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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 115 of the Rules of Procedure

by Pasqualina Naipoletano and Ana Maria Gomes

on behalf of the PSE Group

on the humanitarian situation of Camp Ashraf residents

European Parliament resolution on the humanitarian situation of Camp Ashraf residents

The European Parliament,

- having regard to the Geneva Convention of 1951 relating to the Status of Refugees and the 1967 Additional Protocol,
 - having regard to the Human Rights Watch report 'No Exit: Human Rights Abuses Inside the MKO Camps' of 5 May 2005 and to a number of recent statements by AI, ICRC, FIDH and WOAT on the deteriorating humanitarian and security situation in Camp Ashraf,
 - having regard to Rule 115 of its Rules of Procedure,
- A. whereas the Government of Iraq has recently announced its intention to dissolve Camp Ashraf in Northern Iraq, an enclave where approximately 3400 members of the Iranian opposition group PMOI or Mojahedin-e Khalq (also known under the acronyms MEK and MKO) have been living under a kind of extraterritorial status granted by Saddam Hussein in the 1980s,
- B. whereas, in accordance with Article 7 of the Fourth Geneva Convention, residents of Camp Ashraf have to be regarded as refugees enjoying protection under international law; whereas PMOI members living in Camp Ashraf have been disarmed and designated as 'protected persons' under Article 27 of the Fourth Geneva Convention; whereas after the 2003 invasion of Iraq, the US military disarmed the group and gave them written assurances as to their status as protected persons under the Fourth Geneva Convention,
- C. whereas further to the provisions of the Iraq-US 2008 Status of Forces Agreement (SOFA) requiring the withdrawal of the coalition forces to be completed by the end of 2011, Camp Ashraf was returned to the control of Iraqi security forces on 1 January 2009,
- D. whereas in a letter dated 15 October 2008 to the Minister of Foreign Affairs of Iraq, the United Nations High Commissioner for Human Rights urged the Government of Iraq to protect Camp Ashraf residents from forced deportation, expulsion or repatriation in violation of the non-refoulement principle, and to refrain from any action that would endanger their life or security,
- E. whereas the MEK is accusing the Iraqi authorities of having repeatedly blocked food and water supplies as well as medical assistance from entering the camp, while the Iraqi security forces as well as the Iraqi Ministry of Human Rights have reportedly been denied access to large parts of the camp by the MEK leadership,
- F. whereas according to reports by independent observers, journalists and human rights organisations as well as testimonies from ex-MEK members, some of whom testified before the Iran Interparliamentary Delegation of the European Parliament on 27 February

2007, the MEK has transmuted from a militant Iranian opposition group into a sect whose members submit themselves to the leaders Massoud and Marjiam Rajavi without discrimination and are isolated from the outside world and bound to the organisation by means of mental and physical torture,

- G. whereas Human Rights Watch has documented in detail and on the basis of direct testimonies from a dozen former MKO members how dissident members were tortured, beaten and held in solitary confinement for years at military camps in Iraq for having criticised the group's policies and undemocratic practices, or because they planned to leave the organisation,
 - H. whereas under US protection several hundreds of dissident members were moved to a camp and granted refugee status by the UNHCR, who resettled them in safe places in Iraq or in third countries, and whereas this facility was closed in 2008,
 - I. whereas the International Committee of the Red Cross has in recent years arranged the repatriation of more than 250 ex-MEK members to Iran on a voluntary basis,
1. Welcomes the recent US-Iraqi agreements aimed at re-establishing full state sovereignty of the Iraqi people and the elected government over its territory but warns that in this transitional period the rights of all civilians living in Iraq must be respected according to international laws and conventions, independently of their status and nationality;
 2. Calls on the Iraqi authorities to protect the lives and the physical and mental integrity of the Camp Ashraf residents and to treat them in accordance with obligations under the 1951 Geneva Convention, notably not to deport, expel or repatriate them in violation of the principle of non-refoulement;
 3. Encourages both the US and Iraqi authorities to ensure that the closure of Camp Ashraf takes place in a legal framework that guarantees respect for the rights of individuals and clarity about their intentions towards the residents of Camp Ashraf at any time;
 4. Expresses grave concern over the reported practices of mental and physical manipulation and severe human rights violations within the MEK cult under the leadership of the Rajavis;
 5. Calls on the Iraqi Government and the MEK leadership to grant full and immediate access for international humanitarian and human rights organisations as well as for the Iraqi Ministry of Human Rights to all parts of the camp in order to:
 - provide the residents with food, water, medical assistance and basic commodities,
 - be able to freely interview the Camp Ashraf residents and establish an independent assessment of the situation;
 6. Calls on the Iraqi Government and the MEK leadership to allow the departure of all those willing to leave Camp Ashraf and grant access to families of MEK members seeking to establish the whereabouts of their relatives;

7. Calls on the Council, Commission and Member States to assist the Iraqi Government in its attempts to find a humanitarian solution to the longstanding problem, notably by offering resettlement options in the European Union for MEK members who do not want to return to Iran;
8. Calls on the Iraqi Government to re-establish a safe shelter as an emergency measure for those dissident members who continue to escape from Camp Ashraf but have no place to turn to after Ashraf Refugee Camp has been closed by the US forces;
9. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for the CFSP, the governments and parliaments of the Member States, the UNHCR, the ICRC, the UN Human Rights Council and the Government and Parliament of Iraq.