



In brief: Camp Ashraf and the Geneva Conventions

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What is Camp Ashraf?

Ashraf is a settlement in Iraq's Diyala province, near the border with Iran, which houses the headquarters of the People's Mujahedin of Iran (PMOI), also known as Mujahideen-e-Khalq (MEK) or Mujahideen-e-Khalq Organisation (MKO). The PMOI is the main body in the coalition of Iranian opposition groups known as the National Council of Resistance of Iran (NCRI), and is regarded as a terrorist organisation by a number of states but has now been removed from the UK and EU lists of terrorist organisations. It relocated its headquarters to Iraq in 1986 during the Iran-Iraq war with the support of Saddam Hussein, though the PMOI has denied that it sided militarily with the Iraqi regime. Following the US-led invasion of Iraq in 2003, the PMOI surrendered to US forces and 3,800 PMOI members were disarmed and cantoned in Camp Ashraf under US protection. Some 370 have since been voluntarily repatriated to Iran, and in 2004 when Ashraf's residents were declared to be civilians rather than military personnel some restrictions and controls were removed. The Iraqi government has stated its intention to close the camp and expel all PMOI personnel from Iraqi territory.

Who is responsible for the inhabitants of Ashraf?

The main responsibility to protect civilians lies with the states that have effective control over them. From 2003 until 31 December 2008 US forces protected Camp Ashraf. Then on 1 January 2009, control passed to the Iraqi Government, under the new US-Iraq Status of Forces Agreement. Both the US and Iraqi governments have given assurances that, within the framework of Iraqi national legislation, Ashraf residents will be treated in accordance with international humanitarian law and with the principle of *non-refoulement* in particular. The UK considers the issue primarily a US rather than a UK responsibility.

What are the main concerns?

Living conditions at Ashraf are not generally a cause for concern, although an explosion damaged Ashraf's water-supply station in February 2008. The main concern is that its inhabitants would be at risk of torture or other serious human rights violations if they were to be returned involuntarily to Iran. Iraq has reportedly given Ashraf's inhabitants two options: return to Iran or find a third country for exile. Iraqi officials have however stated that PMOI members would not be forcibly repatriated to Iran and have called upon the international community to offer asylum to Ashraf's occupants.

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People who claim to have left Camp Ashraf voluntarily have reported 'brain-washing', forced indoctrination and rough treatment by the PMOI of those who wanted to leave the camp, though an investigation by an all-party group of MEPs found no substance to these allegations.

Do the Geneva Conventions apply?

In July 2004, the PMOI forces in Ashraf were declared by the US to be 'protected persons' under the Fourth Geneva Convention of 1949 (rather than military personnel under the Third Geneva Convention), because they had not been belligerents during the Iraq War. The Fourth Geneva Convention protects civilians who, as the result of an international armed conflict or of occupation, find themselves in the hands of a country of which they are not nationals. It states that in no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs. In the case of occupied territory, the Convention continues to apply for a year after the general close of military operations, and partially thereafter if the occupying power continues to exercise the functions of government. The occupation of Iraq formally ended on 30 June 2004.

What other international law is relevant?

Under the international law principle of *non-refoulement*, no-one should be deported, expelled or repatriated if there is a real risk that they may be subjected to any kind of ill-treatment, or that they may face persecution on account of their race, religion, nationality, membership of a particular social group or political opinion. The US has ratified international conventions embodying this principle (the 1951 Refugee Convention and the 1984 UN Convention Against Torture), but Iraq has not. However, *non-refoulement* is widely recognised as a principle of customary international law that binds all states.

Further reading

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- Zouhair Al Hassani, ['International humanitarian law and its implementation in Iraq'](#), *International Review of the Red Cross* Vol. 90 No. 869, March 2008
- Knut Dörmann and Laurent Colassis, ['International Humanitarian Law in the Iraq Conflict'](#), *German Yearbook of International Law* 47 (2004), 293–342
- International Committee of the Red Cross, [Protected persons and property and international humanitarian law](#) [viewed 20 March 2009]
- Amnesty International, [Iraq: No Iranians in need of protection should be sent to Iran against their will](#), 28 August 2008
- Amnesty International, [Security agreement puts 16,000 Iraqi detainees at risk of torture](#), 28 November 2008
- Massoud Khodabandeh (former member of PMOI, allegedly now working for the Iranian Ministry of Intelligence and Security), [Camp Ashraf: a test of US-Iraqi relations](#), 7 April 2008
- Iran-Interlink.org (run by Khodabandeh and his wife), [Nejat Society Asks UK to Support Iraqi Government Plans for Camp Ashraf Victims](#), 11 December 2008
- Hon. David Kilgour, J.D., ['Catastrophe on horizon for Camp Ashraf refugees'](#), *Middle East Times* 8 October 2008
- House of Lords debate, [Iraq: Ashraf City](#), HL Deb 2 March 2009 cc504-6