



Association of Independent Jurists for Human Rights-Iraqi-UPRsubmission-Iraq-2010

Association of Independent Jurists for Human Rights-Iraqi was established in 2003 to monitor the violations by the occupying forces in Iraq and the successive Iraqi governments. We have been invited to several international forums and have prepared different papers and legal opinions on the situation of Human rights in Iraq. Treatment of foreign refugees in Iraq notably the Palestinians and 3400 Iranian refugees in Camp Ashraf has been our yardstick for respect of human rights in Iraq. Therefore, we have closely monitored both cases since 2003.

In the present report we are focusing on the situation of Camp Ashraf , studying the pressures imposed on the residents of Ashraf before January 2009 leading to the massacre of July 2009 by Iraqi government.

Background

U.S. senior officials announced in July 2004 that a 16-month investigation into the group had not come up with any basis to bring charges against any of its members (New York Time, 27 July 2004). On 2 July 2004, the Commander of the Multi-National Force-Iraq (MNF-I) affirmed that the United States had recognized the 'protected persons' status of the individuals at Ashraf City under the Fourth Geneva Convention. The proclamation, addressed to the residents of Ashraf, stated, "The United States has confirmed your status as 'protected persons' under the Fourth Geneva Convention and has communicated that determination to the International Committee of the Red Cross in Geneva. The acknowledgement of this determination will assist in expediting the efforts of the International Committee of the Red Cross and the United Nations High Commissioner for Refugees in your disposition as individuals in accordance with applicable international law."

In July 2004, the representative of the US government signed individual agreement with each resident of Ashraf committing USA to protect each individual in Ashraf until his or her final disposition options.

Against the above back ground the Iraqi government started to violate the Ashraf residents' rights should have enjoyed under the Fourth Geneva Convention. Since January 2009, the US government based on assurances received from the Iraqi government to respect the rights of Ashraf residents according to the International Law (US Embassy statement on 28 December 2008) has transferred protection of Ashraf camp to the Iraqi government. But, since January 2009 the already illegal restrictions imposed on Ashraf residents by Iraq largely increased. To this end, the European Parliament adopted a resolution on 24 April 2009 stating that: the European Parliament calls on the Iraqi government to end its blockade of the camp and respect the legal status of the Camp Ashraf residents as "protected persons" under the Geneva Conventions, and to refrain from any action that would endanger their life or security, namely full access to food, water, medical care and supplies, fuel, family members and international humanitarian organisations;

Furthermore, Iraqi forces made a unprovoked attack against residents of Ashraf on 28 and 29 July 2009 reportedly at the behest of the Iranian regime's supreme leader killing 9 residents, injuring 500 and taking 36 of the residents as hostages. This unprovoked attack against unarmed residents of Ashraf who are covered by IHL

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and GC4 is grave breach of Geneva Conventions and GC4 (147), and therefore a crime against humanity committed by government of Iraq against residents of Ashraf.

Discontinuation of medical services and medicine supply to residents of Ashraf

According to an agreement by the Iraqi Health Ministry, every two months Ashraf's medical centre submitted a list of needed medication as well as clinical and dentistry supplies, etc., and paid for the requested items at government prices. In this way, the Medical Services Department of Ashraf Camp was able to meet the medical needs of Ashraf residents. In early June 2005, the residents of Ashraf were informed by Health Ministry that the agreement was annulled and medical services including medicine supply were cut off for the residents in Ashraf Camp. Consequences of this discontinuation include scarcity of medicine used in operating theater, emergency medicine, strong pain relievers and medicine for chronic illnesses as well as use of expired and unreliable medicine. Since February 2009, following the transfer of protection from US forces to the Iraqi government there were many incidents that event medical doctors were barred from entering the camp and threat the patients. In one occasion a cancer patients needed emergency surgery where the Iraqi authorities did not allow doctors to enter Ashraf.

Evidences: Ashraf residents Report to UNAMI in Iraq and to Jean Ziegler, Special Rapporteur on the right to food

Abduction of two residents of Ashraf

Two members of the PMOI residents of Ashraf Camp, Hossein Pouyan and Mohammad-Ali Zahedi were abducted in eastern Baghdad while on a routine logistics trip on 4 August 2005. The two PMOI members were abducted at 12:30 pm by men riding two Iraqi police vehicles, belonging to the Iraqi Interior Ministry's Special Forces. No investigation has yet been conducted by the Iraqi government. The Iraqi government did not respond to open call by MNF-I and the UN Special Rapporteurs to investigate the evidences existed that the Interior was behind the kidnapping. The intelligence reports published by residents of Ashraf provided that the two had been transferred to Iran by the elements of Quds Force operating in Iraq.

Sources:

- Headquarters United States Central Command, News release, Iraq: Two members of PMOI abducted, 11 December 2005, release number 05-12-31
- OHCHR, Letter from L. Zerrougui, Chairperson-Rapporteur of the Working Group on Arbitrary Detention, and M. Nowak, Special Rapporteur on the question of torture, to H. Zebari, Iraqi Minister for Foreign Affairs, 11 August 2005, reference UA G/SO 218/2 G/SO 214 (53-20), IRQ 12/2005
- Reports provided by residents of Ashraf

Discontinuation of food ration coupons for residents of Ashraf and confiscation of Ashraf food supplies

Following the government change in Iraq in April 2005, the Ministry of Trade has stopped issuing food ration coupons for residents of Ashraf and has blocked sale of food staples to the Ashraf's logistical department. Restrictions on supplies started after the publication, in Iraqi newspapers affiliated with the Iran's Ministry of

Intelligence and Security, of protests against selling food to PMOI, to be completely discontinued in September 2005. The Ministry of Trade distributes basic food item coupons to all non-Iraqi and Iraqi citizens, the residents of Ashraf Camp being the only ones to have been exceptionally deprived of such a supply. The only possibility remaining is to purchase necessary items, which are very rare, from free market, at prices up to 22 fold of the common price. Furthermore, the purchased food items, under very difficult conditions, should pass through many check points before they get to Ashraf. Some times the items are seized and confiscated at check points. The drivers who transfer these items are often arrested and imprisoned.

Since February 2009, following the transfer of protection from US forces to the Iraqi government the situation of food getting to the Camp has deteriorated. In many occasions the Iraqi Army openly does not allow basic food items that resident buy from free market to get to the Camp. Residents have repeatedly reported the incidents to the UN Special Rapporteur on Right to Food in 2009.

Sources:

– Report of the Special Rapporteur on the right to food, J. Ziegler, Implementation of General Assembly resolution 60/251 of 15 March 2006 entitled “Human Rights Council”, Communications sent to Governments and other actors and replies received, 18 May 2007, Document code: A/HCR/4/30/Add.1, pp. 23-24.

Reports by residents of Ashraf

Bombing attack on water pipeline and bombing of water supply pumping station of Ashraf Camp

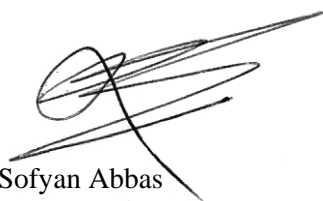
On the 17th of July 2006 the water pipeline that stretches from the pumping station near the Tigris River to Ashraf Camp was damaged by a series of explosions. This affected the access of the Ashraf residents to water for drinking, cooking and hygiene purposes for around two weeks.

On the 8th February 2008, at 3:30 am, the water supply pumping station providing water to Ashraf Camp was bombed. More than 300 kg of TNT was used in this bombing that resulted in the destruction of huge water pumps and installations of the station and offices. Supply of water to Ashraf and areas in the vicinity was cut off. The pumping station was the property of PMOI. Iraqi agents seem to have collaborated with the Iranian Qods Force in regard to this bombing. The Iraqi government did not condemn the bombing, nor did it take any action to identify the perpetrators of the crime.

– Secretariat of National Council of Resistance of Iran, Bombing of water supply pumping station by Qods Force, a war crime against protected persons under international conventions, 8 February 2008

6 March 2008, Statement by Special Rapporteur on the right to food, regarding bombing of water supply pumping station of Ashraf Camp on 8 February 2008.

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