define the ICRC's mission as regards Ashraf and if we, the residents of Ashraf and the Iranian community misinterpret this mission, please correct us.

Mr. President, please accept my best regards and hopes for greater cooperation to achieve the humanitarian objectives of the ICRC.

Maryam Rajavi