

**Testimony of Ambassador Daniel Fried on Camp Ashraf**  
**House Foreign Affairs Committee**  
**Subcommittees on Oversight and Investigations and Middle**  
**East and South Asia**  
**December 7, 2011**

Chairmen Rohrabacher and Chabot Ranking Members Carnahan and Ackerman thank you for the opportunity to testify here today. I welcome the opportunity to report on the substantial, ongoing efforts of the United States to address this serious humanitarian issue. We face a serious and complex problem: as December 31<sup>st</sup> draws near and the government of Iraq has announced that Camp Ashraf must be closed by the end of this year, arrangements for the continued security and humane treatment of the residents have yet to be finalized. The Iraqi government and residents of Camp Ashraf both have expressed concerns regarding the closure plan, but with December 31 drawing near, it will be imperative for all parties to work to bridge these divides and accept credible proposals put forward by the United Nations, and for all parties to support a humane, secure and mutually agreed-upon relocation of the residents.

It is under these circumstances that Secretary of State Clinton asked me to assume responsibility in the Department of State for coordination of the Department's ongoing efforts regarding Camp Ashraf. The Department and other parts of the Executive branch have been engaged for years in efforts to find a humanitarian solution for the residents of Camp Ashraf. Indeed, Vice President Biden stressed during his recent trip to Baghdad the importance the U.S. places on a peaceful and secure resolution of the situation at Camp Ashraf.

The Secretary has tasked me to report to her, using experience I have as a career foreign service officer of 34 years, to ensure that the U.S. government is taking every responsible action possible, working with the Government of Iraq, the United Nations, and our allies and partners, and in contact with the residents of Camp Ashraf and those who speak for them, to assure that any relocation of residents from Camp Ashraf is done

humanely, with our principal concern being the safety and well-being of the residents.

We are working urgently. Nevertheless, in this setting, it is important to be clear about the history of Camp Ashraf. A common understanding of the facts is important to promoting an informed public dialogue and sound policy.

Camp Ashraf is operated by, and its residents led by, members of the Mujahedin-e Khalq (MEK). The MEK, founded by students in Tehran in 1965, originally espoused Marxist and Islamist ideologies and sought the violent overthrow of the then-leader of Iran, Shah Mohammed Reza Pahlavi, whose government was supported by the U.S. During the 1970's, the MEK used terrorist tactics against the Shah's government and those whom they associated with it. MEK actions included the assassination of six Americans, including three U.S. military officers, and the bombing of U.S. companies in Iran.

The Shah's government fell in 1979. The occupation of, and hostage-taking at the U.S. embassy in Tehran, which was supported by the MEK, took place later that year. Shortly after the Iranian revolution, the MEK shifted its violent tactics towards the new regime in Iran. By 1980, Iraq dictator Saddam Hussein had established a relationship with the MEK, cooperating with it to advance his efforts to undermine the Iranian government. In 1986, Hussein invited the MEK to formally relocate to Iraq. MEK leadership accepted and, as a result, approximately 7,000 MEK members resettled in camps in Iraq, including Camp Ashraf. Saddam Hussein's government provided funding, training, and military equipment to the MEK and, in exchange, the MEK served as a private paramilitary group for Hussein during the Iran-Iraq war. Thousands of MEK members' lives were reportedly lost in combat with the Iranian military. Over the years, there has been credible reporting that the MEK militarily supported Hussein's violent suppression of groups in Iraq which opposed his regime, including shortly after the first Gulf War. In April 1992 the MEK became one of the few groups to attempt an attack on U.S. soil when it launched

near-simultaneous attacks in thirteen countries, including against the Iranian mission to the United Nations in New York.

This background is important for three reasons: it explains how the U.S. military came across this armed group in Iraq during Operation Iraqi Freedom; it outlines some of the reasons why the MEK was added to the Foreign Terrorist Organization (FTO) list in 1997; and it also explains the animosity felt toward the MEK by many Iraqis.

When U.S. military forces encountered the MEK in Iraq in 2003, a cease-fire and disarmament were negotiated with the MEK leadership in Iraq. At the request of the U.S. military commanders then in the field, the various MEK camps and bases were consolidated to Camp Ashraf. At its height, approximately 3,900 people resided in Camp Ashraf. Until the end of the Coalition Provisional Authority and establishment of a sovereign Iraqi government in June 2004, U.S. commanders of the Multi-National Forces stated that they considered the Camp Ashraf residents as “protected persons” under the Fourth Geneva Convention, which governs the conduct of states in international armed conflict and occupation. This does not mean that the residents were considered “refugees” – that status has never been conferred on them as a group. “Protected person” is a legal term for particular persons in an armed conflict or occupation. During the period for which it was an occupying power, the United States afforded the residents of Camp Ashraf the rights accorded to them under the Geneva Conventions as protected persons and ensured, to the extent possible, that they were protected from hostilities. The U.S. military did this at great risk.

As you know, UN Security Council Resolution (UNSCR) 1546 and subsequent resolutions established the international legal basis for U.S. military presence in Iraq to maintain “security and stability” in Iraq. To be clear: once a sovereign Iraqi government was established in June 2004, Camp Ashraf’s residents were no longer “protected persons” as a legal matter. Nevertheless, for the duration of these UNSCR authorities, U.S. forces continued to treat the residents of Ashraf as “protected persons,” as a matter of policy and conveyed this to the Camp’s residents.

At this time, hundreds of Ashraf residents chose to leave the Camp, some receiving refugee status from the office of the UN High Commissioner for Refugees (UNHCR) and finding their own solution inside or outside Iraq, and others voluntarily returning to Iran. The U.S. military and the State Department also learned more about the Camp leadership and its relationship with the residents. International observers visiting the Camp published reports that the leadership was using various systems of control, such as forced divorce and family separation, and group pressure to manage residents' lives. This of course raises important questions about the means by which some individuals found themselves at Camp Ashraf, and the circumstances under which they currently reside. Mindful of this and of the MEK's history, we regard the residents there not simply as uniform members of a group, but as individuals, and this informs both our own approach and our discussions with partners as we seek solutions to the current problem.

When the UNSCR mandate expired on January 1, 2009, the U.S. military was permitted to remain in Iraq at the invitation of the Iraqi government. It had no authority to provide protection for the residents of Camp Ashraf and accordingly transferred security responsibility for the Camp to the Iraqi government. In 2008, prior to that transfer, the United States joined the Iraqi government, the UN, and other nongovernmental parties in meetings with Camp Ashraf leadership to ensure that the handover of the Camp to the Iraqi government was conducted in a responsible and humane manner. The leadership at Camp Ashraf was informed that the U.S. military would no longer play a role in the Camp's physical protection. In addition, the Camp leadership was informed that although individual residents maintained rights under Iraqi and international law, the residents, as a group, possessed no status or collective rights.

Concurrently, at the U.S. government's request, the Iraqi government provided assurances of humane treatment in accordance with Iraqi and international laws, including that it will not transfer residents of Ashraf to a

country where they may have reason to fear persecution for their religious or political beliefs, and it will not expel, return, or extradite any resident to any country where there are substantial grounds for believing that he or she would be tortured. In addition, the Iraqi government allowed UN and U.S. officials to monitor the well-being of the Camp's residents.

The Iraqi government has publicly expressed its decision to close Camp Ashraf – a decision it regards as a legitimate exercise of its sovereignty – by December 31, 2011. Yet the exercise of a sovereign right does not obviate the need for care and restraint. We have seen and condemned the terrible loss of life as a result of past attempts, including last April, by Iraqi police and security forces to enter the Camp; these attempts have consistently been met with resistance by the Camp residents who reject the Iraqi government's right to do so. The United States has stated publicly -- and I want to reiterate now -- that we expect the Iraqi government to refrain from the use of violence. In addition, the United States has been consistent in urging the Iraqi government to resolve the humanitarian and security issues expeditiously and before the closure of the Camp. This, in particular, was part of the Vice President's message to the Iraqi leadership in Baghdad during his latest visit.

At the same time, the Camp leadership must respect Iraqi sovereignty and refrain from acts of provocation, as we seek to resolve this matter. In addition, as we have conveyed and continue to convey to the leaders of Camp and to those who communicate with the MEK's Paris-based leadership the MEK must act responsibly and not put any Ashraf residents, or ask any Ashraf residents to place themselves, in harm's way.

A humane and secure relocation is possible, but it will take intense and serious efforts by *all* parties.

Since the transfer of Camp Ashraf to the Iraqi government, we have consistently engaged with the Camp's leadership to find a peaceful and durable solution for the residents. We have repeatedly seen, and regret, intransigence by Camp Ashraf leadership to agree to any relocation plan

other than *en masse* relocation outside Iraq as refugees. This would require a foreign government to take them, and thus far none has agreed to do so. To resettle them in the United States as a group would require an act of Congress; immigration prohibitions would likely prevent many Ashraf residents from being admitted to the United States, regardless of the MEK's designation as a Foreign Terrorist Organization.

While we recognize Iraq's sovereignty, we press them to exercise their authority responsibly. The Iraqi government has been working with the U.N. on a resolution of the situation at Camp Ashraf, and progress has been made. We welcome this. We hope that the MEK and Camp Ashraf leaders will engage constructively as well. A solution is possible if all sides display the necessary level of seriousness about proposals that allow for the safe and neutral determination of each resident's individual legal status, and his or her desire to leave Iraq, while respecting individual rights, and all in a context of security and humane treatment for the people now resident at Camp Ashraf.

The Department has and will continue to work closely with the UN, its Assistance Mission in Iraq (UNAMI), and the UNHCR to prepare the way for a humanitarian resolution. These UN organizations, especially UNAMI, are playing a leading role in the urgent and ongoing efforts to craft a solution. The European Union is supporting these efforts, as well. There is wide recognition on all sides that this is a serious situation requiring full attention and support at the highest levels.

Our goal is to find an expeditious and humane resolution to the closure of Camp Ashraf. We will continue to engage intensively at the highest-levels to avoid any actions that could result in violence, and encourage the residents to accept reasonable, humane, and secure proposals to relocate them from Ashraf.

Thank you for the opportunity to speak to you today about this urgent issue, and I welcome your questions.