

HUMAN RIGHTS WATCH

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December 14, 2011

Foreign Minister Guido Westerwelle
Auswärtiges Amt
Werderscher Markt 1
10117 Berlin, Germany

Dear Foreign Minister Westerwelle:

We are writing to you before the December 31 announced closure of Camp Ashraf (also known as Camp New Iraq) to urge the government of Germany to take proactive steps to help prevent the stand-off between the Iraqi government and the leadership of the Mohjahedin-e Khalq (MEK) from deteriorating further at a critical moment in Iraq's precarious transition to democratic rule.

A demonstration of concrete support by the German government for UN initiatives could help to avert a confrontation that could become even more violent than the two previous clashes that have already occurred at Camp Ashraf leading to loss of life on both April 8, 2011 and July 29, 2009, and to help the UN to navigate a resolution to the problem.

On December 5, UN Secretary General Ban Ki-moon called on UN member states to indicate their willingness to accept Camp Ashraf residents for resettlement and on December 6 the UN envoy to Iraq, Martin Kobler, called upon the Iraqi government to extend the December 31 deadline for closing the camp

We urge you to support both calls publicly. However, if the Government of Iraq insists on keeping the December 31 deadline for closing the camp, we also call on you to engage German diplomats in Iraq in coordination with the UN and other diplomatic missions in Iraq to monitor the situation at Camp Ashraf, particularly near and at the time of the deadline, and during any transfer of its residents to other locations in order to try to prevent serious human rights abuses. We also recommend strong German diplomatic engagement with both the Iraqi government and the MEK leadership to convince each side to allow the UN to move camp residents to a protected location, under UN supervision and where the Office of the UN High Commissioner for Refugees (UNHCR) will be able to screen camp

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residents privately and individually to determine possible refugee claims or grounds for exclusion from refugee status.

While recognizing that the Iraqi government may choose to close the camp, your engagement will be critically important to ensuring that this is done in a peaceful and orderly way. With respect to the Iraqi government, your intervention would help to ensure that the camp is closed in ways that respect the human rights of the former camp residents, including protecting them from refoulement to Iran, forcible return that could expose them to torture and persecution in Iran. With respect to the MEK leadership, your intervention would help to ensure that they allow camp residents the individual choice to leave the camp, whether or not the conditions of the MEK leadership have been met, and to make choices about their futures, including the individual choice of voluntary repatriation to Iran.

Human Rights Watch has previously documented abuses by the leadership of the Mojahedin-e Khalq in Camp Ashraf against camp residents, including prolonged incommunicado and solitary confinement, beatings, verbal and psychological abuse, coerced confessions, threats of execution, and torture. We believe there could be a substantial number of the more than 3,200 camp residents who have been held in the camp involuntarily, including people who were coerced to join or to remain with the MEK against their will. Our 2005 report, [*No Exit: Human Rights Abuses inside the MKO Camps*](#), included accounts from former Camp Ashraf residents indicating that the camp leadership detained MEK members who requested to leave the organization in solitary, incommunicado confinement.

With regard to the UN Secretary General's appeal to UN member states to indicate their willingness to receive Camp Ashraf residents for resettlement, we take note of the fact that the European Union removed the Mojahedin-e Khalq from its list of terrorist organizations in 2009 and that there is no longer a generalized bar on the admission of MEK members to Germany. While we recognize that some residents of the camp may not lodge refugee claims or may be excluded from refugee status, we also believe that many of the camp residents would face persecution in Iran so would qualify as refugees. If UNHCR is given the opportunity to conduct private and confidential interviews with individuals outside the camp it may determine this. We ask that you announce your willingness to consider resettling to Germany persons that UNHCR individually recognizes as refugees and refers to you for resettlement, who do not fall under the Refugee Convention's exclusion clause.

We understand from a [Wikileaks cable](#) that 9 Camp Ashraf residents are German passport holders. We would also ask that you publicly affirm that German passport holders will be allowed to exercise any rights to enter Germany that were previously granted, and that you also consider allowing their immediate family members to enter as a way to maintain the integrity of the families and contribute to the overall resettlement of Camp Ashraf residents. Entry into Germany would be without

prejudice to any pending extradition requests against them or to any criminal prosecution in Germany.

We urge you to announce to the Iraqi government, other governments, and the United Nations that Germany will closely monitor the closing of Camp Ashraf, and will cooperate with the UN to facilitate the safe and orderly transfer of its former residents, including by considering admitting refugees that UNHCR asks Germany to resettle. Such an announcement by the German government would help greatly to break the impasse that threatens to result in human rights abuses at the end of this month if the camp is closed without provisions being made for the resettlement of its residents. Such a tangible demonstration of support would, at the same time, show international solidarity with Iraq during a time of fragile transition.

Thank you for your consideration of this matter. We would be happy to discuss it with you or your representatives in greater detail.

Sincerely,

Wenzel Michalski
Germany Office Director