

Hearing of the Oversight and Investigations Subcommittee of the House Foreign Affairs

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

Chaired by: Representative Dana Rohrabacher (R-CA)

Witnesses: Gary Morsch, Former Commander, Forward Operation Base Ashraf;

Retired Army Colonel Wes Martin, Former Base Commander, Camp Ashraf;

Ray Takeyh, Senior Fellow For Middle Eastern Studies, Council On Foreign Relations

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REPRESENTATIVE DANA ROHRABACHER (R-CA): Ladies and gentlemen, we will be opening this hearing in a few moments. However, prior to the official hearing, we will have a very short briefing session which you are all permitted to join us in observing. And the briefing session will be via satellite television. And so we will then now proceed with this briefing, which will then be followed by the official hearing of this subcommittee.

And I'm Congressman Dana Rohrabacher, chairman of the Subcommittee on Investigation and Oversight.

In the early hours of Friday, April 8th, units of the Iraqi army, numbering about 2,500, and including armored vehicles, assaulted Iranian civilians at Camp Ashraf, murdering at least 34 residents and wounding hundreds more. These were unarmed people being shot down by full-time professional well-armed troops.

I believe this was an atrocity, a massacre, perhaps a crime against humanity.

We have a brief video clip of footage taken during the latest Iraqi military raid on Camp Ashraf. I apologize if some of the images are unpleasant, but I believe that it is important that we come to grips with reality on what is actually happening on the ground.

Following that, one of the civilians who was wounded in the attack, a young lady named Elham Nadu Zanjapour (ph), will brief us by video conference from Camp Ashraf in Iraq. Mada (sp) is a Canadian citizen and has lived in Camp Ashraf since 1999. Her mother is with us today, and we welcome her mother -- if you would -- today. Thank you very much. (Applause.)

So if we could start first with the video clip, we will proceed.

(Video plays.)

REP. ROHRABACHER: We now have a connection that's being made. And this is from Camp Ashraf. Nadu Zanjapour (ph), that's Alham Nadu Zanjapour (ph). Can you hear us?

MS. ZANJAPOUR (PH): Hello.

REP. ROHRABACHER: Well, we see that you are recovering now. Could you describe for us, was there anything going on in Camp Ashraf that would have threatened the people of Iraq to the point that it would have justified an army coming into the camp?

MS. ZANJAPOUR (PH): Camp Ashraf is a residential area where 3,400 Iranians just like myself live. We've been in Camp Ashraf for 25 years. We've had a long-time history of friends with the Iraqi people. It's a residential area with a school, with a mosque. It's a residential area where people live. It's not a threat to the Iraqi army at all.

REP. ROHRABACHER: And could you describe for us what you personally saw during this attack?

MS. ZANJAPOUR (PH): About -- it was about 7:00 in the morning when I heard gunshots, explosions. I went to one of the main streets and I suddenly saw Iraqi forces who had entered Camp Ashraf by force. They had entered with their tanks, their Humvees. They had snipers, grenade launchers. And Iraqi forces came in and started shooting. I personally -- I was very -- I asked them, what are you doing? Why are you here?

And it was then that I was targeted by Iraqi men who threw a grenade, which exploded between my legs. It destroyed the muscles in both of my legs, as you saw in the video prior to I'm speaking (sic). It destroyed the muscles in my arms. Right now my left arm, the nerves and tendon is destroyed, is damaged. My right arm, the muscles were torn apart. Right now my left wrist is broken, also a part of my hand. My right elbow is also broken. And these are the shells -- parts of the shells that was taken out from my legs and arms due to the grenade explosion.

During the attack, Iraqi forces specifically would target one of the civilians who -- for example, he would say, look over there, and shoot. They -- we were defenseless. We had no arms. We had nothing. We are defenseless. They opened fire and killed 36 Ashraf residents and wounded hundreds.

REP. ROHRABACHER: Did you see anyone in the camp at any time with weapons shooting at the soldiers?

MS. ZANJAPOUR (PH): No. From our -- Ashraf?

REP. ROHRABACHER: Yes.

MS. ZANJAPOUR (PH): No. We had no arms.

REP. ROHRABACHER: So you had no weapons whatsoever.

MS. ZANJAPOUR (PH): No.

REP. ROHRABACHER: And when the soldiers came into Camp Ashraf, they had armored vehicles, is that correct?

MS. ZANJAPOUR (PH): The Iraqi forces came in with armored vehicles and were fully equipped.

REP. ROHRABACHER: As if they were fighting a -- other military unit, but instead they were up against unarmed civilians?

MS. ZANJAPOUR (PH): Yes, exactly.

REP. ROHRABACHER: Mr. Carnahan, do you have any questions to ask of our briefer today?

Yes, just right there.

REPRESENTATIVE RUSS CARNAHAN (D-MO): Hi. This is Congressman Carnahan. And thank you for speaking with us today. And we hope your wounds heal up. Thank you for sharing your story and the story of the residents at the camp. It's important that we get to the bottom of what happened there.

Can you tell me, prior to this incident, had there been other violence at the camp?

MS. ZANJAPOUR (PH): Yes. First of all, I thank you for giving me this opportunity to speak on behalf of the 3,400 Camp Ashraf residents, specifically the 1,000 women here. It's a great honor.

Yes, from 2009, since the Iraqi forces took over Ashraf's protection, violence from the Iraqi forces started. In -- we had a previous attack in 2009 where 11 people were killed, also hundreds wounded. From the time that Khamenei (stepped ?) out of Ashraf, the Iraqi forces openly attacked us, and it continued until the last attack.

And right up till -- until now, there's no guarantee that they won't do another attack, they won't carry out another attack against us.

REP. CARNAHAN: One last question. Can you tell us, that earlier attack and the most recent attack, can you give us your best assessment of what set those attacks off?

MS. ZANJAPOUR (PH): Well, first, I -- I'm sure you know that Khamenei, the Iranian regime's supreme leader, signed an agreement with Maliki as to -- close up Ashraf and to annihilate Ashraf residents. I can say that's the best thing -- that's the best thing that I could say.

But the Iraqi army, under the command of Maliki, carried out this attack.

REP. CARNAHAN: Thank you very much.

MS. ZANJAPOUR (PH): Thank you.

REP. ROHRBACHER: We have with us a noted judge from Texas who is a member of this committee now and a member of Congress. And he has presided over many criminal trials. And I'd like to hear, perhaps, his questions for you at this time.

REPRESENTATIVE TED POE (R-TX): Thank you, Mr. Chairman. Thank you, Neda (sic). Appreciate the opportunity to ask you a couple of questions. I'm Ted Poe from Texas. Let me ask you first of all, the 36 that were murdered, we heard reports that rather than complying with appropriate burial procedures, it took many days, maybe weeks, before permission was granted to bury the 36 that were murdered by the Iraqi forces. Can you shed some light on the burial? And were those burials permitted to be done according to procedures that you follow? Or were they hampered by the Iraqi government?

MS. ZANJAPOUR (PH): Yes, we have a cemetery that is located in the northern part of the camp. Right now that's the part where the Iraqi forces, in their attack, took. They took the cemetery. And the Iraqi government prohibited us from burying the 36 who were killed in this attack for over, I think, a month and a half. They didn't -- I -- they didn't allow -- they didn't agree with us to bury them.

They delayed giving --

REP. POE: Why not?

MS. ZANJAPOUR (PH): (Pause.) They delayed giving us the bodies, and just didn't allow us to bury the dead in the -- in our own cemetery.

REP. POE: And do you know why?

MS. ZANJAPOUR (PH): I think it was just another order under Maliki's government. Perhaps, they were -- I don't know. They wanted the land under the pretext of having the land. I don't know.

REP. POE: I have one more question. The Iraqi government wants Camp Ashraf moved to another location. The Iranian government probably does as well. What would happen to the safety to the residents of Camp Ashraf if you were moved to some other location in Iraq?

MS. ZANJAPOUR (PH): Well, first of all, it's illegal for the Iraqi government to want such a thing because, under international law, we cannot be transferred, expelled or displaced to any other location either inside Iraq or outside Iraq against our own will.

As we are protected persons under the Fourth Geneva Convention, we have signed an agreement with the U.S. forces in 2004. The responsibility for Ashraf residents until the final displacement is with the U.S. forces. Now, the issue about moving us to another part of Iraq, perhaps far from the border, this is just another pretext of another crime. Moving us somewhere far from the border where we are far from international spotlight is just like asking us to go to a concentration camp.

And just allow me to say that we -- this is to the demands of the Iranian regime. This is what the Iranian regime exactly wants. And we will never surrender to such a demand; to go to a concentration camp and just be murdered.

REP. POE: So would that jeopardize your safety? If you were moved to another location --

MS. ZANJAPOUR (PH): Yes, definitely.

REP. POE: -- would that jeopardize your safety?

MS. ZANJAPOUR (PH): Definitely. Yes, definitely because there's no guarantee that we have protection. If there is no U.S. -- if the U.S. forces cannot protect us, then we're going directly into the concentration camp at the will of the Iranian regime.

REP. POE: Thank you very much.

MS. ZANJAPOUR (PH): And it's unacceptable.

REP. POE: Thank you, Mr. Chairman.

REP. ROHRBACHER: I wanted to thank you very much for sharing your story with us and the story of Camp Ashraf and this brutal massacre that took place. We appreciate -- Mr. Filner, do you have a couple of questions? I didn't see you over there. I'm sorry.

REPRESENTATIVE BOB FILNER (D-CA): Thank you, Mr. Chairman. I want to say thank you for holding this hearing and allowing me to participate as a member of Congress.

As you are well aware, because you have been there, there is a potentially much greater humanitarian disaster awaiting. And I think the United States has both the legal and the moral obligation to try to prevent that, and I thank you for holding this to put the spotlight.

Too few Americans know what is going on there, and we thank (you and ?) Ashraf for testifying this morning. We all met your mom. She sends her love, obviously. And her concern mirrors that of millions of people in this country. So thank you for what you said.

I just wanted to ask, by the way, did you or anybody in Ashraf try to get the Americans to respond to this attack that the Iraqis carried out?

MS. ZANJAPOUR (PH): Before I answer your question, excuse me. Please -- I say hello to my mother. I'm very happy that she's there. Hopefully, I'll be able to speak to her soon.

About the question that you asked, yes, I personally, through the Canadian consulate, asked to be transferred to Balad Hospital to receive better care. The Canadian consulate told me that they didn't accept. Also, through our liaison officer, we asked the American embassy as well but, again, we were denied.

I asked them for myself as well as for all of the other injured because I'm sure you know there were about 340 injured, about 245 were shot. All received injuries just like myself through a grenade explosion.

From the beginning, we really needed medical attention but, unfortunately, they didn't accept to take us. However, they came to visit. They took seven Ashraf residents -- and you must understand that seven out of 340 is a very, very low number.

REP. FILNER: Did the Americans --

MS. ZANJAPOUR (PH): Yes, we asked for their help.

REP. FILNER: Did you ask them for help as the attack was occurring for some military intervention or some military protection as was promised and agreed to and signed by the American Army?

MS. ZANJAPOUR (PH): Yes. Every moment we had contact with the United States forces or with the embassy. In fact, from April 3rd, U.S. forces were here inside Ashraf because we saw the tanks that had entered, and we informed them that something is going to go on. We have to prevent it. But, unfortunately, on April 7th, at 9:20 p.m., Lieutenant Colonel Molinari was -- his unit was ordered out of the camp. That left us completely defenseless vis-a-vis the massive assault by Iraqi forces.

REP. FILNER: This is very disheartening, especially, I think, Mr. Chairman, in this room, the secretary of state, a few months ago, promised to protect the health and safety of the people in Camp Ashraf. And, apparently, that did not occur. And I think this Congress, with your leadership, needs to say more about that.

We thank you. We're looking forward to your recovery. And we will do our best here in Congress to make sure that you are not forcibly dispersed and that there is some protection for you in the future.

Thank you, Mr. Chairman.

REP. ROHRBACHER: Thank you, Mr. Filner, who has been very active over this last several years in paying attention to the potential danger that the people of Camp Ashraf have lived with as part of their life for far too long.

And I want to thank the young lady today for sharing with us your story. The visualization of you there just adds total credence to the harm and the suffering that the people of Camp Ashraf have to face and are having to go through and has been inflicted upon them in an intentional way.

So thank you very much. And we're very grateful for your courage and being on this briefing today because we know that you are fully aware that other people may view you then as an enemy and that you may be putting yourself in jeopardy again.

But let me just note for the record, if anything would happen to this briefer, all hell would break loose in Washington, D.C. And this young lady is courageous, and we must stand beside her, as we do. So if anybody has anything in mind about shutting her up, they're going to have to deal with us in a unified way.

So thank you very much. We're with you. We're very pleased your mother was with us, and I know she is very proud to have such a courageous daughter. I have two daughters at home, and I hope when they grow up that they're as courageous as you are. Thank you.

MS. ZANJAPOUR (PH): Thank you very much. Thank you very much for giving me this opportunity.

Please, I just wanted to add one more thing.

REP. ROHRABACHER: Yes.

MS. ZANJAPOUR (PH): I'm sure you understand that we are still worried about future attacks of what's going to happen.

And I really appreciate members of Congress, the support of the American people, especially yourself, Chairman Rohrabacher, as well as other members of the subcommittee, Ranking Member Carnahan, for all that you are doing right now.

I just wanted to, if you allow me, just to say one more thing about the 300 loudspeakers that are placed around Ashraf by the Iranian regime with the help of the Iraqi government. They blare profanity, vulgar threats against the women 24 hours a day, seven days a week. It starts from 4:30 in the morning, continues until 2:00, 3:00 a.m., so all around all of us, perhaps even in the clinic here or the residents, have one or two hours a day.

And this is also -- I thank Judge Poe and Congresswoman Sheila Jackson Lee's efforts for stopping this. Other than that, I'm very, very grateful for all that you are doing. I thank you on behalf of 3,400 Ashraf residents, and I hope -- and I understand that it's -- I know that you understand that it's very essential that we have a United Nations monitoring team based in Ashraf so that protection is provided and that another attack does not occur.

And thank you very, very much. Thank you for giving me this time. And I send you all the regards of Ashraf, all Ashraf residents. Thank you.

REP. ROHRABACHER: All right. God bless.

We will now officially go into the hearing of this subcommittee. I call this hearing of the Oversight and Investigations Subcommittee of the House Foreign Affairs Committee to open. And I will be, oh, having opening remarks. We will then have short opening remarks from members of the committee. And then we will go to our panel of witnesses.

And I'm Congressman Dana Rohrabacher. I welcome you to this hearing. And as we move from the briefing on the April attack, it should be noted that Camp Ashraf has, for more than 20 years, been the home of 3,400 members of the Mujahideen-e-Khalq -- that's MEK -- a key opposition group working against the radical Islamic Iranian dictatorship.

Read that, the 3,400 members or residents of Camp Ashraf are declared enemies of the mullah dictatorship in Iran, which is a very significant fact to keep in mind when paying attention to try to figure out what's going on.

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

When our congressional delegation discussed the situation with Iraq's Prime Minister Maliki in Baghdad last month, the authority to govern -- his authority to govern and the sovereignty of the people of Iraq over their territory was not an issue. We in no way quarreled with that.

How the Iraqi government exercises its authority, however, is a matter of grave concern. The use of excessive force -- murder, massacres and other such tactics -- is an illegitimate use on the face of it. What happened on April 8th was an excessive use of force. It was an illegitimate use of power on its face.

Using troops and armored vehicles against unarmed civilians conjures up memories of Tiananmen Square in communist China, not the kind of democratic rule that Americans have fought so long and hard that we have dedicated such of our own blood and treasure to try to create a more democratic society. It certainly isn't reflected in what happened at Camp Ashraf on April 8th.

The wholesale murder of unarmed refugees simply cannot be ignored. After the attack, the State Department asserted that the, quote, "crisis and loss of life was initiated by the government of Iraq and the Iraqi military," end of quote.

But what about before the attack? Was the U.S. embassy or the commander of U.S. forces in Iraq notified of the Iraqi military buildup outside the camp, or of their intentions? Was the Iraqi government contacted? Did they contact us? If so, what was the response? What response did we give them? And what was the Iraqi response if we questioned them? Why was a United States unit, deployed at Camp Ashraf, ordered away just hours before the attack?

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

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

A second issue of concern is whether the Maliki government acted in concert with the Iranian dictatorship. Prime Minister Maliki's political party is based on support from the Shiite community of Iraq. And of course the Shiite community of Iraq has, in some kind, a mutual relationship with the Shiite mullah dictatorship in Tehran.

Maliki's majority in the parliament depends on the political block that's controlled by Mr. al-Sadr, an open agent of Tehran and whose Mahdi Militia has often clashed with U.S. forces. Is the Camp Ashraf massacre a signal of even a larger problem? Is this something that has resulted in the fact that we are seeing a willingness on the part of the government of Iraq, of Prime Minister Maliki and his majority, to do the bidding of the mullah dictatorship next door?

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

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

So, certainly putting the people of Camp Ashraf on the terrorist list certainly didn't do any good, even if it was dishonest in its intent to begin with. The MEK, however, remains on the terrorist list, even though it's clear the mullahs didn't start coming around and becoming more, I'd say, acceptable in their behavior.

The United Kingdom and the European Union have removed the MEK from terrorist lists.

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

Now, we have learned much -- we have much to learn today, what really happened on April 8th. Can we continue to protect Camp Ashraf? What is the solution? Should the residents be relocated to safe areas outside of Iraq? What is the solution? That's an interesting question for us to talk about today as well. I would be interested in hearing suggestions from the panel that we are about to happen.

And one last point before we turn it over to Congressman Carnahan for his opening statement. I believe I read in the paper that 34 people were killed just a day or two ago from bombs that went off in Iraq. And it's very easy to think that those 34 people -- well, people are still being killed. Why are we concerned about Camp Ashraf when you have other people being killed in these terrorist attacks?

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

Let us hope that the Maliki government understands that there is a difference between terrorist activities, which are unacceptable, and the activities of his government, which are totally inconsistent with law and civilization. So government troops -- for government troops to be openly, open-

ly killing people, as we just saw, is unacceptable anywhere in the civilized world, and that is a lot different than a terrorist attack. So we have a moral obligation today as people to call people to task and to find out exactly what happened.

Mr. Carnahan, do you have an opening statement?

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

REP. ROHRABACHER: Thank you very much, and I would ask Congressman Poe to take over the chair. I've been called to the floor. I have an amendment on the floor that I have to take care of. I will be returning very shortly, as soon as we do business.

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

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

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

I'd also like to note that several Missourians are here today, including Mrs. Zam Shayari (ph) -- we're happy to have you here -- whose son is currently at Camp Ashraf. I want to thank you all for being here and for your insight on these issues.

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

In the week following the killings, the U.N. High Commissioner for Human Rights called for, quote, "a full independent and transparent inquiry" and further added, quote, "any person found responsible for" the "use of excessive force should be prosecuted." Again, I concur. In full -- a full, fair and independent investigation will provide for the best means of finding a final determination of what happened and will allow anyone found responsible to be brought to justice and help prevent future attacks.

I look forward to hearing the insights of the witnesses here today regarding the human rights abuses but also how we protect from future abuses. In 2003, the residents of Camp Ashraf had protected status under the Geneva Convention, and pursuant to the Status of Forces Agreement between the U.S. and Iraqi governments, jurisdiction of the camp has been under Iraqi jurisdiction since 2009.

With the drawdown of U.S. forces in Iraq, I believe that the U.N. or other independent body be given access to the camp to assess the humanitarian situation there. I'd also like to have the panel address the issues with regard to relocation of the residents -- is that an option or is it not -- and also

to look at the broader implications to U.S. policy as we shift from a military to a State Department-led effort focusing on diplomacy and development.

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

Mr. Chairman, I yield back.

REP. POE: I appreciate the ranking member's comments, and likewise I was with Chairman Rohrabacher and the ranking member on our trip to Iraq on June the 11th. We did visit with Maliki, discussed many issues with him, and one of those issues was we wanted to go to Camp Ashraf and get the residents' side of what happened to them and the camp in April. After almost two hours of talking and a lot of talk -- as the statement has sometimes been said, when all is said and done, more is said than done -- we were not allowed to go to Camp Ashraf. He was adamant about that, and we respected his decision since he was in charge of the nation.

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

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

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

Instead, the administration has proposed a new relocation plan for the camp. They want to move the camp to some other location within Iraq. This is the same plan the Iranians themselves proposed years ago. We have heard how dangerous this would be to the residents of the camp.

This is the same plan the Iranians themselves proposed years ago. We have heard how dangerous this would be to the residents of the camp.

In May, I sent a letter to Secretary Clinton opposing this misguided plan. Camp Ashraf is recognized around the world as a refugees (sic/refuge) for those who oppose the Iranian regime. And if we move it with Iraq's -- move it within Iraq, they will lose that public recognition, while leaving residents under the same control of the army.

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

I've introduced a bipartisan legislation, H. Res. 60, that urges the secretary of state to take the MEK off the foreign terrorist organization list. I have seen and been in all the classified briefings that I know of regarding the MEK, and I am not convinced that they should remain on the list. The State Department has not made their case to keep them on the list. Therefore, they should be removed.

The MEK should not be used as a political tool to appease any dictators in the world. Eighty-three of my colleagues agree with me. As a nation, we've promised to protect these Iranian individuals. No matter what we think of the MEK, we should all agree that no group, especially one that has given up terrorism and given up all of its weapons, deserves to have its human rights trampled on by Iraq or Iran or anyone else.

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

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

REP. FILNER: Thank you, Mr. Chairman.

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

REP. POE: (Off mic.)

REP. FILNER: Thank you, Mr. Chairman. I appreciate your courage and activism on this issue also.

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

I don't know about you, Mr. Chairman, but I have tried to look at the residence going on inside. The MEK and its leader has come up with, it seems to me, the one legitimate policy that is best for us as Americans. They call it the third way. That means we do not invade Iran, but we do not appease the existing mullahs. We get out of the way and let the resistance do what it can and should and wants to.

The listing of the MEK as a terrorist organization is getting in the way, so we ought to de-list. And there's lots of reasons, as you pointed out, why we should.

I was recently at a conference or at a rally in Paris -- Judge Mukasey was there -- where the first homeland security secretary unequivocally said that MEK is not a terrorist organization. I mean, nothing crossed his desk as the chairman -- as the secretary of homeland security that indicated that in the years that he was in that position.

So I think we ought to look seriously. And besides, it's not even an issue. It should be for us whether -- whatever the ideology is, and we can talk about that, there was a massacre. We should have prevented it. We have a legal obligation to have prevented it. We should have done -- we should do it in the future.

And, you know, I don't -- I can't worry about a human rights -- the ideology when there's human-rights violations going on, although I think it's, if I may say, a red herring.

So I think -- and I appreciate your efforts, Mr. Rohrabacher's efforts, Mr. Carnahan's efforts, to make America more aware of this. This is going to hit us, Mr. Poe, I think you know, as the American pullout occurs of Iraq. After all our treasure of money and men and women who have died and been injured there, do we want the Iranians to take over? And yet that is a potential.

Ashraf is a symbol of what we, I think, need to prevent. After all this intervention in Iraq in a decade, the Iranians come in. The MEK favors a non-nuclear, democratic, secular regime. I think that's something we can all agree to. And I look forward to the testimony.

Thank you, Mr. Poe.

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

REPRESENTATIVE SHEILA JACKSON LEE (D-TX): Thank you very much, Mr. Chairman. And thank you for your courtesies.

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

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

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

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

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

So I thank you for holding this hearing, Mr. Chairman. It is frustrating to come back time after time with continuous violence and no response by Iraq. And I hope if the ambassador of Iraq -- I don't see that person as a witness on this august body -- but if the ambassador of Iraq can hear my voice, he needs to come to Congress. He owes this Congress an apology.

He (needs ?) and owes this country an explanation as to why he is, in essence, violating the civil rights of a minority group in his country when we fought and shed blood so that Iraqis might live free. He owes both an apology to the people in Camp Ashraf, to the people of Iraq who will suffer as well because they are diverse, and he owes an apology and explanation to the world family, and particularly the United States of America, for the treasure that we lost attempting to provide democracy there.

I yield back, Mr. Chairman.

REP. POE: The gentlewoman yields back.

I'll introduce the panel members. I do want to introduce and recognize the numerous residents -- families, rather, of residents who are in Camp Ashraf that are here, a lot from my home state of Texas, and glad to have those individuals here.

Michael Mukasey, who served as attorney general of the United States from 2007 through 2009. Prior to joining the George Bush administration, he had served for 18 years as a federal judge. He was appointed to the U.S. district court by Ronald Reagan in 1988 and served there until 2006 and is a graduate of the Columbia University and Yale Law School.

He worked as an assistant United States attorney in New York from 1972 through 1996, serving as chief of the district's official corruption unit from '75 through '76. Judge, we welcome you today.

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

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

Dr. Ray Takeyh is a senior Fellow for the Middle Eastern Studies at the Council on Foreign Relations, an adjunct professor for the Center for Peace and Security Studies at Georgetown University -- has a Ph.D. from Oxford University and served as senior advisor to -- special advisor for the Gulf and Southwest Asia at the U.S. Department of State. He's also the author of "The Guardians of the Revolution: Iran's Approach to the World", which was published in 2009 by Oxford University Press. Thank you, gentlemen, for being here today. Judge McCuskey (sic), we'll hear from you first. There is a five-minute time limit on each of your comments so if you have -- want to go longer than that we'll -- you can submit it to the record. So first, Judge McCuskey (sic).

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

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

on what the United States has done in the past, some of which has helped but some of which has hurt, and what we can do in the future to prevent people from being murdered. Because, make no mistake about it, what we're talking about here literally is a matter of life and death.

Back in 2003 when the multinational force went into Iraq, the residents of Ashraf surrendered the weapons they could have used to defend themselves and put themselves in the hands of the multinational force and principally the hands of American forces. They received a written guarantee from an American general, that I attached to my written testimony, that they would be treated as protected persons under the Fourth Geneva Convention.

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

I should mention that at both times -- both in July of 2009 and April of 2011 -- when these attacks took place, our secretary of defense was in country. It would be hard to imagine a more calculated slap at this country than that, and when you think about the terrible price that we've paid to liberate Iraq -- the lengths to which we've gone to oppose the Iranian government -- when you think of the opposition to the Iranian government in the Gulf and elsewhere and the strategic defeat that Iran suffered when it overreached in Bahrain, what has -- you wonder what has made Iran and Iraq so bold as to act in this way.

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

The State Department seems infected with the idea that it must not do anything that might displease the Iranians, even when doing so in fact would give the United States more leverage against the Iranians, not less. And so we have the spectacle last week of the United States diplomat, our ambassador to Iraq, saying in one breath that Iran is in fact sending IEDs into Iraq that are used to kill Americans but saying in the next breath that MEK members should agree to disband in order to facilitate resettlement of the residents of Ashraf.

In other words, he's saying that a principal organized group that defines itself in large measure by opposition to the tyrannical regime in Iran should cease to be a group and should give up its identity in the ridiculous hope that when the Iranians and the Iraqis can pick them off one at a time, that they will somehow be safer and not less safe when that happens.

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

Well, that was almost a year ago and all the State Department has done in that time is to come forward with documents that do not deal with any issue relevant to the designation and to ask MEK questions which it has answered that are not relevant to the designation. It is long since time for the State Department to stop this policy of delay which simply emboldens murderers.

I urge the committee to hold a hearing at which the State Department is required to justify its policy or to change it, and at which this committee enquires also into what our government is doing to enforce the Leahy amendment that bars both military and civilian aid from this country to military units like the Iraqi units that murdered Ashraf residents. If you ask the tough questions, perhaps we'll get answers that we and the residents of Ashraf can live with, and I thank you very much for your attention and for hearing me.

REP. POE: Thank you, Judge Mukasey. Colonel Martin.

COLONEL WES MARTIN: Thank you, Mr. Chairman, Ranking Member, for this opportunity to speak before the committee. Mr. Chairman, I would also like to introduce the "Courting Disaster." It's the rebuttal to the RAND report on the MEK, sir.

REP. POE: Without objection.

COL. MARTIN: Thank you, sir. As the first antiterrorism officer for all of Iraq, the operations officer for Task Force 134 detention operations and a base commander of Ashraf, I'd like --

REP. POE: Colonel, can you just speak more directly into the mic -- (inaudible)?

REP. : And talk a little slower, if you would.

COL. MARTIN: OK. Got it.

REP. : Some of us are from the South. We talk slower, so --

COL. MARTIN: Hopefully, I'll make for the ranking member my Northeast Missouri State education put to good use. As the antiterrorism force protection officer for all of Iraq and as the J-3 for detention operations and the base commander of Camp Ashraf, I'd like to make one point up front. The MEK is not a terrorist organization. In 2003, as the United States finalized its invasion plans, the Iranian government set to work how to quietly take over as much of Iraq as possible. Today, the Iranian influence expanded itself over the southern provinces, throughout Baghdad and into Diyala Province where Camp Ashraf and the MEK is now located.

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

As for the State Department, the action officer provided to handle Camp Ashraf issues during my tenure was a neverending story of embarrassment and prejudice. Her visits were disasters. Her continual rumors and misinformation resulted in my frequent unannounced and unfounded inspections into MEK compounds.

Despite warnings to all of us from the commanding general of Task Force 134 not to provide the untrustworthy Iraqi National Security Advisor Rubaie information, she continued to do so. In turn, Rubaie would pass it on to the Iranian government. Within a couple of weeks I would then receive the information from the MEK. Upon my return to the Pentagon, I assisted State Department offi-

cials addressing the MEK issue. This included providing the translated letter from Mr. Zubiari (sic/Zebari), head of the Kurdistan Democrat Party International Relations, stating MEK did not attack the Kurds.

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

One perpetual rumor worthy of specific address concerns members of the MEK being held against their will. I was able to validate through specific occurrences anyone wishing to leave has that choice. The real benefactor of the fall of the mujahedin will be Ahmadinejad and the ruling religious fundamentalists. The fundamentalists -- the Iranian government has always wanted the MEK to be turned over to them. If it happens, executions will be conducted to remind Iranian citizens of what happens to people who oppose the government, to break the spirit of anyone considering resistance and to show the world what happens to those who trust their lives to the United States.

The MEK surrendered to United States military without firing a shot, turned over all their weapons except the consolidation at Camp Ashraf, renounced terrorism, accepted protected-person status under the Fourth Geneva Convention, provided the free world with crucial intelligence to include Iran's development of a nuclear weapons program and fulfilled every limitation and requirement placed on them. Yet when the United States could no longer figure out what to do with the MEK, the protected-person status was revoked and the organization was turned over to the Iraqi government.

There are protocols and expectations to surrender. The MEK has fulfilled their end. The United States comes up very short. The price of that is now being paid by the residents of Camp Ashraf. Thank you, sir.

REP. POE: Thank you. Dr. Gary Morsch, five minutes.

GARY MORSCH: Thank you, Mr. Chairman and ranking member and members of the subcommittee. Mr. Chairman, before I begin my --

REP. POE: Is your microphone on?

MR. MORSCH: Yes, it's on now. Thank you for this opportunity, Mr. Chairman. Before I begin my remarks, with your permission I'd like to submit for the record a letter from General James Gardner (ph), commanding general of the MNF-I, to the MEK secretary general, dated February 16th, 2006.

REP. POE: Without objection, it will be a part of the record.

MR. MORSCH: I would to also like to submit a statement by the U.S. central commander on the full disarmament of the MEK. This statement was released in 2003.

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

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

REP. POE: Without objection, it's admitted.

MR. MORSCH: Thank you, Mr. Chairman. I've submitted a fairly extensive prepared statement that outlines my observations. These observations are based on my direct role as the lead position assigned to Camp Ashraf in early 2004, where I lived and worked with the residents of Ashraf on a 24-7 basis. I arrived in Iraq knowing nothing about the MEK and left Ashraf with a great knowledge and insight into the organization, as great a knowledge or insight, I believe, as any other American, or more so. Let me just say, I know the MEK.

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

The MEK even organized town hall-like meetings, with area sheikhs participating in roundtable discussions about democracy in Iraq. Does this sound like the activities of a terrorist organization? If so, I guess we could use a few more friendly terrorist organizations like this group.

Of course they're not terrorists. The European Union doesn't consider them terrorists. The French don't. The United Kingdom don't. The U.S. is the only significant country that keeps them on the terrorist list. This must change, and change immediately.

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

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

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

REP. POE: Thank you very much. Dr. Takeyh.

RAY TAKEYH: Thank you, Mr. Chairman, for inviting me. It's a privilege to be here with my co-panelists. I have submitted a testimony for the record. I'll just highlight certain aspects of it. Mujahedin-e-Khalq, MEK, was founded in early 1960s in Iran at the time of proliferation of various opposition groups against the shah.

It distinguished itself by the discursive nature of ideology that sought to mix a number of incompatible dogmas. From Shia Islam they appropriated the symbols of martyrdom; from Marxism the notion of historical developmental stages; from Lenin they embraced the importance of a vanguard party committed to mobilization of masses; and from Third World revolutionaries they took the primacy of guerrilla warfare and violence as indispensable agents of political change.

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

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

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

Although MEK victims have been mostly Iranians, there have been Americans and American installations also victims of MEK violence. In the early '70s the MEK communique number three stressed that violence against the United States was permissible, given America's suppression of legitimate revolutionary movements such as those in Palestine.

The first attack came in May 1972, on the occasion of President Richard Nixon's visit to Iran. To derail that visit MEK bombed the U.S. information office and targeted American companies such as General Motors and Pan American Airways. That same year the party attempted to assassinate General Harold Price, the chief of U.S. military mission in Iran. Although General Price escaped his assassins, the MEK did tragically succeed in murdering Colonel Lewis Hawkins, the deputy chief of mission, outside his home.

It must be said that throughout the 1970s the MEK did have support within Iraq, particularly among the intelligentsia and the working class.

Its message of resistance and its record of resisting the shah did attract substantial support.

The turning point for MEK's internal fortunes in Iran seems to have been 1981 when the Islamic regime engaged in one of the most brutal acts of repression, executing a vast number of opposition members, including many MEK cadre. It is at that time that the organization's political infrastructure in Iran was largely subdued.

However, decisions made by MEK personnel also ensured that the party would not reclaim its place of influence in Iran. As MEK went into exile, its willingness to side with Saddam's Iraq against Iran in the Iran-Iraq War disturbed its already diminishing cadre.

During the 1983 meeting between Mr. Rajavi and Tariq Aziz, an alliance was forged. The MEK personnel often fought alongside of the Iraqis and were used in some of the most daring missions of the war.

Given the highly nationalistic nature of the Iranian population, such an act was viewed as a betrayal of the homeland and not necessarily a legitimate act of opposition against an abhorrent regime. The MEK would go on to assist Saddam's regime.

They were employed by him in the repression of the Sunni uprising -- Shia uprising; I'm sorry -- in 1991. Given that fact, MEK is having -- given that the Shia community is having a leading role in Iraq, that is indeed a disturbing legacy.

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

Nonetheless, the international community, under auspices of the United Nations refugee committee has an obligation to the members of the MEK currently at Camp Ashraf to ensure their safety and their security. The MEK cadre cannot be repatriated back to Iran. They cannot be returned to Iran. And they seem to have a difficulty staying in Iraq.

It becomes a question for the international community and the United Nations to find a safe haven for the remaining members of the MEK currently in Camp Ashraf.

Thank you, Mr. Chairman.

REP. ROHRABACHER: Thank you very much.

This happens when you're a member of Congress and you may be preparing for something for weeks and weeks and it happens that at the exact same time you have something on the floor, a bill on the floor, that is your amendment on the floor, it happens to come together at exactly the same time.

I think that that's God's way of just teaching us not to take everything for granted and to be grateful for the time when we do have together here. I am going to actually ask Mr. Filner, who is not a member of this committee, if he would like to have a few minutes of questions as I organize my thoughts. And Mr. Filner has been very active and involved in this issue. Then I will turn to Mr. Rivera.

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

What struck me from the testimony is those who have had such personal contact with Ashraf, based on their own information, their own investigations, their own witnessing, their own talking to the people, have come to the conclusion that we do not have a terrorist organization.

I don't see any of us worried about all these folks here, by the way, these violent people that are about to overthrow us -- have come to a conclusion that these are our allies. And so, I thank you for being -- having the courage to do that.

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

MR. TAKEYH: Yes.

REP. FILNER: -- testimony. Do you think there should have been a massacre given this horrible ideology of the MEK? I mean --

MR. TAKEYH: No.

REP. FILNER: OK, because you don't say that anywhere.

MR. TAKEYH: I said I abhor the violence that happened to Camp Ashraf members.

(Cross talk.)

REP. FILNER: The last -- (inaudible) -- terrorist thing you indicate in your written thing is 1972. And I'd say -- that's 39 years ago. I don't see anything that you have since then that would substantiate your claim of a terrorist organization.

By the way, have you ever met this cult leader that you talk about here?

MR. TAKEYH: No.

REP. FILNER: I have, on several occasions.

REP. ROHRABACHER: I noticed that stare in your eyes after the -- (laughter).

REP. FILNER: I know. I've been brainwashed.

I mean, I just -- I mean, I have met a lot of world leaders, I will tell you, and I have never -- I have not met someone I could say who is as intelligent, as humorous, as humane -- I mean, concern with other people around her, as humble as Mrs. Rajavi.

I mean, I just don't understand -- in fact, when I last met with her it was raining in Paris, and I said, you're a cult leader; can't you stop this rain here? And she proceeded then to tell me that as a most powerful member of Congress, I should be able to stop the rain. (Laughter.)

But clearly -- (chuckles) -- I mean, I never saw a cult leader act like that, by the way. She's a political leader but a very humane and humble person, a very intelligent -- obviously has the support -- I don't know what group could have gathered 100,000 people in one place to hear a former attorney general speak to them, a former secretary of homeland security, former chief of staff of President Bush, a couple Congress people.

I don't know; it strikes me that if our view of the world is that Iran is one of the most troubling, to say the least, actors on the human -- on the planet, and they are heading toward an atomic bomb, and they are heading toward maybe a takeover of Iraq, at least in political terms, we should be doing everything we can to stop that, barring the use right now of American forces or, you know -- and yet you want to discredit one of the resistance groups.

And you tell how unimportant they are. Well, if they're so unimportant, why worry about them? We should be helping everybody, it seems to me, and MEK has shown, with its leadership, with its very structured program for the United States, it's in our interest, it seems to me, to adopt that program, and with its ability to organize vast demonstrations -- and I think these gentlemen here would concur that they gave us very important intelligence on the Iraqi -- on the Iranian nuclear capabilities and progress.

It seems to me -- I mean, I don't care what religion you are, what ideology they have. I don't care. They could even be Republicans as far as I'm concerned. (Laughter.) These are our friends.

REP. ROHRABACHER: Oh, thanks.

REP. FILNER: These are our friends, and we should --

REP. ROHRABACHER: Some of them are Republicans. (Laughter.)

REP. FILNER: -- we should be getting out of their way, and de-list them and just let them do what they can if they're so unimportant and they're so lacking in support, so? That will be proved in history. But why are we helping the Iranian regime by not helping the MEK? And that's just the way it is.

REP. ROHRABACHER: Well, thank you very much.

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

REP. ROHRABACHER: We're going to give you time to answer that. Go right ahead.

REP. FILNER: Before you throw your credentials at me, I'm a Ph.D. also, by the way. (Laughter.)

MR. TAKEYH: That disqualifies us both.

I do think we should assist the opposition movements within Iran in order to deal with the regime, whose characterizations I don't dispute. There is an opposition movement in Iran. It's called the Green Movement. It features dissident clerics. It features liberal elements. It features intelligentsia. It features middle-class elements. And the group that you're purporting, Congressman, has limited if not any support within Iran. That's just a fact.

(Cross talk.)

MR. TAKEYH: Well, and it has -- I don't agree, but even if you're right, so what? Well, does that mean we shouldn't help them because they have zero? So, they'll be proved, and if there's an overthrow of the mullahs and there's an election, we'll see who comes out as, you know, the thing. So what?

MR. TAKEYH: Well, I think we share the concern about Iranian human rights.

(Cross talk.)

REP. FILNER: I'm not asking for millions of dollars. I'm just saying de-list them.

MR. TAKEYH: You can have a hearing on the de-listing. What I can say to you is that this is an organization with a very discursive ideology, with very peculiarities, and also with --

REP. FILNER: So what?

MR. TAKEYH: -- a history of violence. I think we just disagree on this.

REP. FILNER: So what?

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

MR. TAKEYH: I think the Congressman --

REP. FILNER: I never heard a Ph.D. being so irrelevant.

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

REP. ROHRABACHER: All right. Well, thank you very much.

As I get my notes together, let us turn to Judge Poe, and we'll make sure -- Your Honor?

REP. POE: Thank you, Mr. Chairman.

I want to follow up on Mr. Filner's comments about Iran. They're the problem. Iran is the problem. They're the world problem. And we've got a group of Iranian citizens that are in Camp Ashraf that the Iranian government does not like, wants them to go away, disappear from the earth, if they had their way.

Why is that? Probably because they oppose the regime in Iran. And I actually agree with you, Mr. Filner, that we should encourage groups that oppose the Iranian regime. Because the best hope for the world is a peaceful regime change in Iran. And the Iranians have to do it, wherever they are in the world.

So I just don't know why our State Department is so hard-headed about delisting them from the MEK, but they are. So we need to intervene and get them off the MEK list.

Dr. Mukasey, or Judge Mukasey, which -- I'd prefer to call you that, if that's OK --

REP. : He likes -- he likes "General." (Chuckles.)

REP. POE: Judge Mukasey, the camp. If it's moved somewhere else in Iraq, what do you think will happen to the residents?

MR. MUKASEY: That can't -- nothing good, is the short answer. It is not in any way a threat to Iran where it is. Certainly nobody from the camp has lobbed anything into Iran, nor has any of -- have any of the incursions against the camp come from Iran. They've come from Iraq. So moving them within Iraq isn't going to solve any problems.

REP. POE: So why does --

MR. MUKASEY: The only thing it'll do is take them out of sight and thereby allow the Iraqi government, at the behest of the Iranians, to finish them off. That would be a disaster.

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

MR. MUKASEY: It appears to be a close relationship. They -- the Iranians call the shots, and Maliki acts in accordance with what serves their interest.

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

MR. MARTIN: The MEK are not terrorists today. And if I may continue, sir, in May of 1972, the MEK leadership was rolled up. And Rajavi and many others ended up in prison just prior to that. And then there was a split within the MEK to a communist mujaheddin -- a Marxist mujaheddin -- and what we see now as the MEK. And it stayed that way.

The killings of Colonel Shaffer, Colonel Turner and Lieutenant Colonel Hawkins were accomplished in June and July of '75, and the Shah's own police interrogated the killers and they said they were part of the Marxist MEK. When Rajavi was released from prison, he was able to bring the MEK back together outside of the prisons. And that is the organization you see today. It is not the MEK that was doing those executions.

They are not terrorists today. And whatever activities they did in the past, if we were to hold that against them, then we should have had nothing to do with Menachem Begin or Anwar Sadat.

REP. POE: The United States is getting ready to leave Iraq. So what happens when we leave? To the camp?

MR. MARTIN: When we leave -- to the -- to the -- when we leave, sir, the camp will be annihilated.

REP. POE: My last question, I'd just -- this is open to the panel. So what do we do? What do we do? The United States government, Congress, what should we do?

REP. ROHRABACHER: I think that's such a good question, we're going to have each one of the witnesses give us a one-minute answer on that. How about that, Your Honor?

MR. MARTIN (?): My recommendation, sir, is we get them delisted immediately. We get them out of camp as soon as possible, certainly before the end of the year. I am willing to get on the plane and go over and help load them up, if that's what it takes.

We have -- when I was working with the State Department, we tried to get Homeland Security to see, can they come to the United States? No, because they're a terrorist organization. Well, we delist them. Well, they were once a terrorist organization, even though it was an erroneous delisting.

We need to get them out of there.

REP. ROHRABACHER: Judge?

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

REP. POE: And Dr. Morsch?

MR. MORSCH: Delist the MEK must happen first. We must recommit to fulfilling our promise that we made to the people of Ashraf. You know, I appreciate what Mr. Takeyh has said. We're talking about decades ago. Even if -- even if -- even if we want to debate this, the U.K. has been debating it, the European Union. They've already concluded the debate. We need, though, to realize there's 3,400 human beings in Ashraf. And there's going to be a genocide unless we intervene and do something.

I think the United States government needs to take responsibility for the solemn promise it made and to fulfill it, whether it's through the U.S. military forces, UNAMI. Somehow we've got to keep our word in this world.

REP. POE: Dr. Takeyh?

MR. TAKEYH: As I mentioned in my testimony, Congressman, I think the U.N. Refugee Commission should hold responsibility for them. Sizable members of the -- Camp Ashraf are actually passport holders or residents of other countries -- Canada, France, or something. I believe under international law those countries are obligated to take back their citizens. United States would be obligated to do so if it had a citizen abroad in jeopardy.

And the remaining of them, the United Nations should look for safe havens for them. I do agree that they cannot be repatriated to Iran, certainly, and the situation in Iraq does seem precarious.

REP. ROHRABACHER: Thank you, Your Honor.

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

Mr. Rivera.

REPRESENTATIVE DAVID RIVERA (R-FL): Thank you, Mr. Chairman.

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

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

MR. : I think they simply want to be able to function.

REP. RIVERA: Where?

MR. : Wherever they can, both within Iran --

REP. RIVERA: Within Iran?

MR. : No -- I don't mean sending the Ashraf residents back. But they want to have connection to people in Iran with whom they have contact so that they can effect regime change. But they can't function in that fashion as long as they continue to be listed as a terrorist organization.

REP. RIVERA: In terms of physical residents -- Colonel -- I'll go to the colonel -- what do they want their fate to be?

MR. MARTIN: The first thing would be to continue to operate in the Ashraf area unimpeded. However, Madam Parsai (ph) has specifically told Lieutenant General Gardner (sp) and myself, if you want us to move, we will move. We will come to the United States or another country where they know they can be secure and they can be protected. They are willing to leave.

REP. RIVERA: Well, if that is -- if that is the case, does anyone -- does the United States have a plan toward that end, to settle them -- to have them leave? Or does anyone have a plan?

MR. MARTIN: The United States, I know for a fact, has no plan. And we have seen -- and it was mentioned this morning -- this afternoon -- the State Department is not responding to the calls of Congress. They're not responding to the findings of the judicial branch.

And if I may be so bold, as an American warrior, I carry the copy of the Constitution with me. The first branch our Founding Fathers put down was the legislative, because it was the most important and it represented the will of the people.

And then came the executive to carry out that will, and then came the judicial to make sure it was being done right. We have a sub-element of the executive branch ignoring both the legislative and the judicial branch.

And Dr. Takeyh -- or maybe you're best qualified to answer this -- what is Iraq's plan?

MR. TAKEYH: I'm not quite sure if Iraq has a plan to deal with them. I think the Iraqi regime seems to be in control of ill-disciplined forces who may not be able to control the physical

integrity of the camp, as you suggest. This is why I suggest that one of the ways we could go about this is to interview individual camp members to see where they go, if they have nationalities, for instance, in Europe and others.

REP. RIVERA: So if we were to ask Maliki right now, what is your plan, what would he respond?

MR. TAKEYH: Well, I'm not quite sure if he has one. I think it's a problem that none of the Iraqis know what to do because this is -- endangers their relationship with Iran. It complicates their relationship with the United States, and it also complicates Maliki's own relationship with the Shia community given the fact that MEK has been implicated in violence against Iraqi Shias during Saddam's tenure.

REP. RIVERA: Well, let me ask -- let me ask this: Judge, does anyone have a plan -- European Union, Arab League? Does anyone have a plan?

MR. MUKASEY: Not that I'm aware of. A particular plan as to the residents of Ashraf? Not that I'm aware of.

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

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

MR. TAKEYH: Well, for one thing, the camp can come under the authority of the United Nations, where they would be essentially in control of its physical security.

REP. RIVERA: Would Maliki permit that?

MR. TAKEYH: Well, that's something that the United Nations and Maliki to -- negotiate with each other.

The other thing they can do is look for safe havens for them, which they have more experience in doing. The United Nations does run refugee camps in a vast number of countries.

REP. RIVERA: Safe havens also imply that those countries provide assent to the camp residents going into --

MR. TAKEYH: Well, some of them --

REP. RIVERA: Have any countries expressed any interest in that?

MR. TAKEYH: Some of them who are dual nationals would have to be taken back from their country. If they're nationals of Canada --

REP. RIVERA: Have any countries expressed interest in taking back the dual nationals --

MR. TAKEYH: It's a question of law. They have to be taken back by their origin -- otherwise --

REP. RIVERA: But has any country publicly expressed interest?

MR. TAKEYH: I think some European countries have.

REP. RIVERA: Such as?

MR. TAKEYH: Sweden and so forth.

REP. RIVERA: Sweden.

MR. TAKEYH: Yeah.

REP. RIVERA: OK.

Thank you, Mr. Chairman.

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

REPRESENTATIVE BRAD SHERMAN (D-CA): And I thank the chairman for his patience.

Practical question or two. Mr. Attorney General, if someone happens to be, say -- have a visa to go to Sweden, are they allowed to leave Camp Ashraf and go there?

MR. MUKASEY: So far as I'm aware, they are.

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

COL. MARTIN: I will gladly that answer that question.

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

COL. MARTIN: I agree with the young lady that was in the video at the very front. They would not be safe.

REP. SHERMAN: So either there has to be U.S. or U.N. protection of Camp Ashraf or, much better, the people have got to be out outside of both Iran and Iraq.

COL. MARTIN: That is correct. And if I may add to this, we had approximately 195 defectors that was being protected at the American camp. Working with (Busani ?) we were able to get them released into Kurdistan, and their fate was a very terrible one and they ended up having to come back and asking for financial help from the MEK so that they could try to move on with their lives. So the answer, as proven by evidence of what happened to the defectors, is nowhere in Iraq is safe.

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

MR. TAKEYH: In terms of -- in Iraq itself there's allegations of MEK being part of Saddam's machine against the Shia residents before their disarmament. Throughout the tenure of Saddam, those are the allegations.

REP. SHERMAN: Those are -- are those acts classified as acts of terrorism by the State Department, and are there any specific acts that are attributed?

MR. TAKEYH: Well, they're certainly the contention of the Iraqi government that the MEK membership during Saddam's tenure were actually acting as his Praetorian Guard.

REP. SHERMAN: Well, what about the Praetorian Guard of Saddam Hussein and his other -- I mean, is everyone who served in the Iraqi army considered a terrorist by the United States?

MR. TAKEYH: I'm not suggesting that, Congressman. I'm just suggesting that they were used in specific campaigns and particularly against the Shia population in the south in 1991.

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

MR. TAKEYH: I wasn't in the State Department in 1997 when the designation took place. I'm not quite certain of the reasoning to do so at that time. I'm sure there's a representative of the State Department at that time who subsequently can respond to your question.

REP. SHERMAN: Well, what I've been told is again and again that the MEK's on that list as an olive branch to Tehran. It's not working out real well.

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

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

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

COL. MARTIN: I totally agree.

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

I yield back.

REP. ROHRABACHER: Thank you very much.

We have Mr. Carnahan with us. And you may proceed, Mr. Carnahan.

REP. RUSS CARNAHAN (D-MO): Thank you, Mr. Chairman. And thank you to the panel. I apologize for missing some of your testimony. I had to step out for just a minute.

I wanted to come back and start with Dr. Takeyh. And given that the PMOI and MEK received safe harbor under Saddam Hussein and helped Iraq fight against Iran during the Iran-Iraq War in the '80s, how does this group hold enough legitimacy in Iran to be a viable opposition to the current regime, particularly considering the nature of the culture? Could you talk about that?

MR. TAKEYH: I don't think it is a credible opposition movement within Iran as perceived by credible Iranian opposition movements, such as the Green movement representative, which have

foresworn any relationship with MEK and have denounced it at every turn. I mean, you see that in secular opposition in Iran and its umbrella organization that comes under the auspices of the Green movement.

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

MR. TAKEYH: I think the task at hand is how does the United States enable, empower the Green movement in its attempt to create a democratic society in Iran and try to liberalize the Iranian government, and in due course displace the theoretical regime that's in power. That's the key challenge that we have today.

We have a lot of experience with that, and during the Cold War with our assistance to Solidarity in Poland, with our assistance to other Eastern European opposition movements and their efforts against communist governments in the Eastern Bloc. I think some of those lessons can be used to assist the indigenous, viable, legitimate opposition within Iran, which comes under the auspices of the Green movement.

REP. CARNAHAN: Thank you. And I wanted to just open this up for the rest of the panel, to address the issue of the practicality of relocation as an option.

Can that work, does that work and what are your thoughts on that? Why don't we start with General Mukasey and we'll go down the line.

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

REP. CARNAHAN: Thank you. Colonel.

COL. MARTIN: The mujahedin needs to be moved completely out of Iraq, not to Iran.

REP. CARNAHAN: And what else would that look like, I mean, in your opinion?

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

REP. CARNAHAN: And Mr. Morsch. Dr. Morsch -- sorry.

MR. MORSCH: The -- Ashraf is probably the safest place for them right now. They're very close to Balad or Camp Anaconda, which is one of the largest U.S. bases in Iraq. They're very close to Baghdad -- relatively close to Baghdad. They're -- it's a -- it's an area that is very scrutinized. So to move them anywhere else within Iraq would just -- you know, it would certainly be less safe and more dangerous.

REP. CARNAHAN: Thank you all very much. I yield back.

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

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

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

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

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

REP. JACKSON LEE: I have not looked at your bio so I cannot say in certainty whether you were in the military or not in the military but I know that you've been both a outstanding jurist and the attorney general. Would you suggest that the actions of these -- this past -- this past incident accounted for -- do you believe it is well documented that the violence was perpetrated by soldiers that were in Iraqi uniforms or Iraqis, and with guns that resulted in the deaths of the 30-plus individuals?

MR. MUKASEY: There's no doubt that we have the -- we have identified, as I understand it, the precise units that participated in this operation. So that's relatively easy to come by.

REP. JACKSON LEE: Commander, can you -- Morsch, can you document or suggest any reason why tanks and commandos and guns were approaching that camp? Was there any national security reason, from your perspective?

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

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

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

REP. JACKSON LEE: Let me just conclude, Chairman. Well, I'll just -- I'll just conclude. I see the light, sir. Thank you very much. Let me just conclude by saying my outrage cannot be expressed and, again, I ask our government, which I have great respect for, to immediately denounce and ask for a ceasing of the collaboration between the Iraqi government of which we are funding, and Iran, which has become the world's enemy, to destroy and kill innocent persons and whatever law that we have, Chairman Rohrabacher, that we can use the Leahy amendment should be implemented immediately. I yield back.

REP. ROHRABACHER: Thank you very much, Ms. Jackson Lee, and to all of our other members who've participated today. I again apologize that earlier I had to leave. I did actually go from here straight to the floor of the House and to deal with an amendment that would defund our friends in Pakistan, which has something to do with some of the issues we're discussing today and as so is vitally important. However, I'm very pleased that we were able to get the questioning in from those of us who are here able to spend the entire time with us. Let me just ask a few questions here. Dr. Morsch, you were in Camp Ashraf in what year?

MR. MORSCH: 2004.

REP. ROHRABACHER: 2004. Now, in 2004 -- correct me if I'm wrong -- the FBI actually went to Camp Ashraf and interviewed all of the residents of Camp Ashraf to find out if any of them were, indeed, terrorists. Is that correct?

MR. MORSCH: Yes, Mr. Chairman.

REP. ROHRABACHER: And are you aware of what the FBI determined by their questioning of all of the -- each and every member or each and every one of the people there at Camp Ashraf?

MR. MORSCH: Yes, sir.

I was there during the entire investigation -- interrogation phase. And from the beginning to the end, all 34 -- or, at that time, maybe a few more -- were interrogated. I did not see the official report of the FBI, but I talked to the agents and the interviewers on a daily basis as they'd come back from spending the day in these interviews. And they were -- they expressed tremendous frustration that they had come to Ashraf with particular people they thought they were going to be able to take back to the U.S. to prosecute for various nefarious criminal or terrorist activities, and day by day

they were not able to find any evidence on any illegal criminal or terrorist activities, and finally left empty-handed, as they said. And they were -- they were quite disappointed.

REP. ROHRABACHER: And --

REP. FILNER: Mr. Chairman, just -- the --

REP. ROHRABACHER: Excuse me.

REP. FILNER: I just want to ask -- just a clarification --

REP. ROHRABACHER: Excuse me. I have the floor now, Mr. Filner.

REP. FILNER: I just wanted to make sure he meant 3,400.

REP. ROHRABACHER: I'll be happy to -- I'll be happy to let you do this after I ask my questions.

REP. FILNER: OK. I just wanted -- a question of fact.

REP. ROHRABACHER: Yes. Thank you, Mr. Filner.

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

MR. TAKEYH: I have not, Congressman.

REP. ROHRABACHER: You have not. And do you question that the FBI was conducting a proper investigation of those individuals?

MR. TAKEYH: I have no -- I have no insight into their investigation.

REP. ROHRABACHER: OK. And when you have expressed your concern about the MEK, since 19 -- well, it was in '04, so that's six -- the last six years -- you have been expressing concern that the MEK might, you know, be worth of designating a terrorist organization. But you have not bothered to go and find the FBI report that went in and investigated that specifically?

MR. TAKEYH: I -- I'm not quite sure if that FBI report is actually for public consumption.

REP. ROHRABACHER: OK.

MR. TAKEYH: Nor have I been intensely engaged in the MEK terrorism debate, as you suggest, in the past six years.

REP. ROHRABACHER: So you're not sure whether the FBI report is for public consumption. But --

MR. TAKEYH: Congressman, I simply can't comment on a report I haven't seen.

REP. ROHRABACHER: I understand. But I guess what the question is is, you are a Ph.D. And when these people are talking as, you might say, a credible witness on issues -- especially when someone has a scholarly background, a Ph.D., that you would expect they would go to all sources, especially ones that were directly related to investigating a specific charge. But you did not go --

MR. TAKEYH: I don't think --

REP. ROHRABACHER: You didn't try to seek out the FBI report.

MR. TAKEYH: I don't think that FBI report was publicly available. I believe it's under classification.

REP. ROHRABACHER: But you -- were -- the operative word is "I think," which means you did not.

MR. TAKEYH: I'll be happy to look at the report and come back to you with my observations if you want to declassify it.

REP. ROHRABACHER: I understand, but all I'm saying is that usually if one was to be someone to argue a case, they would at least take the time to see if something was available or not.

Dr. --

MR. TAKEYH: Ordinarily, Congressman, FBI reports of this nature are not available. And my colleague himself has said he didn't see the report.

REP. ROHRABACHER: OK. Well, I'm not sure whether the FBI report is available, or if the conclusion is it wasn't available. My guess is that, at the very least, the conclusion that the FBI made was made available. And that has --

MR. TAKEYH: I'm not sure if that's correct.

REP. ROHRABACHER: -- (in other words ?), it's your understanding that the FBI concluded -- is this your testimony today? -- that the charge that these people were still a terrorist organization was debunked, is that correct?

MR. MORSCH: Yes, sir. The -- that was the point of the investigation. And again, they didn't find anything.

REP. ROHRABACHER: OK. (Off mic.)

MR. MORSCH: This is my unofficial discussions with numerous members of the OGA personnel who were there on site for the several months of this investigation.

REP. ROHRABACHER: See, and when -- you are suggesting that all 3,400 people there were questioned by the FBI.

MR. MORSCH: All of them were questioned by the FBI and/or other representatives that had arrived, perhaps a hundred outside personnel. Very efficient, organized interrogation process.

REP. ROHRABACHER: OK. Yeah.

Now, let me just note that I've been involved politically since I was in my teens, and I have seen different organizations evolve into different things. And my understanding of the MEK is that it had a Marxist beginning and that there were questions about -- that I would have about an organization that was involved in, you know, this type of activity that was, at the same time, espousing some sort of Marxist ideology.

Apparently that was a long time ago. And there seems to be a lot of evidence that that -- that there -- the MEK evolved out of that position. I did not get involved in this issue for a long time because many people in Iran, many of the Iranian exile community, still remember the MEK as an organization that was involved in assassinating members of the Shah's government -- by the way, not to say that the Shah was not a dictatorship as well.

And when people are struggling for democracy against a dictatorship, usually they -- you have to use force. But that still would not necessarily say that what the MEK was doing was acceptable, because I understand they were targeting unarmed officials who worked for the Shah and worked for his administration.

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

MR. TAKEYH: The MEK use of violence did not stop with this opposition to the Shah's regime. It continued in the aftermath --

REP. ROHRABACHER: Right. Yes.

MR. TAKEYH: -- and has continued throughout the aftermath of -- past 30 years. And it's continued against Iranian civilians within Iran and Iraqis within Iraq, once they relocated there. So it's a long history of violence. And --

REP. ROHRABACHER: Well, that was -- let me just note for -- (inaudible) -- this is a territory that is filled with violence. I mean, whether you're talking about the Shah or you're talking about the mullah regime, you're talking about incredible violence. I would be surprised if there was any organization that existed that wasn't in some way involved with the use of force, at least to protect themselves.

MR. TAKEYH: Oh, I disagree with that. Within Iran, there are many opposition movements, such as the Green movement, that explicitly rejects violence for civil disobedience and protest and demonstrations -- (inaudible) --

REP. ROHRABACHER: Or like the American Revolution, where we -- oh, wait a minute, no, we did use violence there, didn't we. (Laughter, applause.)

Let me -- let me -- let me suggest that -- I would ask the -- I would ask our friends in the audience -- (chuckles) -- not to applaud or -- to be fair to all of our witnesses.

MR. TAKEYH: (Inaudible.)

REP. ROHRABACHER: (Chuckles.) You've got a lot of courage. Thank you for being here. I appreciate you being here today, knowing that you were going to get some very poor impressions.

MR. TAKEYH: (Chuckles.)

REP. ROHRABACHER: I -- so your suggestion is the MEK today has been branded and -- as unacceptable by the leaders of the Green movement in Iran?

MR. TAKEYH: Yes, that's right.

REP. ROHRABACHER: OK. Is that the case? Do -- anyone know about that detail? Agree? Disagree?

MR. : I'm not sure it's going to be an agreement or disagreement, but I remember, in 2009 when all the riots and everything were going on, the MEK was very, very quiet and they were not involved in any of those activities. So to say they've been accepted by the Green movement -- I don't believe so. I do believe the national council of resistance of Iran -- Maryam Rajavi's other organization -- is very much accepted.

REP. ROHRABACHER: Let us note that the Green movement, as I believe -- and please correct me if I'm wrong -- has disassociated itself from violence as a -- as a means of achieving their goals. But also let us note that just because some -- that does not mean that an opposition group to a -- to a despicable dictatorial regime that uses torture and violence against its people -- that anyone who chooses to resist it in a violent fashion doesn't make them right or wrong. This is not -- we are not going to get the mullahs to give up power simply by proving that they're thugs, by letting them beat people up and suppress people at will.

In fact, I will have to admit, one of the things that attracts me to this movement is that it is willing to fight for the rights of the people of Iran against a very oppressive regime that's willing to kill people to stay in power. And just -- but if the Green movement has not accepted that and that the use of force has been something that the MEK's willing to do and it separates it from the Green movement, let us accept that as being a reality. That doesn't necessarily make it the right position in the United States, to back just pacifists in the world. Backing people who fight against tyranny is also something the United States could be doing.

Colonel, you seem like you're anxious to say something.

COL. MARTIN: I thank you, sir. One point that needs to be pointed out. In the membership of the MEK inside Camp Ashraf, there are only two people that were involved in the organization in the early 1970s. And I'm holding their names for their own safety. One was in prison with Rajavi, and the other one I know personally and he's a good friend. I can honestly say neither one of those two people were involved.

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

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

Colonel?

COL. MARTIN: I'll lead out on that one, sir. I think yes, because at the pace -- the State Department has been basically moving at the pace of a startled snail. And when you see the Maliki government doing things wrong, and to include the attack two years ago -- and our State Department and our government does nothing about it, but we keep them on the terrorist list, claiming they're a bunch of bad people, we're giving justification. And then, when the attack is over, we also do nothing about it.

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

REP. ROHRABACHER: Point's -- your point's very well made, Colonel. I think that there are consequences to political designations, and consequences in the actions of people who order it and the people who are decision-makers in other countries -- which leads us to Prime Minister Maliki. And does this indicate, does this slaughter that we have seen of the people in Camp Ashraf indicate, that the government now of Prime Minister Maliki is perhaps in a subservient position to the Iranian mullah regime?

MR. : If I may again, sir, I see him as subservient to three different elements. One is the Iranian regime. Two is Haqim (ph). And three is Muqtada al-Sadr. And we saw this even in the execution of Saddam. Muqtada al-Sadr was the one who said to his followers, Saddam will not live to see the light of a new year. And then suddenly Task Force 134 gets a call from Maliki himself saying, I want Sadr turned -- I mean, I want Saddam turned over tomorrow. And you remember the spectacle of that.

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

REP. ROHRABACHER: Well, the mullah regime obviously -- let me just, for the -- Dr. Takeyh, you've suggested that actually the MEK is not a major force in this part of the world, that in Iraq they're not considered to be an important player.

MR. TAKEYH: In Iraq?

REP. ROHRABACHER: In -- excuse me, in Iran.

MR. TAKEYH: Yes. Right.

REP. ROHRABACHER: They're not a major part of the -- of the resistance or opposition. Why would the mullah regime be so concerned about them if they weren't a player?

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

REP. ROHRABACHER: OK. I'm not sure what role MEK will play. I'm not sure what their position is in terms of the people of Iran and the Green movement, et cetera, as well as the mullahs. But it is -- does seem to me to be clear that Maliki, the prime minister of Iraq, was -- thought that he was doing a favor for his buddies in Tehran in committing this massacre.

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

MR. TAKEYH: I suggested in my testimony that should come under the auspices of the United Nations Refugee Commission.

REP. ROHRABACHER: Right. But the United Nations is located in New York, I think. That's --

MR. TAKEYH: Well, it has offices all over the place. And --

MR. : Offices all over the place, yes.

REP. ROHRABACHER: Maybe we could -- maybe we could house them in the U.N. offices of New York. (Chuckles.)

Yes.

MR. : Mr. Chairman, I think that the United States should be prepared to take all or the majority of them. But I do think that many other countries, as we are seeing in Europe, who are unilaterally making -- taking actions in Libya and other places that they think are in -- on the best interests on the world stage, I believe they're -- it's a tremendous momentum, critical mass-building.

And I believe if the United States would take a lead, or the U.N., I believe we would find a host of countries would be willing to take the members of Ashraf.

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

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

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

REP. ROHRABACHER: Other two witnesses agree with this -- about half -- maybe half the people in Camp Ashraf have families that could in some way take care of them if they're forced out of Ashraf?

MR. : I would have to agree, sir.

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

REP. ROHRABACHER: (Chuckles.) Thanks.

Yes, sir.

MR. : I should -- I should point out that Mr. Struan Stevenson of the European parliament introduced, actually, a European plan to first provide security at Ashraf via UNAMI, the United Nations entity, with the help of the U.S. military and then, at the same time, with the EU and the U.S., to resettle residents in Europe and the U.S. -- but that when the U.S. ambassador to Iraq, Ambassador Jeffrey, says that he supports the idea of resettling these folks within Iraq, that's not helpful.

REP. ROHRABACHER: Well, let's just note that I -- my observation -- personal observation is that the people involved in this movement are highly educated people and highly motivated and

have a great sense of unity. And while the United States has been in Iraq, which I will close with my closing -- little closing statement about the wisdom of us going into Iraq in the -- (chuckles) -- first place, considering what this incidence is telling us about the Iraqi government.

But as long as we were there, we could make promises, and we did make promises to the people of Camp Ashraf. And the people of Camp Ashraf kept their word to us and they gave us intelligence information and disarmed and were as sincere in their pledges to us as we were to them.

However, the reality is, the United States is leaving Iraq. Within two years, I believe American presence in Iraq will be probably nothing. I mean, we will probably not have combat troops in Iraq. We are no longer -- that means we will no longer be able to protect these individuals with the promise of protection from the United States.

I would hope that we can work together to try to make sure that these individuals have an alternative that gives them safety and will not -- but let me tell you what's unfortunate about this, is that the closing of Camp Ashraf -- and I disagree with you, Dr. Takeyh, on this -- and that is, I think the mullah regime does see the MEK and does know they're there. That's why this massacre took place.

And I think that disbanding Camp Ashraf and just scurrying away, retreating from the border of Iran, will be viewed by the mullahs not as, oh, look how sincere the Americans are being, but will be looked at as a retreat, and basically it will encourage the dictatorship and the mullahs to even have a tougher grip on their own people, whether because of the fact that we now are taking 3,400 souls who are standing against their dictatorship and we are disbanding them and we are demobilizing them. And that is unfortunate. That is an unfortunate reality. But the reality is we can no longer protect them once we're out of the country.

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

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

So I -- let me just leave with one last thought, and I'm going to give you a chance to express the last thought, and then I'm going to express maybe one minute worth of thought.

Mr. Carnahan.

REP. CARNAHAN: Thank you, Mr. Chairman. And again, I just want to personally say to the chairman, for his work on this issue, his leadership and leading our delegation there, demanding answers to tough questions, both from the Maliki government but also from our own government in terms of how we go forward, bring people to justice and find out how we can go forward to find a safe haven for the people there.

So again, thank you, and thank you to the witnesses who are bringing your expertise to bear here today.

REP. ROHRBACHER: All right. And I will finish with this. Number one, there will be a list of questions offered to the State Department concerning the massacre at Camp Ashraf, including when they knew about what and who gave orders for our military to leave, et cetera, et cetera. And I've detailed some of those questions.

There will be official lists of questions from this committee to the State Department. And we will expect an answer. If we do not get an answer, I will proceed with making sure that we have a follow-up hearing until those questions are answered.

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

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

And the United States has paid a dear price -- probably a trillion dollars of wealth, which may have been one of the major factors in kicking us into this horrible economic crisis that we're on the edge of today, as well as thousands and thousands of our young people dead, and many tens of thousands more who lost parts of their body or their faces were blown off or they now live in misery because their home's -- their home life's destroyed. And that's the price we Americans have paid.

And Americans don't mind fighting for freedom. Americans don't -- that's our job. We come from every race, every religion and every ethnic group. So we can show the world there's a better way. But the ingratitude that I have found in our visit to Iraq was overwhelming. The people of Iraq, at least those that -- in their government, the government of Mr. -- Prime Minister Maliki, showed absolutely no gratitude and, in fact, were contemptuous of the price and -- that the Americans have paid to dislodge the Saddam Hussein dictatorship.

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

Well, we Americans think it's OK as long as, you know, as I say, we got a place in the world. We got to show the world there's a better way where people can get along and not explode car bombs off because they worship God in a different way.

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

So with that said, when we make decisions in the future about what countries we're going to commit to and what we're going to jump into and -- with -- in a big way, we're going to have a lot of second thoughts about that. Americans are going to have a lot of second thoughts about that. In

the meantime, we're going to do our best to live what our traditions and our values are all about as a people.

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

Thank you very much. This hearing is adjourned. (Sounds gavel.)

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