CONDITIONS AT CAMP LIBERTY: U.S. AND IRAQI FAILURES

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OF THE

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CONDITIONS AT CAMP LIBERTY: U.S. AND IRAQI FAILURES

THURSDAY, SEPTEMBER 13, 2012

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

The committee met, pursuant to notice, at 3 o'clock p.m., in room 2255 Rayburn House Office Building, Hon. Dana Rohrabacher (chairman of the subcommittee) presiding.

Mr. ROHRABACHER. This hearing of the Oversight and Investigations Subcommittee for the Foreign Affairs Committee will now come to order. We now move into the formal hearing on United States and Iraqi failures in regard to Camp Ashraf, and by extension, the strategic situation in Iraq and the region. I say this because the motive behind the attacks on Camp Ashraf comes from Iran through the Maliki government in Iraq which has aligned itself with the dictatorship in Tehran. Ashraf is only one example of this growing threat to American interests in the region, and could well be very symbolic of what we can expect in this region.

Consider Shiite militias and the terrorists groups of like Hezbollah that operate in Iraq, funded and armed by Iran. The Iranian elite special squads, the Quds Force, also operates in Iraq without interference by the Maliki government. President Barack Obama was unable to negotiate a new Status of Forces Agreement with Prime Minister Maliki that would have allowed a small American military presence in Iraq past the end of 2011. He then placed limits on the size of the U.S. Embassy staff and the CIA. The Maliki government was adamant that U.S. forces leave the country, thus removing a check on their actions. Iran was also adamant about the United States withdrawal.

The day after the last U.S. troops left Iraq, the Sunni Vice President al-Hashemi, a long-time foe of Shiite Prime Minister Maliki, was charged with terrorism. Hashemi fled first to Kurdistan, the province there in Iraq, and then on to Turkey. In September, on September 9th, in fact, he was sentenced in absentia to death by hanging. Maliki, who was once hailed as an Iraqi nationalist, has obviously become a sectarian plotting against the Sunnis and the Kurds of his own country. He has provoked a new domestic unrest and violence. The Sunnis were persuaded to turn on al-Qaeda in Iraq because we promised that they would get a fair shake in a democratic country. But that promise is fading, and the door may open again for al-Qaeda to rebuild.

An editorial Monday, in the British Guardian newspaper, raised questions of whether Maliki would become an outright dictator or not. It ended with the statement, and I quote, "Maliki's quest for domination could drive his country back into civil war." Iraq is a conduit for weapons and supplies to the Syrian dictatorship which is trying to crush an uprising of its Sunni majority. The Syrian regime is allied with Iran.

I initially supported the invasion of Iraq, I personally did, to overthrow the dictatorship of Saddam Hussein. I thought that was what was the right thing for us to do, to oppose dictatorships, the United States, and to help people struggling to create democratic societies. In retrospect, I consider this to have been one of the greatest errors I have ever made, and certainly the greatest error made by the previous administration, the Bush administration.

We sent an Army into Baghdad to get rid of a hostile government, which we did. But then while our troops were still there, what happened but a hostile government came into power. But this new hostile government is a hostile government aligned with the most dangerous regime in the region, Iran, which is a supporter of terrorism and has ambitions to develop nuclear weapons.

Americans need to think about this a long time to figure out what we should be doing in the future and what policies we have. But one thing is sure, we should always be on the side of people who are longing for freedom, and that is where Camp Ashraf comes in. The Camp Ashraf story may start about human rights, but is ending up as part of a tragic, an epic tragedy that ties into how or who lost Iraq.

With us today to discuss this tale is Lincoln Bloomfield, Jr. We had invited Ambassador Daniel Fried to testify on behalf of the State Department, but Ambassador Fried is in charge of Camp Ashraf and that issue, but he is out of the country, and the State Department said he was the only one who could actually discuss this adequately. So today we have with us Lincoln Bloomfield, Jr. instead. Given that since the withdrawal of U.S. troops from Iraq that the State Department is the charge of U.S. policy, and now all our troops are gone so now it is all up to the State Department, I found it hard to believe that they could not find someone to come up here and tell us what it is all about. So be it.

Mr. Bloomfield is the chairman of the Stimson Center. He was the Special Envoy for the Man-Portable Air Defense Systems threat reduction from 2008–2009, and Assistant Secretary of State for Political-Military Affairs from 2001–2005. Mr. Bloomfield previously served as Deputy Assistant Secretary of State for Near Eastern Affairs from 1992–93, Deputy Assistant Vice President for National Security Affairs in '91–92, and Principal Deputy Assistant Secretary of Defense for International Security Affairs from '88 to '89, among other positions. And I don't see how you could squeeze anymore positions into that resume dating back to 1981.

Mr. Bloomfield, if you could try to limit your testimony so we could have a few questions, because we expect some votes here fairly soon.

You may proceed.

STATEMENT OF THE HONORABLE LINCOLN P. BLOOMFIELD, JR., CHAIRMAN, THE STIMSON CENTER

Mr. BLOOMFIELD. Thank you, Chairman Rohrabacher, and thank you for the invitation to appear before this subcommittee. With your permission, sir, I have prepared some testimony and would ask that it be introduced into the record of the hearing.

Mr. ROHRABACHER. Without objection, so ordered.

Mr. BLOOMFIELD. I will also be referring, I expect, to Mr. Boumedra's testimony, and perhaps if it is permissible, his testimony and his briefing could be made part of the record of the hearing too, if that is permissible.

Mr. ROHRABACHER. So ordered, without objection.

Mr. BLOOMFIELD. Thank you very much.

With your permission, sir, I will take just 1 minute. I have had five jobs in the State Department, and I am going to talk about the State Department. I would like to just say a word of respect and condolence for the four State Department employees who lost their lives in Benghazi. It is a terrible loss, and I offer my condolences to their families and friends and to the State Department community. It just reminds us how tough and how important the work they do is. And even though I will be framing a policy issue that is very much of a problem for the State Department, it does not imply any disrespect at all for their vital mission or the people who serve.

I have one message, and I would hope that folks will digest my prepared testimony. There are copies here and it will be made available for the record. Mr. Boumedra testified as a human rights expert and as a former U.N. official, and it was clear from his briefing that he is very much concerned that the United Nations uphold its own principles. So the reason he resigned was that he felt that he was not being true to the principles of the U.N., and I respect that.

There are people in this room and there are constituents for the members of the subcommittee who have friends and relatives in Camp Liberty and Camp Ashraf, and there is no question that they are vitally concerned for the welfare of their friends and relatives in Camp Liberty and Camp Ashraf. I share both of those concerns, but my message has really a third focus, which is United States interests and U.S. policy.

Looking at the facts in this case, I believe that what Mr. Boumedra has brought to light has serious implications for U.S. policy. And Mr. Chairman, you talked about these as well, and I want to amplify the point that you were getting at.

From my perspective, what we thought was happening in Iraq was that we were undergoing a process of relocation of 3,400 people to a place where UNHCR could process them as potential refugees. And the hope was, and the U.S. Government hope is, that they will complete the process, that most, if not all, will qualify as refugees, and that they will find third-party countries who are willing to take them. And in a perfect world, all of them will be relocated elsewhere safely and securely, problem solved. Secretary Clinton herself testified in February to the House Foreign Affairs Committee that the United States' policy was to try to process these

people as expeditiously as possible, safely and securely, and to see them passed along to willing third countries.

What we have heard from Mr. Boumedra is something very, very different. You heard him mention the Iranian Embassy. I have heard him talk about at least five meetings where the Iranian Embassy was at the decision table, and what we have heard is that an element of the Iraqi Government surrounding the Prime Minister of Iraq is implementing an agenda that is very much Iran's agenda.

I am here today because I don't believe that the scenario that Mr. Boumedra has revealed as the real scenario that UNAMI has been supporting can be squared with the U.S. goal here. I think that they are operating directly at cross purposes, and I think that poses some serious problems and some serious risks.

Some of the implications are that it puts the United States in the horrific position of giving this population at Camp Ashraf essentially two choices. Either move to what you have clearly learned is a detention facility with seven checkpoints guarded by a group that is commanded by Colonel Sadiq Muhammad Kazem, who led the April 2011 massacre at Camp Ashraf. He led the massacre.

Now Mr. Boumedra says he was taking orders—we have heard that before, in the Nuremberg trial—but he led the massacre. He is in command of security at Camp Liberty. I pray that no one at the State Department knew that when they consented to a process that would drive people to be put under the command of the man who led the massacre. That alone has to be a human rights violation, to be facing down the guns of the people who wounded you, who killed the people among you. It is clearly a problem.

And so there has been resistance among this population not to be put in that position, but they have been told, again by the Secretary of State in the same testimony, that her deliberations on the foreign terrorist organization list, her decision whether to re-list or de-list the MEK, will be guided in large part by how much cooperation this population exercises in leaving willingly and going to Camp Liberty. So look at the choice.

And I must add, we have heard through the appeals court process that Secretary Clinton herself has been preoccupied with some pretty major crises in the world, and I take them at their word that she has been not able to review the file herself. But to put the Secretary of State in the position of saying, either go to a detention center where you are going to be unarmed, looking at people who have killed people amongst you, or plan to be on the terrorism list from now to eternity where you can't travel, your families are separated from folks in the U.S., and all of your movements are being tracked by financial investigators and FBI and counterterrorism people, that is the choice we have given them.

And I just don't believe the United States, if they knew all the facts that we have now learned, would allow themselves, would allow the United States to be behind that kind of a Hobson's choice. There would have to be a third option that respects principles of human rights. I think America is better than that, and I hope the Secretary of State will become acquainted at least with those facts. We should not be coercing the population into an untenable and illegal situation.

Secondly, there has been some concern—and I have investigated the open source material about the MEK history—that Iranian intelligence for years has been planting false information. It doesn't mean that the MEK was not conducting armed resistance against the mullahs in Iran, and I could talk about that. But my point is that when they leave, when the last group leaves Camp Ashraf, what protection do they have, do we have that there won't be some attempt to plant false evidence that they were planning terrorist activities, thereby to manipulate our counterterrorism policy? Some of the residents of Camp Ashraf have asked for a third-party, independent investigation of Camp Ashraf, and have been told no, and I believe the U.S. Government has said it is not necessary. That is a risk.

The third risk is a third massacre. Imagine if Colonel Sadiq, who by the way did travel. He went to France this summer to try to brief the European Parliament and was arrested at the door and held for several hours and then put on a plane back to Iraq. But if there is a third massacre, this does implicate United States law. And as someone who has worked for years on security assistance relationships, with this one we have lost a lot of troops to try to get us to the point where U.S. and Iraqi forces will mentor and will be partners for many years. We have huge programs with jobs lined up behind them: Fighter aircraft and tanks. There are assembly lines that are waiting for these programs to go forward.

If there is a third massacre, the Arms Export Control Act could severely complicate that. It would give the Congress and the administration a terrible choice of either overlooking the law and giving them a pass under those circumstances, or interrupting a program for which so many troops fought and died. There is also the Leahy Human Rights law, and if Colonel Sadiq doesn't qualify as someone who has committed gross human rights violations, I don't know who would. But he should be banned under the law from ever receiving training from the United States.

Those are two laws that I helped enforce and wrote the guidance for in some cases, and there is no good outcome here. And so I guess I would say, as long as this Iranian and Prime Minister Maliki's agenda to do as Mr. Boumedra said, it is an announced policy to make their lives unbearable. So we hear a lot about clean water and air conditioning and private property, and these are huge issues, but if you look at it strategically as part of a plan to make them lose their will and say, all right, I can't look at this 120 degree container box anymore, just let me out of here, and put them out into the open in Iraq where they could be vulnerable to Iraqi elements or to Iranian intelligence, and then take the top 200, thereabouts, for whom there are arrest warrants out who can never qualify by the way as refugees as long as there is a warrant out, the plan would obviously be to turn them over to Iran, which violates the non-refoulement principle which is a cardinal principle of humanitarian law.

Do we want to be a party to such things? I testified last December that I wondered why we didn't try to move the whole enterprise of the UNHCR to a safe harbor somewhere else. I repeat that recommendation today, and I redouble my belief that U.S. interests and the State Department's interests would be much better served

if Secretary Clinton tried really hard, maybe at the U.N. General Assembly meetings this month, to find a friendly country to take all of these people, not to let them loose but to let them be processed as refugees without threats to their lives and without violations of international law and principles of humanitarian standards and human rights law. Thank you.

[The prepared statement of Mr. Bloomfield follows:]

Testimony of Ambassador Lincoln P. Bloomfield, Jr.
before the House Committee on Foreign Affairs, Subcommittee on Oversight and Investigations
"Conditions at Camp Liberty: U.S. and Iraqi Failures," September 13, 2012

My thanks to the Committee on Foreign Affairs for inviting me to testify today, and to the Chairman and Ranking Minority Member of the Subcommittee on Oversight and Investigations for welcoming me to this hearing. I am honored to join in your important deliberations, and offer the following views in my personal capacity.

I begin my testimony with three disclaimers: First, I have not been to Camp Liberty. Second, I have not been a first-hand witness to interactions over the past year between the United Nations and the State Department; and third, like many people I can only speculate on the extent and nature of Iran's influence with Iraqi leaders or inside Iraq generally. What I can and will do is tell the Subcommittee what I know, and offer my recommendations on how best to safeguard American interests in this complex situation.

The Subcommittee has just heard from Mr. Tahar Boumedra, who was until recently the United Nations official with the closest involvement in matters affecting the Iranian exile population at Camp Ashraf and Camp Liberty. He served in Iraq for three and one half years. I have discussed these matters in detail with Mr. Boumedra and believe his first-hand knowledge should be taken seriously.

In any organization, when someone alleges wrongdoing, this creates a responsibility on the part of management. I was an Assistant Secretary of State for four years, overseeing 320 people. When one employee raised a complaint alleging improper conduct inside a part of my organization, I did not know if that person was credible, or if the complaint was legitimate. I did know, however, that sweeping it under the rug, or retaliating against the person making the allegation, was not an acceptable option for a public official. So I held an emergency town hall meeting and told the workforce I was going to cooperate fully and let professional experts come into our bureau and conduct a full investigation, which they did. It was painful; it was unpopular; but in the end, everyone knew that standards of professional conduct were to be upheld and would be enforced.

Contrast that to the United Nations' reaction to Mr. Boumedra's statements about why he resigned. On July 28, a spokesman for the UN Department of Political Affairs in New York said, "It is regrettable that such a distorted picture is being presented of the efforts of the United Nations in Iraq to resolve peacefully the situation of Camp Ashraf." I find this reaction unsatisfactory and even disturbing.

The UN headquarters has just been told that UN field reporting from Iraq on this issue has been systematically doctored to portray a situation materially at odds with the reality; the specific concern is that the UN mission may have been complicit in disregarding and covering up violations of international standards of human rights and humanitarian obligations. Yet instead of launching an immediate investigation, or at least sending a veteran diplomat to ensure that UNAMI would adhere to UN standards and protocols in the future, the UN headquarters chose to disbelieve Mr. Boumedra.

Mr. Boumedra's legal training in London and years of work with NGOs promoting human rights and penal reform in Africa and the Middle East, as well as the fact that the UN recruited him and gave him significant responsibilities for three and a half years in Iraq speaks to his credentials. Last month I invited him to meet here in Washington with a group of experts on human rights, displaced populations and UN operations. The focus was not the Iranian exiles; this group wanted Mr. Boumedra's perspective on human rights issues in Iraq generally, based on his long tenure as the UN's Chief Human Rights Officer in Iraq. He impressed these experts with his knowledge and measured judgments.

Those who might question his motives should note that in May, Mr. Boumedra asked that his resignation become effective immediately, even though he could have served notice and collected severance pay for an additional period of time. From every indication I have seen, he is a principled, sincere and serious professional, not a publicity-seeker or disgruntled employee.

While I am disturbed by the stance of the UN Headquarters in response to Mr. Boumedra's disclosures, my concern about the US position goes beyond the obvious need to reassess UN reports and put the UNAMI mission back on track. If such alleged misreporting by the head of a UN field organization had occurred in southern Sudan or refugee camps in Turkey, it would also merit investigation, but the impact would mainly be humanitarian. Here, with the exiled Iranian opposition group being listed as a Foreign Terrorist Organization by the State Department, and facing life-and-death security threats in Iraq, Mr. Boumedra's disclosures could have important foreign policy implications for the US as well.

Recall that Secretary of State Clinton testified this past February to the House Committee on Foreign Affairs that, "[W]e are trying to...avoid bloodshed and violence, and have the people from Camp Ashraf move to Camp Hurriya [Liberty], and have them processed as soon as the United Nations can process them." Recall as well that last December, the head of the UN Mission in Iraq, Mr. Kobler, announced the signing of a Memorandum of Understanding (MOU) with the Iraqi government, stating that the MOU "respects [Iraq's] international humanitarian and human rights obligations and protects the security and rights of the Camp's residents."

Recall that one year ago today, on September 13, 2011, the UN High Commissioner for Refugees issued a statement saying that many Camp Ashraf residents had already filed requests for determination of refugee status and as such, "...are accordingly now formally asylum-seekers under international law whose claims require adjudication. International law requires that they must be able to benefit from basic protection of their security and well-being. This includes protection against any expulsion or return to the frontiers of territories where their lives or freedom would be threatened (the *non-refoulement* principle)."

Let us be clear about what Mr. Boumedra has told us: the Prime Minister of Iraq, with Iran's encouragement and assistance, has made it a matter of public record that the government's policy is to make life unbearable for the Iranian exile population, with the evident intention that people will lose their will to remain at Camp Liberty and ask to depart, even without gaining refugee status or a host country destination. Upwards of 200 people believed by Iran to be the leaders among this population will face criminal prosecution by Iraq and likely transfer to Iran.

This – not the shortage of air conditioners, potable water or ramps for the disabled at Camp Liberty – is the serious problem raised by Mr. Boumedra's disclosures. We have now been told that the goals articulated by United Nations agencies in Iraq and embraced by the Secretary of State are, in fact, not being pursued at all. A year after the Iranian exiles submitted refugee applications to UNHCR, only a handful of people have been processed. Throughout this relocation process for the Camp Ashraf residents, representatives of Iran including the Iranian Embassy in Baghdad have played a detailed, hands-on role with the Iraqi Prime Minister's office and the leadership of UNAMI at every stage.

As Mr. Boumedra told the Swiss newspaper Tribune de Geneve on August 31, Camp Liberty, which requires visitors to pass through seven security checkpoints, is a "high security prison, not a transit point for asylum seekers." Their security, which is codified in a promise by the United States which Mr. Boumedra says remains in effect under the Fourth Geneva Convention, is now being placed in the hands of an Iraqi commander at Camp Liberty, Colonel Sadeq, who led the April 2011 attack inside Camp Ashraf that killed dozens and wounded scores of defenseless residents. Mr. Boumedra said "The UN has deceived these people." The question for Congress is whether the United States was similarly deceived, or whether it has understood this hidden agenda all along. I am not sure which is worse.

Complicating the US position further, Secretary of State Clinton has told Congress that the closure of Camp Ashraf will be "a key factor in any decision regarding the foreign terrorist organization status" of the group known as the Mujahedin-e Khalq (MEK), with which the Iranian exiles in Iraq are affiliated. In light of the new revelations, Secretary Clinton's proposition to this group would appear to be a true Hobson's Choice: either leave your home of 25 years, Camp Ashraf, to live in a detention camp surrounded by armed security forces who have recently attacked, killed and wounded many among you; or risk remaining on the terrorism list where intelligence, law enforcement and financial investigators will keep you separated from friends and relatives in the US and restrict your activities worldwide.

It is hard to believe that Secretary Clinton would knowingly associate the United States with such a policy approach, and indeed Justice Department attorneys have told the Appeals Court that Secretary Clinton has been so preoccupied with other important duties internationally that she has not had the opportunity personally to address the MEK terrorism listing issue in detail. So it falls to her subordinates to advise her on how best to protect America's interests and honor. They of course have the option of disputing or dismissing Mr. Boumedra's allegations as insignificant. The Committee is right to exercise oversight here in the interest of determining the true situation and assuring the integrity of US policy.

My conclusion is that the US would be well served by a serious re-look at the facts on the ground in Iraq. I am concerned that Iran's agenda, reflected in Iraqi government actions, is seriously at odds with the United Nations' goal of conducting "refugee status determination" with each of the Iranian exiles and arranging for third countries to accept them as refugees.

From what I have seen, the regime in Iran exhibits no interest in seeing more than 3,000 MEK members safely relocated in the West, where they can conduct political activities aimed at ending the

dictatorship in Tehran. Mr. Boumedra's account is more consistent with a scenario to compel these people to flee Camp Liberty and expose themselves to hostile Iraqi elements and Iranian intelligence services, once they are no longer accounted for by the UN and other interested governments and NGOs.

I cannot prove that Mr. Boumedra's account is accurate; but I would question the US Government's abililty to be certain that he is wrong, without investigating. As tempting as it will be for officials to dismiss unsavory possibilities, the US must consider the risks posed by this situation.

- Once the last residents depart Camp Ashraf, are we certain Iran will not plant false evidence as it has attempted so often in the past, aimed at influencing a US counterterrorism intelligence review? The Camp Ashraf residents have called for an independent inspection, but the State Department has said this is not needed.
- Can we be sure that the people now relocated to Camp Liberty will not suffer a third massacre at the hands of the Iraqi forces guarding them?

US laws require that allies not misuse US-supplied military equipment, and that foreign soldiers known to have committed gross human rights abuses be banned from ever receiving US military training. Even with billions of dollars of American defense jobs lined up to support the Iraqi military's tank and fighter aircraft acquisitions from the US, it is hard to imagine the Administration and Congress will disregard US laws including the Arms Export Control Act and the Leahy human rights law if these exiles are lethally attacked by Iraqi security forces a third time – particularly with Colonel Sadeq in command at Camp Liberty. I for one expect Iran to use every available lever to destabilize our long-term security cooperation with Iraq, a strategically important program for which US soldiers sacrificed much.

The prospect that our security and foreign policy interests in Iraq are being manipulated behind the scenes by Iran, at a time when Iran's nuclear program is our number one foreign policy challenge, is troubling and merits our attention. Moreover, every American who values our influence as a champion of human rights, a reliable keeper of international legal commitments and a defender of humanitarian principles should want to ensure that we have not damaged our reputation by appearing to violate these in accepting dishonest assurances from UNAMI even as reputable third parties sounded alarms.

Some members of the subcommittee, foreign policy officials and outside experts may hear this testimony and believe the concerns I am raising to be overstated. To them I offer this concluding thought. Ten years ago I worked for a Secretary of State whose name was and is synonymous with honesty and integrity. When he was asked by the White House to present a detailed intelligence dossier to the UN Security Council, he spent four days at the CIA grilling analysts and weeding out claims that he determined might not be supportable by the facts. Despite this unprecedented scrubbing, the resulting intelligence dossier that was presented at the UN turned out not to be factually reliable.

Anyone who thinks that it cannot happen twice is mistaken. For the past year I have been researching the open-source dossier on the MEK, going back many years and examining the background to allegations commonly attached to the group. My findings will become public in the near future. Suffice it to say that this dossier also suffers from serious flaws and embellishments added over time. As with the Iraq WMD file, in due course the truth will be known about the MEK's past.

For now, I urge the subcommittee, and through them the Administration, to intensify their scrutiny of Iran's agenda inside Iraq. An appropriate first step would be an independent investigation of Mr. Boumedra's account, including the many ways in which these exiles have endured gratuitous and severe hardships in accommodating the American requirement that they vacate Camp Ashraf. Once the Iraqi authorities' record on this issue is better understood, it will be clear that no amount of supplies to the residents of Camp Liberty will alleviate the prospect that their basic human rights and safety will again be violated.

I would like to know why the US did not make a major effort a year ago to arrange for a neighboring country to host a proper UN transit facility, one where all the exiles and the UNHCR staff could conduct the necessary reviews in safety, free of coercion, and where none of these collateral liabilities could so readily be triggered against US interests. This still appears to be the obvious remedy, and I hope that Secretary Clinton will step in and use her influence to move the entire operation out of Iraq.

The task of relocating these Iranian exiles safely to onward destinations has been a difficult and thankless one, made even tougher with the recent disclosures by Mr. Boumedra. Despite these challenges, the US can rectify the situation, preserving its interests and reputation, by investigating the facts and reassessing their policy implications.

I thank the Subcommittee and look forward to your questions.

Mr. ROHRABACHER. Thank you very much. So it is indisputable that Iran's mullah dictatorship now has significant influence on the Government of Iraq and its policies, correct?

Mr. BLOOMFIELD. They happen to run part of the government. I question whether that is the sentiment of all of the Iraqi people, but yes, sir.

Mr. ROHRABACHER. Well, significant influence on its government and its policies, that doesn't necessarily mean its people. There have been reports that, in fact, there might be some Iranian special type of hit squads or whatever operating inside Iraq. Do you know anything about that?

Mr. BLOOMFIELD. I have heard the former commander of U.S. forces and coalition forces in Iraq say that he had a special unit during his tenure in the last 5 or 6 years that was tracking Iranian agents inside Iraq. They broke into a safe house and captured six of them one night, and four of them had diplomatic papers and had to be let go.

Mr. ROHRABACHER. Are these like Hezbollah units as well. I mean——

Mr. BLOOMFIELD. I don't know of Hezbollah units.

Mr. ROHRABACHER. Okay.

Mr. BLOOMFIELD. By the way, I am given to understand that the Ambassador of Iran in Baghdad is a senior Quds Force commander. I can't tell you I know that but I would certainly invite the Director of National Intelligence to answer the question. It shouldn't be too hard.

Mr. ROHRABACHER. It is not hard to ask the question. It is hard to get an answer on these things. So you have stressed today that Colonel Sadiq, the man who was in command of the troops that invaded Camp Ashraf and massacred, what, 34 dead and hundreds wounded of unarmed people, that he is now in charge of the security for the camp that we have agreed to send these people to?

Mr. BLOOMFIELD. Yes, sir.

Mr. ROHRABACHER. I would suggest that is a disgrace, and obviously our people on the scene know that. This is just disgraceful.

Mr. BLOOMFIELD. I like to give people the benefit of the doubt and I would——

Mr. ROHRABACHER. It is pretty hard to miss that. That is pretty hard to miss. In fact, if I remember seeing the photos, have you seen the videos from——

Mr. BLOOMFIELD. Yes.

Mr. ROHRABACHER. Was he the fat guy up there shooting his gun at the people?

Mr. BLOOMFIELD. I don't know, sir.

Mr. POE. You are correct. That is who he was.

Mr. ROHRABACHER. That is who he was. This is a disgrace, and it is a betrayal of everything America believes in. We made a deal with these people, and now we have someone who has already committed a massacre against them and put that person in charge of their security. Yes.

Mr. BLOOMFIELD. If I could make a comment, Mr. Chairman, we can look back and say this was a mistake, that was a mistake, but we could also look forward and say, worse things can happen. A

third massacre could happen. That would be detrimental to America's honor and reputation.

One of the things I learned from listening to Mr. Boumedra is that the U.S. forces who provided Fourth Geneva Convention Protected Persons status to all of the residents of Camp Ashraf in 2003 and gave them Protected Persons identity cards. There is a RAND report which we could discuss; I have some issues with the report, which tries to make the case that it should never have been granted, but that in any case it didn't outlive when U.S. troops pulled back from Camp Ashraf.

Mr. Boumedra says, under Article 45 of the Fourth Geneva Convention, which I have read and tried to understand as a non-lawyer, if the party that you give the security over to, namely Iraq, does a good job, then you are fine. If the party that you hand security over to does not uphold their security, you continue to have that obligation. And he wrote this in his column in The Hill, that the United States has an international legal obligation that continues to this day. A promise made in 2003 has not expired for those residents. So it is more than just a moral issue. It is a legal obligation. And I daresay that is why so many senior former U.S. leaders are outspoken on this issue.

Mr. ROHRABACHER. Well, it is not just say an obligation to fulfill a contract. What we are talking about is the potential massacre of unarmed human beings, and that if that outcome happens it will not be because, oh, we didn't know that that was possible. What a mistake we made by overlooking the fact that the colonel who last oversaw the massacres was now put in charge of their security. This is not mistakes. This is evil dereliction of duty on the part of our people who are supposed to have policies of our Government that reflect what I consider to be the moral base of American policy. I mean if we have no moral base to our policy how do we expect anything else of the world?

Secretary of State, for example, we have no doubt that the Secretary of State knows exactly what this situation is. I mean this is not, well, I am so busy that I overlooked it. I was just too busy out on the Pacific pivoting around there and too busy over here. No, she knows. And it is the policy of this administration. It is the policy that was decided upon by this administration, this Secretary of State and this President to make a rotten, corrupt deal with the mullah dictatorship in Iran. That is what it is all about. It is not about a mistake. It is about an intentional deal that has been made and kept from the American people. Now how do you verify that that deal actually exists? Well, it is sort of like the old thing, quack-quack. If it looks like a duck and walks like a duck and talks like a duck and flies like a duck, it is probably a duck. And that is what we probably have on our hands here, not a duck, but what we have is an immoral deal between our Government and the mullah dictatorship, because all the indications are that that is what is driving this bad policy.

I will now yield to Judge Poe who will tell us whether or not what I said is admissible in his court.

Mr. POE. Thank you, Mr. Chairman.

Mr. Bloomfield, thank you for your candor. I am surprised, but I do appreciate your candor today. We have a large group of people

here that are seated behind you, and I see tired eyes in this audience. These are just regular folks. Many of them as you know have family in Ashraf or Liberty. Many of them had family in Camp Ashraf. They have friends that have been murdered in Camp Ashraf by the Maliki government. The person in charge you have mentioned is now in charge of Liberty, Camp Liberty.

And these eyes that I see, these tired eyes, they are tired for a lot of reasons. They are tired of being treated not like people, but like criminals, maybe even worse than criminals. They are tired of promises, promises, promises. They are tired of abuse. They are tired of having their property stolen from them. They are tired of being treated as subhumans. They are tired of losing the lives or the loss of lives of their family and their friends. Tired eyes. They are tired of Maliki. They are tired of Iran. And they are tired of the United States' promises to keep them safe.

We are as you know the human rights country in the world. We have done a pretty good job spreading that gospel. We haven't done a very good job at all with these people, the MEK. They are in the situation they are in because of the United States, in my opinion. We labeled them as a foreign terrorist organization. You don't see the eyes of terrorists in this room. They are not terrorists.

And we have it in our power to help this bad situation with the Maliki government, with the Iranian Goverment, with the criminals that are stealing their property and stealing their lives. We have it in our power to fix it. You mentioned that it would be great if we could get them all to some other country.

They can't get in another country. They can't leave Iraq because no country will take them because we, the United States, have given them a label of a foreign terrorist organization. We remove that label as we should have done a long time ago, and then they will have hope to go to some other country, even the United States. But they can't get out of their concentration camp because of the label, our label. And in the last year, the State Department has been stonewalling court orders in our country, telling them to get it together, make up your mind. Review the designation, whether they should keep that designation or not. And by making no decision they are still labeled. So the day of reckoning ought to be the Secretary of State when she goes to the U.N., in my opinion, ought to say, guess what, folks. We are removing the FTO designation from the MEK, and now we are going to help those people get out of Iraq and actually be free. And then we may no longer see tired eyes, but eyes that believe in liberty in Camp Liberty.

I have one question. Well, I have a lot of questions. I don't know how much time you are going to let me talk, but I am going to talk until you make me stop.

Mr. ROHRABACHER. Go for it.

Mr. POE. I understand your position. I understand your position in our Government, and some of our questions probably should be to others. What can we do to make sure as a nation, us, that Martin Kobler is removed from any authority in the United Nations?

Mr. BLOOMFIELD. Well, Judge Poe, as you know I am speaking as a former official——

Mr. POE. I know.

Mr. BLOOMFIELD [continuing]. But for myself. In my testimony you will see I was shocked and disappointed by the statement out of the U.N. Under Secretary General for Political Affairs office on July 28th, their reaction to the news that Mr. Boumedra was lodging serious complaints about UNAMI's conduct in Iraq and violation of U.N. principles. The U.N. spokesman said, we are disappointed that this great process is being distorted and misportrayed. In other words, the messenger is being dismissed as not credible. That is all they have said. Well, there may be some other correspondence going on but I will leave that to Mr. Boumedra to talk about. But that was the public statement.

I am not aware that the U.S. Government has made an official statement of reaction. I urge them to be very careful. And I cite an example where when I had 320 people in the State Department under my leadership there was an allegation made. I didn't know if it was true or false. I didn't know if the person was credible or not. I had no choice but to do the right thing, which is have a town hall meeting, announce that we are going to allow the professional investigators to come in, and we are all going to cooperate. And it was painful. It slowed us down in our work, but we did the right thing. Because the minute you start sending a message that standards and laws and rules can be overlooked it is a very slippery slope.

So my answer, sir, would be the U.N. should be sending in another envoy. Maybe if they don't want to dismiss Mr. Kobler they should send in a veteran to ride sidesaddle and watch over what happens from there. That is point one.

Point two is really for the U.S. Government. I am here to tell you that I don't think the Government of Iran ever wants the residents, the exiles inside Iraq to leave alive. Because if they do they will find safe harbor in countries around the world and they will conduct political activities aimed at ending the dictatorship in Tehran. We know that the government of Tehran does not want that to happen. That is clearly now revealed to be the operative policy. I think the State Department needs to take a deep breath and say our plan, the one the Secretary testified to, the smooth processing and onward relocation, is going to take years and it is probably not going to happen, because the Government of Iraq or the Prime Minister's office with the Iranian Embassy and the regime in Tehran right behind them, is going to obstruct this at every turn. It is a losing proposition. We need to think of something different.

My view is perhaps they could be granted refugee status, but short of that the UNHCR process could be relocated to a safe facility where they are still under the sort of supervision of the United Nations. They could be interviewed and there would be no coercion. There would be no threats to the public safety and to the lives of these people. And there would be no question of the United States being complicit in the violation of international humanitarian standards and human rights law.

Mr. POE. Thank you, Mr. Chairman.

Mr. ROHRABACHER. Well, it is clear that the government of Tehran, the mullah dictatorship, is not acting in good faith. After all, what they really want is, as you say, they want this group of people to be squashed like bugs so that they won't be bothered by

them in some way. It appears that the Government of Iraq is not operating in good faith. Any government that places a perpetrator of a massacre in charge of security over the same group of people who have been massacred certainly isn't operating in good faith. There is no doubt that these people know what they are doing.

Well, that leaves the United States Government. Are we operating in good faith? Is our State Department operating in good faith? Considering the fact that this could be solved, we believe at least, at least we know that would be a very good policy that we could solve this situation in an acceptable way if our designation of this group as a terrorist group was taken off, I don't see how we can assume that our Government is operating in good faith. That is pretty bad. I mean this is pretty bad. The mullah regime is not operating in good faith. The lap dogs of the mullah regime in Iraq are not operating in good faith. And the United States State Department is not operating in good faith. I am kind of disappointed that we are in that crowd.

And so let us just note this. In 1939, the U.S. St. Louis, a passenger vessel, was loaded with Jews in Europe and it took off for the West, and a whole shipload of Jews who are going to escape the holocaust. Well, Mr. Bloomfield, you know what happened to that ship, don't you? We turned them down. We turned them down. Well, if the United States turned them down, why should anybody else accept them? So we turned them down and then they went to Cuba and then they went elsewhere, and no one would take them, because after all, the United States turned them down. And a significant number of them ended up back in Europe and died in the holocaust.

Is this the type of decision making that is acceptable for the United States today, as we have a group of people who have already suffered a massacre knowing that they may well be massacred again? And we are just going to say no, we are not going to change that designation, and we expect the ship to sail on?

Mr. BLOOMFIELD. Mr. Chairman, I will give you my perspective. As someone who has served in five administrations I can't get the policy calculus out of my mind. A lot of issues are imperfect. There are a lot of issues that are hard, and they are sometimes too hard. The results aren't pretty. No one can say this is easy for the State Department, and I recognize that. The question now is, what should we be doing right now to rectify the situation? I will just say, a foreign terrorist organization listing is not an impediment to living up to our human rights standards and fulfilling our international legal obligations. As a superpower, anything less is not acceptable. We can do this the right way. So there is no excuse not to stand up for our principles.

If we were to back away from Mr. Maliki's activities as if to say ceding him the playing field at a time, frankly, when Iran is losing its grip in Syria and Lebanon, this is not the time for us to be sort of ceding territory in what used to be the strongest country in the Arab world to people who are not fulfilling international legal principles. What we should be doing is making an issue of it and urging them and showing them a way forward that says, if you straighten up we can do this the right way, but you need to stop abusing an at-risk population.

On the issue of the foreign terrorist listing, I think the analogy can go a little further. What is a foreign terrorist organization listing? What does that mean? It means we have some of the smartest, most patriotic and talented people who were good enough to get into the Treasury Department, the FBI, and the National Counterterrorism Center; these are the people who are supposed to be tracking terrorists around the world. And so if you are on that list they are chasing you through Interpol. They are looking for financial transactions. They are looking for front companies. They are checking airline manifests. That is their job and they do it very well. So if a group is on that list and I am a European government, I am thinking to myself, do I really want the Treasury Department and FBI and all these people tracking, do I want to bring people in who will attract all of this law enforcement scrutiny and jam up my airline security and all of that? I don't think the U.S. Government has been honest about the burden that FTO places.

Now should they be on the list or not? I have never answered that question. I have studied this issue, but I have left it to people to read the evidence for themselves. Now I am close to completing a very in-depth study of all the allegations including the history, and I cannot find anything that comports with the 2004 law, certainly not within 2 to 5 years, that would fall under the definition of terrorism. That doesn't mean it doesn't exist. But if you will permit me, sir, imagine that there is something classified. Imagine that there is a smoking gun piece of intelligence.

All I can say is, if it is more than 1 month old, if it is 1 year old or 2 years old and we haven't released it, and I were the British Government, I would say, you let us have a royal wedding, you let us have the Queen's 60th Jubilee, and we had the Olympic Games, and you didn't tell us that there was a smoking gun of terrorist activity by people who are running around our country free? So that would be issue one. And if the answer was, well, actually we did share it with the Brits, then you are going to have a call from the appeals court, which we know for a fact hasn't seen it. They are waiting for this dossier saying, you gave it to a foreign country but you didn't give it to a court of law in America.

Mr. ROHRABACHER. Or how about you didn't give it to the Oversight and Investigations Subcommittee of the committee in Congress that is supposed to oversee American foreign policy?

Mr. BLOOMFIELD. I thought you would finish the thought for me.

Mr. ROHRABACHER. Yes. It is outrageous. It is obviously to me and it should be obvious to any honest observer that this designation is out of some corrupt agreement with someone, and that someone is likely to be the mullah regime in Tehran. I don't know what we got for it. Probably that they wouldn't be supporting certain terrorist activities as long as we kept this terrorist group—and what is a dictatorship of mullahs who have murdered so many people in their country, what do they think a terrorist group is? That is anybody who opposes them in an organized way.

Now we appreciate your testimony today. I think that we have, what—well, I am sorry. We are done. And I thank you very much. If Ms. Jackson Lee was here now we would be free to keep it open, but we are not going to hold everybody here.

Thank you, all. Let us make sure that America will make the right decision as long as we are there as U.S. citizens holding the decision makers' feet to the fire saying, these are our standards as American. You better represent those standards or you are not our Government. So that is what it is all about, all of us together. That is what America is, us, United States. We better stand for something better in this world or there is no hope for anyone in this world.

Thank you. This meeting is adjourned.

[Whereupon, at 4:59 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

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

September 6, 2012

You are respectfully requested to attend an OPEN hearing of the Subcommittee on Oversight and Investigations, to be held in Room 2255 of the Rayburn House Office Building **(and available live via the Committee website at http://www.hcfa.house.gov)**:

DATE: Thursday, September 13, 2012

TIME: 3:00 p.m.

SUBJECT: Conditions at Camp Liberty: U.S. and Iraqi Failures

WITNESSES: Panel I

The Honorable Daniel Fried (Invited)
Special Advisor on Ashraf
U.S. Department of State

Panel II

The Honorable Lincoln P. Bloomfield, Jr.
Chairman
The Stimson Center

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 *9/13/12* Room *2255 RHOB*

Starting Time *4:15 pm* Ending Time *4:49 pm*

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

Presiding Member(s)

Chairman Dana Rohrabacher

Check all of the following that apply:

Open Session ☑
Executive (closed) Session ☐
Televised ☑

Electronically Recorded (taped) ☑
Stenographic Record ☑

TITLE OF HEARING:

Conditions at Camp Liberty: U.S. and Iraqi Failures

SUBCOMMITTEE MEMBERS PRESENT:

Chairman Dana Rohrabacher, Ranking Member Russ Carnahan, and Congressman Ted Poe.

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

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

The Honorable Daniel Fried declined the invitation.

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

Prepared Statement of The Honorable Lincoln P. Bloomfield, Jr.
"Statement on the Relocation Process of Camp Ashraf Asylum Seekers" by Tahar Boumedra

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *4:49 pm*

Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE LINCOLN P. BLOOMFIELD, JR., CHAIRMAN, THE STIMSON CENTER

Statement on the Relocation Process of Camp Ashraf Asylum Seekers
By Tahar Boumedra

For the past three and a half years I have served first as chief of the United Nations Assistance Mission in Iraq (UNAMI) Human Rights Office and then as adviser to the Secretary General's Special Representative for Iraq (SRSG), monitoring, among other things, the human rights and the humanitarian situation of 3,400 Iranian exiles who have made their home north of Baghdad since 1986 at a place called Camp Ashraf. Iraq's government has decided to terminate their presence in Iraq and required them to vacate Camp Ashraf. UNAMI has been facilitating their temporary relocation to a former base in Baghdad called Camp Liberty, with the purported task of conducting "refugee status determination" for all of these people and ensuring that international norms of human and humanitarian rights are maintained.

While the world assumes the United Nations has been upholding these norms, I know otherwise.

As hard as it might be for many to believe, as the United Nations serves the cause of human rights and world peace, this is a shameful story of hiding the truth and looking the other way when we knew there were violations: of complicity with wrongdoers, and neglect of human rights and humanitarian responsibilities.

The fundamental rights of these exiles - humane living conditions, access to justice, humanitarian necessities including medical services for the ill and wounded, and freedom from threats of physical harm - have been repeatedly denied by the Iraqi government at the direction of the prime minister's office. Special Representative of the UN Secretary General, Mr Martin Kobler, unlike his predecessor, who maintained his mission's independence and integrity even at the displeasure of Nouri al-Maliki, has enabled the prime minister's agenda while falsifying information reported to senior U.N. leadership and the international community.

As the lead person on Camp Ashraf-related matters in UNAMI, I faced a serious moral dilemma as I saw my reports doctored and censored. No first-hand report of mine ever reached U.N. Secretary General Ban Ki-moon or top officials in New York. And while I kept silent far too long, I have now resigned

and my conscience demands that I bring the truth to light. I am prepared to attest to these facts under oath.

When Iraqi forces attacked the unarmed residents of Camp Ashraf in 2009 and 2011, it was I who conducted the body count. The April 2011 raid, which took 36 lives and caused hundreds of injuries, was a massacre in which men and women alike were crushed to death by military vehicles or killed with one bullet at close range. Yet when the Office of the High Commissioner for Human Rights and UNAMI called for an independent commission of inquiry, the Iraqi government refused. Our repeated efforts to send severely wounded exiles to Iraqi hospitals were blocked by the Iraqi government, and some died. UNAMI never objected, reporting instead that Iraq had met its international obligations.

When Iraq decided to start relocating the exiles to the new site at Camp Liberty in December 2011, I made several visits to inspect Camp Liberty, and reported that it was not fit to accommodate 3,400 men and women. The SRSG visited Camp Liberty and saw the reality; yet when the Office of the United Nations High Commissioner for Refugees (UNHCR) hired a consultant to assess the conditions at Camp Liberty, The SRSG pressured him to certify that the camp met all required humanitarian standards, which we knew was far from the truth. After the consultant declined, SRSG Kobler issued a report that misled the international community and the exiles alike into believing the standards were being met so the transfer process could proceed.

During the negotiations of the MoU, SRSG Kobler promised not to sign any document without the agreement of the Ashrafis. Yet, he signed and committed them to relocate to Camp Liberty without their knowledge or consent. Thus, the intended consensual relocation has turned into forcible eviction. Forcible eviction has its rules and regulations in international law that must be observed. Evicted people must be compensated with the same standard or better.

The most immoral exercise in my view was that of UNAMI staff being instructed to take photographs selectively at Camp Liberty. The least offensive ones were filed and sent to the exiles' representatives in Paris with the message that the new site would measure 40 square kilometers, reduced

to 2.5 square kilometers. On that basis, the exiles consented to move out of Camp Ashraf. In reality, the site at Camp Liberty attributed to Ashraf residents measures 0.6 square kilometers and is surrounded by three-to four-meter concrete walls (T-walls). It reminded me of the concentration camp I lived in as a child during Algeria's war of liberation.

Al-Maliki, under Iran's pressure, has continuously obstructed the U.N. mission of processing these exiles as potential refugees and placing them safely in third countries. Iraq would not let UNHCR conduct interviews at Camp Ashraf, although it had done so satisfactorily in the past. Iraq refused Camp Ashraf residents' request to cooperate with them in planning their departure. Death threats in Farsi have been broadcast for 18 hours on most days through loudspeakers surrounding Camp Ashraf, and Iraq has issued nearly 200 arrest warrants against residents with no due process. Each movement of exiles this year from Camp Ashraf to Camp Liberty has been coordinated, including dates and specific numbers, by Iraq's Prime Minister Office with the Iranian Embassy in Baghdad.

The agenda as discussed at UNAMI is to break the exiles' will and morale to force their departure. UNAMI never seriously focused on finding an exit to this population from Iraq. The priority was to close Camp Ashraf as soon as possible regardless of the humanitarian consequences at Camp Liberty. The UNHCR refugee status determination process in the circumstances of Ashraf residents is potentially a legitimization of arrest and extradition/refoulement of the Camp's leadership to Iran where they would face death penalty. The UNHCR has already announced that it will continue to search for a lasting solution for those who will be eligible for refugee status. The implication is that those who will not be recognized as refugees will be left locked up in Camp Liberty without any protection.

With 2,000 exiles at Camp Liberty to date, the United Nations has conducted interviews and only a small number has completed refugee status determination process. Whether U.S. government officials involved in the relocation and processing of the exiles are aware of these realities I do not know; the SRSG is their interlocutor. However I could confirm that visits to both Camp Ashraf and Camp Liberty are banned. Foreign officials, Iraqi and foreign parliamentarians, NGOs, lawyers and the media have been denied access. Only consular visits arranged by UNAMI have been allowed to visit their respective nationals or affiliated persons.

Iraq's actions toward these exiles, which for years had been accorded a guest status comparable to a foreign sovereign establishment, violate the well-established principle that a change of government does not affect acquired rights without due process of law.

These defenseless people are facing intolerable abuses and dangers. Needless to investigate allegations on what is going on in Ashraf and Camp Liberty. The Iraqi Government has officially announced that it will make their life "unbearable". It made it a criminal offence for any organization or individual to deal with them (Council of Ministers' meeting of July 2011) and that arrest warrants issued against them (so far about 200) will be enforced when circumstances tolerate. The Iraqi National Security Adviser has repeatedly reiterated that UN human rights and humanitarian standards are not applicable to the Ashrafis. To justify their actions, the Iraqi authorities often remind their interlocutors that they are on the United States FTO list.

The U.N. secretary general and willing governments need to establish conditions, in Iraq or elsewhere, enabling the United Nations to process these people with dignity, expeditiously and safely. Immediate action is needed to uphold their basic human rights, secure them from further threat of physical harm, and restore the United Nations' reputation.

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