

October 13, 2015

The Honorable John McCain
Chairman, Senate Armed Services Committee
218 Russell Senate Office Building
Washington, DC 20510

Dear Chairman McCain,

During the hearing on October 7, 2015, by the Senate Armed Services Committee entitled, "Iranian influence in Iraq and the case of Camp Liberty," three questions were posed to me as a witness, about which, as requested, I would like to provide further information. The first question was by Senator Angus King (I-ME) on the issue of protection and US commitment to residents of Camp Liberty, which I shall explain in greater detail below and about which further documentation is also attached.

The second issue was raised by Senator Jeff Sessions (R-AL) about the ideology of the MEK and whether they were communists. In this respect, the following is in order:

The Mujahedin-e Khalq are not communist:

The mainstream MEK has always been a Muslim movement. In 1966, the organization adopted a set of philosophies that would put them at odds with both the ruling government and rising Islamic fundamentalists. They came to embrace equality between those in power and those not, between men and women, and among various religions and races. Going even further, they believed the clergy should not have total control over interpretation of the Quran, nor should the clerics have total control over their congregations. These philosophies, which still have major influence on the MEK, would cast them into fighting successive enemies.

Even further problems were growing. As in the case of many organizations, an internal element often develops that does not share organizational beliefs, but are within the ranks because it best suits their purpose at the time. When the opportunity presents itself, this element will either split off or attempt to take control of the original organization. This became the situation as a Marxist element emerged within the MEK. Often at serious odds with established senior leadership, the Marxists soon found themselves in a very advantageous position.

The Shah's regime arrested sixty-nine members of the MEK in August of 1971. The core of the MEK leadership was off the streets, and most ended up on the gallows, including the three founding members. As very few remaining members of MEK leadership survived in the Shah's prisons, awaiting the end of torture that only death would bring, the rift between the rival elements intensified. By May of 1972, two MEKs existed, with the preponderance of power favoring the Marxists. The two elements spent as much time fighting each other as they did engaging the Shah's regime. Meanwhile, one imprisoned member who was not executed by the government enforcers, but rather remained captive until the final days of the Shah's rule, was a young Massoud Rajavi. Inside prison he built an organizational structure and a large membership anchored on original MEK concepts and independent of Marxist influence.

In November of 1976, the strength of the Marxist MEK was shaken when they lost a major gun battle with Iranian police. In January of 1979, ten days before Ayatollah Khomeini returned to Iran from exile in Paris, Rajavi was released from prison. As he worked to rebuild the MEK, most of the subordinate leadership he selected also came from Qasr Prison. By then, the Marxist element had abandoned any claim to the MEK name and renamed themselves “Paykar” (Struggle). Paykar has long been defunct.

The best analysis to this situation was provided by former Undersecretary of State George Ball in his August 19, 1981 *Washington Post* article. Mr. Ball stated, “...The sloppy press habit of dismissing the Mujahedeen as leftists badly confuses the problem....Its intention is to replace the current backward Islamic regime with a modernized Shiite Islam drawing its egalitarian principalities from Koranic Sources rather than Marx...”

The third issue was regarding the question by Senator Joe Manchin (D-WV) about Mr. Rajavi. I relayed what I received from Ashraf residents in 2006. However, to avoid any misunderstanding, I do not know anything about his whereabouts and since that time, I have neither questioned nor received information on this issue. I know his wife resides in France.

United States Protection and Commitment to the residents:

Senator King asked about the commitment of the United States to the residents of former Camp Ashraf and now Camp Liberty, requesting that a written statement be provided to demonstrate how and by whom the residents were declared ‘protected persons’ and who in the United States Government recognized them as such and made the commitment to protect them.

As to this request, I would like to inform the Committee that the United States military, on behalf of the U.S. Government, signed an agreement with each and every single resident of Camp Ashraf that in return for “rejecting violence” and “rejecting participation in or support for terrorism” and delivering “all military equipment and weapons” under their “control and responsibility,” they will “remain under the protection” of the U.S. forces until their final disposition. These final disposition options included, among others, voluntary return to Iran or seeking refuge outside Iraq through relevant international organizations. The protected person status under the 4th Geneva Convention was granted following the signing of this agreement.

In a letter dated July 21, 2004, Maj. General Geoffrey D. Miller, then-Deputy Commanding General of Multi-National Force-Iraq, congratulated “each individual living in Camp Ashraf on their recognition as protected persons under the Fourth Geneva Convention.” (Letter is enclosed)

I am providing the following factual narrative, which describes the timeline and a series of actions undertaken by the United States Government regarding the legal status of the MEK and the U.S. obligation and commitment to protect its members in Camp Ashraf. This narrative is based on my conversations with U.S. commanders in the Iraqi theater, public sources, and submissions by the MEK to the United States Court of Appeals for the District of Columbia, in which it explained the change of circumstances of the organization following the post-Iraq war.

In addition, I am also attaching a legal opinion on the subject by two highly acclaimed International Humanitarian Law scholars, **Prof. Marco Sassòli**, Professor of International Law and Director of the Department of International Law and International Organization at the University of Geneva, Commissioner of the International Commission of Jurists’ (ICJ), and Associate Professor at the Université du Québec à Montreal, Canada; and **Dr. Siobhán Wills**, an

expert in public international law, particularly the law of armed conflict, human rights law, and the law relevant to peacekeeping operations at University College Cork in Cork Ireland.

This legal opinion, citing various International Humanitarian Law and several articles of the Fourth Geneva Convention, makes it clear that even as of today, the United States is still legally bound to protect the residents of former Camp Ashraf and now Camp Liberty.

The Factual Narrative:

1. MEK disarms:

Before the U.S.-led invasion of Iraq, the Mujahedin-e Khalq (MEK/PMOI) declared its complete neutrality in the conflict. In a letter to the Secretary of State Colin Powell in February 2003, the MEK's umbrella group wrote that it will take no part in the war and its only aim is to struggle against the Iranian regime. In early 2003, the MEK also gave the coordinates and locations of all of its bases and centers in Baghdad to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and subsequently through members of U.S. Congress and the British Parliament to the U.S. and UK governments.

In April 2003, the MEK and the Coalition forces signed an agreement of mutual understanding and coordination. Subsequently, a further agreement to consolidate and disarm was reached in May. General Raymond T. Odierno, who had negotiated the agreement, announced it in May 2003 and characterized it not as surrender, but as "an agreement to disarm and consolidate."¹ Concerning the MEK, General Odierno added, "I would say that any organization that has given up their equipment to the Coalition is clearly cooperating with us, and I believe that should lead to a review of whether they are still a terrorist organization or not."² He noted that the MEK and the U.S. shared similar goals "in forming democracy and fighting oppression and that they had been "extremely cooperative."³

Following this agreement, the MEK handed over all its heavy, medium and small caliber weapons to the Coalition. In a statement on May 10, 2003, CENTCOM welcomed the PMOI's cooperation. It said, "V Corps has accepted the voluntary consolidation of the Mujahedin-E-Khalq's (MEK) forces, and subsequent control over those forces... The MEK forces have been abiding by the terms of this agreement and are cooperating with Coalition soldiers."⁴ In a statement a week later, CENTCOM said, "Coalition forces have consolidated 2,139 tanks, armored personnel carriers, artillery pieces, air defense artillery pieces and miscellaneous vehicles formerly in the possession of the Mujahedin-e Khalq (MEK) forces... The voluntary, peaceful resolution of this process by the MEK and the Coalition significantly contributes to the Coalition's mission to establish a safe and secure environment for the people of Iraq."⁵

In an interview with the press corps the following month, in response to a question about the status of MEK in Iraq, Gen. Odierno said, "They have been completely disarmed. We have taken all small arms and all heavy equipment. They had about 10,000 small arms, and they had about

¹ Agence France Presse, "US says Iran opposition in Iraq agrees to disarm," April 10, 2003.

² Ibid.

³ Ibid.

⁴ CENTCOM statement, "Mek Consolidating under Coalition Control," May 10, 2003.

⁵ CENTCOM statement, "Update on the Consolidation of the Mujahedin-E Khalq (MEK)," May 17, 2003.

2,200 pieces of equipment, to include about 300 tanks, about 250 armored personnel carriers and about 250 artillery pieces."⁶

2. The United States recognizes the MEK as 'protected persons' under the Fourth Geneva Convention:

Subsequent to the agreement on the voluntary handover of weapons between the MEK and the Coalition and once that process was completed, there followed an extensive investigation, including individual questioning, of each member resident at Ashraf (numbering about 3,400) by the CIA, the FBI, and the State, Defense, Justice, Homeland Security, and Treasury departments, among other agencies. Ultimately, on July 2, 2004, the US government concluded that it had "found no basis to charge members of an Iranian opposition group [MEK] in Iraq with violations of American law."⁷

That clean bill of health, together with the signing by each individual MEK member of a written agreement renouncing terrorism and rejecting violence led to the grant in July 2004 to all MEK members "protected person" status under the Fourth Geneva Convention.⁸ The New York Times wrote in this regard, "Senior American officials said extensive interviews by officials of the State Department and the Federal Bureau of Investigation had not come up with any basis to bring charges against any members of the group."⁹

By Proclamation of July 2004, the United States affirmed that it had confirmed protected person status to the individuals at Camp Ashraf under the Fourth Geneva Convention. In a letter to Ashraf residents, **Maj. Gen. Geoffrey D. Miller**, then-Deputy Commanding General of Multi-National Force-Iraq, wrote, "I am writing to congratulate each individual living in Camp Ashraf on their recognition as protected persons under the Fourth Geneva Convention... You have signed an Agreement rejecting violence and terrorism. This sends a strong signal and is a powerful first step on the road to your final individual disposition."¹⁰

The PMOI's 'protected persons' status was reiterated in a letter dated October 7, 2005 from **Major General William H. Brandenburg**, Deputy Commanding General of the Multi-National Force—Iraq, addressed to the General Secretary of the MEK, Mme. Sedigheh Hosseini, and the residents of Camp Ashraf. In his letter,¹¹ Gen. Brandenburg took note that both sides had benefited by their working together "in the spirit of common humanitarianism." General Brandenburg's meticulous listing in his letter of the rights guaranteed the MEK by the Coalition forces is a testament to the solicitude of the Coalition toward these individuals.

⁶ Defense Link, United States Department of Defense, "Maj. Gen. Odierno Video-teleconference from Baghdad," June 18, 2003.

⁷ Douglas Jehl, "U.S. Sees No Basis to Prosecute Iranian Opposition 'Terror' Group Being Held in Iraq," The New York Times, July 27, 2004. Available at: <http://www.nytimes.com/2004/07/27/world/reach-war-people-s-mujahedeen-us-sees-no-basis-prosecute-iranian-opposition.html>

⁸ US government declaration on the 'protected persons' status of the MEK, July 2, 2004.

⁹ Jehl, Op.cit.

¹⁰ Maj. Gen. Geoffrey D. Miller, Deputy Commanding General, MNF-I, letter to Ashraf residents, July 21, 2004.

¹¹ Maj. Gen. William H. Brandenburg, Deputy Commanding General, MNF-I, letter to MEK Secretary General, Ms. Sedigheh Hossein, October 7, 2005.

And in February 2006, **Maj. Gen. John Gardner**, who replaced Gen. Brandenburg, reiterated the MNF-I's "responsibilities with regard to the Geneva Convention Relative to the Treatment of Civilian Persons (GCIV), 1949."¹²

On September 4, 2008, **Gen. David Petraeus**, then-Commanding General of the Multi-National Force-Iraq, said, "the residents of Camp Ashraf, the Mujahedin-e Khalq, are in a legal status that is called "Protected Persons Status" by international law. And U.S. forces still are responsible for the security of them because of that status."¹³

International organizations have also recognized the status of the PMOI/MEK as protected persons under the Fourth Geneva Convention. The International Committee of the Red Cross (ICRC) wrote in April 2004, "The PMOI members in Iraq fall in general under the protection of the Fourth Geneva Convention."¹⁴ The ICRC reiterated its position in a subsequent letter in December 2004. It wrote, "... those persons who were protected by the Fourth Geneva Convention... remain protected by the Fourth Geneva Convention."¹⁵

3. Continued promise of security to the residents

The Department of State directly or by other means repeatedly reiterated its commitment to safety and security of the residents. The following are a few examples:

a) Secretary Hillary Rodham Clinton, December 25, 2011:

"We welcome the agreement by the Government of Iraq to allow the United Nations to station monitors at this new location around the clock and to observe the move from Ashraf to this new location."¹⁶ She added "In addition, officials from U.S. Embassy Baghdad will visit regularly and frequently."¹⁷

b) Ambassador Daniel Fried, "Special Briefing", December 29, 2011:

"The UN will conduct 24/7 monitoring at Camp Liberty – or former Camp Liberty."¹⁸ He also said "In addition, Embassy Baghdad will visit former Camp Liberty on a frequent basis to provide robust observation."¹⁹

c) Agreement between Department of State and MEK, August 16, 2012:

The Department of State "Commit to support safety and security of the residents until the last of the residents leaves Iraq."

d) Department of State, August 29, 2012:

"The United States also reiterates its commitment to support the safety and security of the residents throughout the process of their relocation outside of Iraq."²⁰

¹² Maj. Gen. John D. Gardner, Deputy Commanding General, MNF-I, letter to MEK Secretary General, Ms. Sedigheh Hosseini, February 6, 2006.

¹³ General David Petraeus, Commanding General, Multi-National Force-Iraq, interview, September 4, 2008.

¹⁴ Georges Comninos, Head of Operations, Middle East and North Africa, International Committee of the Red Cross, April 20, 2004.

¹⁵ Georges Comninos, Head of Operations, Middle East and North Africa, International Committee of the Red Cross, December 16, 2004.

¹⁶ <http://www.state.gov/secretary/rm/2011/12/179695.htm>

¹⁷ <http://www.state.gov/secretary/rm/2011/12/179695.htm>

¹⁸ <http://www.state.gov/r/pa/prs/ps/2011/12/179792.htm>

¹⁹ <http://www.state.gov/r/pa/prs/ps/2011/12/179792.htm>

²⁰ <http://www.state.gov/r/pa/prs/ps/2012/08/197002.htm>

e) Further assurances, September 1, 2012

Following discussing with State Department officials in a letter addressed to Mrs. Rajavi, Secretary Tom Ridge, Governor Ed Rendell and Senator Robert Torricelli wrote:
"Department officials also stressed their commitment for the safety and security of all residents throughout the process of their relocation outside Iraq."(The letter is attached).

f) Agreement on 100 residents remaining at Ashraf as custodians of the residents' property, August 16, 2012:

The August 16, 2012, agreement between Department of State and PMOI recognizes the right of the residents to "keeping an agreed number of residents at Ashraf to oversee the sale of the residents' possessions." This was the foundation of the quadripartite agreement also including UN and GoI for the relocation of the residents to Liberty. Accordingly, all agreed that 100 could stay in Ashraf, without a time limit, until the property issue was resolved.

United Nations Secretary General's Special Representative to Iraq, Amb. Martin Kobler, reiterated this point in the "Final arrangement for the relocation of Camp Ashraf residents" on September 6, 2012: "The GOI should provide protection for the property and remaining residents in CNI [Camp Ashraf] and their until the issue of property is resettled completely."

Secretary Clinton's Special Advisor on Ashraf Amb. Fried wrote on September 6, 2012: "...100 residual group without time limit remains as guardian of the property [at Camp Ashraf]. GOI also must provide protection for property." Ambassador Fried was asked "whether there was a deadline for the last group of 100 to leave, he said there was 'no time limit'."²¹ (AFP, October 3, 2012).

Despite such agreement on September 1, 2013, Camp Ashraf was attacked and 52 residents were massacred, execution-style.²²

g) Under Secretary of State for Political Affairs Wendy Sherman, Senate Foreign Relations Hearing, October 3, 2013:

"We quite agree that we need to do anything we can to resettle the people [in Camp Liberty], to get them out of the harm's way, to make good on the word we gave to the MEK. I know there are strong feelings up here and I understand why."²³

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Colonel (Retired), U.S. Army Military Police;
Former Anti-Terrorism/Force Protection OIC, for Coalition Forces-Iraq;
Former Senior Operations Officer, Task Force 134 (Detention Operations), Multi-National Forces-Iraq
Former Commander- Camp Ashraf, Iraq

²¹ Agence France Presse, October 3, 2012.

²² Ernesto Londoño, "At least 52 Iranian exiles executed in Iraqi camp, U.N. says," The Washington Post, September 4, 2013. Available at: https://www.washingtonpost.com/world/national-security/at-least-52-iranian-exiles-executed-in-iraqi-camp-un-says/2013/09/03/4eab81fa-14e5-11e3-a100-66fa8fd9a50c_story.html

²³ Available at: <http://www.foreign.senate.gov/hearings/reversing-irans-nuclear-program>