



BRIEFING PAPER

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# The People's Mujahiddeen of Iran (PMOI)

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## Summary

The People's Mujahiddin of Iran (PMOI) or Mujahiddin e Khalq (MEK) is a group of exiled Iranians opposed to the government of Iran. It is a member of a wider coalition known as the National Council of Resistance in Iran. PMOI/MEK was put on to the Government's list of proscribed terrorist organisations in March 2001.

There was substantial pressure on the UK Government to remove the organisation from the list and to offer support to the NCRI. An appeal was lodged with the Proscribed Organisations Appeal Commission, a body set up by the government to hear appeals from organisations on the UK's blacklist, and on 30 November 2007 the Commission ruled that the PMOI be removed from the list of proscribed organisations. The then Home Secretary (Jacqui Smith) appealed against the Commission ruling and on 7 May 2008 the Court of Appeal rejected the Home Office case. The organisation was removed from the list of proscribed organisations in June 2008.

The European Union listed the MEK as a terrorist group in May 2002 and its funds were frozen. On 12 December 2006 the European Court of First Instance ruled that the EU did not inform the PMOI about its decision on freezing the PMOI's funds and ordered the money be unblocked. On 15 July 2008, the EU renewed the proscription of the PMOI. However, on 4 December 2008, the European Court of First Instance annulled the EU's 15 July decision to maintain the PMOI on the EU terrorist list. Two weeks later, the Court rejected as "manifestly in-admissible" an attempt by EU governments to delay implementation of the December 4 judgment. As a result, the PMOI was removed from the EU list of proscribed terrorist organisations on 26 January 2009.

In the United States the MEK had been designated a foreign terrorist organisation in 1997 and in August 2003 the designation was amended to include "its aliases" National Council of Resistance (NCR) and National Council of Resistance of Iran (NCRI), and PMOI. The US de-listed the PMOI in 2012. There was some commentary about the group's assiduous lobbying activities.

Maryam Rajavi, the group's leader, remains excluded from the UK on the grounds that her presence in the UK would be not be conducive to the public good. After a judicial review, the Supreme Court ruled in 2014 that her exclusion by the Home Office was lawful.

# 1. Proscription of the People's Mujahiddin of Iran (PMOI)

The People's Mujahiddin of Iran (PMOI) or Mujahiddin e Khalq (MEK) is the main body in the political coalition of Iranian opposition groups, the National Council of Resistance of Iran (NCRI), which claims to be the parliament-in-exile. Since 1993, the President-elect of NCRI has been Mrs Maryam Rajavi. NCRI promotes a democratic, secular Iran which guarantees human rights and the equality of men and women and religious minorities. It is based in Paris.

In 1997, the MEK was put on the US's list of proscribed terrorist groups under its 1996 Anti-Terrorism law. A draft order laid on 28 February 2001 added the PMOI to the British Government's list of proscribed organisations under the *Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order*. The European Union listed the MEK as a terrorist group in May 2002.

On 28 February 2001 the then Home Secretary, Jack Straw, laid a draft order under section 3(3)(a) of the *Terrorism Act 2000* listing 21 international organisations, including the PMOI, to be added to the list of proscribed organisations set out in Schedule 2 of the Act. The draft order was debated in the House of Commons on 13 March 2001,<sup>1</sup> and in the House of Lords on 27 March 2001.<sup>2</sup> The draft was approved and the order itself was made on 28 March 2001, coming into force the following day.<sup>3</sup>

When it was proscribed by the British Government, the PMOI's history and activities, elements of which the organisation disputed, were described in a Home Office Press Notice as follows:

**Aims:** The Mujaheddin e Khalq (MeK) is an Iranian dissident organisation based in Iraq. It claims to be seeking the establishment of a democratic, socialist, Islamic republic in Iran.

**History:** The MeK fought alongside the supporters of Ayatollah Khomeini [should read Khomeini] to overthrow the Shah of Iran, but after the revolution it broke away from Khomeini and became the main opposition to the regime. It was exiled in 1981, moving to Iraq where it now maintains a standing army of several thousand fighters, supported and armed by the Iraqi regime. The MeK also has offices abroad which raise money, produce and distribute propaganda material, and stage demonstrations.

**Attacks:** The MeK undertakes cross-border attacks into Iran, including terrorist attacks. It has assassinated senior Iranian officials and launched mortar attacks against government buildings in Teheran and elsewhere. In June 2000 the Iranian government claimed to have foiled an MeK plot to assassinate the former Iranian foreign minister, Ali Akbar Velayati.

<sup>1</sup> HC Deb 13 March 2001 c945-969

<sup>2</sup> HL Deb 27 March 2001 c144-200

<sup>3</sup> *Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2001 SI 2001/1261*

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**Attacks on UK or Western interests:** The MeK has not attacked UK or Western interests.<sup>4</sup>

**Representation/activities in the UK:** There is no acknowledged MeK presence in the UK, although its publication MOJAHED is in circulation here. The National Council for Resistance in Iran undertakes fund-raising in support of the MeK, demonstrates, and produces and distributes anti-regime propaganda in support of MeK objectives.<sup>5</sup>

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<sup>4</sup> This assertion by the Home Office appears to have been based upon the MEK's recent activities. However, beginning in 1971, the group committed itself to an armed struggle in Iran, which included attacks on Western, and particularly US, interests in Iran. These activities continued throughout the 1970s, primarily because of US support for the Shah, whose regime it regarded as tyrannical and a puppet of the United States. When radical students seized the US Embassy in Iran in 1979, the MEK declared its full support for the action.

<sup>5</sup> Draft order of organisations to be proscribed under the new Terrorism Act 2000 published today – Home Office press notice 28.2.2001

## 2. Was the proscription of PMOI justified?

Since the publication of the Home Office notice, the group has been disarmed and is not supported by the current government of Iraq. The NCRI's website says of the proscription in the UK:

The PMOI [MEK] has been proscribed under the Terrorism Act at the beginning of 2001 in what seems to be a shabby deal of appeasement between the Iranians and the United Kingdom and a number of EU governments. As long as the Iranians play ball, the PMOI will remain a terrorist organisation and they dangle in front of them the possibility that if they don't play ball, the PMOI will not be a terrorist organisation. Well, either it is or it isn't. It doesn't depend upon whether Iran develops a nuclear programme or not, whether they are nice to the West, or not.<sup>6</sup>

Jane's Terrorism and Insurgency Centre (JTIC) states that the group is no longer considered a threat outside Iran. It has been based in Iraq since the mid-1980s, and following the overthrow of Saddam Hussein the US army disarmed the MEK of its arsenal in Iraq.

The *Guardian* describes the MEK as "a 4000-strong anti-Iranian dissident army, currently under US protection in a camp in Iraq [with] a vociferous public relations campaign in Britain and the backing of some Washington neo-conservatives".<sup>7</sup>

There was a strong campaign in the UK and Europe after 2001 to reverse the MEK /PMOI's proscription, supported across the political spectrum in Britain. Lord Archer of Sandwell attempted in March 2001 to have it removed from the proscribed list.<sup>8</sup>

Despite the growing campaign, in March 2005 Jack Straw repeated the Government's view that the MEK was "a nasty terrorist organisation that has to be contained."<sup>9</sup>

Human Rights Watch issued a report in May 2005 alleging the organisation violently mistreated its "dissident members" in Iraq.<sup>10</sup> The London-based Islamic Human Rights Commission denounces it still as a "violent anti-Islamic Iranian terrorist group opposed to the Iranian government".<sup>11</sup>

The Foreign and Commonwealth Office was asked again in October 2005 if it would make representations to the US and the EU to remove the MEK/PMOI from its proscribed. The government declined:

We have no such plans. The Mojahedin-e Khalq (MeK) is proscribed in the UK under the Terrorism Act 2000. It has a long

<sup>6</sup> <http://www.ncr-iran.org/>

<sup>7</sup> David Leigh, *Guardian*, 31 May 2005

<sup>8</sup> HL Deb 27 Mar 2001 c147

<sup>9</sup> HC Deb 1 Mar 2005 c799

<sup>10</sup> 'No Exit: Human Rights Abuses Inside the Mojahedin Khalq Camps', *Human Rights Watch Background Briefing*, 19 May 2005, <http://hrw.org/backgroundunder/mena/iran0505/>

<sup>11</sup> Fahad Ansari, 'British Anti-Terrorism: A modern-day witch-hunt', Islamic Human Rights Commission October 2005, Updated June 2006

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history of involvement in terrorism in Iran and elsewhere and is, by its own admission, responsible for violent attacks that have resulted in many deaths. The MeK is listed in the US as a foreign terrorist organisation, and it is on the EU's asset freeze list. We welcome this.<sup>12</sup>

In February 2006 Jack Straw revealed that the PMOI had been proscribed because Iran had demanded “successfully of me when I was the Home Secretary that we should ban a terrorist organisation [MEK] that was working against Iran”.<sup>13</sup>

Support for removal of the MEK from the proscribed list has come from human rights lawyers Imran Khan and Geoffrey Bindman.

Disagreements over the Human Rights Watch evidence have been expressed.<sup>14</sup> Lord Carlile of Berriew, until 2011 the independent reviewer of the *Terrorism Act 2000*, questioned the proscription:

There is some concern that the UK government occasionally is inflexible in its attitude to changing situations around the world, with reference to proscription. An example of this is the Iran opposition group commonly known as the PMOI. They claim to have disarmed in 2003 to become a political organisation dedicated to the reform of government in Iran.<sup>15</sup>

According to Jane's Terrorism and Insurgency Centre there were conflicting arguments in the US about the group:

...the US government is split on how to deal with the MEK. Senior officials in the State Department reported to have advocated a deal with Iran to hand over MEK militants. They have also claimed to have identified 40 MEK militants in Camp Ashraf as possible candidates for prosecution for crimes against humanity or war crimes associated with the crushing of the Shia uprising, with up to six facing prosecution in the US for terrorist-related offences. However, the US Defence Department appears to be resisting the State Department's desire to eliminate the MEK and imprison its commanders.

US reluctance towards crushing the MEK is related to the group's exposure of elements of Iran's nuclear programme that were previously unknown to the international community and the IAEA. In August 2002, the NCRI revealed information about previously unknown nuclear sites at Natanz and Arak. Following this disclosure, Iranian Vice President Reza Aghazadeh admitted to the IAEA Iran's undisclosed activities in the nuclear fuel cycle, leading to multiple IAEA visits to Iranian facilities throughout 2003. Consequently, the MEK is not only seen by the US as the largest armed opposition to the Iranian theocracy, it is also able to provide essential intelligence information on the Iranian regime.<sup>16</sup>

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<sup>12</sup> Kim Howells to Brian Binley, 31 Oct 2005 HCDeb c752W

<sup>13</sup> Foreign Secretary Jack Straw in interview on BBC Radio 4 *Today Programme*, 1 February 2006

<sup>14</sup> For example, Lord Corbett's is quoted as saying: "All the people they interviewed are agents of Iranian intelligence. A bill is going through the US Senate allowing financial aid to opposition groups in Iran. People are desperate to stop the Mujahideen getting any of the money". *Guardian*, above

<sup>15</sup> *Report on the Operation in 2005 of the Terrorism Act 2000*, by Lord Carlile of Berriew QC, May 2006

<sup>16</sup> Jane's Terrorism and Insurgency Centre website, July 2005

The organisation 'Statewatch' commenting on the ambiguities in the UK's policy on proscription, wrote in 2005:

Support for a banned organisation is a criminal offence under the Terrorism Act 2000; the show of support in the UK parliament leaves the law looking something of an ass.<sup>17</sup>

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<sup>17</sup> Ben Hayes, Statewatch June 2005 [www.statewatch.org/terrorlists/terrorlists.pdf](http://www.statewatch.org/terrorlists/terrorlists.pdf) For wording of statement see *The House Magazine* September 30, 2002, p 70

## 3. Legal action on the PMOI's status as a proscribed group

### 3.1 In the European Courts

The PMOI appealed to the European Court of Justice (ECJ) against its EU proscription. The UK Government, alone among Member States, was represented at the court alongside the Council of the European Union. In a judgment of 12 December 2006,<sup>18</sup> the European Court of First Instance (CFI) annulled the Council's Decision 2005/930/EC<sup>19</sup> which renewed the proscription and froze PMOI assets, on the grounds that PMOI had not been given a fair hearing.

This led many to believe that the Council would have to de-list MEK and that the UK would follow suit, but neither the Council nor the UK government did so, because they argued that the ruling had addressed the procedure, not the substance of whether the PMOI was a terrorist organisation. The annulled Council Decision was replaced and a different procedure was followed, with explanatory notes being sent to subjects of proscription orders.

However, these arguments are controversial as the wording of the CFI judgment is open to interpretation. Legal counsel for the PMOI argues that, since the decisions originally adding the PMOI to the list have been withdrawn, the PMOI cannot be "kept" on the list by a subsequent decision.

A cross-party campaign group of 35 MPs and peers, including former law lord, Lord Slynn, former Home Secretary and Queen's Counsel, Lord Waddington, and former Solicitor General, Lord Archer of Sandwell, QC, lodged an appeal against the inclusion of the organisation on the list of proscribed organisations. Leader of the campaign Lord Corbett of Castle Vale, writing in the *Birmingham Post*, described the policy as "an act of appeasement not seen since the Munich Agreement with Hitler's Germany".<sup>20</sup>

The PMOI held regular demonstrations outside the Foreign and Commonwealth Office, and lodged an appeal with the ECJ on 9 May 2007 claiming €1m damages.

On 23 October 2008, the European Court of First Instance in Luxembourg upheld a legal claim by the PMOI that there was no justification for including the group and freezing its funds. The Court, part of the European Court of Justice, allowed an appeal against the decision by the EU's Council of Ministers in December 2007 to keep the PMOI on its terror list. The decision came just weeks after a court in London known as the Proscribed Organisations Appeal Commission

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<sup>18</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62002A0228:EN:HTML>

<sup>19</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:340:0064:01:EN:HTML>

<sup>20</sup> Lord Corbett of castle Vale, "The truth about Iran", *Birmingham Post*, 24 February 2007, p8

ordered the PMOI's removal from the UK list, but it was only after the Government lost an appeal to the Court of Appeal in May that Britain lifted its ban on the PMOI in June.

The European judges said that the EU's December 2007 decision should be annulled because there was no justification for including the PMOI in the list. The judges said that there was no evidence that the EU ministers had fulfilled their requirement to take account of the London court's ruling on the PMOI case, which had been the first by a "competent judicial authority" in the UK. The EU list is renewed every six months. By the time the court delivered its judgment, a fresh ban on the PMOI had been imposed on 15 July 2008.<sup>21</sup>

In December the European Court of Justice rejected as "manifestly inadmissible" an attempt by EU governments to maintain the PMOI's proscription. As a result, ambassadors of the 27 member states agreed that the next update of the EU's terrorism blacklist should not include the PMOI.<sup>22</sup> The PMOI was removed from the EU list of proscribed terrorist organisations on 26 January 2009.

### 3.2 In the British courts

The PMOI lodged several appeals to the Proscribed Organisations Appeal Commission and on 30 November 2007 the Commission ruled that the PMOI should be removed from the British Government's list of proscribed organisations.<sup>23</sup>

The Home Office said the PMOI would remain on the government's list of proscribed organisations during the appeal and that the government would review the process by which groups were added to the proscribed list.

On 14 December 2007 the High Court refused the government leave to appeal against the decision ordering it to take the PMOI off the list of proscribed organisations. The government voiced disappointment against this decision and said it would take its case to the Court of Appeal.

The House of Lords held a debate on Iran: People's Mujaheddin Organisation on 5 February 2008.<sup>24</sup> In the debate, the Minister of State, Lord Malloch-Brown was asked about the government's appeal:

<sup>21</sup><http://www.telegraph.co.uk/news/newstoppers/lawreports/joshuarozenberg/3247818/Ban-on-Iran-opposition-should-be-lifted-says-EU-court.html>

<sup>22</sup> The full judgments of the European Court of First Instance is available at: <http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurftp=jurftp&alldocrec=alldocrec&docj=docj&docor=docor&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnrec=alldocnrec&docnoj=docnoj&docnoor=docnoor&radtypeord=on&typeord=ALL&docnodecision=docnodecision&allommjo=allcommjo&affint=affint&affclose=affclose&numaff=&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=&domaine=&mots=PMOI&resmax=100&Submit=Submit>

<sup>23</sup> The Proscribed Organisations Appeal Commission judgment is here: <http://www.siac.tribunals.gov.uk/poac/Documents/outcomes/PC022006%20PMOI%20FINAL%20JUDGMENT.pdf>

<sup>24</sup> HL Deb 5 February 2008 c948-950

**The Minister of State, Foreign and Commonwealth Office (Lord Malloch-Brown):** ...I certainly can confirm that we will respect the outcome of the appeals process.

**Lord Lloyd of Berwick:** My Lords, can the noble Lord give us some further indication of what the grounds of appeal are?

**Lord Malloch-Brown:** My Lords, the judgment arrived at was that the behaviours of the organisation really amounted to a separation from the use of terrorist tactics. We just believe that there has not been a clear enough renunciation of those tactics. Instead, we see the decision as a pragmatic one in the face of American and British force. Until we are convinced that the organisation has really foresworn those tactics, we continue to believe it to be a threat to civilians.

On 18 February 2008, the Court of Appeal dismissed the application by the Home Secretary. That appeared to leave the way clear for the removal of the PMOI from the list of proscribed organisations. Christopher Booker writing in the *Sunday Telegraph* on 13 May described the judgement as "a final rebuff to the Government's bizarre efforts to appease the murderous regime of the mullahs in Teheran".<sup>25</sup>

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<sup>25</sup> *Sunday Telegraph*, 11 May 2008

## 4. Removal from the list

### 4.1 UK

The draft Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2008 was debated in both Houses on 23 June 2008,<sup>26</sup> and the PMOI was duly removed from the list of proscribed organisations on 24 June 2008.<sup>27</sup>

### 4.2 EU

The PMOI was removed from the EU list of proscribed terrorist organisations on 26 January 2009, the first time an organisation had been removed from the EU list.<sup>28</sup>

### 4.3 US

In 2012 the US State Department under Hillary Clinton decided to remove the PMOI from the US list, in advance of a deadline imposed by a court decision.<sup>29</sup> The decision took into account the public renunciation of violence and the cooperation that the US government had received in dismantling Camp Ashraf.

There was controversy about payments to some of those who had given speeches to the organisation.<sup>30</sup>

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<sup>26</sup> [HL Deb c1302-12;HC Deb c98-118](#), 23 June 2008

<sup>27</sup> The amendment order is available at:  
[http://www.opsi.gov.uk/si/si2008/uksi\\_20081645\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20081645_en_1)

<sup>28</sup> GAERC press release, 26 January 2009,  
[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/gena/105560.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/105560.pdf)

<sup>29</sup> [‘Delisting of the Mujahedin-e Khalq’](#), US Department of State media note, 28 September 2012

<sup>30</sup> [‘Iranian Dissidents Convince U.S. to Drop Terror Label’](#), *New York Times*, 21 September 2012

## 5. Maryam Rajavi

Although the PMOI was removed from the UK's proscribed organisations list, leader Maryam Rajavi has been refused a visa to enter the United Kingdom. In 1997, the then Home Secretary excluded Mrs Rajavi on the ground that her presence "would not be conducive to the public good for reasons of foreign policy and in light of the need to take a firm stance against terrorism".

A number of parliamentarians, including Lord Carlile of Berriew, wanted Rajavi to attend meetings in Parliament and asked the Home Secretary to lift the exclusion. Having sought advice from the Foreign and Commonwealth Office, Theresa May, Home Secretary, replied to Lord Carlile in February 2011 that she had concluded that Maryam Rajavi should not be admitted to the UK, on the ground that Rajavi's presence in the UK would not be conducive to the public good on the same grounds.

Lord Carlile and the other parliamentarians launched a judicial review of the decision in May 2011, arguing that their rights to freedom of belief and expression, protected in Articles 9 and 10 of the European Convention on Human Rights, had been infringed by the exclusion and that the exclusion was disproportionate.

Underlining the political nature of the decision, the Home Secretary argued that permitting Rajavi to enter the UK would be perceived as a "deliberate political move against Iran" by its government. This, it was argued, risked destabilising relations between the UK and Iran, which would be detrimental to the effective conduct of foreign policy and the advancement of UK national-security interests.

After considering the case on 13 May 2014, the Supreme Court held by a 4-1 majority that the Home Secretary's decision was lawful. The court decided that the rights set out in Articles 9 and 10 of the European Convention were relevant in the case but accepted the foreign policy grounds for the minister's decision.<sup>31</sup>

The judgment reached significant conclusions about the extent to which the Supreme Court could interfere in decisions normally the preserve of the government and the extent to which the Human Rights Act expands the role of the judiciary.<sup>32</sup>

Maryam Rajavi remains excluded from the UK.

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<sup>31</sup> [R \(on the application of Lord Carlile of Berriew QC and others\) \(Appellants\) v Secretary of State for the Home Department \(Respondent\) \[2014\] UKSC 60](#), Press summary

<sup>32</sup> Mark Elliot, '[Human rights, proportionality and the judicial function: R \(Carlile\) v Home Secretary in the Supreme Court](#)', Public Law for Everyone blog, 13 November 2014

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