



# IRAN LIBERATION

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## SPANISH COURT TAKES UP CASE ON CRIMES AGAINST HUMANITY IN CAMP ASHRAF

Maryam Rajavi: Time has come for an international investigation

*A Spanish Court accepted complaints filed by families of Camp Ashraf residents against Iraqi authorities responsible for crimes against humanity committed on July 28 and 29 during attacks which led to the killing of 11 residents, who were protected persons under the Fourth Geneva Convention*



*Dr. Juan Garcés, a prominent international jurist and a political advisor to the late Chilean president Salvador Allende, has accepted to represent Ashraf residents in the Spanish court*



### El juez Andreu investiga la matanza de refugiados iraníes en Irak en julio

Es la primera causa que admite la Audiencia tras limitarse la justicia universal

JOSÉ YOLDI  
Madrid

El juez de la Audiencia Nacional Fernando Andreu ha admitido a trámite una querrela contra los iraquíes que el 28 y 29 de julio de 2009 perpetraron una acción deliberada y planificada de asalto contra un grupo de unos 3.500 civiles desarmados, miembros de la resistencia iraní, que residen en Ashraf (Irak). Los hechos constituyen una clara vulneración del IV Convenio de Ginebra, de 12 de agosto de 1949, relativo a la protección de personas civiles en tiempos de guerra.

El magistrado ha dirigido una comisión rogatoria a las autoridades judiciales de Irak para que le informen de si existe algún procedimiento abierto sobre estos hechos. En caso contrario, perseguirá al presunto responsable, ya que los Convenios de Ginebra obligan a los Estados parte a perseguir esos crímenes.



Fotograma del vídeo del ataque, incorporado a las actuaciones que se siguen en la Audiencia Nacional.

**“Personas protegidas” que formaban la resistencia iraní**

J. Y., Madrid

La querrela presentada por el letrado Joan Garcés recoge que el 24 de abril de 2009 el Parlamento Europeo aprobó una resolución por la que solicitaba al Gobierno de Irak y a las instituciones internacionales que respetaran los derechos del IV Convenio de Ginebra para 3.500 “personas protegidas” residentes en Ashraf (Irak). Todas ellas formaban parte de la organización denominada Mujadín-e Khalq, es decir, la Organización de los Muyaidines del Pueblo de Irak (OMPI).

Este grupo forma parte del Consejo Nacional de la Resistencia de Irak, una coalición que propugna para su país un gobierno laico, democrático y pluralista y está considerado un Movimiento de Liberación Nacional. El grupo está perseguido por Irak desde 1981, pero en 1986 se instalaron en Ashraf en virtud de un acuerdo

on page 3

## Australian Labor Party State Conference Warns against Possible Massacre on Camp Ashraf

**MOTION:** United Nations to acknowledge that forcible displacement of Ashraf residents as protected persons inside Iraq is prohibited

The Iraqi government to comply with the European Parliament resolution on Ashraf adopted on April 24, 2009

Recent attacks on the residents of Camp Ashraf, in northern Iraq (of whom the vast majority of residents are members of the Iranian opposition) have resulted in serious human rights abuses. It is clear that the Iranian regime is attempting to obliterate the residents through the Iraqi government. The deadly attack by Iraqi forces against the camp on July 28 and 29 left 11 dead and 500 injured while 36 members of the PMOI were taken hostages...

There is a general anxiety today that the Iraqi forces would once again attack Ashraf residents and carry out a massacre at the behest of the Iranian regime.

That State Conference expresses our solidarity with the residents of Ashraf and their families and support their demands.

State Conference resolves that it calls on the Prime Minister and the Australian Government seek the following outcomes in cooperation with the United Nations, European Union and the U.S. Government:

**Australian Labor Party**  
Victorian Branch

State Conference  
November 21st 2009



## Spain might probe Iranian killings in Iraq



MADRID (AP) — A Spanish judge has asked Iraq if it is investigating a melee in which Iraqi security forces are accused of killing 11 members of an Iranian exile group — a first step toward a possible probe by the judge himself.

Judge Fernando Andreu is acting under Spain's universal justice doctrine, which allows grave crimes alleged to have been committed in other countries to be prosecuted here, so long as certain conditions are met.

Although there is no link to Spain in this case but Spanish judges can still act if the crime violates an international treaty signed by Spain. Andreu says a Geneva Convention does apply, addressing the protection of civilians in war times.

In Baghdad, Iraqi justice officials did not respond to calls for comment on the Spanish request.

The attack by Iraqi troops and riot police took place July 28 in Camp Ashraf, the base of the Iranian opposition group. Eleven Iranian exiles were killed: either shot, beaten or run over by military vehicles, and 36 were arrested, according to members of the group.

Throughout the confrontation, American soldiers who once protected the Iranian opposition group stood by.

Spanish prosecutors have argued that this country lacks jurisdiction because there is no relevant link to Spain. But Andreu rejected the prosecutors' request.

He noted that Spain signed the Geneva Convention on protected persons in 1977 and is thus obligated to go after and prosecute people accused of violating it "no matter what their nationality."

## Judge Andreu investigates July killings of Iranian refugees in Iraq



El Pais (Spain), Dec. 1 - Fernando Andreu, the National Court Judge, has declared admissible a complaint against the Iraqis that carried out a deliberate and planned assault on July 28 and 29, 2009, against a group of some 3,500 unarmed civilians, members of the Iranian Resistance, who reside in Ashraf (Iraq). The facts point to a clear violation of the Fourth Geneva Convention of 12 August 1949 on the protection of civilians in wartime.

The magistrate ordered a rogatory commission for judicial authorities in Iraq to advise whether there is a proceeding on these facts. Otherwise, he will pursue the alleged author, as the Geneva Conventions oblige states parties to prosecute these crimes.

This is the first complaint - which was presented by lawyer Joan Garcés - under the universal justice accepting judges from the National Court, after the reform of October 15 which limited the scope of the law.

## Spanish judge mulls probe of Iraq refugee camp massacre



MADRID, December 1, 2009 (AFP) - A top Spanish judge is considering launching a probe into a raid by Iraqi police and soldiers on a camp for Iranian refugees in July that killed 11 people, according to a court document released Tuesday.

National Audience judge Fernando Andreu has accepted a complaint filed by family members of residents of Camp Ashraf under the legal doctrine known as "universal jurisdiction" which allows grave human rights crimes to be prosecuted in Spain.

Asharq Al-Awsat- December 2, 2009

## Baghdad accused of massacre of Iranian Opposition Spanish judicial authorities consider lawsuit against the Iraqi government



تتهم بغداد بارتكاب «مذبحة» في حق معارضين إيرانيين  
القضاء الإسباني ينظر دعوى ضد الحكومة العراقية  
مدريد، الشرق الأوسط -  
وإطلاق النار على السكان العزل، ووفقا  
لبيانات المدعي أسفر الهجوم عن مقتل 11  
شخصا وإصابة 450 آخرين.  
بأثر القضاء الإسباني نالر دعوى  
ضد الحكومة العراقية تتهمها بارتكاب  
وعارض الإرعاء العام الإسباني

## The Washington Post

IRAQ  
Iranians criticize  
conditions in camp

## Iranian Group: Health Care Blocked at Iraq Camp



December 4, 2009

Members of an Iranian opposition group claimed Friday that Iraqi authorities are limiting their access to outside health care at a camp in northern Iraq where they have been under watch since the fall of Saddam Hussein in 2003. The charges are the latest complaints about conditions at Camp Ashraf, which was raided by Iraqi security forces in July in a melee that reportedly left 11 people dead and dozens injured.

## Spanish Court Agrees to Hear Iran Dissident Case Against Iraq



Bloomberg, Nov. 30 -- A Spanish court agreed to hear a complaint by an Iranian opposition group against Iraqi security forces who stormed an Iranian camp in July.

The case will be heard by Judge Fernando Andreu of Madrid's National Court under a law that gives Spanish courts universal competence to hear cases where violations of the Geneva Conventions are suspected, Juan Garcés, a lawyer for the National Council of Resistance of Iran, said in a phone interview from Madrid.

## Spanish judge probes alleged massacre at Iranian camp in Iraq



dpa, Madrid, 01 December 2009 - A judge at Spain's National Court has launched an investigation into the alleged deaths of 11 Iranians during a police raid on an Iranian refugee camp in Iraq in July, the daily El Pais reported Tuesday.

A Spanish Court accepted complaints filed by families of Camp Ashraf residents against Iraqi authorities responsible for crimes against humanity committed on July 28 and 29 during attacks which led to the killing of 11 residents, who were protected persons under the Fourth Geneva Convention.

The Central Investigative Court of Spain declared in a decision its competence to investigate complaints pertaining to the attack on Camp Ashraf residents, which was accompanied by beatings and using of live ammunitions against them.

Dr. Juan E. Garcés has accepted to represent Ashraf residents in court. Dr. Garcés is a prominent international jurist and a political advisor to the late Chilean president Salvador Allende who was killed after a coup d'état by Augusto Pinochet. He remained at Allende's side at the presidential palace until the final moments of his life. Later, Dr. Garcés led a judicial investigation against Pinochet and other coup leaders. He is also the author of a large number of books and articles on law and politics.

The Ashraf legal complaint mentions the fact that the Iranian regime was the main proponent of the attack carried out by the Iraqi government and forces in late July. The Iranian regime has been systematically pursuing the elimination of the People's Mojahedin Organization of Iran (PMOI/MEK), and their massacre and genocide. To this effect, the religious decrees issued by the regime's founder and former supreme leader, Ruhollah Khomeini, as well as those delivered by Sharia judges since the inception of the religious tyranny in Iran in 1979 have been presented as exhibits in the case.

#### Garcés statement



In a statement On November 28 Dr. Garcés said: "On 26 November, the Central Investigative Court, Number 4, of the National Court of Spain, in a decision declared its competence, under

the principles of universal jurisdiction established in the Geneva Convention, to investigate the crimes committed on 28 and 29 July against residents of Ashraf Camp. The Court decision is based on the fact that the attack on Camp Ashraf could constitute a grave violation of the Geneva Conventions and should be investigated."

He emphasized: "The Court Writ, adopted under the Fourth Geneva Convention authority, recognized that residents of Ashraf are protected persons under the Fourth Geneva Convention."

"This judicial decision is an important legal step in the international recognition of the status of residents of Ashraf in accordance with the Geneva Conventions. Now it is time for the Iraqi Government and all the institutions and parties concerned to respect, in good faith, the rights of Ashraf residents under the Fourth Geneva Convention," concluded Dr. Garcés.

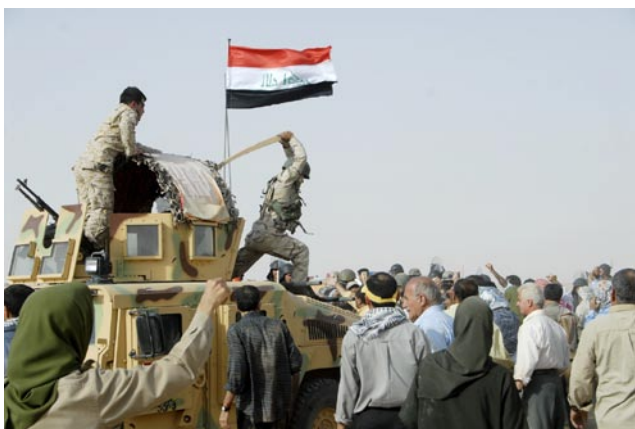
#### Maryam Rajavi: Time has come for an international investigation

The President-elect of the National Council of Resistance of Iran, Mrs. Maryam Rajavi, described the Central Investigative Court of Spain's ruling on the acceptance of the complaints of Ashraf residents as a watershed moment in the history of suppression and injustice against the residents of Camp Ashraf and warned the current Iraqi administration that: It is now time for an international investigation. A sense of global justice has been awakened with regards to the developments in Ashraf and the crimes against humanity that have been committed there. No longer can daggers and axes be used to harm the residents or armored vehicles be used to drive over them unhindered on the orders and diktats of the malevolent mullahs ruling Iran.



Mrs. Rajavi also warned: Any attacks or abuses against the residents of Ashraf, any type of illegal measure or violation of human rights and the slightest breach of international conventions would now receive an international reaction dozens of times more powerful than in the past.

The Iranian Resistance's President-elect recalled that: From this point forward, the Iraqi government is free to bring all its allegations and previously announced claims against the PMOI to the attention of an international court and allow this court to make its decision. But, if it refuses to do so, then it would become blatantly obvious that the wave of accusations and lies it resorts to are merely an echo of the trepidation and fear that has engulfed the entire edifice of the clerical regime from the PMOI in Ashraf in the midst of the Iranian people's uprising.



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# IRAN NATIONWIDE UPRISING

## Families of Ashraf residents and former political prisoners arrested in run up to Students Day

A group of agents of the Ministry of Intelligence and Security (MOIS) raided the residence of Mr. Reza Joshan in Karaj, western Tehran, on Tuesday. The raid was conducted by Reza Mohebi, an MOIS chief-interrogator in conjunction with other interrogators identified by their surnames, Mohammadi and Hassani. Mr. Joshani had earlier been arrested during recent months' protests and was released on bail. Mother and sister of Mr. Joshan, Zahra Asad Pour Gorji and Fatemeh Joshan, had previously spent two years in prison for visiting their children in Camp Ashraf. On November 30, Mr. Mohammad Banazadeh Amir Khizi, a Tehran Bazaar merchant, was arrested in a raid on his house and work place by MOIS agents. He is a former political prisoner in 1980s. His brother, Ali, was executed during that period for supporting the People's Mojahedin Organization of Iran (PMOI). His wife, Shahla Zarin Far, was imprisoned for a year for visiting her child in Ashraf. Three of her sisters and brothers are currently in Gohardasht prison because their children are in Camp Ashraf.

## Suppressive measures intensify prior to Students Day major anti-regime demonstration

Thursday, 03 December 2009  
NCRI - As December 7, Students Day, approaches, the Iranian regime is using suppressive and preventive measures to counter protests planned for that day. Groups of Iranians, particularly students, have called for widespread protests against the regime to mark the day.

On November 29, the mullahs' regime announced that all schools and universities would be closed on Saturday, December 5. The regime claimed that the decision was made for "students' convenience to participate in Eid al-Ghadir (December 6) celebrations," but it is widely perceived by Iranians as a ploy to disrupt preparatory works for pre-announced Students Day demonstrations.

In the meantime, the Iranian telecommunications company, which is under complete control of the Revolutionary Guards Corps (IRGC), has been sending random text messages to mobile phone users threatening that if they participated in illegal gatherings and contacted foreign media, would be punished according to mullahs' regime rules.

The Telecommunication Company has also sent out a directive to all



Iranian students shout slogans during a 2008 protest at Tehran University. Iranian authorities warned opposition supporters against holding any protests when university students mark the annual Students Day on December 7. (AFP/File/null)

its branches across the country to cut off internet and mobile phone lines on December 6 and 7. According to this directive, if protests continued, suspension of services must remain enforced.

Arrest of students and various forms of pressure on them, deploying suppressive forces and patrol equipment with intimidating outfits and tools specially around universities in Tehran and other cities, converting central streets into one way streets in order to have more control, conducting suppressive maneuvers, attacking

family celebrations and gatherings of ordinary people, are among some of the regime's suppressive measures in the run up to Students Day to intensify the atmosphere of fear in the society.

These measures are ordered by the mullahs' Supreme Leader Ali Khamenei to prevent a repeat of November 4 and "Quds Day" nationwide uprisings. As in previous occasions, the regime will be defeated in its intimidations by the people who have reached their limits and want the overthrow of this regime.

## Political prisoner sentenced to death in Iran on charges of supporting PMOI

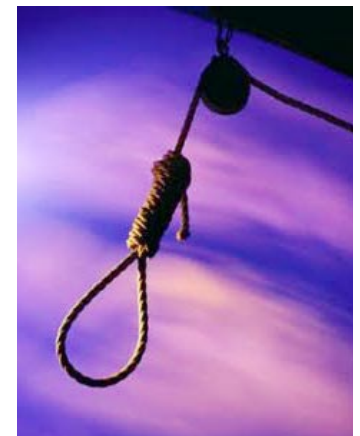
Thursday, 03 December 2009  
NCRI - On Saturday, November 28, the inhumane ruling regime in Iran issued a death sentence for Mr. Ayoub Porkar, a 46-year-old political prisoner, on charges of supporting the People's Mojahedin Organization of Iran (PMOI/MEK). The death sentence was handed down by a henchman identified as Pour-Abbasi during a summary closed-door trial, without any regard to due process and in the absence of lawyers and in violation of the prisoner's right to defend himself.

Ayoub Porkar, who has been held at the notorious Evin prison in Tehran for the past year, has also been subjected to continuous torture and pressures by the Iranian regime's henchmen during his detention. He has now been transferred to

solitary confinement in Ward 350 of Evin in intolerable conditions.

In the past two months, the clerical regime has sentenced at least six political prisoners to death by hanging. The sentencing and carrying out of the hangings are an attempt to intensify the atmosphere of suppression in society and particularly among the courageous youth who have shown clearly during the nationwide uprising of the past several months that they seek the overthrow of this regime and establishment of democracy and popular sovereignty in Iran.

The Iranian Resistance calls on all international institutions and human rights organizations, particularly the United Nations High Commissioner for Human Rights, Working Group on Arbitrary Detention and the Special Rapporteur on extrajudicial,



summary or arbitrary executions, to condemn the increasing number of hanging sentences in Iran, and demands the referral of the regime's dossier on cruel human rights violations in Iran to the UN Security Council for the adoption of urgent and binding measures aimed at stopping this trend.