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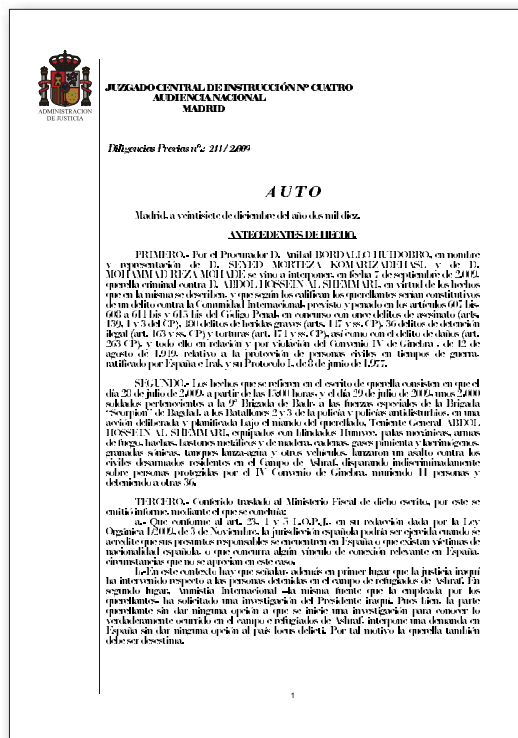
Spanish court investigates July 2009 raid on Ashraf

Iraqi General summoned by Spanish Investigative Judge for crimes against international community committed in Ashraf

The Central Investigation Court of the Spanish National Court:

- **Confirms the legal status of the residents of Ashraf as protected persons under the Fourth Geneva Convention**
- **Starts the proceeding for violations of Geneva Conventions and “crime against international community”**
- **Declares that in conformity with the Rome Statute of the International Criminal Court of July 1998 “grave breaches of Geneva Conventions” constitute “war crimes”**
- **Confirms the responsibility of the relevant Iraqi officials in the decision making hierarchy**
- **Rejects Iraqi response to the Spanish legal authorities stating that “answer offered by the Ministry of Foreign Affairs of Iraq is quite insufficient and does not establish the existence of an effective investigation and prosecution**
- **Under the present circumstances and until the moment that the rights of the residents of Ashraf are respected in conformity with international law, the international community and in particular the United States and the United Nations must take necessary measures to secure the safety of Ashraf residents and to avoid a humanitarian crisis**

Iraqi General: I am innocent... The force that entered the camp came from Baghdad



Spanish court investigates July 2009 raid on Ashraf

The following is a statement by Dr. Juan E. Garcés, the attorney for the residents of Camp Ashraf:

The Central Investigation Court number Four of the Spanish National Court in a writ which became definitive on January 4, summoned the commander of the lethal raid on Camp Ashraf-Iraq, home to 3,400 members of the People's Mojahedin Organisation of Iran, in July 2009.

According to the writ, as the first step in the investigation, Lieutenant General Abdolhossein Shemmari, who directed the attack on Ashraf, must appear before the judge in Spain on 8 March 2011. General Shemmari was acting under the supervision of the Committee for Closure of Camp Ashraf in the office of Prime Minister Nouri Maliki.

Confirming the legal status of residents of Ashraf as protected persons under the Fourth Geneva Convention, the Spanish Court has started this proceeding for violations of Geneva Conventions and "crime against international community" to investigate eleven crimes of murder, 480 crimes of serious injury, 36 crimes of illegal detention and torture as well as the crimes of damage against residents of Ashraf who are all protected persons under the Fourth Geneva Convention.

The Court declared that in conformity with the Rome Statute of the International Criminal Court of July 1998 "grave breaches of Geneva Convention" constitute "war crimes".

The Spanish Court concluded that "Spain bases its competence to repress crimes such as genocide, crimes against humanity, terrorism or crimes against persons protected under the Law of Armed Conflicts, whether they occur in its territory or outside such territory (cases of territoriality or extraterritoriality) in the event that criminal prosecution is appropriate under the provisions of the Organic Law of the Judiciary."

The National Court of Spain considers applicable Article 29 of the IV Geneva Convention which states "the Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred."

Accordingly, the court confirms the responsibility of the relevant Iraqi officials in the decision making hierarchy.

Stressing the need to provide "effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the [Geneva Convention]" the Court states that all States signatories to the Geneva Convention "shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches,

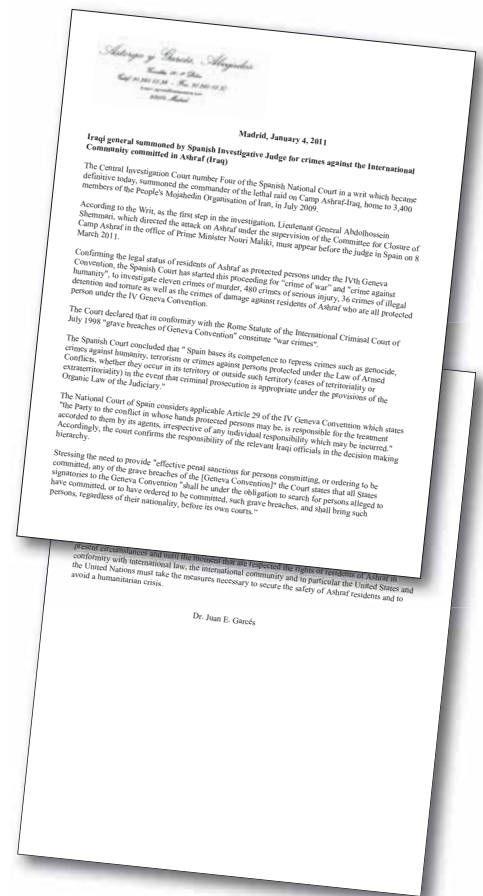
and shall bring such persons, regardless of their nationality, before its own courts."

The Court rejects Iraqi response to the Spanish legal authorities stating that «answer offered by the Ministry of Foreign Affairs of Iraq, namely 'Iraq had already carried out a legal investigate on the subject and is committed to his part in finding a solution for the residents of Camp Ashraf according to international law,' ...is quite insufficient and does not establish the existence of an effective investigation and prosecution... It does not report what authority is conducting such investigation, or the date it started, or the steps that may have been taken in this regard, or the outcome, if any."

The Court further states that "on the contrary, the plaintiffs produce reports from various rapporteurs of the United Nations, such as those of May 9, 2010, May 26, 2010 or June 1, 2010, which indicate that there is no actual investigation and prosecution of the facts at hand. In spite of the requests for information by U.N. rapporteurs to the Iraqi authorities on the facts underlying this proceeding, the answers have not been given, or are unsatisfactory in the opinion of the rapporteurs."

This is the first time that an Iraqi official is being summoned before a Court for serious violations of international law.

The Court decision on the failure of Iraqi Authorities to investigate the facts committed in July 2009 as well as the responsibility of the decision makers who ordered the raid, further confirms that, under the present circumstances



and until the moment that the rights of the residents of Ashraf are respected in conformity with international law, the international community and in particular the United States and the United Nations must take necessary measures to secure the safety of Ashraf residents and to avoid a humanitarian crisis.

Iraqi General: "I am innocent... The force that entered the camp came from Baghdad"

BAGHDAD, January 4, 2011 (AFP) - An Iraqi police chief called to appear before a Spanish court as part of a probe into a deadly assault by Iraqi forces on an Iranian opposition camp on Tuesday denied involvement in the raid.

Iraqi security forces stormed Camp Ashraf in Diyala province, which houses supporters of the People's Mujahedeen of Iran (PMOI), the Islamic republic's main exiled opposition, on July 28, 2009, triggering violent clashes.

Iraqi medical and security sources have said that 11 people were killed and hundreds wounded in the assault.

"I am innocent," Major General Abdul Hussein al-Shemmari, the police chief of Diyala province, told AFP.

"The force that entered the camp came from Baghdad, and they were an army force, not from the police," Shemmari said.

Shemmari is accused of directing the attack at the camp, which was set up in the 1980s when now executed Iraqi dictator Saddam Hussein was at war with Iran, as a base to operate against the Iranian government.

Maryam Rajavi:

Spanish court ruling on Ashraf is in defense and protection of the rights of entire humanity

Mrs. Maryam Rajavi, President-elect of the Iranian Resistance, described the ruling of the Spanish court and the launching of a judicial investigation into criminal attack on Camp Ashraf on July 28 and 29, 2009, and tragic murder of PMOI members as a major victory in the international campaign in defense of Ashraf within the framework of crime against international community, war crime and crime against humanity. She added that this goes even beyond Ashraf and is a major historic step in defense and protection of human rights of entire humanity and all oppressed people that the violators of fundamental rights cannot evade the justice.

Mrs. Rajavi said that the court's strong

and repeated confirmation of the legal status of Ashraf residents as "protected persons" under Fourth Geneva Convention since 2004 is a decisive and undisputable international ruling on the status of PMOI members in Ashraf. The judgment further discredits the unlawful claims made by Iranian regime's proxies in the Iraqi government regarding the legal status of Ashraf residents. It also makes the resumption of protection of Ashraf by the American forces and a UN monitoring mission in Ashraf unavoidable.

Mrs. Rajavi concluded by saying that on the basis of the ruling of the Spanish court, all those responsible for crimes committed in July 2009 and other crimes committed against PMOI members residing in Ashraf in the past



two years, as well as Ali Khamenei (Iranian regime's Supreme Leader), other leaders of the clerical regime and commanders of terrorist Qods Force and the regime's intelligence agents who are responsible for torture and crime against Ashraf residents, to be summoned to the court, tried and punished.

AP Associated Press

Spanish court open probe into killings in Iraq

By CIARAN GILES , 01.04.11

MADRID -- A Spanish judge has opened a probe into a melee in which Iraqi security forces are accused of killing 11 members of an Iranian exile group in a camp in Iraq in 2009.

Judge Fernando Andreu, saying he is investigating possible crimes against humanity, called on Iraqi Lt. Gen. Abdol Hossein al-Shemmari to appear March 8 before the National Court in Madrid to answer questions about the incident. The writ said Shemmari directed the attack on the camp. Under Spain's universal justice doctrine, grave crimes alleged to have been committed in other countries can be prosecuted under certain conditions, such as when the country where a crime allegedly took place is not investigating.

A new condition laid down recently is that there should be a link to Spain. However, Spanish judges can still act if the crime violates an international treaty signed by Spain. Andreu said that in this case the Geneva Convention applies, as it addresses the protection of civilians in wartime.

This is the first universal justice case taken on by the National Court since Parliament narrowed the scope of the law in October 2009 amid criticism from Spain's allies that it was acting like a global policeman - and after angry complaints from some countries that were being investigated, such as Israel and China.

The Daily Telegraph

Spanish court launches probe into refugee killings

By Fiona Govan, 04 Jan 2011

Madrid - Spain's National Court number 4 ruled in favour of opening an investigation into a complaint filed by victims of a raid by Iraqi soldiers and police on the Ashraf camp which left 11 people dead and dozens injured.

Magistrate Fernando Andreu has ordered Iraqi Lieutenant General Abdolhossein Shemmari to appear before the court in Madrid on March 8 as the first step in the probe. Although he is not expected to attend, it would not prevent the judge from hearing the case.

Shemmari is accused of leading the attack against the camp near the Iranian border which is home to around 3,500 dissidents from the Mojahedin-e-Khalq organisation, an opposition group calling for the overthrow of the Islamic Republic of Iran.

The complaint is being considered under the legal doctrine of "universal jurisdiction" which allows human rights crimes to be tried in an international court irrespective of where they were committed.

Spain has earned a reputation for pursuing alleged war criminals - notably issuing an arrest warrant for Chilean General Augusto Pinochet in 1998 - and carrying out advanced investigations against, amongst others, Rwandan leaders, and Argentine officials for "dirty war" killings.

THE WALL STREET JOURNAL

Spanish Judge Summons Iraqi for Alleged Killings

By DAVID ROMAN MADRID, 01.04.11 - A Spanish judge has summoned a top Iraqi military commander, accused of having directed a 2009 assault on an Iraq-based camp holding Iranian opponents of Tehran's regime, to face charges of breaching the Geneva Convention, a spokesperson for Spain's National Court said Tuesday. A statement from the chief lawyer in the case, Spain's Juan Garces, explicitly cites Iraq's Prime Minister Nouri al Maliki by name, saying that Lt. Gen. Al Shemmari worked during the operation under the supervision of a committee responding to the prime minister's office. The incident has become a cause celebre recently—in an open letter sent over the weekend to Secretary of State Hillary Rodham Clinton, U.S.-based advocacy group Americans for Democracy in the Middle East protested the action and accused Mr. al Maliki's government of having acted "at the behest of the Iranian regime." According to the Spanish indictment, the assault—conducted by 2,000 soldiers against unarmed civilians—was in breach of the Geneva Convention provisions for the protection of civilians during wartime.

Judge Garces, a combative attorney who was a force behind the notorious 1998 indictment of late Chilean strongman Augusto Pinochet by Spanish Judge Baltasar Garzon, said this is the first time that an Iraqi official has been summoned before a court for serious violations of international law.

Majority members of French Senate support Iranian Resistance and Camp Ashraf



The French Committee for a Democratic Iran (CFID), which includes in France, MPs, former ministers, judges, political personalities and human rights defenders, held on January 12, 2011 in Monnerville Hall at the French Senate, a meeting entitled "French senators' support for the Iranian Resistance and Camp Ashraf".

This meeting took place after two major events affected the situation of the camp, home to 3,400 members of the main Iranian opposition movement. First the Spanish Court's writ of December 28, initiating an investigation on the July 2009 assault against Ashraf, as war crime and crime against the international community. Second, the aggression of Ashraf residents on January 7, by the Iranian regime agents and forces under command of the committee in charge of the camp suppression, at the Iraqi prime minister office.

Welcoming Mrs. Maryam Rajavi, president-elect of the National Council of Resistance of Iran (NCRI), Senator Jean-Pierre Michel presented her, on behalf of CFID and his colleagues, a declaration of support for the Iranian Resistance and especially the People's Mojahedin in Ashraf, signed by a majority of senators.

The Senate's consensus demonstrates the importance of this international political matter. Especially because prior to the senate, a majority of MPs in July 2010 and more than 5,000 mayors in France, signed a similar text.

Senators reflecting the political spectrum, including committee chairpersons, presidents

and vice-presidents of political groups, presidents of regional and local councils, condemned in their statement the massive crackdown that followed the great popular uprising to end the religious dictatorship in Iran. They particularly condemned death sentences for "waging war against God" (or moharebeh). While supporting Mrs. Rajavi's call for a democratic change in Iran, they wrote that the French government "must ask the UN to have a more active presence in

fear of Ashraf City. A city that has become a model and a source of inspiration for Iranians, encouraging them to persevere for democracy and fundamental freedoms in Iran.

It's been two years since Ashraf protection was transferred by the US led multinational force to the Iraqi security forces. Since then, Iraqi security forces have shown neither the will nor the capacity to assume this responsibility. Instead they have imposed many restrictions on the camp residents

in medical and basic necessities. They also provided the logistics for a method of psychological torture making 180 powerful loudspeakers daily screaming around the camp. For over two years, an illegal committee from the Iraqi Prime Minister's office, named "Committee for Closure of Camp Ashraf", organizes all the repressive measures against Ashraf residents. Yet this committee operates under the direct influence of the Iranian regime.

The Spanish court has just indicted an Iraqi general directly involved in commanding the bloody attack in July 2009, for crimes against the international community, on

the basis of the Fourth Geneva Convention. The writ said that based on the Rome statute of the International Criminal Court, a serious violation of this convention – which France is a signatory – is a war crime. The Spanish judge considers that the designation of war crimes applies to the Iraqi authorities for acts committed against Ashraf residents.

The senators called on the French Government to adopt an active diplomacy to meet the demands of the Senate declaration.

In addition to guarantees for Ashraf residents' protection by the US and UN, the French Senators demand:

1- End to the psychological torture of Ashraf residents and the removal of the 180 loudspeakers.

2- Dissolution of the illegal "Committee for Closure of Camp Ashraf" and, as far as Iraq is concerned, to place Ashraf under the Iraqi parliament's supervision.

support of Camp Ashraf residents' rights and assume the responsibility of their protection. We believe that in applying the draft resolution that received the support of a majority in Congress, the US must provide adequate guarantees to protect these people. It should also call the Iraqi government to recognize Ashraf residents' rights as protected person under the Fourth Geneva convention."

Death sentences, torture and arrests of Ashraf residents' relatives betray Tehran leaders'