

URGENT ACTION

DETAINEES HELD INCOMMUNICADO RISK TORTURE

Thirty-six Iranian men who were arrested from Camp Ashraf in July, have been transferred from a police station to a military airbase in Baghdad. Fears for their safety remain as they are now detained incommunicado and are at risk of torture or other ill-treatment. By continuing to detain them the Iraqi authorities are contravening a judicial order calling for their release.

On 1 October, 36 Iranian detainees were transferred from a police station in the town of al-Khalis, in Diyala province, north of the Iraqi capital Baghdad, to the Muthanna military airbase in Baghdad where they are being held incommunicado. The detainees were arrested on 28-29 July 2009, when Iraqi security forces used force to take control of Camp Ashraf, in Diyala province, where 3,400 members of the People's Mojahedeen Organization of Iran (PMOI), an Iranian opposition group, have resided since the mid-1980s. The detainees are in poor health and have been on hunger strike since their arrest.

The transfer of the detainees from al-Khalis to Baghdad took place despite an investigative judge in al-Khalis ruling on three separate occasions that they had no charges to answer and ordered their release. The police at al-Khalis, however, refused to release them without providing any legal justification for their continuing detention. They were eventually transferred using force by the Iraqi military.

PLEASE WRITE IMMEDIATELY in English, Arabic or your own language:

- Urge the authorities to release the 36 Iranian detainees following repeated rulings from the investigative judge that they have no charges to answer;
- demand that the authorities protect the detainees from torture or other ill-treatment while they remain held incommunicado and ensure they are provided with any medical treatment they may require;
- calling on the authorities not to forcibly return to Iran these 36 or any other Camp Ashraf residents who would be at risk of torture and other serious human rights violations there.

PLEASE SEND APPEALS BY 17 NOVEMBER 2009; via the e-mail addresses below, when available, as well as via the Iraqi embassy or diplomatic representative in your country, asking them to forward your appeals to

Prime Minister

Nuri Kamil al-Maliki

Email: admin@cabinet.iq

Salutation: Your Excellency

Minister of Defence

General 'Abdul Qadir Jasim al-'Ubaidi

Salutation: Your Excellency

And copies to:

Minister of Human Rights

Wajdan Mikhail Salam

Email: minister@humanrights.gov.iq

Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country. (Please note that e-mail addresses for Iraqi authorities can be changed at any time). Please check with your section office if sending appeals after the above date. This is the first update of UA: 212/09 (MDE 14/026/2009) 7 August 2009. Further information: www.amnesty.org/en/library/info/MDE14/026/2009/en

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ADDITIONAL INFORMATION

Following their arrest on 28-29 July, the 36 detainees were first held for an hour in or near to Camp Ashraf and are reported to have been tortured and beaten, before being transferred to a police station in the town of al-Khalis, about 25 km south of Camp Ashraf.

The PMOI is a political organization that opposed and fought against governments appointed by the last Shah of Iran, and in 1979 took part in the fighting in Iran that became known as the Islamic Revolution, which ended in the creation of Iran's present system of government

Former Iraqi President Saddam Hussein invited the PMOI to establish itself in Iraq in 1986 during the Iran-Iraq war (1980-88) war, and afforded the PMOI his protection. In 1988, from their base at Camp Ashraf, the PMOI attempted to invade Iran. The Iranian authorities summarily executed hundreds, if not thousands, of PMOI detainees in an event known in Iran as the "prison massacres".

Following the US-led invasion of Iraq in 2003, the PMOI members disarmed and were accorded "protected persons" status under the Fourth Geneva Convention. However, this lapsed in 2009, when the Iraqi government started to exercise control of Iraq's internal affairs as stipulated for by the Status of Forces Agreement (SOFA), a security agreement between Iraq and the US signed in November 2008 and which entered into force on 1 January this year.

US forces in Iraq provided effective protection for Camp Ashraf until mid-2009, after which they completed their withdrawal to their bases from all Iraqi towns and cities.

After they disarmed, the PMOI announced that they had renounced violence. There is no evidence that the PMOI has continued to engage in armed opposition to the Iranian government, though people associated with the PMOI still face human rights violations in Iran.

Since mid-2008 the Iraqi government has repeatedly indicated that it wants to close Camp Ashraf, and that residents should leave Iraq or face being forcibly expelled from the country.

At least nine Camp Ashraf residents were killed and many more injured when Iraqi security forces stormed the camp on 28-29 July 2009. Iraqi government spokesperson, Ali al-Dabbagh, acknowledged that seven Camp Ashraf residents were killed but claimed that "five of them threw themselves in front of Iraqi police vehicles" and two others were shot by other camp residents when they sought to leave. However, camp residents have strongly refuted this, asserting that those shot were killed by Iraqi security forces, and video footage seen by Amnesty International indicates that other deaths and injuries were caused by Iraqi forces driving vehicles into protesting residents of the camp.

Further information on UA: 212/09 Index: MDE 14/032/2009 Issue Date: 06 October 2009

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