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One Hundred and Twelfth Congress

Tom Lantos Human Rights Commission

December 9, 2011

The Honorable Barack Obama
The President
The White House
Washington, D.C. 20500

Dear President Obama,

We write today to express our concern regarding the recent decision by the Iraqi government to close Camp Ashraf, home to over 3,000 Iranian dissidents, by December 31, 2011. We ask that you raise the concerns outlined below with Prime Minister Nouri al-Maliki during your meeting with him on December 12. We also ask that you urge Mr. al-Maliki to take all measures necessary to ensure that the human rights of camp residents are protected, and that the United Nations High Commissioner for Refugees (UNHCR) is permitted access to the camp in order to make refugee status determinations of the inhabitants of the camp.

The United States classified the residents of Camp Ashraf as “protected persons” under the Fourth Geneva Convention in 2004, and continued to grant them the protections associated with that status until 2009, when the United States turned over control of the camp to the Iraqi government. Since then, residents of Camp Ashraf have come under attack by Iraqi forces twice in as many years. In July 2009, nine persons were killed and more than 300 were injured when Iraqi forces raided the camp. In April of this year, Iraqi troops again raided Camp Ashraf, killing an estimated 36 people and leaving hundreds injured. In both cases, videos from the raids appear to show Iraqi forces using excessive force against unarmed residents. The use of excessive force resulting in injury or death constitutes a violation of Articles 7 and 9 of the International Covenant on Civil and Political Rights (ICCPR), to which Iraq is a party.

In light of the 2009 and 2011 attacks against camp residents, we are very concerned that additional attacks might be perpetrated against individuals upon the closure of Camp Ashraf. Our concern is heightened by the fact that the U.S. military will be withdrawing its forces from Iraq on December 31 which will leave the Camp Ashraf population vulnerable to further unwarranted attacks. Although Mr. al-Maliki has given assurances that Camp Ashraf residents will be relocated within Iraq upon the closure of the camp, there are genuine concerns that dispersing the inhabitants throughout Iraq may

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make them susceptible to attacks by the Iraqi government and the Iranian Quds Force, among other sources of threat to the residents.

Relatedly, we are worried about the possibility that some residents could instead be returned to Iran against their will. According to the UN Human Rights Committee, Article 7 of the ICCPR requires state parties such as Iraq to abide by the principle of *non-refoulement*, which precludes the return of a person to a country where he faces likely torture or cruel, inhuman, or degrading treatment. We ask that you obtain reassurances from Prime Minister al-Maliki that he will uphold his stated commitment to the principle of *non-refoulement*.

Finally, we are troubled by the prospect of camp residents being compelled to travel, unprotected, to areas outside of the camp to meet with the Office of the UN High Commissioner for Refugees (UNHCR) for refugee status determinations. We ask that you urge Mr. al-Maliki to either extend the deadline for the closure of the camp in order to give the UNHCR sufficient time to process refugee status claims, or otherwise allow the UNHCR to establish a safe transit location elsewhere so that UNHCR staff can meet with residents in a safe location to assess their claims for refugee status.

Residents who qualify for refugee status should be permitted to remain at Camp Ashraf or a genuinely secure location until they can be safely resettled in another country. Any residents who are accused of criminal wrongdoing should be afforded due process rights in fair and open proceedings, in accordance with international human rights standards, and should not be subjected to torture or cruel, inhuman, or degrading treatment, or *refoulement*.

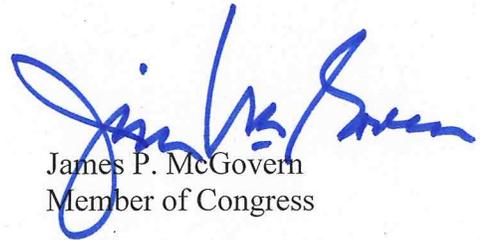
As U.S. troops withdraw, it is important to ensure that the basic human rights of the camp's residents are protected.

Thank you for your attention to this matter. We look forward to hearing from you.

Sincerely,



Frank R. Wolf
Member of Congress



James P. McGovern
Member of Congress