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MASSACRE AT CAMP ASHRAF: IMPLICATIONS FOR U.S. POLICY

HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

OF THE

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MASSACRE AT CAMP ASHRAF: IMPLICATIONS FOR U.S. POLICY

THURSDAY, JULY 7, 2011

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 3:22 p.m., in room 2172, Rayburn House Office Building, Hon. Dana Rohrabacher (chairman of the subcommittee) presiding.

Mr. ROHRABACHER. I call this hearing of the Oversight and Investigations Subcommittee of the House Foreign Affairs Committee to order.

I will be having opening remarks. We will then have short opening remarks from members of the committee, and then we will go to our panel of witnesses.

I am Congressman Dana Rohrabacher. I welcome you to this hearing.

As we move from the briefing on the April attack, it should be noted that Camp Ashraf has for more than 20 years been the home of 3,400 members of the Mujahedin-e-Khalq (MEK), a key opposition group working against the radical Islamic Iranian dictatorship. Re that, the 3,400 residents of Camp Ashraf are declared enemies of the Mullah dictatorship in Iran, which is a very significant fact to keep in mind when paying attention to try to figure out what is going on.

Camp Ashraf residents were promised protection under the Fourth Geneva Convention by senior U.S. commanders in the aftermath of the liberation of Iraq as we kicked out Saddam Hussein. Sovereignty was turned over to the Baghdad government in 2004 and, with it, the transfer of responsibility for Camp Ashraf.

When our congressional delegation discussed the situation with Iraq's Prime Minister Maliki in Baghdad last month, his authority to govern and the sovereignty of the people of Iraq over their territory was not an issue. We in no way quarreled with that. How the Iraqi Government exercises its authority, however, is a matter of grave concern. The use of excessive force—murder, massacres, and other such tactics is illegitimate on the face of it.

What happened on April 8 was an excessive use of force. It was an illegitimate use of power on its face. Using troops and armored vehicles against unarmed civilians conjures up memories of Tiananmen Square in Communist China, not the kind of democratic rule that Americans have fought so long and hard, that we have dedicated such of our own blood and treasure to try to create

a more democratic society. It certainly isn't reflected in what happened at Camp Ashraf on April 8.

The wholesale murder of unarmed refugees simply cannot be ignored.

After the attack, the State Department asserted that the "crisis and loss of life was initiated by the Government of Iraq and the Iraqi military." But what about before the attack? Was the U.S. Embassy or the commander of U.S. forces in Iraq notified of the Iraqi military build-up outside the camp or of their intentions? Was the Iraqi Government contacted? Did they contact us? If so, what was the response? What response did we give them? And what was the Iraqi response if we questioned them? Why was a United States unit, deployed at Camp Ashraf, ordered away just hours before the attack?

We would like to ask the State Department these questions. We would like them to have had a witness here, an official that could have talked to us about this and been on the record in answering these important questions. But we were told that no one was available to testify today at this hearing. How convenient.

This stonewalling can only go so far before it becomes a cover-up. And, yes, illegalities not just of the Iraqi military who murdered civilians, who committed a massacre, but of the acquiescence by the United States and the United States officials in this crime are part of the story. Covering up wrongdoing is itself illegal.

A second issue of concern is whether the Maliki government acted in concert with the Iranian dictatorship. Prime Minister Maliki's political party is based on support from the Shiite community of Iraq; and, of course, the Shiite community of Iraq has, in some kind, a mutual relationship with the Shiite Mullah dictatorship in Tehran. Maliki's majority in the Parliament depends on the political block that is controlled by Mr. Al-Sadr, an open agent of Tehran and whose Mahdi militia has often clashed with U.S. forces.

Is the Camp Ashraf massacre a signal of even a larger problem? Is this something that has resulted in the fact that we are seeing a willingness on the part of the Government of Iraq, of Prime Minister Maliki and his majority, to do the bidding of the Mullah dictatorship next door?

Well, if something like that is happening and this is the reason why Iraqi military forces felt compelled to go into Camp Ashraf and massacre its residents, maybe this calls into question the entire purpose of America's involvement in Iraq to begin with. Has America spent its blood and treasure only to allow a government to come to power in Baghdad that is a puppet of the Iranian Mullah dictatorship?

In 1997, Iran and the State Department persuaded the Clinton administration to put the MEK on the foreign terrorist organization list. This naive gesture was supposed to improve relations, but we know that relations did not improve with Tehran because Tehran continued to support violence and terrorism across the region and crush dissidents at home and develop nuclear weapons.

So certainly putting the people of Camp Ashraf on the terrorist list certainly didn't do any good, even if it was dishonest in its intent to begin with. The MEK, however, remains on the terrorist

list, even though it is clear the Mullahs didn't start coming around and becoming more, how you say, acceptable in their behavior.

The United Kingdom and the European Union have removed the MEK from the terrorist list. So we should quit playing games and also remove the MEK from the terrorist list before it results in another massacre, which is one thing that needs to be answered: Did the fact that the United States Government maintain the MEK on a terrorist list in any way contribute to the string of decisions that led to the massacre of 34 innocent people as well as the wounding of hundreds more?

Now we have much to learn today. What really happened on April 8th? Can we continue to protect Camp Ashraf? What is the solution? Should the residents be relocated to safe areas outside of Iraq? What is the solution?

That is an interesting question for us to talk about today as well. I would be interested in hearing suggestions from the panel that we are about to hear from.

And one last point before we turn it over to Congressman Carnahan for his opening statement.

I believe I read in a paper that 34 people were killed just a day or two ago from bombs that went off in Iraq. And it is very easy to think that those 34 people—well, people are still being killed. Why are we concerned about Camp Ashraf when you have other people being killed in these terrorist attacks?

Well, let me note, it is not equal when a terrorist plants a bomb and kills innocent people. It is not equal to when a government, exercising its sovereign authority, decides in a willful way to massacre people and kill them, even though the numbers are the same. A government is expected to be responsible and to act legally and lawfully. A terrorist group, you will expect them to be the dregs of society and of the Earth.

Let us hope that the Maliki government understands that there is a difference between terrorist activities which are unacceptable and the activities of this government which are totally inconsistent with law and civilization. So for government troops to be openly killing people, as we just saw, is unacceptable anywhere in the civilized world, and that is a lot different than a terrorist attack. So we have a moral obligation today as people to call people to task and to find out exactly what happened.

Mr. Carnahan, do you have an opening statement?

Mr. CARNAHAN. Yes, I do; and I want to thank you, Mr. Chairman, for this hearing today and for shining a bright light on this issue, also for leading our delegation recently to Iraq to meet with Prime Minister Maliki and officials there as well as our own U.S. Government officials to really help get to the bottom of this issue. Thank you.

Mr. ROHRABACHER. Thank you very much.

I would ask Congressman Poe to take over the chair. I have been called to the floor. I have an amendment on the floor that I have to take care of. I will be returning very shortly as soon as we do business.

Mr. Poe, could you take over the chair? And I am sure you have an opening statement as well.

Mr. CARNAHAN. Thank you again, Mr. Chairman; and I also want to recognize my colleague, Mr. Poe from Texas, who is also in our delegation, for his commitment on this issue as well.

In light of recent events, our trip to Iraq and the scheduled departure of U.S. military this December, this hearing is especially timely for us to assess not only the humanitarian situation at Camp Ashraf but also to consider the broader issues of U.S.-Iraq policy.

I would also like to note that several Missourians are here today, including Mrs. Azam Shahriary—we are happy to have you here—whose son is currently at Camp Ashraf. I want to thank you all for being here and for your insight on these issues.

The history of MEK and Camp Ashraf is one that dates back several decades. During our trip to Iraq last month, we met with numerous people regarding the slaughter at Camp Ashraf on April 8. Not surprisingly, we heard a lot of different and conflicting stories. What is not in dispute is that over 30 Camp Ashraf residents were killed, over 300 wounded by Iraqi security forces.

These killings have been widely condemned, and I concur. In the week following the killings, the U.N. High Commissioner for Human Rights called for "a full, independent, and transparent inquiry" and further added "any person found responsible for the use of excessive force should be prosecuted." Again, I concur. A full, fair, and independent investigation will provide for the best means of finding a final determination of what happened and will allow anyone found responsible to be brought to justice and help prevent future attacks. I look forward to hearing the insights of the witnesses here today regarding the human rights abuses but also how we protect from future abuses.

In 2003, the residents of Camp Ashraf had protected status under the Geneva Convention; and pursuant to the statuses of forces agreement between the U.S. and Iraqi Governments, jurisdiction of the camp has been under Iraqi jurisdiction since 2009. With the draw-down of U.S. forces in Iraq, I believe that the U.N. or another independent body be given access to the camp to assess the humanitarian situation there.

I would also like to have the panel address the issues with regard to relocation of the residents. Is that an option or is it not? And also to look at the broader implications to U.S. policy as we shift from military to a State Department-led effort, focusing on diplomacy and development.

With that, I am going to submit the balance of my opening for the record so we can shift our time for the witnesses.

Mr. Chairman, I yield back.

Mr. POE [presiding]. I appreciate the ranking member's comments.

Likewise, I was with Chairman Rohrabacher and the ranking member on our trip to Iraq on June 11. We did visit with Maliki, discussed many issues with him, and one of those issues was we wanted to go to Camp Ashraf and get the residents' side of what happened to them and the camp in April.

After almost 2 hours of talking and a lot of talk—as the statement has sometimes been said, when all is said and done, more is said than done—we were not allowed to go to Camp Ashraf. He

was adamant about that, and we respected his decision since he was in charge of the nation.

But my question then and now is still the same: Why not? What did Maliki have to hide? If he was right about his position—and he articulated his position I thought quite well—why couldn't he be open-minded enough to let us get the viewpoint from the residents that live in Camp Ashraf? And he denied us that access to those people. So, it seems to me, he had plenty to hide, is the reason we weren't allowed to go to Camp Ashraf and hear from the residents.

When the Iraqi soldiers stormed Camp Ashraf on April 8, fired at the residents, and ran them over with American Humvees, 36 were killed, including women and children. It was a human rights atrocity. And the U.S., with thousands of troops still fighting for peace in Iraq, has done little more than issue just a statement, has not conducted its own investigation, hasn't asked the U.N. to investigate, and there is no point in the Iraqi Government investigating the attack because they are the ones who ordered the attack. They certainly are going to find no fault with the action of their own military.

A week after the attack, a letter with 18 Members of the House to Secretary Clinton and Secretary Gates asked them to shed some light on this violent attack. It is now July. To date, there is blissful silence from the administration and have given us no answer for this inhumane attack of Iraq on the people of Iraq. I guess they are too busy bombing Libya in the name of humanity to get back with us.

Instead, the administration has proposed a new relocation plan for the camp. They want to move the camp to some other location within Iraq. This is the same plan the Iranians themselves proposed years ago.

We have heard how dangerous this would be to the residents of the camp. In May, I sent a letter to Secretary Clinton opposing this misguided plan. Camp Ashraf is recognized around the world as a refuge for those who oppose the Iranian regime; and if we move it within Iraq, they will lose that public recognition, while leaving residents under the same control of the army.

There is something directly under our control that we can do, and that is we can take the MEK off the foreign terrorist organization list. One of the obstacles in moving Camp Ashraf to a peaceful third country is that they are still designated as terrorists by the United States.

I have introduced bipartisan legislation, H.Res. 60, that urges the Secretary of State to take the MEK off the foreign terrorist organization list. I have seen and been in all the classified briefings that I know of regarding the MEK, and I am not convinced that they should remain on the list.

The State Department has not made their case to keep them on the list. Therefore, they should be removed. The MEK should not be used as a political tool to appease any dictators in the world. Eighty-three of my colleagues agree with me.

As a Nation, we promised to protect these Iranian individuals. No matter what we think of the MEK, we should all agree that no group, especially one that has given up terrorism and given up all

of its weapons, deserves to have its human rights trampled on by Iraq or Iran or anyone else.

We have given Iraq a democracy and freedom. It is time they start acting like they deserve it and provide safety for Camp Ashraf residents and the MEK.

And I will yield to the gentleman, Mr. Filner, for his opening statement.

Mr. FILNER. Thank you, Mr. Chairman.

I would like a unanimous consent agreement that I be allowed to officially sit here as a member of the committee.

Mr. POE. Without objection.

Mr. FILNER. Thank you, Mr. Chairman.

I appreciate your courage and activism on this issue, also.

I was reading the testimony, Mr. Chairman, of our panelists in advance, just to be prepared. I noticed one of the panelists spends his whole time discrediting or trying to discredit the MEK, almost as if to justify the massacre that occurred at Camp Ashraf. I wish he had spent as much time undermining the regime of Iran. We would be better off.

I don't know about you, Mr. Chairman, but I have tried to look at the resistance going on inside Iran—and the MEK, and its leader, has come up with, it seems to me, the one legitimate policy that is best for us as Americans. They call it the "third way." That means we do not invade Iran, but we do not appease the existing Mullahs. We get out of the way and let the internal resistance do what it can and should and wants to. The listing of the MEK as a terrorist organization is getting in the way. So we ought to delist. And there are lots of reasons, as you pointed out, why we should.

I was recently at a rally in Paris and Judge Mukasey was there—where the first Homeland Security secretary unequivocally said that the MEK is not a terrorist organization. Nothing crossed his desk as the Secretary of Homeland Security that indicated that in the years that he was in that position. So I think we ought to look seriously at this. And, besides, it is not even an issue. It should be for us whether, whatever the ideology is—and we can talk about that. There was a massacre. We should have prevented it. We have a legal obligation to have prevented it. We should have done it. We should do it in the future. I can't worry about ideology when there are human rights violations going on, although I think it is a, if I may say, a red herring.

So I appreciate your efforts, Mr. Rohrabacher's efforts, Mr. Carnahan's efforts to make America more aware of this. This is going to hit us, Mr. Poe—I think you know—as the American pullout occurs of Iraq, after all our treasure of money and men and women who have died and been injured there, do we want the Iranians to take over? And yet that is a potential. Ashraf is a symbol of what I think we need to prevent. After all this intervention in Iraq in the decade, the Iranians come in. The MEK favors a nonnuclear, democratic, secular regime. I think that is something we can all agree to. I look forward to the testimony.

Thank you, Mr. Poe.

Mr. POE. Does the gentlelady from Texas have a brief opening statement?

Ms. JACKSON LEE. Thank you very much, Mr. Chairman, and thank you for your courtesy.

Let me acknowledge the witnesses, and I get a special opportunity to acknowledge General Mukasey. We were together before, and I didn't have the opportunity to do so.

I do want to acknowledge as well, Mr. Chairman, receiving a letter to my letter that I had written regarding the involvement of the United States in this effort to resolve this terrible crisis, and I do think it should be acknowledged. And that is a letter from Joseph McManus, who wrote on behalf of the State Department of the United States interests.

So let me just say that nowhere should we tolerate the heinousness of the attack on the residents of Camp Ashraf; and no matter how deep the friendship is or the recovering history of Iraq, it should not be tolerated. And, as well, we should not allow Iran to dominate and to violently infuse into the response to Camp Ashraf actions that they would carry out themselves. And if the actions were carried out by the military in Iraq, they are as culpable as those who have either instructed or created the atmosphere.

So I hope, as we find a solution, that it will be a solution where we demand of the head of Government of Iraq to cease and desist and to collaborate and cooperate a safe passage for those in the camp, medical care. And the extreme violation of human rights, civil rights should be completely denounced.

But, more importantly, the world organizations, including the United Nations, should immediately denounce this behavior; and Iraq should pay a penalty in the world forum for the treatment not only of those in Camp Ashraf but the many citizens of their own who are in diverse backgrounds.

So I thank you for holding this hearing, Mr. Chairman. It is frustrating to come back time after time with continuous violence and no response by Iraq.

And I hope if the Ambassador of Iraq—I don't see that person as a witness on this august body—but if the Ambassador of Iraq can hear my voice, he needs to come to Congress. He owes this Congress an apology. He owes this country an explanation as to why he is, in essence, violating the civil rights of a minority group in his country when we fought and shed blood so that Iraqis might live free. He owes both an apology to the people in Camp Ashraf, to the people of Iraq who will suffer as well because they are diverse, and he owes an apology and explanation to the world family and particularly the United States of America for the treasure that we lost, attempting to provide democracy there.

I yield back, Mr. Chairman.

Mr. POE. I will introduce the panel members.

I do want to introduce and recognize the numerous families of residents who are in Camp Ashraf who are here. There are a lot from my home State of Texas. I am glad to have those individuals here.

Michael Mukasey served as Attorney General of the United States from 2007 to 2009. Prior to joining the George Bush administration, he had served for 18 years as a Federal judge. He was appointed to the U.S. District Court by Ronald Reagan in 1988, served there until 2006, and is a graduate of Columbia University

and Yale Law School. He worked as an Assistant United States Attorney in New York from 1972 through 1996, serving as chief of the district's official corruption unit from '75 through '76.

Judge, we welcome you today.

Retired Army Colonel Wes Martin is our second panelist. He retired from active duty in 2010. In combat, he served as the senior antiterrorism force protection officer for all coalition forces in Iraq during Operation Iraqi Freedom I and II, as J–3 operations officer for Task Force 134, which was detention operations, and as commander of Forward Operation Base Ashraf. He then served three tours in the Pentagon. He holds two master's degrees and is currently a member of the technical staff at the Department of Energy Sandia National Laboratories.

Our third panelist is Dr. Gary Morsch. He is the founder and president of Heart to Heart International, a global humanitarian organization. Dr. Morsch continues to practice family and emergency medicine and does it through Docs Who Care, a medical staffing company he founded. Dr. Morsch is a member of Army Reserve with the rank of colonel and has been deployed to Kosovo and to Germany as well as to Iraq where he ran a hospital at Camp Ashraf.

Dr. Ray Takeyh is a Senior Fellow for Middle Eastern Studies at the Council on Foreign Relations, adjunct professor for the Center for Peace and Security Studies at Georgetown University. He has a Ph.D. From Oxford University and has served as special advisor for the Gulf and Southwest Asia at the U.S. Department of State. He is also the author of the Guardians of the Revolution, Iran's approach to the world, which was published in 2009 by Oxford University Press.

Thank you, gentlemen, for being here today.

Judge Mukasey, we will hear from you first. There is a 5-minute time limit on each of your comments. So if you want to go longer than that, you can submit it to the record.

So, first, Judge Mukasey.

STATEMENT OF THE HONORABLE MICHAEL MUKASEY (FORMER ATTORNEY GENERAL OF THE UNITED STATES)

Mr. MUKASEY. Thank you.

I want to thank the chairman, Ranking Member Carnahan, Judge Poe, Representative Filner, and Representative Jackson Lee for allowing me to testify at this important hearing on the events in Camp Ashraf in April of this year that involved the murder of some 36 innocents by Iraqi forces using weapons and vehicles that were actually supplied to them by the United States.

I have submitted seven pages of written testimony, making several recommendations of what I would hope this committee would do and could do to try to determine how this massacre came to be and what can be done to prevent conditions at Ashraf from deteriorating even further, and I thank the subcommittee for making those a part of the record. But I know that the chair of this committee and others have had direct experience with the Iraqi Government insofar as Ashraf is concerned and know a great deal more about that subject than I do. So I want to focus my oral testimony today on what the United States has done in the past, some

of which has helped but some of which has hurt, and what it can do in the future to prevent people from being murdered.

Because, make no mistake about it, what we are talking about here literally is a matter of life and death. Back in 2003 when the multinational force went into Iraq, the residents of Ashraf surrendered the weapons they could have used to defend themselves and put themselves in the hands of the multinational force and principally the hands of American forces. They received a written guarantee from an American general that I attached to my written testimony that they would be treated as protected persons under the Fourth Geneva Convention.

In 2009, General Petraeus signed off on the Iraqi Government's assumption of control over the entirety of the country, including the vicinity of Ashraf, only after he got written and oral assurances that the people living in Ashraf would be protected by Iraqi forces. And, as we know, those assurances have been violated repeatedly, with the results that we have seen here today.

I should mention that at both times, both in July 2009 and in April 2011, when these attacks took place, our Secretary of Defense was in country. It would be hard to imagine a more calculated slap at this country than that.

And when you think about the terrible price that we have paid to liberate Iraq, the lengths to which we have gone to oppose the Iranian Government, when you think of the opposition to the Iranian Government in the Gulf and elsewhere and the strategic defeat that Iran suffered when it overreached in Bahrain, you wonder what has made Iran and Iraq so bold as to act in this way.

Well, I would suggest to you that what enables them and what emboldens them is, as the chairman suggested, that the United States and particularly the State Department has kept the MEK on a list of foreign terrorist organizations, something the European Union and the U.K. have long since stopped doing, and thereby legitimized the behavior of both Iraq and Iran.

The State Department seems infected with the idea that it must not do anything that might displease the Iranians, even when doing so in fact would give the United States more leverage against the Iranians, not less. So we have the spectacle last week of the United States diplomat, our Ambassador to Iraq, saying in one breath that Iran is, in fact, sending IEDs into Iraq that are used to kill Americans but saying in the next breath that MEK members should agree to disband in order to facilitate the resettlement of the residents of Ashraf. In other words, he is saying that a principled, organized group that defines itself in large measure by opposition to the tyrannical regime in Iran should cease to be a group and should give up its identity in the ridiculous hope that when the Iranians and the Iraqis can pick them off one at a time that they will somehow be safer and not less safe when that happens.

The MEK, as many of you know, went to court to get this unjustified designation removed. The DC Circuit Court of Appeals told the State Department that they had not presented evidence that MEK has committed violence in the last 10 years or has the ability or the inclination to do so now, and it directed the State Department in September 2010 to review and to reconsider that designation. That was almost a year ago, and all the State Depart-

ment has done in that time is to come forward with documents that do not deal with any issue relevant to the designation and to ask MEK questions which it has answered that are not relevant to the designation.

It is long since time for the State Department to stop this policy of delay which simply emboldens murderers. I urge the committee to hold a hearing at which the State Department is required to justify its policy or to change it and at which this committee inquires also into what our Government is doing to enforce the Leahy amendment that bars both military and civilian aid from this country to military units like the Iraqi units that murdered Ashraf residents. If you ask tough questions, perhaps we will get answers that we and the residents of Ashraf can live with.

I thank you very much for your attention and for hearing me.

[The prepared statement of Mr. Mukasey follows:]

Testimony of Michael B. Mukasey Before the House Committee on Foreign Affairs

– Subcommittee on Oversight and Investigations – July 7, 2011

Thank you, Chairman Rohrabacher, and members of the Subcommittee, for inviting me to testify at this hearing into events at Camp Ashraf that resulted in the murder of some 36 innocent women and men by Iraqi forces using weapons and vehicles provided by the United States, and a condition that threatens to deteriorate further and to damage further our country's interests.

The residents of Ashraf are Iranian members of an organization called Mujahadeen e Khalq, or MEK, that opposes the current tyrannical regime in Iran. At the time United States troops entered Iraq in 2003, the residents of Ashraf agreed to give up the weapons they had used to defend themselves and surrendered to American troops. They were assured in a letter from General Geoffrey D. Miller, Deputy Commanding General of the Multi-National Force, in July 2004 that I am submitting with this testimony, that they would be treated as protected persons under the Fourth Geneva Convention after each of them signed an agreement renouncing violence.

That solemn assurance was adhered to until 2009, when the United States surrendered sovereignty over the area in which Camp Ashraf is located to the Iraqi government. General David Petraeus has said that he agreed to permit Iraqi security forces to assume control only after receiving explicit and written assurance from the Iraqi government that the protected status of Ashraf residents would be scrupulously observed. In the time since that assurance was given, it has been repeatedly violated. Iranian agents and Iraqi military forces have harassed Ashraf residents and have set up about 300 loud-speakers on the outskirts of the camp to blare deafening and abusive messages 24 hours a day. In July 2009 and in April 2011 Iraqi forces have invaded the camp, the last time killing some 36 innocents by shooting them and running them down with vehicles; both the weapons and the vehicles were provided by the United States for use by Iraqi security forces in aid of protecting that country. Both of these outrages occurred at precisely the time that the U.S. Secretary of Defense, Robert Gates, was present in Iraq – a circumstance that obviously was calculated as an embarrassing slap in the face of this country. These acts were perpetrated at the direction of those in the Iraqi government, probably including Prime Minister Maliki himself, who favor accommodation with the mullahs in Tehran and are in the process of turning Iraq into a satellite of Iran.

And what has been the reaction of the United States? Regrettably, it has been to take steps that can only result in encouraging the Iranian mullahs and injuring the MEK, which is a principal organized force opposing the regime in Tehran and which has provided in the past valuable intelligence to the United States about Iran's clandestine atomic weapons program.

As members of the Subcommittee may be aware, MEK has been classified by the Department of State during administrations of both parties as a foreign terrorist organization, based on acts that are alleged to have occurred at the time the Shah was in power in Iran. Although the State Department has conceded that it has no evidence of any violent act even attributed to the group since then, the MEK was first placed on the terrorist list in a misguided effort to please the regime and open up a dialogue, and then was kept on the list out of fear that if it were taken off then the Iranian government would act against our interests in Iraq, including by supplying IED's and other weapons to anti-government forces in Iraq who would use them as well to kill Americans. Of course, we know that our attempt at dialogue and our attempt to win the Iranian regime's good will through this policy of appeasement did not work. There has been no useful dialogue and Iranian shipments of IED's into Iraq are the subject of virtually daily news stories; those weapons are being used to kill Americans.

We know as well that, as I mentioned earlier, the MEK has been the source over recent years of numerous items of valuable intelligence about Iranian weapons capabilities. Indeed, it was a revelation from MEK that led to the discovery of the Iranian facility for uranium enrichment at Natanz and later at Qum. Rather than resorting to violence, MEK has resorted to our courts in an effort to compel the State Department to remove it from the list of foreign terrorist organizations, as the European Union has and as the United Kingdom has. In September 2010 the State Department was directed by the United States Court of Appeals for the District of Columbia Circuit to re-examine this designation, and told that the unclassified evidence it relied on was insufficient to support the listing. Throughout this period, the residents of Ashraf have been law abiding. On August 24, 2006, Lieutenant Colonel Julie S. Norman of the U.S. Military Police detail at Ashraf signed a memorandum describing the exemplary behavior of Ashraf residents and stating that Ashraf residents had been helpful in securing the cooperation of other Iraqis in the vicinity of Ashraf and persuading them to join the political process, and otherwise helped protect the security of the area. I am attaching that memorandum as well to my testimony.

The only information bearing on that designation is whether MEK has undertaken violent acts against the United States in the last 10 years, and whether it has the capacity and intent to do so now. Rather than respond to the direction of the Court of Appeals to justify the continued listing using relevant criteria, the State Department has been pursuing a strategy of delay. In May 2011, the State Department sent MEK's lawyers ten irrelevant documents and asked response to questions that do not deal with information relevant to the designation. Last week, the United States Ambassador to Iraq, James Jeffrey, said that MEK must disband before residents of Ashraf can be given the protection of refugees – which is to say, the protection that was guaranteed them in writing in 2004 by a United States general. His remarks are a strange echo of similar demands that have been made since November 2010 by the Iranian Revolutionary Guard Corps (IRGC), the Iranian ambassador to Iraq, and others in the Iranian government.

Thus, Ambassador Jeffrey, who has also been quoted as saying that Iran is sending IED's into Iraq, seems to be saying that it is United States policy to support Iran, and that a group that defines itself as opposed to people who are killing American troops must give up that definition before its members can be protected. He is recommending that they seek to survive by making themselves not only powerless but also inoffensive to their enemies.

Some in the State Department have suggested that for the United States to make objection to the murder of people at Ashraf, to their mistreatment and to plans for their forcible resettlement is to interfere with the sovereignty of the Iraqi government. Yet even in the cases of Libya and Syria the United States has not been loath to act and speak forcefully when regimes are committing atrocities on their own citizens. How much less so should we hesitate when the people on whom atrocities are being committed are not citizens of Iraq and have a legitimate claim that they were given a solemn promise of protection by the United States.

Make no mistake about it, the events at Ashraf and the continued designation of MEK go hand in hand. So long as MEK remains mistakenly designated as a foreign terrorist organization, the forces in the Iraqi government that favor accommodation with Iran, as well as the Iranian mullahs themselves, can use that designation to support their violence against the group and, as to the mullahs, the execution within the last year alone of more than 150 MEK members.

I believe this committee can play an important and constructive role in helping to remedy this terrible situation by taking the following steps: First, the Committee should get an explanation from the State Department of what its policy is toward the residents of Ashraf, and oppose any plan that involves resettling them elsewhere in Iraq that would simply put them out of sight and make it easier to kill them. Rather, the committee should try to assure that United States policy involves support for a United Nations force at Ashraf that will protect the residents of Ashraf until their safe resettlement can be effected.

Second, this committee should continue to investigate what happened at Ashraf in April and determine why it was that an American unit was directed to leave the camp shortly before the attack began, and then failed to provide adequate medical care despite Secretary Gates's promise to do so.

Third, this committee should seek an accounting from the State Department of what it has done to fulfill its responsibilities to the D.C. Court of Appeals by re-examining the designation of MEK.

Fourth, this committee should look into what the State Department has done to enforce what is known as the Leahy Amendment that bars assistance by this country to any military unit that has committed human rights violations. This law applies not only

to Foreign Aid but also to Military Aid, and requires that the latter be withheld unless there has been a finding by the Secretary of Defense of overriding necessity; there has been no such finding as to the Iraqi troops who invaded Ashraf.

Finally, this Committee should try to determine what policy the Administration intends to pursue going forward with respect to MEK, and urge to the extent it can that the United States act in ways that enable MEK to function as a force opposing the Iranian regime, not in ways that enable those seeking to annihilate MEK.

The moral position of the United States in this part of the world has been won and maintained at a frightful cost in wealth and in the lives of our soldiers. We should not squander it by giving support to those elements in the Iraqi government who are giving aid and comfort to the regime in Tehran.

Mr. POE. Thank you Judge Mukasey.
Colonel Martin.

STATEMENT OF COLONEL WES MARTIN, USA (RETIRED) (FORMER BASE COMMANDER OF CAMP ASHRAF)

Colonel MARTIN. Thank you, Mr. Chairman, ranking member, for this opportunity to speak before the committee.

Mr. Chairman, I would also like to introduce the Courting Disaster. It is the rebuttal to the RAND report on the MEK, sir.

Mr. POE. Without objection.

Colonel MARTIN. Thank you, sir.

As the first antiterrorism officer for all of Iraq, the operations officer for Task Force 134, detention operations, and the base commander for Ashraf——

Mr. FILNER. Colonel, can you just speak more directly into the mic?

Mr. POE. And talk a little slower, if you would. Some of us are from the South. We talk slower.

Colonel MARTIN. Hopefully, I will make, for the ranking member, my northeast Missouri State education put to good use.

As the antiterrorism force protection officer for all of Iraq and as the J–3 for detention operations and the base commander of Camp Ashraf, I would like to make one point up front. The MEK is not a terrorist organization.

In 2003, as the United States finalized its invasion plans, the Iranian Government set to work how to quietly take over as much of Iraq as possible. Today, the Iranian influence expanded itself over the southern provinces throughout Baghdad and into Diyala province where Camp Ashraf and the MEK is now located.

Iran's growing influence in the region is in keeping with Ayatollah Khomeini's statement: The road to Jerusalem is through Karbala. As the Maliki and Ahmadinijad governments grow closer, the situation of the MEK becomes more critical, as evidenced in the filmed footage of July 2009 and April 2011. In these videos, we observe Maliki's forces using U.S.-supplied vehicles and equipment to run down and shoot defenseless people. We witnessed the courage of the residents of Ashraf. Despite knowing they may be the next to die, they rush to the rescue of their fallen comrades. Courage under fire is a remarkable trait. Killing unarmed people is murder. Yet the U.S. State Department has done nothing of substance to address these attacks or the entire Ashraf situation.

As for the State Department, the action officer provided to handle Camp Ashraf issues during my tenure was a never-ending story of embarrassment and prejudice. Her visits were disastrous. Her continual rumors and misinformation resulted in my frequent unannounced and unfounded inspections into MEK compounds. Despite warnings to all of us from the commanding general of Task Force 134 not to provide the untrustworthy Iraqi National Security Advisor Rubaie information, she continued to do so. In turn Rubaie would pass it on to the Iranian Government. Within a couple of weeks I would then receive the information from the MEK. Upon my return to the Pentagon I assisted State Department officials addressing the MEK issue. This included providing a translated letter from Mr. Zebari, head of the Kurdistan Democrat Party Inter-

national Relations, stating MEK did not attack the Kurds. Mr. Zebari subsequently confirmed the letter to be true, yet several months later when the annual report on terrorism was released by the State Department the accusation for attacking the Kurds remained. Upon my questioning the same State Department officials about this, I was informed they don't communicate with people who put out the annual report.

One perpetual rumor worthy of specific address concerns members of the MEK being held against their will. I was able to validate through specific occurrences anyone wishing to leave has that choice.

The real benefactor of the fall of the Mujahedin will be Ahmadinejad and the ruling religious fundamentalists. The fundamentalists of the Iranian Government has always wanted the MEK to be turned over to them. If it happens, executions will be conducted to remind Iranian citizens of what happens to people who oppose the government to break the spirit of anyone considering resistance and to show the world what happens to those who trust their lives to the United States.

The MEK surrendered to the United States military without firing a shot, turned over all their weapons, accepted consolidation at Camp Ashraf, renounced terrorism, accepted protected person status under the 4th Geneva Convention, provided the free world with crucial intelligence to include Iran's development of a nuclear weapons program and fulfilled every limitation and requirement placed on them. Yet when the United States could no longer figure out what do with the MEK, the protected person status was revoked and the organization was turned over to the Iraqi Government. There are protocols and expectations to surrender. The MEK has fulfilled their end, the United States comes up very short. The price of that is now being paid by the residents of Camp Ashraf.

Thank you, sir.

[The prepared statement of Colonel Martin follows:]

Wesley (Wes) Martin

Colonel, United States Army, Retired

July 7, 2011 – Massacre at Camp Ashraf: Implications for US Policy?

Subcommittee on Oversight and Investigations
House Committee of Foreign Affairs

In this report, I consolidate my experience and knowledge of Camp Ashraf, the Peoples Mojahedin of Iran (PMOI), and the history of Iraq from a variety of sources, to include as the Antiterrorism/Force Protection Officer for all coalition forces in Iraq, as J-3 (Operations Officer) for Task Force 134 (Detention Operations), as the first colonel to command Forward Operating Base Iraq, from Iraqi citizens, and from my own research. Provided as additional material is the article titled, "Trapped by Politics" which I completed prior to the April 8th, 2011 attacks. No part of my briefing is extracted from classified or sensitive U.S. Government reports.

In 2003, as the United States finalized its invasion plans, the Iranian government set to work on how to quietly take over as much of Iraq as possible. Today, the Iranian influence has expanded itself through the southern provinces, over most of Baghdad, and into Diyala province where Camp Ashraf, home of the People's Mojahedin of Iran (PMOI) is located. Iran's growing influence throughout the region is in keeping with Ayatollah Khomeini's statement, "The road to Jerusalem is through Karbala."

As the Maliki and Ahmadinejad governments become closer, the situation of the PMOI becomes more critical, as evidenced in the film footage of July, 2009 and April, 2011. In these videos, we observe Maliki's forces using U.S.-supplied vehicles and equipment to run down and shoot defenseless people. We also witness the courage of the residents of Ashraf. Despite knowing they may be the next to die, they rush to the rescue of their fallen comrades. Courage under fire is an admirable character trait. Killing unarmed people is murder. Yet, the U.S. State Department has done nothing of substance to address these attacks or the entire Ashraf situation.

As for the State Department, the action officer provided to handle Camp Ashraf issues during my tenure was a never-ending story of embarrassment and prejudice. Her visits were disasters. Her continual rumors and misinformation resulted in my frequent unannounced and unfounded inspections into PMOI compounds. Despite warnings to all of us from the Commanding General of Task Force 134 not to provide the untrustworthy Iraqi National Security Advisor Rubaie information, she continued to do so. In turn, Rubaie would pass it on to the Iranian government. Within a couple of weeks, I would then receive the information from the PMOI.

Upon my return to the Pentagon, I assisted State Department officials addressing the PMOI issue. This included providing a translated letter from Hoshyer Zebari, head of Kurdistan Democratic Party International Relations, stating the PMOI did not attack the Kurds. Mr. Zebari subsequently confirmed the letter to be true. Yet, several months later when the annual report on terrorism was released by the State Department, the accusation for attacking the Kurds remained. Upon my questioning those same State Department officials about this, I was informed they don't communicate with the people who put out the annual report.

One perpetual rumor worthy of specific address concerns members of the PMOI being held against their will. I was able to validate through specific occurrences anyone wishing to leave has that choice. Here the words of the Prophet's grandson, Husain, are applied. The night before the fatal Battle of Karbala in 680 A.D., he informed his followers, "We will put out the lights" – to allow willful departure.

The real benefactor to the fall of the Mojahedin will be Ahmadinejad and the ruling religious fundamentalists. Their determination to keep themselves in power by deceit and brutality was well-proven following the 2009 Iranian presidential election. The fundamentalist Iranian government has always wanted the PMOI to be turned over to them. If it happens, executions will be conducted to remind Iranian citizens what happens to people who oppose the government, to break the spirit of anyone considering resistance, and to show the world what happens to those who trust their lives to the United States.

The PMOI surrendered to the United States military without firing a shot, turned over all their weapons, accepted consolidation at Camp Ashraf, renounced terrorism, accepted protected person status under the 4th Geneva Convention, provided the free world with critical intelligence to include Iran's development of a nuclear weapons program, and fulfilled every limitation and requirement placed on them. Yet, when the United States could no longer figure out what to do with the PMOI, the protected-person status was revoked and the organization was turned over to the Iraqi government. There are protocols and expectations to surrender. The PMOI has fulfilled their end. The United States comes up very short. The price of that imbalance is now being paid by the residents of Ashraf.

The PMOI was founded on the philosophies of equality between those in power and those not, between men and women, and among various religions and races. Their belief that the clergy should not have total control over interpretation of the Quran, nor should the clerics have total control over their congregations, is very similar to what lead to the religious reformation in Europe. Yet, the western world cannot figure out how to protect these people. The terror and torment that is being cast upon the PMOI and Camp Ashraf needs to stop. I know from experience, the PMOI is not a terrorist organization. My recommendations in this effort is for the People's Mojahedin to be immediately removed from the State Department terrorist list. Concurrent with this is the creation of a secure environment for the PMOI until they can be removed completely from Iraq – to some place other than Iran. They do need protection of U.S. military forces. There is very little doubt that so long as the current Iraqi government continues to do the bidding of Tehran, the members of the PMOI will not be safe.

Mr. POE. Thank you. Dr. Gary Morsch, 5 minutes.

STATEMENT OF GARY MORSCH, M.D. (FORMER COMMANDER OF FORWARD OPERATION BASE ASHRAF)

Dr. MORSCH. Thank you, Mr. Chairman and ranking member and members of the subcommittee. Mr. Chairman, before I begin my——

Mr. POE. Is your microphone on?

Dr. MORSCH. Yes, it is on now. Thank you for this opportunity, Mr. Chairman.

Before I begin my remarks with your permission I would like to submit for the record a letter from General James Gardner, Commanding General of MMNF–I to MEK Secretary General, dated February 16th, 2006.

Mr. POE. Without objection, it will be part of the record.

Dr. MORSCH. I would like to also submit a statement by the U.S. Central Commander on the full disarmament of the MEK. This statement was released in 2003.

Mr. POE. Without objection, it will also be part of the record.

Dr. MORSCH. Lastly, I would like to provide the written submission of Mr. Stephen Schneebaum, an international human rights law scholar, who has written on the rights of the residents of Ashraf and attached to this written submission are two legal opinions which he has also prepared on the subject.

Mr. POE. Without objection, it is admitted.

Dr. MORSCH. Thank you, Mr. Chairman.

I have submitted a fairly extensive prepared statement that outlines my observations. These observations are based on my direct role as the lead physician assigned to Camp Ashraf in early 2004 where I lived and worked with the residents of Ashraf on a 24/7 basis.

I arrived in Iraq knowing nothing about the MEK and left Ashraf with a great knowledge and insight into the organization, as great a knowledge or insight I believe as any other American or more so. Let me just say I know the MEK.

Based on my observations I would like to express three simple conclusions, which I believe are indisputable. Number one, the MEK and Ashraf are not terrorists. In fact they are allies, friends and collaborators in our mission in Iraq and the Middle East. During my time in Ashraf they provided intelligence and recon so that our convoys knew where IEDs had been placed and could then avoid them. Even more importantly, the MEK worked with local and regional populations to advocate for their cooperation with the American mission.

The MEK even organized town hall like meetings with area sheikhs, participating in roundtable discussions about democracy in Iraq. Does this sound like the activities of a terrorist organization? If so, I guess we could use a few more friendly terrorist organizations like this group. Of course they are not terrorists. The European Union does not consider them terrorists, the French don't, the United Kingdom don't. The U.S. is the only significant country that keeps them on the terrorist list. This must change and change immediately.

Number two, when our military forces entered Iraq in 2003 meetings were held between the MEK and U.S. Officials. The MEK agreed to give up all their weapons, and arms, and to fully cooperate with and support the mission and goals of the U.S. In return for their giving up their weapons of self defense, the U.S. promised to protect them. In fact, following an extensive investigation into all aspects of the MEK, including lengthy interviews of every resident of Ashraf, each resident of Ashraf was given a signed document guaranteeing their safety as protected persons under the 4th Geneva Convention, with the United States promising to ensure that protection.

Ladies and gentlemen, the people of Ashraf have more than upheld their side of this agreement. We have not. U.S. forces have stood by, sometimes literally filming the assaults as they were happening without intervening. To date 47 members of Ashraf have been killed along with hundreds more wounded. Today the City of Ashraf is a city under siege, and unless something is done quickly and dramatically Ashraf will fall and thousands more will be killed in a great genocide.

Number three, finally I have a specific recommendation on what the U.S. should do to keep its word and carry out the terms of the agreement that we made. Someone must take the responsibility for protecting Ashraf and must take this responsibility away from the Iraqis. Under the obvious influence of Iran, Iran and Iraq intend to exterminate the MEK. The status quo is not acceptable. We must intervene.

Thank you very much.

[The prepared statement of Dr. Morsch follows:]

Gary B. Morsch, MD
President, Heart to Heart International
(Former Commander of Forward Operation Base Ashraf)

July 7th, 2011

Massacre at Camp Ashraf: Implications for U.S. Policy

Subcommittee on Oversight and Investigations
House Committee on Foreign Affairs

Introduction:

I'd like to express my gratitude to Chairman Rohrabacher and Ranking Member Rep. Carnahan for giving me the opportunity to testify before this subcommittee.

I had the privilege of serving as the Battalion Surgeon at Camp Ashraf, January – April, 2004, as a member of the US Army Reserve. My responsibilities included 1) overseeing the medical care of the members of the 530th MP Battalion, assigned to provide security for Camp Ashraf, home to members of the Mujahedin-e Khalq (MEK); 2) ensuring that the residents of Camp Ashraf and the MEK received proper medical care; 3) providing medical care to the MEK members who had voluntarily moved to the TIPF (Temporary Interview and Protection Facility); and, 4) overseeing the health and welfare of the MEK members during the interrogation phase of the official U.S. Government investigation.

Due to the nature of my responsibilities, I worked closely with all levels of the MEK, from the newest and youngest members of Ashraf, to the highest leadership of the MEK; even including MEK members who had moved to the TIPF after leaving the ranks of the MEK. I had full access to all areas of Camp Ashraf, and could interact freely with all MEK members. I also worked closely with the command structure of the 530th MP Battalion, as well as their higher command, the 89th MP Brigade, and its commander, COL David Phillips, now BG Phillips. During the interview and interrogation phase of the investigation, I worked closely with the various members of the investigating agencies that were onsite.

Based on the information I personally received or observed from the members of the MEK, the information I received from those who had surrendered to the TIPF, what I learned from discussions with the leadership of the 530th MP Battalion and the 89th MP Brigade, and, finally, based on the information I received from the various investigators, there were no findings of any terrorist activities, disloyalty to the mission of the US military in Iraq, illegal activities, coercion of MEK members, hidden arms, or any evidence that the MEK were not fulfilling their agreement with the US Military to fully cooperate with and support the goals of the US in Iraq. I directly observed many instances where the MEK were very helpful to the US, providing intelligence, cooperation, and support to the US mission in Iraq, which resulted in protecting the lives of me and the soldiers I served with. In point of fact, the MEK at Camp Ashraf played an important role in the success of our mission.

Assignment to Camp Ashraf:

I was deployed to Iraq in January, 2004, shortly after the beginning of the Iraq War. I was assigned to serve as the Battalion Surgeon for the 530th MP Battalion at Camp Ashraf. I was not briefed in any way about my assignment, and knew nothing about Camp Ashraf or the MEK. Everything I subsequently learned about the MEK and their history I learned from reading

confidential background reports supplied by the US military, and from my direct observations of the MEK and Camp Ashraf.

Impressions of Ashraf:

I arrived in Ashraf at night, by way of a convoy of HMMWVs. I had been told that Ashraf was nothing but a dry spot in the middle of the desert. As we neared Ashraf that first night, I saw a bright glow on the horizon that looked like a large city. This was Ashraf, a modern city of lighted streets and boulevards, not a poor third world village as I'd expected. When the daylight dawned, I was surprised by the beauty and magnificence of Ashraf. Far from being a dry spot in the desert, it was an oasis, with tree-lined boulevards, parks, and landscaped flower gardens. And it was a real city, with hospitals, schools, factories, stages and venues for music and the performing arts, mosques, stadiums, athletic fields, and even a large convention center.

Since my duties took me to other parts of Iraq, where I witnessed the living conditions of other US military units, I realized the unique place that Ashraf was. I would tell the soldiers I served with that we were in one of the most beautiful places in Iraq, and certainly, we were in the safest place.

I was also impressed with the quality of the residents of Ashraf. I was shocked to learn that all of them had come to Ashraf voluntarily to join the MEK. They came from Iran, and many other countries. Many came from the US, and had graduate and post-graduate degrees from some of America's finest universities. Those from the US spoke excellent English, and we talked of favorite football teams, the NBA, American baseball, and of music and history and world events. These were highly educated and highly motivated individuals who had come to Ashraf to voluntarily serve with the MEK to establish a free and democratic Iran, and were now working with the US to promote democracy in Iraq.

Iranian Influence:

It was obvious from the date of my arrival in January of 2004 that there was an insidious and growing intrusion of Iranian influence and intervention in Iraq. Because Ashraf was close to the border of Iran, and the border was not closed, the American forces observed the movement of Iranians and Iraqis across the border. Soon it became clear that the IED's being used against our soldiers were being supplied by Iran. In addition, there was evidence of Iranian agents that were active in Iraq, directly interfering with the US mission.

I raised the issue of the open border with my superiors. It seemed to me that controlling this border was imperative to stopping this Iranian interference. I was apparently naïve in thinking that this was even possible, with the length of the border and the limits to the size of the American forces.

The Investigation:

Although I was not directly involved in what I refer to as the Great Investigation, I was present during the months when every member of the MEK at Ashraf were interviewed, or, in some cases, interrogated. As I understand it, the lead agency on site was the FBI, although they were joined and supported by a variety of representatives of OGA's, including the DOS, CIA, DIA, DOJ, etc.

Arrangements were made to interview a certain number of MEK members each day, and a system was developed to select those individuals and transport them from the Convention Center in Ashraf to a series of temporary holding tents where the MEK members were held or housed, depending on how many hours or days their interviews lasted. MEK members would then be taken to individual tents that had been set up for the interviews. My role as the Battalion Surgeon was to ensure that the holding, housing, and interview conditions for the MEK did not adversely affect the health and well-being of each of interviewee. Because the Iraqi climate is very dry and hot, it was important to make sure that medically vulnerable MEK members were observed for signs of dehydration or heat illness. In addition, I monitored the health of the MEK members who were held for more than a day, making sure that those who were on prescription medications had access to them, etc.

The numerous personnel who had come to Ashraf for the investigation were housed and fed by the American forces. I was also responsible for any medical care needed by these personnel. Due to my knowledge of the MEK, and because I was present in the holding areas throughout the interviews, I spent a lot of time with the investigators and discussed many of the things they were learning. From these conversations, it appeared that many of the OGA representatives had come to Ashraf with expectations that they would find enough evidence on certain MEK members that would support bringing them back to the US for some type of prosecution. As I talked with some of these OGA personnel, I was struck with the impression that they knew very specifically who they were planning to identify for prosecution. As the days of the investigation wore on, the OGA interviewers became more and more frustrated because they were unsuccessful in finding any, or enough, evidence to warrant transfer to the US. One particular MEK member that had been previously identified was the son of the Rajavi's. The FBI interviewers hoped to convince him to abandon the MEK. The young man was held in isolation for several days, and interviewed for many hours, in the hopes that he would leave the MEK. There was great frustration when the OGA personnel were unsuccessful in recruiting him. Of the hundreds and hundreds of MEK members interviewed, I recall one interviewer telling me that about the only thing they came up with on the MEK members were some unpaid traffic fines. The interview process finally ended, without any MEK members found to have any significant ties to criminal activity or terrorism.

The cooperative partnership between the MEK and the US Forces:

The MEK provided great support to our American forces. We established cooperative partnerships to ensure the security of both groups. We relied on the intelligence gathering of the MEK in the region to assess risks for convoy travel, security operations, and force protection activities. In addition, due to the flow of individuals across the Iranian border, the MEK were able to monitor conditions on the border and within Iran.

The MEK at Ashraf were also very proactive in their community organizing in order to further the democratic goals of the US in Iraq. Numerous official functions were sponsored by the MEK, in which hundreds or thousands of Iraqis participated in International Women's Day activities, democratic round tables, leadership summits, etc. In addition, Ashraf was a center for music, drama, and other cultural activities, which were attended by area residents outside of Ashraf. In addition, the MEK provided medical services and technical support to the Iraqi citizens.

The American forces were frequently invited to participate in these activities, and attended as they were able. Special holidays, including Iranian, Iraqi, and American, were celebrated with joint dinners and activities. Even religious occasions were jointly recognized, with MEK members joining religious services held by the US chaplain, and vice-versa.

The spirit of friendship, respect, and cooperation was profound. I felt a common bond with the MEK members, knowing of their passion and commitment to establish a free and democratic Iran. Although the MEK had given up their arms, I felt that we were indeed comrades-in-arms, fighting for a common goal.

Current situation in Ashraf:

The assaults on the residents of Ashraf on July 28-29, 2009, and April 8th, 2011, with the resulting loss of life and extensive casualties suffered by the MEK, are well documented. Today, Ashraf is a city under siege. The citizens of Ashraf, who I and my fellow Americans worked so hard to protect and support, are now being denied the very things that the American forces had guaranteed--- security, food, medical care, to name a few. Because of my role as the physician responsible for their health and well-being, it is particularly disturbing that they are now being denied access to appropriate medical services.

One action that would help bring clarity to the current situation would be for a group of medical professionals to visit Ashraf, to directly assess their current medical conditions. Because of the sense of responsibility I still carry for the residents of Ashraf, I have volunteered to participate in such an assessment. I would be happy to join a Congressional, NGO, State Department, or UN group to conduct such an assessment. Other distinguished American physicians, such as Gov. Howard Dean, have also expressed interest in joining an assessment team.

Conclusion:

I voluntarily serve in the US Army Reserve as a physician, and I volunteered to serve in Iraq. When I learned of the noble mission I was part of--- protecting the members of the MEK at Camp Ashraf, I committed myself to serving with distinction, as did my fellow soldiers. I and my medical team worked tirelessly to provide and coordinate the medical care of the residents of Camp Ashraf. Knowing that my government had made a solemn pledge to the MEK to protect them, in return for the MEK's agreement to lay down their weapons and to fully cooperate with the US, I left Ashraf in 2004 with the full confidence that, no matter what the course of the war, the US would uphold its side of the agreement. It was with great sadness that I have now witnessed the abandonment of the residents of Camp Ashraf by the very government that had asked me to risk my life to defend these same people. From the videos I have seen of the attacks on Ashraf by the Iraqi forces, it appears that some of the vehicles and weapons used by the Iraqi forces were likely supplied by the US. In fact, in one video, of the July 2009 attack, American soldiers stood by and did nothing to intervene in one of the attacks. When a wounded resident approached them, they rolled up the windows of their vehicle and drove off.

Although there may be significant mitigating factors that have led my government to make the decisions it has, I believe there are few things as important or precious as the agreements we make. Our standing in the world is irreparably damaged when we fail to keep our sacred promises.

I have heard that our Embassy in Baghdad has suggested that Ashraf residents be relocated to another location in Iraq. That, in my judgment, would be a recipe for disaster. Unless the United States were to protect the residents in their new location, the residents would certainly meet certain death. The threat to these residents would not necessarily come directly from the Iranians, but from the Iraqi Government, its military, or its police forces. We should not forget that 47 residents of Ashraf have died at the hands of the Iraqis, and hundreds more wounded.

The United States cannot abandon the residents of Ashraf, and the United Nations has an equally important role to play in averting this looming disaster. It is clear that if Camp Ashraf residents are left alone to the Iraqi forces with no oversight, whether in Ashraf or anywhere else, they will be murdered. We must not allow that.

We must do everything we reasonably can to fulfill the agreement we made to the MEK in 2003. If nothing else, I would suggest that the United Nations take over the responsibility for protecting the residents of Ashraf, and begin the process of resettling its residents to friendly nations that would allow them to immigrate. To allow them to remain under the control of the Iranian influenced Iraqis is to risk even greater failure. Our national integrity is on the line as are the lives of the 3,400 Iranian political refugees in Camp Ashraf.

Mr. POE. Thank you very much. Dr. Takeyh.

STATEMENT OF MR. RAY TAKEYH, SENIOR FELLOW FOR MIDDLE EASTERN STUDIES, COUNCIL ON FOREIGN RELATIONS

Mr. TAKEYH. Thank you, Mr. Chairman, for inviting me. It is a privilege to be here with my copanelists. I have submitted testimony for the record. I will just highlight certain aspects of it.

Mujahedin-e-Khalq, the MEK, was founded in early 1960s in Iran at a time of proliferation of various opposition groups again the Shah. It distinguished itself by the discursive nature of ideology that sought to mix a number of incompatible dogmas. From Shia Islam they appropriated symbols of martyrdom, from Marxism the notion of historic development of stages, from Lenin they embraced the importance of a vanguard party committed to mobilization of masses, and from Third World revolutionaries they took the primacy of gorilla warfare and violence as indispensable agents of political change.

The core of MEK ideology historically has always been anti-imperialism, which has often been defined as opposition to United States interests. They oppose the Shah's regime partly because of this close association with the United States. It is this impulse that propelled MEK in the 1970s toward embracing an entire spectrum of anti-American forces ranging from the Vietcong to PLO.

Given this mission of liberating the working class and expunging the influence of predatory capitalism, the United States has traditionally been identified as a source of exploitation and abuse in MEK literature. Violence has been the hallmark of MEK's strategy for assuming power. Through much of its past the party exalted violence as a historic expression of dissent.

One of the central precepts of the party is that a dedicated vanguard challenging the authority of the state can spark a mass revolution by bravely confronting that state. Once the masses observe that the state is vulnerable to violence then they will shed their inhibition and join the protest for sparking the revolution. Thus, the most suitable means of effecting political change has always been to some extent including violence.

Although MEK victims have been mostly Iranians, there have been Americans and American installations also victims of MEK violence. In the early seventies the MEK Communique Number 3 stressed that violence against the United States was permissible given America's suppression of legitimate revolutionary movements such as those in Palestine. The first such attack came in May 1972 on the occasion of President Richard Nixon's visit to Iran. To derail that visit, MEK bombed a U.S. Information Office and targeted an American company such as General Motors and Pan American Airways. That same year the party attempted to assassinate General Harold Price, the Chief of U.S. Military Mission in Iran. Although General Price escaped his assassins, the MEK did tragically succeed in murdering Colonel Lewis Hawkins, the Deputy Chief of Mission, outside his home.

It must be stressed that thought the 1970s, the MEK did have support within Iran, particularly among the intelligentsia and the working class. This message of resistance and this record of resisting the Shah did attract substantial support.

The turning point for MEK's internal fortunes in Iran seems to have been 1981, when the Islamic regime engaged in one the most brutal acts of repression, executing vast numbers of opposition members, including many MEK cadre. It is at that time that the organization's political infrastructure in Iran was largely subdued. However, a decision made by MEK personnel also ensured that the party would not reclaim its place of influence in Iran.

As MEK went into exile its willingness to side with Saddam's Iraq against Iran in the Iran-Iraq war disturbed its already diminished cadre.

During their 1983 meeting between Mr. Rajavi and Tariq Aziz, an alliance was forged. The MEK personnel fought along side of the Iraqis and were used in some of the most daring missions of the war. Given the highly nationalistic nature of the Iranian population, such act was viewed as a betrayal of homeland and not necessarily a legitimate act of opposition against an abhorrent regime.

The MEK would go on to assist Saddam's regime, they were employed by him in the repression of the Sunni uprising—Shia uprising, I'm sorry, in 1991. Given that the Shia community is having a leading role in Iraq, that is indeed a disturbing legacy.

The question then becomes what to do with MEK members in Camp Ashraf. It would be wrong, it would be immoral to forcefully repatriate inhabitants of the camp back to Iran. Given that the Islamic Republic lacks even the basic rudiments of impartial justice, they are likely to be met with certain death.

Nonetheless, the international community under the auspices of United Nations Refugee Committee has an obligation to the members of the MEK currently at Camp Ashraf to ensure their safety and their security. The MEK cadre cannot be repatriated back to Iran, they cannot be returned to Iran, and they seem to have a difficulty staying in Iraq. It becomes a question for the international community and the United Nations to find a safe haven for the remaining members of the MEK currently in Camp Ashraf.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Takeyh follows:]

Prepared statement by

Ray Takeyh
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Before the

Committee on Foreign Affairs
Subcommittee on Oversight and Investigation
United States House of Representative
1st Session, 112th Congress

"Massacre at Camp Ashraf: Implications for U.S. Policy."

The Mujahidin-i Khalq (MEK) was founded in Iran in the early 1960s, as one of the many opposition groups that were agitating against the Shah's monarchy. Early on the MEK quickly distinguished itself from other dissident forces by the discursive nature of its ideology that sought to somehow amalgamate Islam and Marxism. Islam was supposed to provide the values while Marxism offered a pathway for organizing the society and defeating the forces of capitalism, imperialism and feudalism. The MEK's foundational philosophy stressed that Islam's ideal society was an egalitarian one that had been corrupted over time by class division. To reclaim God's original mandate one had to mobilize the society against the prevailing order. In essence, MEK's ideology is a curious mixture of seemingly incompatible dogmas. From Shiite Islam, they appropriated the powerful symbol of martyrdom; from Marxism they claimed various stages of historical development; from Lenin they embraced the importance of a vanguard party committed to mass mobilization, and from Third World revolutionaries they took the primacy of guerrilla warfare and violence as indispensible agents of political change.

The core of MEK's ideology has always been anti-imperialism which it has historically defined as opposition to U.S. interests. The MEK opposed the Shah partly because of his close associations with the United States. MEK's anti-American compulsions propelled it toward embracing an entire spectrum of radical forces ranging from the Vietcong to the PLO. Given its mission of liberating the working class and expunging the influence of predatory capitalism, the United States has traditionally been identified as a source of exploitation and injustice in MEK literature. As the organization has lost its Iraqi patron and finds itself without any reliable allies, it has somehow modulated its language and sought to moderate its anti-American tone. Such convenient posturing should not distract attention from its well-honed ideological animus to the United States.

Terror has always been a hallmark of MEK's strategy for assuming power. Through much of its past, the party exulted violence as a heroic expression of legitimate dissent. One of the central precepts of the party is that a highly-dedicated group of militants could spark a mass revolution by bravely confronting superior power of the state and assaulting its authority. Once, the masses observe that the state is vulnerable to violence, than they will shed their inhibitions and join the protest, thus sparking the larger revolution. Thus, the most suitable means of affecting political change is necessarily violence. Although in its advocacy in Western capitals, the MKE emphasizes its commitment to democracy and free expression, in neither deed nor word has it forsworn it violent pedigree.

During the 1970s, at the height of its revolutionary ardor, the MEK was fairly indiscriminate about its targets of violence. Among the victims of MEK terror have been American installations and military personnel. The MEK's Communiqué Number 3 stressed that violence against the United States was permissible given America's suppression of legitimate revolutionary movements in Palestine and Vietnam. The first such attack came in May 1972 on the occasion of President Richard Nixon's visit to Iran. To derail that visit, the MEK bombed the U.S Information Office and targeted American companies such as General Motors and Pan-American airways. That same year, the party attempted to assassinate General Harold Price, the Chief of U.S.

Military Mission in Iran. Although General Price escaped his assassins, the MEK did tragically succeed in murdering Colonel Lewis Hawkins, the Deputy Chief of Military Mission outside his house.

It must be stressed that throughout the 1970s, the MEK did have a following among the Iranian intelligentsia and the working class. Its revolutionary message and its resistance to the Shah's regime proved alluring to many university students. The MEK was part of the revolutionary coalition that overthrew the Shah only to find itself increasingly on the margins of power. The critical year for the changing fortunes of MEK seems to be 1981. On June 28, 1981 a massive bomb destroyed the headquarters of the Islamic Republican Party, killing more than 100 individuals, including four cabinet members, six deputy ministers and twenty-seven members of the parliament. The episode sparked the internal war that destroyed the last remnants of the left-wing opposition. Pitched battles in the streets, summary executions of MEK guerrillas and closure of all critical press became the order of the day. Before the year was over, the regime had executed approximately six thousand of its opponents. In one of its more gruesome displays, the pictures of those executed were exhibited in the front pages of the newspapers. In the end, the Islamic Republic's superior fire power and sheer brutality allowed it to triumph and effectively end popular dissent. The MEK's political infrastructure in Iran was effectively subdued. However, a series of decisions by the MEK leadership itself ensured that the party would never reclaim its place of influence in Iran.

As it went into exile, MEK's willingness to side with Saddam's Iraq against Iran in the Iran-Iraq war disturbed its already diminished cadre. During a key 1983 meeting between Masud Rajavi and Tariq Aziz, an alliance was forged. The MEK personnel often fought alongside of their Iraqi counterparts and were used in some of the war more daring missions. Given the highly nationalistic nature of the Iranian populace such an act was viewed as a betrayal of the homeland and not just a legitimate act of opposition against the regime. The MEK would go on to behave as Saddam's Praetorian Guard, as they were employed by him to repress the Iraqi Shia uprising of 1991. Given the fact that the Shia community is having a leading role in the future of Iraq, such miscalculation has alienated the MEK from the rulers of Iraq. The Baghdad regime's hostility to the MEK cannot be seen as a function of its ties with Tehran, but as a legacy of MEK's alliance with Saddam.

During its prolonged exile, MEK steadily transformed itself from a political movement into a cult-like organization. The movement no longer cultivated other opposition parties or attempted to broaden its appeal beyond its narrow constituents. Militancy and ideological discipline have displaced political pragmatism. The daily life of the members reflected this change as they had to submit themselves to the authority of the party and renounce all their previous ties. In the end, all that was left of a movement that appealed to a segment of the Iranian population is a cult-like party with a discursive ideology and a disturbing legacy of terror.

Despite its activism in Western capitals, the MEK commands very little support within Iran. Its alliance with Saddam and its cult-like dispositions have alienated even the radical segments of intelligentsia that once found its ideological template attractive. The main opposition force in Iran remains the Green Movement that features not just liberal activists but clerical dissidents, and middle class elements chafing under the theocracy's repressive rule. The Iranian populace is seeking ways of liberalizing its society and not embracing yet another ideological movement with totalitarian tendencies.

Iran-Iraq Relations and the MEK

During its seven-decade monopoly of power, Iraq's Sunni minority dismissed and relegated the Shiites to the margins of the society. The Ba'athist regime would go on to extract a cruel revenge for any signs of Shiite political agitation and demands for representation commensurate with its demographic power. The esteemed men of religion would be persecuted, the Shiites' southern habitat would be subject to a man-made ecological disaster, and the ancient shrine cities reduced to squalor. The Ba'athist malevolence was nowhere more evident than in its treatment of the Shiite uprising of 1991. The Ba'athist retaliation was brutal: summary executions,

the razing of cities and massive deportations became the order of the day. The fact that the MEK is implicated in that act of violence is not lost on Iraq's current leaders.

The fortunes of history rarely change with the rapidity that confronted the Sunni minority in 2003. The American invasion accompanied by expectations about "democratic transformation" irrevocably altered Iraq's political landscape. The Shiites, confident of their numerical majority, viewed the democratic process with optimism and proved patient with the vicissitudes of the postwar order. The remarkable aspect of Iraq was how the Shiite clerical estate had managed to preserve its essential infrastructure of influence. Despite the Ba'athist onslaught, the quietism of the Ayatollahs allowed them to maintain their seminaries and mosques. At a time when all organized political activity was viciously suppressed, the clerical class would assume prominence. Ironically, Iraqi society had undergone decades of forced secularization, but the Shiite political parties that now emerged would be either led by clerics or men of religious devotion. The United States had to adjust and deal with religiously-oriented parties that did not always share its views.

As the Islamic Republic contemplated its policy in Iraq it has to content with a number of difficult positions. The overarching objective of Tehran is to prevent Iraq from once more emerging as an ideological and strategic threat. Thus, it is critical for the theocratic regime to ensure the Shiites' political primacy. However, Iran must also guard against any civil war that could threaten Iraq's territorial cohesion. Dismemberment of Iraq into three fledging states at odds with each other would confront Iran with more instability in its immediate neighborhood. In the meantime, Iran desires a withdrawal of American forces, as its hegemonic aspirations can never be ensured so long as a sizeable contingent of U.S. troops remains in the area. To pursue its competing goals, Iran has embraced a contradictory policy of pushing for elections and the accommodation of responsible Sunni elements while at the same time subsidizing Shiite militias who are bend on violence and disorder.

To a great extent, Iran's policy today is driven by its own prolonged war with Saddam's Iraq. Iran is a country that lives its history. The war is far from a faded memory—it is debated in lecture halls, street gatherings and scholarly conferences. After more than two decades of reflection, a relative consensus has finally emerged within Iran's body politic that suggests that the cause of Iraq's persistent aggression was the Sunni domination of its politics. The minority Sunni population sought to justify its monopoly of power by embracing a radical pan-Arabist foreign policy that called for Iraq to lead the Middle East. Thus, the Sunnis were ruling Iraq not for crass parochial purposes but for the larger cause of Arab solidarity. Such a posture inevitably led to conflicts between Iraq and its neighbors. One of the primary victims of the Sunni misadventures was the Islamic Republic. However, Iraq is a land of sectarian divisions and contrasting identities. The Shiites and Kurds also possess a foreign policy orientation, but one that calls for a better relationship with Iraq's non-Arab neighbors.

Iran's model of operation in Iraq is drawn from its experiences in Lebanon in the early 1980s. At that time, Iran amalgamated a variety of Shiite parties into the lethal and popular Hezbollah. Since the removal of Saddam, Iran has similarly been busy strengthening the Shiite forces by subsidizing their political activities and arming their militias. Iran hopes that the Shiites will continue to exploit their demographic advantage to solidify their gains. Nonetheless, as Iraq moves toward its democratic path, it is likely to have serious disagreements with Tehran. The scope of Iranian interference in Iraqi politics is beginning to alienate even the most pliable Shiite parties. The Iraqi populace that spent decades seeking relief from Saddam's rule is unlikely to acquiesce to such external interventions in their politics. The overarching theme of Iraqi politics today is a desire for restored sovereignty and genuine independence. Baghdad would like to have friendly and formal relations with Iran, but it is unlikely to submit to Iranian mischievousness in its internal affairs. The notion that Iraq and its Shiite government are mere subsidiaries of Iran is spurious and utterly without foundation.

In the long-run, Iraq represents important economic challenges to Iran. As Iraq's oil facilities rehabilitate and its production increases, it is likely to further damage Iran's prospects. A democratic Iraq is a far better place to attract international investments than a theocratic tyranny at odds with the international community over its nuclear aspirations. Although the global demand for oil is likely to remain high, the coming Iraqi production

will diminish the appeal of Iran with its dilapidated petroleum facilities and truculent leadership. All this is not to suggest that Iran-Iraqi relations will ever degenerate into the hostility and tensions of Saddam's period, but nevertheless, a competitive relations is more likely than an alliance of unequals.

The one issue that has brought Tehran and Baghdad together is their mutual antipathy to the MEK presence in Iraq. As mentioned, the roots of Iraqi regime's hostility to MEK stem from its intimate ties with Saddam's regime. In essence, the Iraqi government has its own legitimate reasons for seeking to evict the MEK from their sanctuary. To be sure, such an act would garner Iraq further Iranian goodwill, but the core motivation for the conduct of Baghdad lies in MEK's own checkered history within Iraq.

The question that continues to bedevil the MEK debate is what to do with the residents of Camp Ashraf. It would be wrong and immoral to forcefully repatriate inhabitants of the camp back to Iran. Given the fact that the Islamic Republic lacks even the basic rudiments of impartial justice system, they are likely to be met with certain death. Nonetheless, the international community under the auspices of the United Nations should begin to search for new homeland for the MEK personnel today stuck in a country that does not want them. The MEK cadre cannot remain in Iraq and cannot be returned to Iran. The question then becomes an internationally-mandated search for a new home for them.

Mr. ROHRABACHER [presiding]. Thank you very much. This happens when you are a Member of Congress and you may be preparing for something for weeks and weeks and it happens at the exact same time you have something on the floor, a bill on the floor, that is your amendment on the floor, it happens to come together at exactly the same time. I think that that is God's way of just teaching us not to take everything for granted and to be grateful for the time when we do have together here.

I am going to actually ask Mr. Filner, he was not a member of this committee, if he would like to have a few minutes of questions as I organize my thoughts. Mr. Filner has been very active and involved in this issue. Then I will turn to Mr. Rivera.

Mr. FILNER. Thank you, Mr. Chairman. And again thank you for your incredible personal interventions in these things. It really makes a difference in the world.

What struck me from the testimony is those who have had such personal contact with Ashraf based on their own information, their own investigations, their own witnessing, their own talking to the people have come to the conclusion that we do not have a terrorist organization. I don't see any of us worried about all of these folks here, by the way, these violent people that are about to overthrow us, to have come to a conclusion that these are our allies. So I thank you for having the courage to do that.

I was struck by, as I said earlier, by Dr. Takeyh's—is that the right pronunciation, sir, Takeyh?

Mr. TAKEYH. Yes.

Mr. FILNER. Testimony. Do you think there should have been a massacre given the horrible ideology of the MEK?

Mr. TAKEYH. No.

Mr. FILNER. Because you don't say that anywhere.

Mr. TAKEYH. I said report of violence of Ashraf members.

Mr. FILNER. The last so-called terrorist thing you indicated in your written statement is 1972. Let's say that is 39 years ago, I don't see anything since then that would substantiate your claim

of a terrorist organization. By the way, have you ever met this cult leader that you talk about here?

Mr. TAKEYH. No.

Mr. FILNER. I have on several occasions.

Mr. ROHRABACHER. I noticed that stare in your eyes after.

Mr. FILNER. I know, I have been brainwashed. I have met a lot of world leaders, I will tell you, I have not met someone I can say is as intelligent, as humorous, as humane, as concerned with other people around her and as humble as Ms. Rajavi. I mean, I just don't understand.

In fact, when I last met with her it was raining in Paris and I said to her, "You are a cult leader, can't you stop this rain here?" She proceeded then to tell me that as the most powerful Member of Congress, I should be able to stop the rain. But clearly I never saw a cult leader act like that, by the way. She is a political leader, a very humane and humble person, a very intelligent person that obviously has the support. I don't know what group could have gathered 100,000 people in one place to hear a former Attorney General speak to them, a former Secretary of Homeland Security, former Chief of Staff of President Bush, a couple of Congress Members.

It strikes me that if our view of the world is that Iran is one of the most troubling, to say the least, actors on the planet and they are heading toward an atomic bomb and they are heading toward maybe a takeover of Iraq, at least in political terms, we should be doing everything we can to stop that, barring the use right now of American forces. Yet you want to discredit one of resistance groups. You say how unimportant they are. Well, if they are so unimportant, why worry about them?

We should be helping everybody, seems to me. The MEK has shown with its leadership and very structured program for the United States it is in our interest, it seems to me, to adopt that program and with its ability to organize vast demonstrations, and I think these gentleman here would concur that they gave us very important intelligence on the Iranian nuclear capabilities and progress. It seems to me, I mean I don't care what religion they are, what ideology they have, they could even be Republicans as far as I am concerned, these are our friends, these are our friends and we should——

Mr. POE. Some of them are Republicans.

Mr. FILNER. We should be getting out of their way and delist them and just let them do what they can. If they are so unimportant and so lacking of support so that will be proved in history, but why are we helping the Iranian regime by not helping the MEK? And that is just the way it is.

Mr. ROHRABACHER. Well, thank you very much.

Mr. FILNER. Dr. Takeyh, I don't know if you want to respond.

Mr. ROHRABACHER. We are going to give you time to answer that.

Mr. FILNER. Before you throw your credentials, I am a Ph.D. Also.

Mr. TAKEYH. That disqualifies us both. I do think we should assist the opposition movements within Iran in order to deal with the regime whose characterizations I don't dispute. There is an opposition movement against Iran. It is called the Green Movement. It

features dissident clerks, it features liberal elements, it features intelligentsia, it features middle class elements, and the groups that you are supporting, Congressman, has limited if not any support in Iran. That is just a fact.

Mr. FILNER. So what——

Mr. TAKEYH. And it has——

Mr. FILNER. I don't agree, but even if you are right, so what? What does that mean we shouldn't help them because they have zero? So they will be proved and if there is an overthrow of the Mullahs we will see who comes out as the thing, so what?

Mr. TAKEYH. I think we share concern of Iranian human rights.

Mr. FILNER. I am not asking for millions of dollars, I am just saying delist them.

Mr. TAKEYH. You can have a hearing on a delisting. What I can say to you is this is an organization with a very discursive ideology, and with very peculiarities and also violence.

Mr. FILNER. So what?

Mr. ROHRABACHER. I would suggest that we let the witness answer the question.

Mr. FILNER. So irrelevant.

Mr. TAKEYH. I think the Congressman and I just simply disagree on this.

Mr. ROHRABACHER. All right. Well, thank you very much. As I get my notes together let us turn to Judge Poe and we will make sure.

Mr. POE. Thank you, Mr. Chairman. I want to follow up on Mr. Filner's comments about Iran. They are the problem, Iran is the problem, they are the world's problem. And we got a group of Iranian citizens that are in Camp Ashraf that the Iranian Government does not like, wants them to go away, disappear from the Earth if they had their way. Why is that? Probably because they oppose the regime in Iran. And I actually agree with you, Mr. Filner, that we should encourage groups that oppose the Iranian regime because the best hope for the world is a peaceful regime change in Iran and the Iranians have to do it, wherever they are in the world. So I just don't know why our State Department is so hardheaded about delisting them from the MEK but they are.

So we need to intervene and get them off the MEK list.

Dr. Mukasey, or Judge Mukasey, which I prefer to call you that if that is okay.

Mr. FILNER. He likes General.

Mr. POE. Judge Mukasey, the camp if it is moved somewhere else in Iraq, what do you think will happen to the residents?

Mr. MUKASEY. That can't possibly—nothing good is the short answer. It is not in any way a threat to Iran where it is. Certainly nobody from the camp has lobbed anything into Iran nor have any of the incursions against the camp from come from Iran. They have come from Iraq. So moving them within Iraq isn't going to solve any problems. The only thing it will do is take them out of sight and thereby allow the Iraqi Government at the behest of the Iranians to finish them off. That would be a disaster.

Mr. POE. What is the relationship right now with Maliki and Ahmadinejad?

Mr. MUKASEY. It appears to be a close relationship. The Iranians call the shots and Maliki acts in accordance with what serves their interest.

Mr. POE. Colonel, let me ask you this question since you were there. Are there MEK terrorists today?

Colonel MARTIN. The MEK are not terrorists today. And if I may continue, sir, in May 1972 the MEK leadership was rolled up and Rajavi and many others ended up in prison just prior to that, and then there was a split within the MEK to a Communist Mujahedin Marxist regime and what we see now is the MEK and it stayed that way.

The killings of Colonel Schaeffer, Colonel Turner and Lieutenant Colonel Hawkins were accomplished in June and July 1975, and the Shah's own police interrogated the killers, and they said they were part of the Marxist MEK.

When Rajavi was released from prison, he was able to bring the MEK back together outside of the prisons, and that is the organization you see today. It is not the MEK that was doing those executions. They are not terrorists today, and whatever activities they did in the past, if we were to hold that against them, then we should have had nothing to do with Menachem Begin or Anwar Sadat.

Mr. POE. The United States is getting ready to leave Iraq. So what happens when we leave?

Colonel MARTIN. When we leave?

Mr. POE. To the camp.

Colonel MARTIN. When we leave, the camp will be annihilated.

Mr. POE. My last question is open to the panel. So what do we do? What do we do? The United States Government, Congress, what should we do?

Mr. ROHRABACHER. I think that is such a good question. We will have each witness give a 1-minute answer.

Colonel MARTIN. My recommendation, sir, is get them delisted immediately. We get them out of camp as soon as possible, certainly before the end of the year. I am willing to get on the plane and go over and help load them up if that is what it takes. When I was working with the State Department, we tried to get Homeland Security to see can they come to the United States. No, because they are a terrorist organization. Well, we delist them. Well, they were once a terrorist organization even though it was an erroneous delisting. We need to get them out of there.

Mr. POE. Judge.

Mr. MUKASEY. I agree and if it takes, in order to get around Homeland Security objections, a special bill I am sure that that is something that is not beyond the power of this body. To get some members, I am not suggesting that all of the residents of Ashraf be settled here. But certainly if we take the lead, taking some folks in, then we can persuade other countries to do likewise, but the first step is delisting. If they are still listed as a terrorist organization, it becomes impossible to move them anyplace else. Delisting is for certain the first and essential step.

Mr. POE. Dr. Morsch.

Dr. MORSCH. Delisting MEK must happen first. We must recommit to fulfilling our promise that we made to the people of Ashraf.

You know, I appreciate what Mr. Takeyh has said. We are talking about decades ago. Even if we want to debate this, the U.K. has already debated it, the European Union, they have already concluded the debate. There are 3,400 human beings in Ashraf and there will be a genocide unless we intervene and do something. I think the United States Government needs to take responsibility for the solemn promise it made and to fulfill it. Whether it is through the U.S. military forces, UNAMI, somehow we have to keep our word in this world.

Mr. POE. Dr. Takeyh.

Mr. TAKEYH. As I mentioned in my testimony, Congressman, I think the U.N. Refugee Commission should hold the responsibility for them. If sizable members of the Camp Ashraf are actually passport holders or residents of other countries, Canada, France or something, I believe under international law those countries are obligated to take back their citizens. United States would be obligated to do so for those citizens abroad in jeopardy, and the remaining of them the United Nations should look for a safe haven for them.

I do agree that they cannot be repatriated to Iran certainly, and the situation in Iraq does seem precarious.

Mr. POE. Thank you, Mr. Chairman.

Mr. ROHRABACHER. Mr. Sherman, you are not a member of the subcommittee. We do have members of the subcommittee here. We will recognize your contribution and the right to ask questions as soon as the final subcommittee member, Mr. Rivera, has his time. Mr. Rivera.

Mr. RIVERA. Thank you, Mr. Chairman. I understand from all the testimony and all the information and the history that certainly the Iraqi Government as it is currently constituted does not seem to want the MEK in their country, and I certainly understand that under no circumstances can they be sent back to Iran. I also certainly understand the physical integrity of the residents of the camp must be protected.

Given all of these different circumstances, I guess my first question is what does the MEK, based on all of your knowledge—I will start with the judge—what does MEK want their fate to be, given all the constraints?

Mr. MUKASEY. I think they simply want to be able to function.

Mr. RIVERA. Where?

Mr. MUKASEY. Wherever they can, both within Iran.

Mr. RIVERA. Within Iran?

Mr. MUKASEY. Yes—no, I don't mean sending the Ashraf residents back, but they want to have connection to people in Iran with whom they have contact so that they can effect regime change, but they can't function in that fashion as long as they continue to be listed as a terrorist organization.

Mr. RIVERA. In terms of physical residence, I will go to the Colonel, what do they want their fate to be?

Colonel MARTIN. The first thing would be to continue to operate in the Ashraf area unimpeded. However, Madam Parsai has specifically told Lieutenant General Gardner and myself, if you want us to move, we will move, we will come to the United States or an-

other country where they know they can be secure and they can be protected. They are willing to leave.

Mr. RIVERA. Well, if that is the case, does anyone—does the United States have a plan toward that end to settle them to have them leave or does anyone have a plan?

Colonel MARTIN. The United States I know for a fact has no plan. And we have seen and it was mentioned this morning—this afternoon, the State Department does not respond to the calls of Congress, they are not responding to the findings of the judicial branch. And if I may be so bold, as an American warrior I carry a copy of the Constitution with me. The first branch our Founding Fathers put down was the legislative because it was the most important and it represented the will of the people, and then came the executive to carry out that will, and then came the judicial to make sure it was being done right. We have a sub-element of the executive branch ignoring both the legislative and the judicial branch.

Mr. RIVERA. And Dr. Takeyh, maybe you are best qualified to answer this, what is Iraq's plan?

Mr. TAKEYH. I am not quite sure if Iraq has a plan to deal with them. I think the Iraqi regime seems to be in control of ill-disciplined forces who may not be able to control the physical integrity of the camp, as you suggest. This is why I suggest one of the ways we could go about this is to interview individual camp members to see where they go, if they have nationalities in Europe and others.

Mr. RIVERA. If we would ask Maliki right now what is your plan, what would he respond?

Mr. TAKEYH. I am not quite sure if he has one. I think it is a problem that neither Iraqis knows what to do, because it endangers their relationship with Iran, it complicates their relationship with the United States, and it also complicates Maliki's own relationship with the Shia community given the fact MEK has been implicated in violence against Iraqi Shias during Saddam's tenure.

Mr. RIVERA. Does anyone have a plan, European Union, Arab League, anyone have a plan?

Mr. MUKASEY. Not that I am aware of. A particular plan as to the residents of Ashraf, not that I am aware of.

Mr. TAKEYH. Congressman, the United Nations does have experience in dealing with displaced refugees and they may not have a specific plan for residents of Camp Ashraf, but they do have experience with individuals.

Mr. RIVERA. What can the United Nations do to implement their plan? How can they enforce it?

Mr. TAKEYH. Well, for one thing the camp can come under the authority of the United Nations where they would be essentially in control of——

Mr. RIVERA. Would Maliki permit that?

Mr. TAKEYH. Well, that is something that United Nations and Maliki would negotiate with each other. The other thing they can do is look for safe havens for them, which they have more experience in doing. The United Nations does run refugee camps in a vast number of countries.

Mr. RIVERA. Safe havens also imply that those countries provide assent to the camp residents going into—have any countries expressed any interest?

Mr. TAKEYH. Some of them who are dual nationals would have to be taken back from their countries, if they are nationals of Canada——

Mr. RIVERA. Have any countries expressed interest in taking back——

Mr. TAKEYH. The dual nationals is a question of law, they have to be taken back by their original——

Mr. RIVERA. But has any country publicly expressed interest?

Mr. TAKEYH. I think some European countries have.

Mr. RIVERA. Such as?

Mr. TAKEYH. Sweden and so forth.

Mr. RIVERA. Sweden?

Mr. TAKEYH. Yeah.

Mr. RIVERA. Thank you, Mr. Chairman.

Mr. ROHRABACHER. The chairman will when everyone else has had their time questioning, I will begin my questioning. I will now recognize Mr. Brad Sherman, who has also been very active on this issue but not necessarily on this subcommittee.

Mr. SHERMAN. I thank the chairman for his patience. Practical question or two to Mr. Attorney General. If someone happens to have a visa to go to Sweden, are they allowed to leave Camp Ashraf and go there?

Mr. MUKASEY. As far as I am aware, they are.

Mr. SHERMAN. And would the residents of Camp Ashraf be safe anywhere in Iraq, say in a Sunni part of that country, or is it critical that we get them out? I see the Colonel with an answer.

Colonel MARTIN. I will gladly answer that question.

Mr. SHERMAN. Not to mention obviously any moving of them would be dangerous and would have to be carried out, I think, by U.S. forces, but if they arrived in some other part of Iraq would they be any safer than they are now?

Colonel MARTIN. I agree with the young lady that was in the video in the very front, they could not be safe.

Mr. SHERMAN. Either there has to be U.S. or U.N. protection of Camp Ashraf or, much better, the people have got to be outside of both Iran and Iraq?

Colonel MARTIN. That is correct. And if I may add to this, we had approximately 195 defectors that was being protected at the American camp. Working with Barzani, we were able to get them released into Kurdistan and their fate was a very terrible one, and they ended coming up and asking for financial help from the MEK so that they could try to move on with their lives.

So the answer as proven by evidence of that happening to the defectors is nowhere in Iraq is safe.

Mr. SHERMAN. Dr. Takeyh, you seem to be the only person here who thinks it might be okay for the MEK to stay on the terrorist list. Are you aware of any terrorist action attributed to the MEK after the last terrorist action attributed to the IRA?

Mr. TAKEYH. In terms of in Iraq itself there is allegations of MEK being part of Saddam's regime against Shia residents before

their disarmament, throughout the tenure of Saddam. Those are the allegations.

Mr. SHERMAN. Are those acts classified as acts of terrorism by the State Department and are there any specific acts that are attributed?

Mr. TAKEYH. Well, there is certainly the contention of the Iraqi Government that the MEK membership during Saddam Hussein's era was acting as his praetorian guard.

Mr. SHERMAN. Well, what about the praetorian guard of Saddam Hussein and his other—I mean is everyone who served in the Iraqi Army considered a terrorist by the United States?

Mr. TAKEYH. I am not suggesting that, Congressman. I am just suggesting that they were used in specific campaigns, and particularly against the Shia population in the south in 1991.

Mr. SHERMAN. Okay. Now the MEK was designated in 1997 but every act of terrorism that you have described in your statement, at least when I was in this room, were a long time before then. Were they designated in 1997 because that was part of an olive branch to Tehran or because the State Department finally got around to looking at the actions taken in the 1980s and 1970s?

Mr. TAKEYH. I wasn't in the State Department in 1997 when the designation took place. I am not quite certain of the reasoning to do so at that time. I am sure there are representatives of the State Department at that time or subsequently can respond to your question.

Mr. SHERMAN. What I have been told is again and again that the MEK is on that list as an olive branch to Tehran. It is not working out real well.

Colonel, do you have any insight as to why action was taken of all times in 1997, decades after the most offensive actions taken by the MEK?

Colonel MARTIN. Sometimes when you have enemies you have to compliment them for a great skill. Iran beautifully portrayed itself as going to a more moderate government that was going to open up to the West. There is nothing more moderate because the Supreme Council would not have allowed, we saw what happened in 2009 when they did have a chance for a moderate President. So they presented themselves as moderate and in turn we gave them the olive branch that you mentioned. Then when it was convenient for Tehran, then next thing you know Ahmadinejad is now in power.

Mr. SHERMAN. So we twisted our semi-judicial or administrative determination for political reasons and in this case for the wrong political reasons?

Mr. MUKASEY. I totally agree.

Mr. SHERMAN. Does anyone else on the panel have a comment?

I yield back.

Mr. ROHRABACHER. Thank you very much. We have Mr. Carnahan with us and you may proceed, Mr. Carnahan.

Mr. CARNAHAN. Thank you, Mr. Chairman, and thank you to the panel. I apologize for missing some of your testimony. I had to step out for just a minute. I wanted to come back and start with Dr. Takeyh. And given that the PMOI MEK received safe harbor under Saddam Hussein and helped Iraq fight against Iran during the

Iran-Iraq war in the eighties how does this group hold enough legitimacy in Iran to be a viable opposition to the current regime, particularly considering the nature of the culture? Could you talk about that?

Mr. TAKEYH. I don't think it is a credible opposition movement within Iran as perceived by credible Iranian opposition movements, such as the Green Movement representative, which has forsworn any relationship with MEK and have denounced it at every turn. I mean you see that in a secular opposition in Iran and its umbrella organization that comes under the auspices of the Green Movement.

Mr. CARNAHAN. We have limited means of engaging the Iranian people now. How would U.S. support for the MEK affect the Iranian popular opinion in the U.S. and, more broadly, how are there better ways that we could engage with the Iranian people and the Iranian opposition?

Mr. TAKEYH. I think the task at hand is how does the United States enable, empower the Green Movement in its attempt to create a democratic society in Iran and try to liberalize the Iranian Government and in due course displace the radical regime that is in power. That is the key challenge we have today. We have a lot of experience with that and are in a Cold War with our assistance to solidarity in Poland, with our assistance to other Eastern European opposition movements and their efforts against Communist governments in the Eastern Bloc. I think some of those lessons can be used to assist the indigenous, viable, legitimate opposition within Iran, which comes under the auspices of the Green Movement.

Mr. CARNAHAN. Thank you, and I just wanted to open this up for the rest of the panel to address the issue of the practicality of relocation as an option. Can that work, does that work and what are your thoughts on that? Let me start with General Mukasey and we will go down the line.

Mr. MUKASEY. I think if people are going to be killed where they are, then relocation is the only practical alternative, to respond directly to your question. Also to comment on something that Dr. Takeyh just said, there is as far as I know no, zero, no example of any situation in which help to a dissident group in a totalitarian country was successful. Poland was not a totalitarian country at the time we helped solidarity. That was—you try to help an organization that is in a totalitarian country, there is only one way to get rid of a totalitarian government, and that is to overthrow it.

Mr. CARNAHAN. Thank you, Colonel.

Colonel MARTIN. The Mujahedin needs to be moved completely out of Iraq and not to Iran.

Mr. CARNAHAN. What else would that look like in your opinion?

Colonel MARTIN. It would give the appearance that we are bringing them under an umbrella and keeping them operational as an organization, but the reality of it, they certainly would not be a military force because the average age is now over 40 years old. They are a very valuable intelligence resource, and that could be used in the future, but if we would bring them in and pretend that we are training them up, it is just not feasible.

Mr. CARNAHAN. And Mr. Morsch, Dr. Morsch, sorry.

Dr. MORSCH. Ashraf is probably the safest place for them right now. They are very close to Balad, Camp Anaconda, which is one of the largest U.S. Bases in Iraq. They are very close to Baghdad, relatively close to Baghdad. It is an area that is very scrutinized. So to move them anywhere else within Iraq it would certainly be less safe and more dangerous.

Mr. CARNAHAN. Thank you all very much. I yield back.

Mr. ROHRABACHER. Ms. Sheila Jackson Lee is not a member of this subcommittee, I believe, but she has interest in this particular issue and, as I say, as chairman I will be the last person to ask questions today, but I think I have several important questions to ask. So you may proceed, Ms. Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, again in your absence I thank you for your kindness and indulgence and also allow me to recognize both you and the ranking member on your astuteness on issues in dealing with human rights and fairness and simple practicality on questions that seem to be unanswerable but seem to be common sense. I guess the question is how do you allow persons to be murdered and the guns used against those persons being funded by the United States of America. It continues to baffle me.

Before I came into the room, and as I acknowledge again Mr. Carnahan and my colleague Mr. Filner, we have both experienced over the years enough indictment for our concern about the individuals who are in a membership by the name of MEK, but more importantly the brutality against several human beings. It amazes me that again blood has been shed, treasure of the United States has died in Iraq so that Iraqis might live free, might have the blessings of democracy and choice of that democracy. And yet we are covered with the blood of others at the hands of, as we have come to understand the allegations, of Iraqi soldiers.

Judge Mukasey, help me with—you have 7 pages that I will read more extensively. Would you help me with laws that you say that we are not enforcing? Give me those tools. You said we are not enforcing certain laws that we need to do. Would you repeat those again for me, please?

Mr. MUKASEY. I think what is often described in shorthand as the Leahy amendment, which is actually two statutory provisions, one of which relates to use of foreign aid, the second of which relates to use of military aid, and bars the use of such aid when it goes to military organizations that have committed human rights violations unless there is a finding in the case of military, unless there is a finding by the Secretary of Defense of overriding necessity. I don't know of any such finding here. So the lay Leahy amendment is, it seems to me, right on the nose. I think Senator Leahy was the author of that amendment.

Ms. JACKSON LEE. I have not looked at your bio, I can't say in certainty whether you were in the military or not in the military, but I know you have been both an outstanding jurist and the Attorney General. Would you suggest that the actions of this past incident counted for—do you believe it is well documented that the violence was perpetrated by soldiers that were in Iraqi uniforms or Iraqis with guns that resulted in the deaths of the 30-plus individuals?

Mr. MUKASEY. There is no doubt of it. We have identified, as I understand it, the precise units that participated in this operation. So that is relatively easy to come by.

Ms. JACKSON LEE. Dr. Morsch, can you document or suggest any reason why tanks and commandos and guns were approaching that camp? Was there any national security reason?

Dr. MORSCH. No reason other than I believe the Maliki I government is planning to exterminate the people of Ashraf and this is part of a long series of actions that are probably going to occur until they are ultimately victorious.

Ms. JACKSON LEE. Does that sound like to you a conspiracy with Iran, a country who has potential nuclear capacity, threatening the world, and the leader of Iraq is now in cahoots to attack individuals who cannot defend themselves, or at least defend themselves against tanks.

Dr. MORSCH. Congresswoman, I arrived in Iraq in January 2004, shortly after the Iraq war began. And so from my first days on the ground I saw the influence of Iran within Iraq because Ashraf is close to that border. It has been there ever since, it is growing, it is obvious, it is intentional, and in fact in 2004 I made the comment to some of my fellow officers Iran—we are basically going to come in here and take out Saddam, create a power vacuum and create a greater Tehran right here in Iraq. It is happening right before our eyes.

Ms. JACKSON LEE. Let me just conclude, Mr. Chairman, I see the lights. Thank you very much.

Let me conclude by saying my outrage cannot be expressed and again I ask our Government, which I have great respect for, to immediately denounce and ask for a ceasing of the collaboration between the Iraqi Government of which we are funding and Iran, which has become the world's enemy to destroy and kill innocent persons and whatever laws that we have, Chairman Rohrabacher, that we can use, the Leahy amendment, should be implemented immediately.

I yield back.

Mr. ROHRABACHER. Thank you very much, Ms. Jackson Lee, and to all of our other members who have participated today. I again apologize that earlier I had to leave. I did actually go from here straight to the floor to deal with an amendment that would defund our friends in Pakistan which has something to do with some of the issues we are discussing today, and so is vitally important. However, I am very pleased we were able it get the questioning in from those of us here able to spend the entire time with us. Let me just ask you a few questions here.

Dr. Morsch, you were in Camp Ashraf in what year?

Dr. MORSCH. 2004.

Mr. ROHRABACHER. 2004. Now in 2004, correct me if I am wrong, the FBI actually went to Camp Ashraf and interviewed all of the residents of Camp Ashraf to find out if any of them were indeed terrorists; is that correct?

Dr. MORSCH. Yes, Mr. Chairman.

Mr. ROHRABACHER. Are you aware of what the FBI determined by their questioning of all of—each and every one of the people there at Camp Ashraf?

Dr. MORSCH. Yes, sir. I was there during the entire investigation phase and from the beginning to the end all 34 or at that time maybe a few more were interrogated. I did not see the official report of the FBI but I talked to the agents and interviewers on a daily basis as they came back from spending the day in these interviews. And they expressed tremendous frustration that they had come to Ashraf with particular people they thought they were going to be able to take back to the U.S. To prosecute for various nefarious criminal or terrorist activities. And day by day they were not able to find any evidence on any illegal criminal or terrorist activities and finally left empty handed, as they said, and were quite disappointed.

Mr. FILNER. Mr. Chairman, I just want to ask——

Mr. ROHRABACHER. Excuse me, I have the floor now.

Mr. FILNER. I want to make sure he meant 3,400.

Mr. ROHRABACHER. I will be happy to let you do this after my questions.

Mr. FILNER. I just wanted a question of fact.

Mr. ROHRABACHER. Thank you, Mr. Filner.

To the point that was just made, Dr. Takeyh, have you seen this FBI record?

Mr. TAKEYH. I have not.

Mr. ROHRABACHER. And you question that the FBI was conducting a proper investigation?

Mr. TAKEYH. I have no insight into the investigation.

Mr. ROHRABACHER. Okay. And when you have expressed your concern about the MEK since 19—well 2004, so that's 6 years, you have been expressing concern that the MEK might, you know, be worthy of designating a terrorist organization but you have not bothered to go and find the FBI report that went in and investigated that specifically.

Mr. TAKEYH. I am not sure if that FBI report is actually for public consumption, nor have I been intensely engaged in the MEK terrorism debate, as you suggest, in the past 6 years.

Mr. ROHRABACHER. So you are not sure whether the FBI report is for public consumption?

Mr. TAKEYH. Congressman, I simply cannot comment on a report I haven't seen.

Mr. ROHRABACHER. I understand, but I guess what the question is you are a Ph.D.?

Mr. TAKEYH. Uh-huh.

Mr. ROHRABACHER. When these people are talking, as you might say, a credible witness on issues, especially when someone has a scholarly background, a Ph.D., that you would expect they would go to all sources, especially ones that were directly related to investigating a specific charge, but you did not go to——

Mr. TAKEYH. I don't think——

Mr. ROHRABACHER. You didn't try to seek out the FBI report?

Mr. TAKEYH. I don't think that FBI report was publicly available. I believe it is under classification.

Mr. ROHRABACHER. The operative words I think which means you did not.

Mr. TAKEYH. I would be happy to look at the report.

Mr. ROHRABACHER. Usually if one was to be someone to argue a case they would at least take the time to see if something was available or not. Dr.——

Mr. TAKEYH. Ordinarily, Congressman, FBI reports of this nature are not available and my colleague has himself said he hasn't seen the report.

Mr. ROHRABACHER. Okay, well, I am not sure whether the FBI report is available or if the conclusion was available. My guess is that at the very least the conclusion that the FBI made was made available and that has——

Mr. TAKEYH. I am not sure if that is correct.

Mr. ROHRABACHER. Is it your understanding that the FBI concluded, that is your testimony today, that the charge that these people were still a terrorist organization was debunked; is that correct?

Dr. MORSCH. Yes, sir. That was the point of the investigation and again they didn't find anything. This is my unofficial discussion with numerous members of the OGA personnel who were there on site for the several months of the investigation.

Mr. ROHRABACHER. When you are suggesting that all 3,400 people there were questioned by the FBI.

Dr. MORSCH. All of them questioned by the FBI and or other representatives that had arrived, perhaps 100 outside personnel, a very efficient, organized interrogation process.

Mr. ROHRABACHER. Now, let me just note that I have been involved politically since I was in my teens and I have seen different organizations evolve into different things and my understanding of the MEK is that it had a Marxist beginning and that there were questions about—that I would have about an organization that was involved in the type of activity that was at the same time espousing some sort of Marxist ideology. Apparently that was a long time ago and there seems to be a lot of evidence that MEK evolved out of that position. I did not get involved in this issue for a long time because many people in Iran, many of the Iranian exiled community still remembered the MEK as an organization that was involved in assassinating members of the Shah's government. By the way, not to say that the Shah was not a dictatorship as well and when people are struggling for democracy against a dictatorship usually you have to use force, but that still would not necessarily say that what the MEK was doing was acceptable because I understand they were targeting unarmed officials who worked for the Shah and worked for his administration.

Is there some reason, Mr. Takeyh, that we have to believe that the MEK is still after all of these years and all of these individuals have been involved with them that that they are still involved in some sort of terrorist operation?

Mr. TAKEYH. The MEK use of violence did not stop with its opposition to the Shah's regime. It continued in the aftermath and has continued throughout the aftermath of past 30 years, and it has continued against Iranian civilians within Iran and Iraqis within Iraq once they relocated there. So it is a long history of violence.

Mr. ROHRABACHER. Let me just note for you. This is a territory that is filled with violence, whether you are talking about the Shah or you are talking about the Mullah regime, you are talking about

incredible violence. I wouldn't be surprised if there was any organization that existed that wasn't in some way involved with the use of force at least to protect themselves.

Mr. TAKEYH. Oh, I disagree with that. Within Iran there are many opposition movements such as the Green Movement that explicitly rejects violence for civil disobedience and protest and demonstrations.

Mr. ROHRABACHER. Or like the American Revolution where we—oh, wait a minute, we did use violence there, didn't we? Let me suggest that I would ask our friends in the audience not to applaud, or to be fair to all of our witnesses.

You have got a lot of courage, thank you for being here, I appreciate your being here today, knowing that you are going to get some very poignant questions.

So your suggestion is the MEK today has been branded as unacceptable by the leaders of the Green Movement in Iran.

Mr. TAKEYH. Yes, that is right.

Mr. ROHRABACHER. Is that the case? Does anyone know about that detail? Agree? Disagree?

Colonel MARTIN. I am not sure if it is going to be in agreement or disagreement. But I remember in 2009, when all the riots and everything were going on, the MEK was very, very quiet, and they were not involved in any of those activities. So to say they have been accepted by the Green Movement, I don't believe so. I do believe the National Council of the Resistance of Iran, Maryam Rajavi's other organization, is very much accepting of it.

Mr. ROHRABACHER. Let us note that the Green Movement has, I believe—and please correct me if I am wrong—has dissociated itself from violence as a means of achieving its goals.

But also let us note that just because some—that does not mean that an opposition group to a despicable dictatorial regime that uses torture and violence against its people, that anyone who chooses to resist it in a violent fashion doesn't make them right or wrong. We are not going to get the Mullahs to give up power simply by proving that they are thugs, by letting them beat people up and suppress people at will.

In fact, I will have to admit one of the things that attracts me to this movement is that it is willing to fight for the rights of the people of Iran against a very oppressive regime that is willing to kill people to stay in power.

But if the Green Movement has not accepted that and that the use of force has been something that the MEK is willing to do and it separates it from the Green Movement, let us accept that. That has been a reality. That doesn't necessarily make it the right position of the United States to back just pacifists in the world. Backing people who fight against tyranny is also something the United States could be doing.

Colonel, you seemed like you are anxious to say something.

Colonel MARTIN. I thank you, sir.

One point that needs to be pointed out, in the membership of the MEK inside Camp Ashraf there are only two people that were involved in the organization in the early 1970s, and I am holding their names for their own safety. One was in prison with Rajavi,

and the other one I know personally, and he is a good friend. I can honestly say neither one of those two people were involved.

Mr. ROHRABACHER. Well, it is very difficult for me, after seeing the video that we had, which is very clear evidence of a massacre of unarmed people, to then in some way focus attention on perhaps somewhere they might have people in their organization that believe in violence in order to overthrow the Mullah regime in Iran. And that is something that in some way should turn us off toward that organization.

About the massacre, how do we feel about whether this terrorist designation, which it seems impossible for the United States, as compared to all of our European allies, to get rid of this designation, did it play a significant role in the decision of whoever it was to commit this massacre? Is there any reason for us to believe that if they were not designated a terrorist organization that the person who ordered them to go in with those troops and shoot down unarmed civilians might not have issued that order?

Colonel?

Colonel MARTIN. I will lead out on that one, sir.

I think yes. Because the State Department has been basically moving at the pace of a startled snail. And when you see the Maliki government doing things wrong—and to include the attack 2 years ago—and our State Department and our Government does nothing about it but we keep them on the terrorist list, claiming they are a bunch of bad people, we are giving justification. And then when the attack is over, we also do nothing about it.

We remember the pictures of pictures of Abu Ghraib. This, Abu Ghraib, was minor compared to what happened at Camp Ashraf. It was very hideous, and it was very wrong. But all of a sudden our whole Nation was enflamed, and the world was enflamed, and it was a recruiting tool for the al Qaeda. But then we see blatant murder and then we look the other way. That just encourages more.

Mr. ROHRABACHER. The point is very well made, Colonel.

I think that there are consequences to political designations, and consequences in the actions of the people who order them and the people who are decision makers in other countries, which leads us to Prime Minister Maliki. Does this slaughter that we have seen of the people in Camp Ashraf indicate that the government now of Prime Minister Maliki is perhaps in a subservient position to the Iranian Mullah regime?

Colonel MARTIN. If I may again, sir, I see him subservient to three different elements. One is the Iranian regime, two is Hakim, and three is Muqtada al-Sadr.

And we saw this even in the execution of Saddam. Muqtada al-Sadr was the one who said to his followers, Saddam will not live to see the light of a new year. And then suddenly Task Force 134 gets a call from Maliki himself saying, I want Saddam turned over tomorrow. And you remember the spectacle of that.

Maliki is taking orders from three different elements. And, as you recall, Allawi won the election but Maliki would not follow the constitution and work with Allawi. And, as a result, Allawi won the election but he lost the government.

Mr. ROHRABACHER. Well the Mullah regime obviously—let me just say, Dr. Takeyh, you have suggested that actually the MEK is not a major force in this part of the world, that in Iraq they are not considered to be an important player——

Mr. TAKEYH. In Iraq?

Mr. ROHRABACHER. Excuse me. In Iran. They are not a major part of the resistance or the opposition. Why would the Mullah regime be so concerned about them if they weren't a player?

Mr. TAKEYH. Oh, the paranoid politics of the Islamic Republic are beyond my comprehension. They are concerned about every expression of dissent. That is what totalitarian governments are like. They try to squash any form of dissent. But in terms of array of forces that could displace their current regime, I don't think MEK would play a role in that.

Mr. ROHRABACHER. I am not sure what role MEK will play. I am not sure what their position is in terms of the people of Iran and the Green Movement, et cetera, as well as the Mullahs. But it does seem to be clear that Maliki, the Prime Minister of Iraq, thought that he was doing a favor for his buddies in Tehran in committing this massacre.

Let's go to a little bit about the relocation and such. Are all of you suggesting then that relocation in the United States is what you think will probably be the end result of this?

Mr. TAKEYH. I suggest in my testimony it should come under the auspices of the United Nations Refugee Commission.

Mr. ROHRABACHER. Right. But the United Nations is located in New York, I think.

Mr. TAKEYH. Well, it has offices all over the place.

Mr. ROHRABACHER. Maybe we could house them in the U.N. in New York. Yes.

Dr. MORSCH. Mr. Chairman, I think that the United States should be prepared to take all or the majority of them. But I do think that many other countries, as we are seeing in Europe, who are unilaterally taking actions in Libya and other places that they think are in the best interests on the world stage, I believe there is tremendous momentum, critical mass building. And I believe if the United States would take a lead—or the U.N.—I believe we would find a host of countries that would be willing to take the members of Ashraf.

Mr. ROHRABACHER. Colonel Martin certainly has made that point, that we have got citizens from various countries there. And the witness that we had at our briefing prior to the hearing today was a young lady from Canada. And maybe, Doctor, you could let me know, how many people there at Camp Ashraf would you suggest have such ties? What percentage of that 3,400 have ties to elsewhere?

Dr. MORSCH. While I was there, I did not consider whether they were citizens or whether they had Green Cards or visas. But I was impressed with the number of people who had received graduate and postgraduate degrees in developed countries, in Europe and in the United States and Canada. I mean, many, many, many hundreds of the residents were very well educated, spoke very good English, and obviously had ties with the West.

If you would poll the people behind me, my guess is half of them have family members today in Ashraf. And as I have traveled the world and met Iranians from throughout the world, there are a lot of families that are following their loved ones in Ashraf, and I have to assume there is some type of legal status tied to that.

Mr. ROHRABACHER. Do the other two witnesses agree with this assessment? Maybe half the people in Camp Ashraf have families that could in some way take care of them if they are forced out of Ashraf?

Colonel MARTIN. I would have to agree, sir.

I would have to make one point to an earlier comment. If we put them in the United Nations building, we would have to take them out once a year when Ahmadinijad comes for his annual rant.

Mr. ROHRABACHER. Thanks.

Mr. MUKASEY. I should point out that the strong statements from the European Parliament introduced actually a European plan to first provide security at Ashraf via UNAMI, a United Nations entity, with the help of the U.S. military and then, at the same time, with the EU and the U.S. to resettle residents in Europe and the U.S. But that when the U.S. Ambassador to Iraq, Ambassador Jeffrey, says that he supports the idea of resettling these folks within Iraq, that is not helpful.

Mr. ROHRABACHER. Well, let's just note that my observation—personal observation is that the people involved in this movement are highly educated people and highly motivated and have a great sense of unity. And while the United States has been in Iraq—which I will close with a closing statement about the wisdom of us going into Iraq in the first place, considering what this incident is telling us about the Iraqi Government—but as long as we were there, we could make promises, and we did make promises to the people of Camp Ashraf. And the people of Camp Ashraf kept their word to us, and they gave us intelligence information and disarmed and were as sincere in their pledges to us as we were to them.

However, the reality is the United States is leaving Iraq within 2 years. I believe the American presence in Iraq will be probably nothing. I mean, we will probably not have combat troops in Iraq. That means we will no longer be able to protect these individuals with the promise of protection from the United States. I would hope that we can work together to try to make sure that these individuals have an alternative that gives them safety and will not—but let me tell you what is unfortunate about this is that the closing of Camp Ashraf—and I disagree with you, Dr. Takeyh, on this—and that is, I think the Mullah regime does see the MEK and does know they are there. That is why this massacre took place. And I think that disbanding Camp Ashraf and just scurrying away, retreating from the border of Iran, will be viewed by the Mullahs not as—oh, look how sincere the Americans are being—but will be looked at as a retreat. And, basically, it will encourage the dictatorship and the Mullahs to even have a tougher grip on their own people because of the fact that we now are taking 3,400 souls who are standing against their dictatorship and we are disbanding them and we are demobilizing them.

And that is unfortunate. That is an unfortunate reality. But the reality is, is that we can no longer protect them once we are out of the country.

But I think that we should be proud as when we were there in Iraq that we didn't send the wrong message to the Mullahs that we were cowards and that we didn't believe that only pacifists can bring down the Mullah regime. It won't be just pacifism. It will be people with courage and people who stand up, people who have their own motives, whether they have their own religious group or their own social group.

There were groups of patriots during the American Revolution that brought down the British control of America. And they all weren't just of one mind. Some of them, in fact, were religious fanatics. Some were Christian cults that lived in the United States who supported us. And that is our history. But they had their rights, and they were willing to fight for them.

So let me just leave with one last thought, and I want to give you a chance to express a last thought, and then I want to express maybe 1 minute worth of thought.

Mr. Carnahan.

Mr. CARNAHAN. Thank you, Mr. Chairman.

And, again, I just want to personally say to the chairman for his work on this issue, his leadership, and leading our delegation there, demanding answers to tough questions, both from the Maliki government but also from our own Government in terms of how we go forward, bring people to justice, and find out how we can go forward to find a safe haven for the people there. So, again, thank you and thank you to the witnesses who are bringing your expertise to bear here today.

Mr. ROHRABACHER. All right. And I will finish with this.

Number one, there will be a list of questions offered to the State Department concerning the massacre at Camp Ashraf, including when they knew about what and who gave orders for our military to leave, et cetera, et cetera, and I detail some of those questions. There will be official lists of questions from this committee to the State Department. And we will expect an answer. If we do not get an answer, I will proceed with making sure that we have a follow-up hearing until those questions are answered.

And, finally, let me just leave with this thought: The invasion and the liberation, you might say, of Iraq was something that I supported. I mean, I trusted President Bush that he knew what he was doing, that he had a good grip on how to make sure that we got that job done, and that it was necessary, that it was absolutely necessary for us to go into that country with heavy armored divisions in such a big way.

I was wrong. I was wrong. I was wrong to put my trust in his judgment. I worked for the President of the United States, and I assumed that he had a similar responsible position toward the American people and sending the American military, as did the President who I worked for, which was Ronald Reagan. And that was not the case.

The United States has paid a dear price, probably $1 trillion of wealth, which may have been one of the major factors in kicking us into this horrible economic crisis that we are on the edge of

today, as well as thousands and thousands of our young people dead and many tens of thousands more who lost parts of their bodies or their faces were blown off or they now live in misery because their home lives are destroyed. And that is the price we Americans have paid.

And Americans don't mind fighting for freedom. Americans don't. That is our job. We come from every race, every religion, and every ethnic group. So we can show the world there is a better way.

But the ingratitude that I have found in our visit to Iraq was overwhelming. The people of Iraq—at least those in their government, the government of Prime Minister Maliki—showed absolutely no gratitude and in fact were contemptuous of the price that the Americans have paid to dislodge the Saddam Hussein dictatorship.

Let us note that Saddam Hussein murdered hundreds of thousands of his people, many more than have been killed in that 7-year, 8-year period since Americans dislodged Saddam Hussein. And many of the people being killed in Iraq are being killed by their fellow Iraqis. And here we just jumped in there and have paid such a heavy price.

Well, we Americans think it is okay as long as—you know, as I say, we have got a place in the world. We have got to show the world there is a better way where people can get along and not explode car bombs off because they worship God in a different way. And that is what we are all about.

I think that the members of the MEK that I have met here in the United States exemplify a commitment to freedom. And no matter how activists or what their organization did in the past, they are committed to freedom and democracy today. And certainly the slaughter there at that camp, we should have taken more caution and more care to see that that did not happen. And I think we all believe that.

So, with that said, when we make decisions in the future about what countries we are going to commit to and what we are going to jump into in a big way, we are going to have a lot of second thoughts about that. Americans are going to have a lot of second thoughts about that. In the meantime, we are going to do our best to live to what our traditions and our values are all about as a people.

I want to thank each and every one of you. Doctor, you were courageous to come here knowing that you were going to get the hardest questions. But I want to thank our other witnesses as well, because you have all contributed to a better understanding of this issue that has led to this horrible massacre. Let's just make sure that no more of these people who are friends of freedom are murdered by the Mullah regime and Tehran or by their stooges who now control the Government of Iraq.

Thank you very much. This hearing is adjourned.

[Whereupon, at 5:20 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

Subcommittee on Oversight and Investigations
Dana Rohrabacher (R-CA), Chairman

July 5, 2011

You are respectfully requested to attend an OPEN hearing of the Subcommittee on Oversight and Investigations, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hcfa.house.gov):**

DATE: Thursday, July 7, 2011

TIME: 2:00 p.m.

SUBJECT: Massacre at Camp Ashraf: Implications for U.S. Policy

WITNESSES: The Honorable Michael Mukasey
(Former Attorney General of the United States)

Gary Morsch, M.D.
(Former Commander of Forward Operation Base Ashraf)

Colonel Wes Martin, USA, (Retired)
(Former Base Commander of Camp Ashraf)

Ray Takeyh, Ph.D.
Senior Fellow for Middle Eastern Studies
Council on Foreign Relations

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Oversight and Investigations* HEARING

Day *Thursday* Date *7/7/2011* Room *2172*

Starting Time *3:22pm* Ending Time *5:20pm*

Recesses *n/a* (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Chairman Dana Rohrabacher and Vice-Chair Ted Poe

Check all of the following that apply:

Open Session ☑
Executive (closed) Session ☐
Televised ☑

Electronically Recorded (taped) ☑
Stenographic Record ☑

TITLE OF HEARING:

Massacre at Camp Ashraf: Implications for US Policy.

SUBCOMMITTEE MEMBERS PRESENT:

Chairman Rohrabacher, Ranking Member Russ Carnahan, Vice-Chair Ted Poe, and Rep. Rivera.

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

Rep. Brad Sherman, Rep. Sheila Jackson-Lee, and Rep. Bob Filner.**

HEARING WITNESSES: Same as meeting notice attached? Yes ☑ No ☐
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Prepared Statements of Michael Mukasey, Gary Morsch, Wes Martin, and Ray Takeyh.
Letter of Hoshyar Zeban, "Courting Disaster" by Neil Livingstone, "Trapped by Politics" by Wes Martin, Letter of John Gardner, "News Release" from US Central Command, "The People of Camp Ashraf," "The United Nations Must Work to Prevent the Illegal Constructive Refoulement of the People of Ashraf," and "Written Submission of Steven Schneebaum" by Steven Schneebaum.

TIME SCHEDULED TO RECONVENE
or
TIME ADJOURNED *5:20pm*

Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY COLONEL WES MARTIN, USA (RETIRED)
(FORMER BASE COMMANDER OF CAMP ASHRAF)

COURTING DISASTER:

HOW A BIASED, INACCURATE RAND CORPORATION REPORT IMPERILS LIVES, FLOUTS INTERNATIONAL LAW AND BETRAYS ITS OWN STANDARDS

A RESPONSE TO THE REPORT:
THE MUJAHEDIN-E KHALQ: A POLICY CONUNDRUM
RAND NATIONAL DEFENSE RESEARCH INSTITUTE

NEIL LIVINGSTONE
EXECUTIVEACTION, LLC

JANUARY 2010

[Note: The Rest of the article submitted by Colonel Martin is not reprinted here but is available in committee records or may be accessed via the Internet at: http://campashraf.org/resources/publications/e-books/courting-disaster/ (accessed 8/18/11).]

MATERIAL SUBMITTED FOR THE RECORD BY GARY MORSCH, M.D. (FORMER COMMANDER OF FORWARD OPERATION BASE ASHRAF)

HEADQUARTERS
MULTI-NATIONAL FORCE – IRAQ
BAGHDAD, IRAQ
APO AE 09342-1400

REPLY TO:
XOD SERVICE

February 16, 2006

Office of the Deputy Commanding General

Secretary General Madame Sedigheh Hosseini
Ashraf, Iraq

Dear Madame Hosseini:

Thank you for your recent inquiry on behalf of the residents of Camp Ashraf regarding the legality of any non-voluntary repatriation of Ashraf residents to their country of origin. Multi-National Force-Iraq appreciates our responsibilities with regard to the Geneva Convention Relative to the Treatment of Civilian Persons (GC IV), 1949. In particular, we are sensitive to the requirements established in Article 45 which prohibit the transfer of a protected person to a country in which he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

Finally, I would like to assure you that the coalition remains deeply committed to the security and rights of the protected people of Ashraf and the principle of non-refoulement. We will continue to work with the residents of Camp Ashraf, Iraqi authorities, and appropriate international organizations to resolve the disposition of the Ashraf residents consistent with applicable international law.

Sincerely,

John D. Gardner
Major General, U.S. Army
Deputy Commanding General

NEWS RELEASE

HEADQUARTERS UNITED STATES CENTRAL COMMAND
7115 South Boundary Boulevard
MacDill AFB, Fla.
33621-5101 Phone: (813) 827-5894; FAX: (813) 827-2211; DSN 651-5894

May 10, 2003
Release Number: 03-05-37

FOR IMMEDIATE RELEASE

MEK CONSOLIDATING UNDER COALITION CONTROL

COBRA BASE, IRAQ – V Corps has accepted the voluntary consolidation of the Mujahedin-E-Khalq's (MEK) forces, and subsequent control over those forces. This process is expected to take several days to complete. When finally accomplished, the peaceful resolution of this process between the MEK and the Coalition will significantly contribute to the Coalition's mission to set the conditions that will establish a safe and secure environment for the people of Iraq. Previously, V Corps was monitoring a cease-fire brokered between the MEK and Special Forces elements. The MEK forces have been abiding by the terms of this agreement and are cooperating with Coalition soldiers. While we are confident that the process will proceed smoothly, we are conducting this operation in a deliberate manner to minimize the possibility of misunderstandings or renewed violence. Groups displaying hostile intent or refusing to cooperate with the authority of the Coalition will be subjected to the full weight of Coalition military power. Groups are encouraged to adhere to this warning and submit to the authority of the Coalition immediately.
-30-

United States House of Representatives
Committee on Foreign Affairs
Oversight and Investigations Subcommittee

Written submission of
Steven M. Schneebaum
Counsel, National Council of Resistance of Iran
July 7, 2011

Mr. Chairman and Members of the Subcommittee:

I am Washington counsel to the National Council of Resistance of Iran, as well as to the United States Committee for Camp Ashraf Residents. I am also a member of the legal team responsible for the petition, currently pending before the Secretary of State, to remove the People's Mojahedin Organization of Iran from the United States list of Foreign Terrorist Organizations.

On behalf of my clients, I want to express gratitude to the Subcommittee for convening this hearing, and for the many gestures of support and solidarity that you, and Chairman Rohrabacher in particular, have demonstrated toward the People of Ashraf. Your intervention to support their wellbeing, and to defend their rights under international law, are greatly appreciated by their families and loved ones, and constitute a significant measure of protection of their security.

Although I regret not being able to testify in person before you today, I thought it was especially important to ensure that the legal arguments and contentions of the PMOI are presented to the Subcommittee, and are available for consideration by everyone who follows the Subcommittee's work.

In my role as counsel to the U.S. families of people at Camp Ashraf, I have had cause to visit Ashraf twice, once in 2004, and then again in 2008. My experiences there give me a different perspective: for me, discussions of Ashraf are not abstract, but focus on the lives and wellbeing of people I have met, whom I have heard perform Iranian music and with whom I have shared dinners and conversations on all sorts of topics.

I want to explain and to defend, briefly, four specific legal propositions. They are:

1. The PMOI should no longer be on the list of Foreign Terrorist Organizations in the United States: the classification is erroneous and unjustified, and it is causing serious harm to the People of Ashraf and those who care about them. Resolution of this matter by the Department of State is overdue.

2. The argument that Iraqi sovereignty somehow justifies the offensive and illegal treatment of the People of Ashraf by Iraqi Security Forces is bogus and should be rejected.

3. The obligations of the United States to the People of Ashraf did not end when the U.S. ceded sovereignty over the Camp to Iraqi forces in early 2010.

4. The United States should support solutions providing for the long-term security of the People of Ashraf, and should reject proposals that put them at risk.

First, regarding the delisting petition. To merit listing as a Foreign Terrorist Organization, a group must be engaged in terrorism or terrorist activity (both of these terms are specifically defined by statute), or must have the capability or intent to do so. There are other nuances set out in the law, but the bottom line is clear: if a group is not engaged in terrorism, and has neither the capability nor the intent to do so, it cannot be considered to be an FTO.

The PMOI petitioned the Bush Administration for delisting in July 2008. We demonstrated that the PMOI rejected violence in 2001, and has consistently adhered to that position since then. The applicable law gives the Government 180 days to rule on a petition. A few days before she left office, Secretary Rice denied our petition, relying entirely on classified information not shared with the PMOI or its counsel (although she did note that her decision should be reviewed within two years, regardless of whether another delisting petition was filed). The decision was based entirely on documents and information not shared with us: unclassified data included in the administrative record did not provide a serious basis for denying the petition, and the Government readily admitted as much.

The PMOI appealed to the courts, and the D.C. Circuit concluded that our clients had been denied due process. The Court remanded the case to the Department for reconsideration. It was the first time that the disposition of a delisting petition had ever been deemed inadequate. The Court made clear that it was not content with the Secretary's decision based entirely on a record that was not accessible to the petitioner.

After negotiations, the parties agreed that the PMOI would submit supplementary material, which we did on December 29, 2010. The statute does not specifically provide a deadline for review of a petition after remand. But it seems perverse to allow the Department to delay a decision for more than 180 days after a procedurally incorrect disposition was sent back to the Secretary for reconsideration.

More than 180 days have now elapsed since the filing of our new material. The Department has already acknowledged again that the unclassified record – which has been disclosed to us – is insufficient to maintain the PMOI's listing. What has been disclosed in response to our supplementary submission is grossly inadequate. It is well past time for the Secretary of State to conclude that the PMOI is not, in fact, a Foreign Terrorist Organization. There is no justification to continue the unjust listing.

Meanwhile, as this Subcommittee is surely aware, the listing of the PMOI as an FTO is having serious consequences. When Chairman Rohrabacher and others were in Iraq last month, and heroically insisted on visiting Ashraf, their request was denied, with Prime Minister Maliki

claiming that the FTO listing in the United States supported his treatment of the People of Ashraf as international pariahs.

Our filings on behalf of our clients are on the public record, and I invite anyone interested in pursuing the subject further to review our submissions. The PMOI, which has not been credibly accused of having engaged in any violent act over the last decade, does not merit inclusion in the list of Foreign Terrorist Organizations. It has neither the capability nor the intent to engage in terrorism or terrorist activity. And not only does the PMOI not pose a threat to the security of the United States, but it has defended the national interests of our country repeatedly: by cooperating with our forces in Iraq, and by disclosing intelligence about the illicit Iranian nuclear weapons programs. It is time for the Department of State to end this charade, and to delist the PMOI immediately. There is no reason for additional delay. The facts and law are clear.

Second, regarding Iraqi sovereignty. The United States has been heard to observe that Iraq is sovereign over its own territory, claiming that this somehow prevents the U.S. from insisting that the People of Ashraf be treated humanely, and in a manner consistent with their rights under the international law of human rights, as well as international humanitarian law. The premise of that argument is correct. Of course Iraq has sovereign rights over Ashraf,. But the conclusion does not follow from that premise.

The issue of Iraqi sovereignty is a red herring. Everyone – including the PMOI and its legal representatives – acknowledges Iraqi sovereign rights over Camp Ashraf. But the real issue is not that. The residents of Camp Ashraf entered Iraq lawfully and have occupied their home lawfully. They are refugees from Iran under international law; that is, they are outside their homeland and live under the real fear of persecution, or worse, were they forced to return.

Under the laws – if that is the correct term – of the Islamic Republic of Iran – membership in the PMOI is a capital offense. This is no academic or abstract proposition: parents and relatives of Camp Ashraf residents have been sentenced to death and executed even in this year merely for having visited loved ones at Ashraf. The People of Ashraf qualify under any definition of political refugee status.

The mullahs in Tehran have repeatedly made their views transparent to the government in Baghdad: they want the People of Ashraf dead. They want the movement to be suppressed. They want the organized opposition to their theocratic rule to be eliminated. And sadly, the Maliki government has been willing to accede to Tehran demands. Even before the U.S. handed over control of Ashraf to the Iraqis, senior officials of that government announced their plans to close Ashraf, and to force the removal of its residents from Iraqi soil.

Everyone agrees that the forced repatriation of individuals in fear of their lives is a violation of international law. The principle of *non-refoulement* prohibits the expulsion of anyone to a place where they he or she has a reasonable fear of persecution. But *refoulement*, to be violate international norms, need not be direct or explicit. The creation of conditions tantamount to expulsion can constitute constructive *refoulement*. And that has been the announced – not the covert – policy of the Iraqi government for several years.

The two massive invasions of Ashraf by Iraqi Security Forces – first in July 2009 and again in April of this year – have been parts of the official program of constructive *refoulement*. Quite aside from the egregious human rights violations committed during those two massacres, the invasions are elements of an internationally illegal plan to deport the People of Ashraf to their deaths.

As soon as it was known that the U.S. planned to transfer control over Ashraf to the Iraqis, the legal team of the PMOI loudly expressed its concern that Iraq could not be trusted to honor its international obligations, given the extent to which the Maliki Administration was beholden to its patrons in Tehran. We wrote to U.S. Government officials, to the United Nations, and to the Red Cross. Our concerns were dismissed. We were assured – as the United States was apparently officially assured – that the Iraqis were aware of their international obligations, and that they would treat their charges in a manner consistent with international law.

The result was two armed invasions, nearly 50 people murdered, and hundreds injured. It was and is a program of physical and psychological abuse of Camp Ashraf residents: loudspeakers broadcasting death threats 24 hours each day, medical care denied, and the provision of basic human needs systematically refused. The "assurances" solemnly given to the United States by the Iraqi authorities that we put in place were ignored. That was bad enough. What is worse is that there has not been a syllable of protest publicly announced by our own Government.

I prepared a paper on the illegality of measures of constructive *refoulement*, which is attached to my written testimony.

Third, regarding the ongoing obligations of the United States to the People of Ashraf. Everyone knows that, in July 2004, the United States officially recognized that the People of Ashraf are "protected persons" under the Fourth Geneva Convention. This was documented in two ways: first, by a letter to every resident of Ashraf from a Major General of the United States Army "congratulating" them on their status (after a person-by-person investigation concluding that no resident of Ashraf was credibly accused of violating U.S. law, and was thus ineligible to be treated as a "protected person"), and second, by the signature of each Ashraf resident to a contract with United States forces, according to which the U.S. would provide protection for them until a final decision could be made about their long-term disposition.

The written contract did not provide an exception for the eventuality in which the U.S. transferred control over Ashraf to the Iraqis. Until the end of 2009, the United States loyally observed its commitments to the People of Ashraf, defending their security, and protecting their human rights.

The Fourth Geneva Convention provides, at Article 45, for the transfer of control of protected persons from one state party to another. The mere fact of transfer does not constitute a violation. But the transferee state is required by the Convention to honor the rights of the transferred individuals, failing which, the transferor is obligated to revoke the transfer and resume control. The nation transferring control of protected persons, in other words, is required to act as guarantor of the transferee's observance of its obligations.

In short, the applicability of the Fourth Geneva Convention does not terminate when the state of international armed conflict terminates. The argument apparently now raised by the United States – that Article 45 does not apply because we are no longer an occupying power in Iraq – is simply wrong as a matter of law. Even if the Convention does not apply to events in Iraq today, it does not follow that the U.S. as the transferor state governed at the time of the transfer by the Geneva Convention is thereby released from its ongoing duties.

Again, I have written a paper on this subject, which is also attached to this testimony.;

Finally, regarding proposals for the future plight of the People of Ashraf. The situation in Camp Ashraf has reached a dangerous and unprecedented point. It is clear that the Iraqi authorities now in control of the Camp care little for the residents, and are in thrall to the mullahs in Tehran who would like them expelled, persecuted, and killed.

While the avowed position of the Maliki administration has not changed very much over the years, its expression has become louder and more strident as the restraints imposed by the United States have dwindled. There have already been two massacres, and the official position of our own Government has been that they are none of our business. The most extreme threats from Baghdad of internationally illegal conduct have drawn no criticism from Washington. Everywhere Nouri al-Maliki looks for approval of his treatment of the People of Ashraf, he sees green lights from the United States to act as he wishes.

So even in the two instances of unprovoked murder on a large scale, the ridiculous defenses put forward by Maliki and his allies have gone unrebutted by the United States. To cite but a single example, in April of this year, the Iraqi Security Forces, after killing some 35 Camp Ashraf residents in cold blood, claimed that there were only three dead, and that they had died in cross-fires (never mind that the People of Ashraf have been unarmed at least since 2003). The United Nations and other international observers quickly debunked that absurd statement, recognizing that what had happened was the premeditated killing of unarmed civilians by armed troops. The U.S., however, called upon both sides to exercise restraint.

In recent months, it has become apparent that an even more serious catastrophe is in the offing. The Maliki administration has announced that Camp Ashraf will be closed, and its residents presumably expelled, no later than the end of this calendar year. It is obvious that something must be done to protect the People of Ashraf from an unacceptable fate.

The United States has been heard to endorse such ideas as the internal relocation of the Ashraf residents inside Iraq. Such a thing can never be acceptable unless the U.S. is prepared to provide armed protection for the PMOI residents, something difficult to reconcile with withdrawal commitments made by President Obama. After all, it is the Iraqi Security Forces who have twice invaded the Camp with loss of life. Entrusting the fate of the Ashraf residents to Iraqi authorities at a place far from international observers would be an invitation to wholesale slaughter of 3,400 human beings. Nor is there any coherent argument in favor of such a move.

If a serious humanitarian crisis is to be avoided, and if the People of Ashraf are not to be sacrificed, there must be a plan for their protection in the immediate term, and their relocation outside Iraq in the longer term. It has been suggested that the Member States of the European

Union might be willing to accept substantial numbers of the Ashraf residents. Once the unjust terrorist label is lifted, the United States too might be persuaded to do the right thing.

But in the interim, it is critical that disastrous mistakes not be made. There should be no doubt: unless the international community rises to the occasion, the slaughter of innocent human lives is virtually inevitable.

The time to avert a catastrophe is short. The situation is truly dire. And the obligations of the United States as a matter of international law are clear.

I hope that the members of this Subcommittee will be vocal and unequivocal in their insistence that our Government not sit idly by while conditions at Ashraf deteriorate further. The world has seen too many instances, in recent years, of ignoring the signs of impending disaster. Ashraf must not be permitted to become another Srebrenica. The United States has responsibilities at Ashraf, and those obligations must be honored.

I would be pleased to answer the Subcommittee's questions, or to provide additional information as may be requested. I can be reached by email at schneebaums@gtlaw.com, or by phone at 202-530-8544.

Again, let me reiterate my gratitude, and the gratitude of the residents of Camp Ashraf and their families and loved ones, to this Subcommittee and its Chairman in particular for this hearing, and for your concern for these champions of a free and secular Iran.

Thank you for taking my views into account.

[NOTE: Additional papers by Mr. Schneebaum, submitted for the record by Dr. Morsch, are not reprinted here but are available in committee records.]