

# Invasion



to international humanitarian rights



Habilian Association's Political Committee

## Invasion to international humanitarian rights

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## Introduction

### Double standards

The evaluation result of attack to Iraq and continue of its occupation also as most important International problems is analyzed by juristic and researchers of International relations and also there is consensus about the US misconduct of basic principles of International rights. According to International rights view, attack to Iraq, which is happen without Security Council's authorization, is war invasion and crimes and resorting to force.

In spite of International community's opposition, the US marital attack started with the help of British forces and without the UN's authorization and with pretext makes peace and International Security on 20<sup>th</sup> March 2003.

The cause of attack was Iraqi Ba'athist regime's misconducts to have war weapons of mass killing and beginning of army programs, the US concern with protection of Iraq, terrorist groups and privately probable army and financial aid of this country to terrorists.

The US after occupying Iraq disarmed Mujahedeen terrorist group and signed a ceasefire agreement with them. Signing a ceasefire agreement between US and Mujahedeen isn't compatible with declared anti-terrorist policy of Bush government that basis of it, the red lines of the US would be drawn like this:

“Washington doesn't strike deal with terrorists “and “justice terrorists because of their crimes”. Especially, that one of the US excuse to attack Iraq was Saddam's protection of terrorist groups.

Linilin, an American analyst, in that time said:

“Do you remember those terrorists, who Iraq had to protect and train before the war? Now they are under service of Washington. One of terrorist organization that Iraq should have protected is Mujahedeen-e Khalq that now they are making speech and

propagating in the meeting of republicans and democrats of congress.” (1)

A little next and after that the power was given to a Iraqi government in 30<sup>th</sup> June 2004, and the US didn't accept itself as a occupier from International rules view and tended to show that it is in Iraq because of this country's invitation; ceasefire agreement which was caused The US can control this group, make a field that Paul Bermer, the Iraqi American governor, prevented to expulsion of them without attention to transfer of power.

Dan Biman, a former analyst of Middle East in CIA, that now working in Brokings association and Gorge Townen, a Foreign Service school, says: “we'll use of them but won't omit them from terrorist list. Mujahedeen's installations and facilities in Iraq are under our control; we exploit and won't shut down them.”

Thus signing ceasefire agreement and control of them were revealed the US aims. After that American militant speaker declared the protected status for them, which is happen by forth Geneva Convention.

Declaration of this matter made a big question mark in front of this US action that can be as first sign of the US interference in Iraqi affairs and its position.

“Forth Geneva Convention determines the occupying government's duties and rights in occupied lands. From the end of June, The US government officially is not accepted as an occupying government and will be in Iraq as a claimed government by Iraqi government. But the program of investigation Mujahedeen's status had been started from previous times that now declare its result and it is strange and also inconsistent with Geneva Convention, however, it shows how the US see its real status in Iraq.”(2)

Afterwards, a controversial TV program revealed American right wing's plot, which is designed to protection of Munafeqin and use against Iran:

“All things linked to each other in Pentagon. Attack to Iraq was designed in Pentagon and plan of Iran's operations has been there

since autumn 2002. Pentagon is center of neo-conservatives. Iraq was just one step for them to toppling Tehran's sovereignty. Pentagon has been trying to omission Mujahedeen's name from list of terrorist groups and they are recognized as liberator forces. From war designer's view they are as "innate" confederates because trained for subversion.

Paul Wolfoits and Douglas Fiss are two people who could force US to giving new legal status to Mujahedeen. Members of this team frequently declared that guarantee of Israel's interests are one of their main aims. (3)

By experts opinion, politics of this team would has been determined by Israel's spy systems and to effect on US government's politics in relation to Iran that one of their significant patterns is protection of Mujahedeen in Iraq.

In this program two former employees of CIA and Pentagon revealed Pentagon's aims to protection of them. Rey MAk Govern, former member of CIA, to answer this question that why this status happen, said:" I think the US cooperate with MKO because they are in area and also they agree to work for our aims. We accepted them as terrorist organization in past and really they were but now they are our terrorist and we send them to there (Iran) immediately. Caren Coiatocofski, former member of pentagon, also said:" Mujahedeen are ready to do something which is shameful for us and accidentally we use them for doing these kinds of duties."

The US approach in relation to Munafeqin, regardless CIA organization's hidden aims and Pentagon to care and support Mujahedeen, is expression a double standard in US treatment and reveal different approach of this country in front of International rules.

"In while the US government's formal line was that "terrorist is terrorist", Washington seldom contact to members of Mujahedeen such as possible to Hamas". (4)

"It is a great contradiction that how it is possible that Mujahedeen can use Geneva Convention but Goantanamo's prisoners can't".

(5)

However, what more clear is this fact that the US protection of Munafeqin as the same as attack to Iraq is illegal and against to International conventions and treaties.



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1. i.brotel-browe
  2. Saeed Mahmoudi, Professor of International Law at the University of Stockholm; interview with VOA.
  3. MONITOR TV magazine, broadcast by ARD (Germany) on February 3, 2004.
  4. Laura Rozen, Alternet, December 16, 2004.
  5. Ali Ansari, expert on Iranian affairs, Britain.

# 1 Research

Complete explanation of the plan:

## 1. Geneva Conventions:

These Four conventions are about protection of war victims; which are also called the Red Cross convention, and have been enacted by 58 country representatives in diplomatic convention in Geneva in 1949.

In fact, all the countries of world are in these four conventions to improvement patients and war injured, war prisoners condition and protection of civilians people during of war.

1. Geneva Convention in date 12 Out 1949, about get over the wounded and injured in army forces during camping.
2. Geneva Convention in date 12 Out 1949, about get over the patients and ..... of army forces in sea.
3. Geneva Convention in date 12 Out 1949, about trade with warfare captives.
4. Geneva Convention in date 12 Out 1949, about protection of civilians in wartime.

## 2. Organization:

This matter that organization should be as a culture means a system, whose members have common presumption of organization, is partly a new phenomenon.

In past it seemed that the organization is a logical instrument that can control a group of people and coordinate their works by use of it. This organization had vertical levels, circles, hierarchy, duties and something like these but in fact, an organization is most of these things and like a person has personality.

When an organization change to an institution getting a kind of life, which is different from its members life and become valuable by itself, so when the organization is changed to an institution become as a specific pattern of acceptable behavior for all members, which is seen all around the organization.

Organization is systemic process of person's mutual relation to reach definite aims; this definition is formed by 5 elements:

1. Organization is always formed by persons.
2. These persons however have relation with each other and there are mutual relations between them.
3. These mutual relations can be systematized.
4. All persons in organization have definite aims and some of these aims influence their functions, each person expects to reach by cooperation in organization.
5. These mutual relations also help to reach common aims of organization and members of it follow common aims to reach personal aims.

By according to above definition of organization, it is just mutual relations between persons and reflects organization structure of these mutual relations, which are included hierarchy, aims, determination of roles, relations between persons, activities and other point of organization.

### 3. Iran's Mujahedeen-e Khalq:

The founders of this organization (Mohammad Hanifnejad, Saeed Mohsen and Asghar Badie Zadegan) got their first political experiences during liberation movement, when have studied in Tehran university in 1960-1964.

The founders of organization had a little information about Islamic issues and their ideology of structure, educational brochure and struggle policy were copy of professional leftist organizations.

This organization was damaged by SAVAK's blow; some of members were not hanged because of their expression of penitence after arrested. Founders and central members of this group were hanged and others tried to keep their organizations in prison and released from prison by coming Islamic Revolution. This organization quickly stood against Revolution and people and followed foreigners, like Iraq in imposed war.

In this design, speaks about crime, criminal and terrorism in international scene and in continue, proof of being terrorism about MKO is also a main discussion. Also speaks about violation of international covenant by US, that how the US let itself to put terrorist organization under forth Geneva Convention, which is one of thousand principles of international human rights. The US justification is, that to maintenance of order as a occupier should arrest MKO but never say that they are criminal and the action that should be done about a criminal is punishment of him. So we can conclude that US doesn't want allow to trial of these criminals and now the most important issue is that Iraqi government was formed and recognized by international societies and member countries of UN so US isn't considered as a occupier and also MKO should be delivered to Iraq, that this issue doesn't happen yet.

Aim of research:

The ready research is included most important and key issues of human rights that be expressed by complex and simple expression. This brief research is included two main part that the first part is for explaining Iran MKO's activities and in it, this organization and being criminal are surveyed; and in second part, forth Geneva Convention is studied and discus about this convention's contradiction with US function in Iraq. America's reason to do this is that they arrested MKO to maintenance of order. So in this research, we want prove that US prevent to passing terrorists sentence and this US action has international responsibility for them.

Former literature of research:

1. the exchange of Alqaede with MKO's members; rumor or real:

After US government's order based on being MK group as terrorist, there were some suggestions that Iran and US want to exchange members of MKO with Alqaede's arrested members in Iran and..... [WWW.did.ir](http://WWW.did.ir)

2. the condemnation of Rajavi group's impact with its members by human rights watch organization:

What important in this report is labeling the cult word that has own specific negative implication from human rights watch organization to Rajavi group ..... [WWW.did.ir](http://WWW.did.ir)

3. Mersad forouq:

Members of MKO began their activities against Iran after seeking refuge in Iraq..... [WWW.did.ir](http://WWW.did.ir)

4. MK in history's mirror:

Engineer Ali Akbar Rastgou has also expressed his experiences as one of thousand victims of RAjavi's dangerous cult in his book "MK in history's mirror"..... [WWW.did.ir](http://WWW.did.ir)

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1. Bakhshi, Ali, et al.. Dictionary of Political Science, Tehran: Chapar 2000, p. 232.

## Mujahedeen are criminal

### Crime and criminal in international law:

In international system, the materialization of penal responsibility of person in first stage refers to study and expression illegal and wrong personal activities, which are international crimes and in second stage type of sanction should be considered because it is the main result of penal responsibility:

#### A: concept of international crime:

Violation of any international commitment is not international crime because international crime is an action against international law, which is known as crime by international society based on custom law and conventions.

International crime from Geneva conventions view:

Willful murder, torture or inhuman behavior, prepare willful causes to physically and mentally tortures and ...

So that doing above actions is considered as violation of custom laws and rights of war and who do them is criminal.

#### B: types of international crimes:

According to common trend of countries and custom law regulations and international conventions, we can divide international crimes into 3 levels:

1.crimes against peace 2.crimes against humanity 3.war crimes

##### 1. Crimes against peace:

It is about main and gross violation of any international convention, which is more important for maintenance of peace and international security. In this way, Iran's MKO is an organization in during Saddam Hussein's state and they would

have got base and weapon from him, who was a war criminal and they were supported by him but instead of that would try to suppress the Shiites uprising in south and Kurds in north in 1991 or would attack Iranian enemies of Saddam.



During 8 years imposed war, paramilitante of MKO have been working for dictatorship so in 1980 their invasion to Iran caused a bloody war but after accept of Resolution 598 between Iran and Iraqi governments, leader of MKO, whose dreams didn't came true, didn't sit silent and to win the support of Saddam prepared systematic programs to make war again between Iran and Iraq and attacked to Iran in Forouq Javidan (Mersad) activity.

We should remind this point that this organization violated borders of Iran to enter its terrorist teams to its land, also in recent years, they were trained to military attack Iran by US.

Sometimes also if extreme violation of an international convention were extensive or selected as a politic, would make danger and worry in international level; such as extreme violation of human principles and rights, which were announced similar to violation of international peace and security by

constitution of court and also sometimes if crimes were systematic, it would cause to terror world society.

MKO performed systematic assassination in Iran, such as assassination of lieutenant general Ali Saeed Shirazy, which was condemned by all worlds and caused EU place MKO in its list of terrorist groups. Also this group was introduced as a terrorist group during Bill Clinton government, former president of US.

## 2. Crimes against humanity

Main and gross violation of any international convention, which is more important for maintenance of human and guarantee of nations rights in free selection of their fate, is considered a crime against humanity.

According to article 7 of international penal court's constitution, crimes against humanity are any below activities:

When an attack took place in the frame of a broader and organized attack against civilians and with knowledge about it, such as: murder, torture and similar inhumanity activity and...

MKO martyred president, prime minister, head of judiciary, representatives of Islamic assembly council, Friday prayer leaders of country and ordinary people.

Also members of this organization would attack voting stations and popular peaceful demonstrations by Rajavi's order and would kill the leaders, who were abide by Islamic Republic in terms of ideology and belief.

Isn't the leadership of these criminal activities against humanity?



### 3. War crimes:

War crimes are included gross violation of principles and regulations of war or armed struggle rights, including Geneva convention 1949 and annexed protocols of numbers 1 and 2 1977.

War crimes without any limitation are included: crimes against civilian people and crimes against injured and prisoners of war. Attending in killing innocent people by Saddam's fire missile that Mujahedeen would give information about it to Iraqi army as their fifth column.

About war crimes by MKO, we can point to hanging of three disarmed mobilizers after arrested, taking hostage of war prisoners and prevent to return of them, keep prisoners from visit their families, which is as their noted rights in humanitarian laws.

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1. Ziayee Bigdeli, Mohammed reza. General International Law. Ganj-e Danesh, Tehran 2004, p 259.
  2. Dehim, Alireza. An Introduction to Punitive International law. Tehran: The Office of International and Political Studies, 2001, p 2-5.
  3. Ziayee Bigdeli, Mohammed reza. General International Law. Ganj-e Danesh, Tehran 2004, p 261-263.

## Terrorism in international scene:

Terrorism is with us for centuries and because of its manifest nature and also its sudden and unexpected happening, so attracted unusual attention. Although, terrorism is one of phenomenon, which is spoken more in our time, but they have sufficed to the least knowledge of it and its today samples were discussed in books, monologs, articles, stories and films with different ranges of complexity.(1)



## Definition of terrorism:

The word terrorism is derived from Latin root of “ters” means fear and horror. The words terrorism and terrorist are newfangled words. In encyclopedia of France, terrorism was defined as “system or regime of terror”.

But probably can't get any definition of terrorism that involve all different types of this phenomenon, which has manifested during history, but in most cases terrorism is purely one of some used strategies and also has been usually minor in comparison with other strategies.(2)

“However history is full of terrorist measures that have killed more innocent people or endangered their lives. They have kept human people from their main rights and freedoms and endangered land ownership and security of governments”.(3)

Here can point to measures of MKO that was noted in above:

1. Terrorist systematic measures of MKO, which caused to kill most of Iran responsables and ordinary people, were because of opposition with government, which was established by votes of nations.
2. Giving friendly hand to one of world political characters (Saddam Hussein), who now is being condemned as a war criminal in international level. Although, MKO should has been in these courts as an international criminal and one of Saddam's helper.
3. Cooprations with Saddam during 8 years imposed war and play the role of Iraq's fifth column in this war.
4. Cooperation with Iraqi Baathist regime to suppress shiah uprising in south and Kurds in north of Iraq. And the most important of all is unchangeable belief of this group in armed suppress Islamic Republic system of Iran.

It is notable that terrorism is changed from national threat to international and global threat in our age. Terrorist measures not stay surrounded in national or local borders in globalization and advanced technologies age.

Terrorists can also organize and perform their terrorist measures wherever they want, by the help of overseas allies and emphasis on relationship and financial networks.(4)

In here can point to relation of Iran MKO with Saddam and Iraqi Baathist regime in past and their relation with US and terrorist groups in Iraq in now and notice that the US resort to Geneva

Convention for protection of Mujahedeen terrorist group is a simple and unacceptable justification.

American responsables are not suitable to expression of opinion and judging for determination of supporters and opponents of terrorism and also world society expect that US doesn't express its opinion about terrorism because it has forgotten international regulations and other conventions for compliance with rights of Baeghubie prisoners, Palestinian refugees and thousands issues like these and try to find legal justification to protection of terrorists between legal regulations and rules, just for spite and enmity with independent-seeking of Iran, or in other words can say: US and Munafeqin are two inseparable terrorist.(5)

## Types of terrorism:

Now, it's time to survey most common types of terrorism because motivation has a considerable role to recognition of terrorists:

Janatan white, in his book "introduction to terrorism", says that terrorism has 5 distinct types:

Criminal terrorism, ideological terrorism, nationalist terrorism, governmental terrorism and revolutionary terrorism.

### Criminal terrorism:

Criminal terrorism depends on use of assassination to get material and mental benefit.(6) According to this definition, criminal and political terrorism are different.

### Ideological or political terrorism:

It is usually a kind of effort to change ruling political power. Some believe that political terrorism depend on revolution.(7) Although, MKO tries to change political power and ruling system of Iran, but it doesn't have any condition to revolution.

Revolutionary terrorists are also characters, whose Para guerrilla tactics made fear in both, who has political power and who support them. The aim of terrorists is toppling statesmen and substitution of political leaders, who has the same opinion with terrorists.(8) MKO can be placed in this group. It was MKO that attacked people and characters like president, prime minister...who had political power and also assassinated them and people that would support statesmen and were opposition with this organization's opinions and supporter of Islamic Republic system of Iran.

### Nationalist terrorism:

Nationalist terrorism is deferent from ideological terrorism and its distinction is a kind of terrorist activity, which supports interests of an ethnic or national group without attention to political ideology.

## Governmental terrorism:

Governmental terrorism takes place when the ruling system in international relation and use violence or threat to use it, out of stabilized striped-pants formalities. (9)

The US protection of MK terrorist group is clear violation of US slogans that in one side is discussion about campaign against terrorism but in the other side is development of terrorism types. US support both the governmental terrorism, such as Zionist regime, and the terrorists in the entire world.

Although the Americans labeling MKO as terrorist but why they didn't any thing to put these criminals on trial, when they had come Iraq to campaign against terrorism and even protected them.

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1. Tayeb, Alireza. Terrorism, 2<sup>nd</sup> edition. Tehran: Nashr-e Nei, 2005, p 19.
  2. ibid
  3. ibid, p 13-18
  4. Tayeb, Alireza. Terrorism, 2<sup>nd</sup> edition. Tehran: Nashr-e Nei, 2005, p 18, 19.
  5. Mehrnews.com, July 28, 2004.
  6. P.Wilkinson, Political Terrorism, New York: Wiley, 1974.
  7. Tayeb, Alireza. Terrorism, 2<sup>nd</sup> edition. Tehran: Nashr-e Nei, 2005, p 201, 204.
  8. ibid
  9. ibid

## Place of Mujahedeen-e Khalq in international crimes

### MKO's function in Iran:

3 former members of liberation movement, who were leftist, established MKO in 1960 and very soon changed to an underground organization that worked secretly.

Political philosophy of founders was based on rejecting antecedents' struggles against absolutism and being result less and tries to use armed struggles that were advertised by communism bloc.

This group has opposed Islamic Republic system after revolution and with the rise of a shia system in Iran and by according to dialectic Marxist and Islamic policy of shia; and established one of strongest armed opposition against Islamic Republic of Iran. (1)

This organization is known for most of systems and countries as a terrorist organization.

One of most distinctive attacks of MKO maybe has taken place in 28 June 1981 and it was, when a strong bomb destroyed center of Islamic Republic party. According to Mujahedeen's reports, they bombed national Security Council's meeting that caused killing Rajaei and Bahonar in 30Out. But in a general statistic, for example from 1981 to 1982, Masud Rajavi claimed that the organization has martyred 12000 members of Islamic Republic forces and according to Rajavi's interview with voice of Mujahed radio, record of sabotage and explosive operations had been 20 in per week. (2)

Members of MKO began their activities as Saddam's fifth column after coming to Iraq and performed a lot of activities against Iran during Iran-Iraq war. Assassination of Asadollah Lajvardi, Iran head of prisons, in 1998 and Ali Saeed Shirazy, Iran commander of armed forces, are recent activities of MKO. Rajavi's group claimed about the assassination of Saeed Shirazy by an announcement that it took place in an extreme protected place in

north of Tehran city, whereas martyr Saiiad Shirazy didn't have even a personal guard such as martyr Lajvardi. (3)



**MKO in Iraq before occupation:**

The first formal convention between MKO and Iraq was discussed in a meeting between Rajavi and Tareq Aziz, Iraqi foreign minister, in January 1983 in France.

Former lawyer of Rajavi, who was an Iranian jurist residing in France, described this movement:

“ When Rajavi came to France, he had financial problems but Iraqi government gave suggestion to protection of them and they also accepted it. Iraq was a good place for their activities because it was near to Iran and there were disputes between two countries. So MKO was changed to Saddam regime's agents in long time and lost most of its credits in Iran”.

Finally, France forced Rajavi to leave country in June 1986.

More than thousands members of MKO joined him in Baghdad, where Iraqis welcomed him for opposition with Iran in a ceremony, which is usually about leader of government. (5)

This point is notable that Iraqi government allied them from the first time. Saddam promised Rajavi that can manage Mehran city, where is part of Iran's land, in order to encourage anti-Iran exiled persons. (6)

Rajavi unilaterally established MKO's central committee and determined 500 persons as council in 1986. Rajavi also won the support of Iraq to establishment of liberation army and it was formed formally in 1987. (7)

A western reporter went to Baghdad to evaluate the rate of Mujahedeen-e Khalq's improvement from their expulsion of France; he pointed to modulated ideology and related claims to Mujahedeen's skills in battlefield. He explained their strategy for power keeping.

From his view, first element, means military activities, is toward making Mujahedeen's credit and the other element is political and propaganda communal and organized effort in order to reform their own anti-American history and cooperation with Baghdad, where is center of Mujahedeen's military operations and enemy of Iran. (8)

Also never forget this significant issue that Iraq was the main master of Mujahedeen-e Khalq because Iraq gave them base and weapon and supported them, and Mujahedeen also would attack to Saddam's enemies such as Iran. (9)

Mujahedeen allied Iraq under sovereignty of Saddam and national liberation army of Mujahedeen, which was dependent in terms of financial, weapons and base, was changed into an instrument during Iran-Iraq war and this action, in diplomatic custom, was toward stop of internal protection of Iran regime.

Military efforts of Mujahedeen were included occasional attacks to borders of cities, industrial aims (specially oil installations) and civilian aims. This group performed their own most considerable invasion in June and July 1988, when they made forward into Iran's land toward coordination with Iraqi forces.

Iraqi Kurds also claimed that Mujahedeen have helped Iraqi army to suppress Kurds and refugees, who have escaped to near of Iran's borders, accepted it (10). London Times newspaper quoted in an article of Michel Todowe in 2 April 1991 as Jalale Talebani, president, said: "5 thousands of Mujahedeen joined Saddam forces in Karkook battle".

Also Wall Street journal added in 14 October 1994: the only main invasion of national liberation army took place during 6 years ago in 1991 and after war of the Persian Gulf and it was when Saddam Hussein ordered Rajavi to help for suppress Kurds uprising in north of Iraq. It is interesting to know about Mujahedeen-e Khalq that they have established their own specific organizations, printeries, offices, military groups, training camps, sanitariums, clinics, schools and even prisons in Iraq. (11)

The organization had been claim to killing active elements of government on the bases of doing more assassination. Survey of remained documents of Saddam regime were expressed that organization has been using blind assassination as effective instrument to show its power in campaign against Iran government. (12)

In total we can say: Saddam Hussein is one of main and basic capitalists of organization because of mentioned reasons, for example he would provide weapon and cash moneys about hundreds million dollars for Mujahedeen. (13)

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1. [www.irandidban.com](http://www.irandidban.com)
  2. A group of authors, Mojahedin-e Khalq, Tehran: Political Researches and Studies Institution, 2006, p 156.
  3. [www.irandidban.com](http://www.irandidban.com)
  4. Historical Flight, Mojahedin-e Khalq organization.
  5. Richard Austin, New York times, 10 June 1986.
  6. The Gulf War, Edgar Obalens.
  7. Washington Post, October 26, 1987.
  8. Allen Cowell, New York Times, February 7, 1988.
  9. [www.irandidban.com](http://www.irandidban.com)
  10. for more information, see: [www.irandidban.com](http://www.irandidban.com)
  11. Gevin Daive, Washington Times, June 10, 1985.
  12. Mojahedin-e Khalq: from rising to the end. A number of authors. Tehran: Political Researches and Studies Institution, 2006.
  13. [www.mehrnews.com](http://www.mehrnews.com), July 25, 2004.

## MKO in Iraq after occupation:

Organizations, parties and forces were established after fall of Saddam government in Iraq and had different aims that can divide them into some main parts:

A: Parties, organizations, characters and forces that had been Saddam's armed opposition and now they are in state, such as two main Kurdish groups in north of Iraq by Talebani and Barezani leadership and shiah organization in center and south of Iraq by the name Islamic Revolution Supreme Council with Hakim leadership and Aldave party that Iraqi prime ministers (Jafari and Maleki) were dependent on it and also Moqtad Sadr shiah process.

B: The groups, which have armed struggle with coalition forces and main parties that have established Iraq, divide into main parts:

1. Alqaede forces by Abu Moaseb Zarqavi leadership, who was killed some times ago.
2. Remained forces of Baathist party and proponents of Saddam that most of them were Sunnite.

C: A front of Sunnite forces that in one side, have relation with first group because of influence on political scene of Iraq and in other side, accept of criminal activities and manners of second group and actually promote it.

This front was included parties of tribes' sheikhs and persons, who were not before fall of Saddam but had relation with Saddam's information and military organs and principally were not as opposition.

MKO broadly communicated with this group in order to show its existence in Iraq after Saddam and has been made alliance between them to improve Baathist party's aims and establishment of government along with Saddam.

This group was perfectly powerless in terms of influence on political conditions and couldn't obey social democratic principles.

Why does Mujahedeen still try to be in Iraq?

Existence of MKO in Iraq was endangered after occupation of Iraq by American forces and fall of Saddam Hussein and this danger was from two sides:

First danger: American forces and international bodies that have introduced Mujahedeen as a terrorist group and ally of Saddam. Americans gathered Mujahedeen from most places of Iraq and took them to Camp Ashraf after disarmament of them.

(Of course with the excuse of campaign against terrorism)

Americans supported Mujahedeen by forth Geneva Convention because they needed a gratis energy to compare with some elements and specially control of Iran.

So in general view, there is a bilateral alliance between US and Mujahedeen, based on their needs to each other, but on the other hand statesmen and Iraqi nation, like Iraqi tribes leaders, ask to expulsion of Mujahedeen because they were mercenaries of Iraqi former regime and have attended in suppress of shiah uprising in south and Kurds in north of Iraq. (1991)

Second danger was from Saddam's people and armed opposition forces, such as Kurdistan democrat party of Iraq and supreme council, which would introduce Mujahedeen as Saddam's accomplice because of their crimes in Iraq and so requested to expulsion of MKO from Iraq.

US put MKO under forth Geneva Convention because of campaign against terrorism. US was responsible for establishment order in Iraq as a occupier, so with this excuse that MKO is a terrorist group, put them under forth Geneva Convention and its own control to restriction of this organization.

MKO could win some concession, such as access to Red Cross and ...because of being under control of US.

News was quoted by Boston Club newspaper in 7 May 2004 that stressed: "although MKO is in the US foreign ministry's list of terrorist groups but American authorities requested refugee Supreme Commission of UN and Red Cross to help settlement of Mujahedeen group's members".

In this article was noted that members of MKO, who are under supervision of Americans in Camp Ashraf, fear of returning Iran and nevertheless were rejected increasingly by Iraq.

So, some points are in front of MKO to select:

1. Returning Iran
2. Accepted in third country
3. Refugee request from international organizations, like refugee Supreme Commission of allied nations.
4. Continuation of residing in Iraq (stay in Camp Ashraf)

At the end, should notice that MKO maybe doesn't return to its place and position after presence of Americans in Iraq and without its stepfather, Saddam. Although MKO was disarmed by Americans but still hope to European and American states to continue. The end of MKO is not obvious and clear but however, won't be favorable and even it's not clear for American statesmen.



## 4

### Concluding

MKO was formed by a group of Iranian leftist students in the decade 1960. After the revolution, their dialectic ideology prevented to reach to the Islamic Republic of Iran. After escaping from Iran, according to the former lawyer of Rajavi, they seriously faced to financial problems and went to Iraq and Saddam Hussein welcomed Rajavi as a statesman. Saddam Hussein, who always had expansionist plans especially for reaching the Persian Gulf and because of this he attacked to Iran and Kuwait, instead of giving some equipments and Iraq's land and a lot of promise to Rajavi and his group, win their opinion to attend in the war, campaign and suppress Kurds and shiahs of south of Iraq to use MKO as instrument for suppress his internal enemies and pressing to external enemies especially Iran.

Relation between Saddam and MKO was double sides-need. MKO would use Iraq's land and right to exist and under blind support of Saddam, they occasionally did something against Iran regime and formal advertisement in this case and Saddam Hussein also would suppress lots of his opponents by using this force. He even used MKO and their helps during 8 years Iran-Iraq war.

But the imagination of this alliance was destroyed by attacking of the peaceful and supporter of human rights Americans and the members of MKO was arrested and disarmed in the Camp Ashraf ,where was under the supervision and US occupied area Saddam Hussein suddenly disappeared from the scene of international politics. To explain the status of MKO in Iraq, first It's better to speak about the forth Geneva Convention:

After the disarmament of MKO, American would keep them in Camp Ashraf, while the most of the political leaders and scientist or even tribe's leader and other people in Iraq request to expulsion of MKO terrorist group from their country.

Political understanding of the US in the international system is how that, although the MKO wasn't as the war injured and war

patients and war prisoners and civilian and they didn't include to the forth Geneva Convention but US put them under this convention.

About the explanation of status of organization and being this group includes of forth Geneva Convention, we can say:

Forth Geneva Convention determined duties and rights of occupier government in occupied land.

According to this convention, which observes behavior with civilians during War, under supported people are persons that are under control of an occupier or a country, which engage in a war. Most important right that attached to people is occupier's protection from plural penalty and expulsion. US lost its legal role as occupier, according to this Geneva Convention, when Iraqi American governor, Paul Bermer, delegated his responsibility to prime minister of temporary state, Aiad Alavi.

Of course, this violation can have another concept and it is that, the US still knows itself as an occupier.

After deep alliance between Saddam regime and organization for two decade, Rajavi can't imagine into independent existence for this decomposed group and MKO reached to its historical end and left heritage of pain, agony and blood for history of Iran.

Illegal existence of this group in Iraq was because of unstable ruling principles in international system, which is changed occasionally in global scene because of a strong country's benefit. But we can survey the reason of MKO to staying in Iraq after fall of Saddam, who was the main supporter of organization:

Strategic importance of Iran in region is too significant for US interest that it is prepared to use terrorist group to campaign and control of Iran.

American protect MK while they are claim for support of human rights in international scene, but in the other side by regardless of all their crimes, members of Mujahedeen's are imprisoned and tortured and can't go out of their Camps. Also Rajavi band was forced by changing its politics that after disarmament and in recent

2-3 years try to give motivation to members of organization to stay in Iraq by compliment of them.

But the question is that, what is US benefit from MKO?

Losangeles Times announced that information about nuclear activities of Iran was reached by an anti-Iran group with name MKO. News week also reported that maybe members of MKO are used by Bush state against Iran. In this report was expressed that some of Pentagon civilians and information planners of that country hope to can select a group of informers from among of prisoners of Camp Ashraf and train them for spy activities.

In this way with the excuse of campaign against terrorism, they keep members of organization in Camp Ashraf. Until in appropriate time and place change the potential force of organization to actual and usable force in order to reaching their aims.

About future situation of MKO, a few options have been laid before universals:

First option: trying for re-settling Mujahedeen in a third country. It's clear that countries of the world will disagree with these options and won't be satisfied with this hypothesis. Meanwhile, if some people of Mujahedeen would have been sought refuge to other countries, even with considering to this fact that they are dependent to the terrorist group, there is no view in this case. In this case, hardest resources are the American courts, which have no flexibility in this case. So there is no possibility of transferring group at all and innocent people of this group must be obvious.

Second option: settling down and making shelter is inside the Iraq. Explanation of this matter that American find a legal condition for continuation of existence of this group in Iraq, which normally can be political refugee or things like that, with serious interference of Iraqi government, and only in this condition they can keep them in Iraq that be in Camp, under the supervision of supreme commission and absolutely didn't have relation with Iraqi nation.

Third option: delivery is for the Islamic Republic of Iran. The discussion, which has posed by some of Iraqi authorities, is that

Iran must give a general amnesty in this case. While Iran basically is disagree with conditions and demand the conviction of main heads of crimes of this group and till now has showed about the simple members, forgiveness and general amnesty from their returning to their family.

But it's clear that Americans want to use Mujahedeen-e Khalq as an instrument. In other way if the second option becomes practical from Mujahedeen-e Khalq and their free energy is used to suppress their uprisings in Iraq and campaign against shiahs. And other way United States wants to exchange them instead of getting premium from Iran. For example several times, the exchanging of members of MKO with the members of Alqaede, who are claimed that they are arrested in Iran prisons, is proposed. Also American quarrel some want to use MKO like a lever against Iran. The issue, which is important here, is that lying of MK under the forth Geneva Convention was valid until the permanent government in Iraq was not established. But after that the US must deliver them to the Iraqi government or before that, must came to an agreement about destiny of this terrorist group with international societies.

Although it is recently claimed that international Red Cross and Supreme Commissary of refuge has accepted the secured position of Mujahedeen under forth convention, but this part also has its own particular regulations. Commissary and Red Cross can stop their compulsive transfer to the other place. But obligatory, they can't impose their existence in Iraqi government.

Here focusing on this matter is not out of fun. While the forth Geneva Convention emphasis inductive people, who have the right of freedom and election for living in struggling land, homeland or third country. But leaders of MKO were guaranteed from members over and over during last years to never abandon Iraq, and even don't let them to meet their families, and these conditions regarded incompatible with the human freedom. Future more they don't led Red Cross and Supreme Commissary of refugee to interview with members freely.

According to international humanitarian rights, this procedure is in obvious contradiction with the spirit of conventions and basically considering to this situation, which its prerequisite is the existence of will and authority among convention inclusive for their task, leads to dead-end.

In other word, US had make these international institutions as a plaything for a terrorist group, which attempts in addition to making profit from being under cover, lead their own political aims. The issue, which was avoided extremely by international societies and according to their innate duty, asked Iraqi government to control this phenomenon.

In a general conclusion, we can say that Americans as they said, are the keeper of global peace, and they still insist on existence of terrorist group in order to make a use of them in critical situations. In other hand, we can say that America has kept MKO as an instrument for striking to Iran and has become a barrier for punishment of convicts in international scene.

Conclusion of these discussions is bitter because it says that, in spite of documentation and main reasons, US has become a barrier for punishment of MKO that has acted anti- humanitarian operations in international level or in Iran or inside a country like Iraq, more than 40 years. And US will remain faithful to this slogan “my enemy’s enemy might be my friend”, even if they have to support terrorist groups.