

PolicyWatch #1394

Increasing Pressure on Iranian Opposition in Iraq

By [Raymond Tanter](#)

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Throughout summer 2008, Iraqi politicians tied to Tehran have put increasing political pressure on the U.S. government to allow Baghdad to control Camp Ashraf, the base housing Iran's main opposition -- the Mujahedin e Khalq (MEK). Options regarding Iraqi-based MEK members are limited, but include the following: sending them to the United States; allowing them to stay in Iraq under Iraqi control; dispersing them to surrounding countries, including Iran; or maintaining the status quo with the continued protection of the U.S. military. Since each option is problematic, finding a solution is neither easy nor simple.

Escalating Pressure

On July 4, 2008, Iran's *Fars News Agency* reported that Abdul Aziz al-Hakim, head of the Supreme Islamic Iraqi Council, called for MEK's expulsion from Iraq, adding that the group "instigates tribal conflicts, interferes in the internal affairs of Iraq, and creates hostility between the parliament and government of Iraq and the Iraqi electorate." On July 8, Iraqi government spokesman Abbas Bayati told *al-Zaman*: "The presence of the Mujahedin Organization in Iraq is illegal. We will ask the United States to put Camp Ashraf, the [MEK's] bastion, under the control of the Iraqi government."

On July 9, an English language agency of the Iranian regime, *Press TV*, reported, "Iraqi foreign minister Hoshyar Zebari has declared the imminent expulsion of members of Mujahedin-e Khalq from Iraq." And on July 10, Iran's ambassador to Iraq, Hassan Kezemi-Qomi, told *Press TV* that "an Iraqi committee has been formed to expel the . . . [MEK] from the country."

International Law

International humanitarian law is vital to the MEK issue, especially if the group's adversaries succeed in their efforts. Coalition forces recognize the residents of Ashraf as "protected persons" under the Fourth Geneva Convention, as does the International Committee of the Red Cross (ICRC). In 2004, the ICRC reiterated its position in a letter stating: "Those persons who are protected under the Fourth Geneva Convention remain protected by the Fourth Geneva Convention."

And in March 2007, the ICRC reminded relevant authorities "of their obligations to act in accordance with the principle of non-refoulement [a term in international law that concerns the protection of refugees dispersed to countries where they would face persecution] when transferring persons to another state or authority." This statement is an acknowledgment of the nontransferable status of the protection of Ashraf under the present circumstances.

During the same year, the office of the UN High Commissioner for Refugees (UNHCR) reiterated its position that "bodies of international law, particularly international humanitarian law and human rights law, have positive relevance to the Ashraf situation and could confer protections on individuals who fear serious risks if returned to their country of origin." As such, UNHCR cautioned Iraqi authorities and the coalition "to refrain from any action that could endanger the life or security of these individuals, such as their forcible deportation

from Iraq or their forced displacement inside Iraq."

In February 2006, Maj. Gen. John D. Gardner, the coalition's deputy commanding general, reiterated the protected-persons status of the people of Ashraf. He acknowledged coalition responsibilities regarding the Geneva Convention relative to the treatment of civilians, stating, "The coalition remains deeply committed to the security and rights of the protected people of Ashraf and the principle of non-refoulement."

Problematic Options

Assuming a transfer of MEK members were possible, many questions remain regarding their destination. There are many reasons why it would be difficult for the European and U.S. governments, or Iraq's Kurdish regional bloc, to accept the MEK en masse to their territories.

Moving the group's members to the United States, for instance, is currently impossible because of MEK's status as a foreign terrorist organization. This status could change, however, if the designation is lifted in October 2008 when the Department of State performs a regular review process. This appears to be a viable possibility given recent developments in the United Kingdom, where the British government was forced to remove the group from its terrorist list after an independent judicial commission -- one ratified by a British appeals court -- determined that such a designation was no longer appropriate.

If Ashraf's security responsibilities were transferred to Iraqi security forces, as demanded by the Iranian regime, it would be a flagrant violation of international laws and conventions. Since it is widely reported that the Iranian regime has infiltrated Iraqi military and security forces, and wields significant influence within the government, such a move would certainly invite a humanitarian catastrophe. No U.S. president would want to leave such a legacy.

Moreover, dispersing the MEK, in addition to being illegal, is likely to decrease the international community's leverage over the Iranian regime. Because the regime pays more attention to the opposition in Iraq than all other opposition groups combined, a case could be made to rely on the MEK as leverage to encourage Tehran to give up its quest for nuclear weapons capability.

Conclusion

If MEK members remain in Iraq under the protection of U.S. forces, such an arrangement should be explicit in agreements negotiated between Iraq and the United States. Given that military components of the Iraqi government cannot be trusted to provide security for Ashraf and guarantee protected persons status conferred under the Fourth Geneva Convention, transfer to Iraqi control would risk a humanitarian disaster.

The argument for protecting the human rights of MEK members need not be based on a favorable view of the organization. One need not accept or reject the claim by some that the group provides useful intelligence, or that it is an important means to unsettle Tehran.

It would be especially unfortunate if the treatment of the MEK was harsher because of a desire to secure concessions from Tehran on the nuclear impasse. Not only is it inappropriate to abandon the principles of human rights for concessionary purposes, but such an approach would be counterproductive on the nuclear front. This strategy would show Iran that its nuclear program has won it leverage on unconnected issues -- thus reducing Iran's incentive to abandon its program -- and it would destroy what is arguably Tehran's main opposition.

Raymond Tanter, a visiting professor of government at Georgetown University, is an adjunct scholar at The Washington Institute, researching U.S. policy options toward Iran.

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