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# **Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development**

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**EVIDENCE**

**Tuesday, February 11, 2014**

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**Chair**

**Mr. Scott Reid**



## Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

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• (1310)

[English]

**The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)):** Order.

[Translation]

Welcome to the 11th meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. Today is Tuesday, February 11, 2014.

[English]

We have only one hour, and some of that time has been used up, unfortunately, in the transition from the previous committee. I think if we see the clock generously, we can get back our hour by starting a little bit later than we intended.

We are going to be looking today at the situation in Camp Ashraf. We have two witnesses with us: Jared Genser, who will be starting, followed by retired Colonel Wesley Martin from the United States Army, who is joining us from Pennsylvania by video conference.

I understand, Mr. Sweet, that you wanted to get my attention?

**Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC):** Yes, Mr. Chair.

I am asking for the indulgence of my colleagues here at the committee. I've learned conclusively today—it's been in the media—from Shahbaz Bhatti's brother Peter Bhatti that there has been a fatwa issued in Pakistan for Sikander Bhatti, Shahbaz Bhatti's younger brother. Gerard Bhatti is still there; and Paul, his brother who has taken up Shahbaz Bhatti's position in the government, is staying in Italy now because of clear and present danger to his immediate safety.

I just want to ask my colleagues—because of the nature of the situation, the importance of it, and the history of Shahbaz with our committee—if we would be open to clearing our schedule, if possible, the first Tuesday that we're back. Hopefully Paul will be able to make arrangements to fly from Italy and sit before our committee and inform us on the exact circumstances happening in Pakistan with his family.

**The Chair:** Would it be acceptable to you, Mr. Sweet, if we dealt with that off-line and sought a consensus outside of the committee?

**Mr. David Sweet:** Yes, absolutely.

I wanted to make sure that all my colleagues were aware of that, as well as that he is willing to make the flight here.

**The Chair:** Thank you.

We're going to start with Jared Genser. My apologies for the fact that we're starting later than I would have liked.

I know the clerk has already taken you through all the technicalities, so please feel free to begin your presentation.

**Mr. Jared Genser (Managing Director, Perseus Strategies):** Good afternoon, Chairman Reid, distinguished members of the Subcommittee on International Human Rights, ladies and gentlemen.

I am grateful for the opportunity to speak with you today about the dire need for the protection of the 3,100 individuals currently detained in Iraq's substandard prison camp near Baghdad, called Camp Hurriya, also known as Camp Liberty.

All of the residents of Camp Liberty previously resided in Camp Ashraf.

I'd like to begin by thanking the subcommittee for its ongoing commitment to providing an essential forum for exposing the human rights violations that have been committed against the residents in Camp Ashraf, and now Camp Liberty.

Today I want to first provide you a very brief overview about who the residents are. Second, I'll talk about the chain of events that have led to the current situation whereby thousands of people were transferred from Camp Ashraf to Camp Liberty. Third, I'll detail the September 2013 assault on Camp Ashraf, of which I conducted a highly detailed assessment on behalf of a German NGO called Rights for Migrants. Fourth, I'll talk about the most recent developments in Camp Liberty, including a further December 2013 rocket attack, and lastly I'll highlight what I think Canada might be able to do most effectively to help secure rights for the residents of Camp Liberty.

As you're aware, the residents who live in Camp Liberty are of the People's Mojahedin Organization of Iran, or PMOI, an Iranian political organization devoted to replacing the current Iranian regime with a secular and democratic government.

Since its establishment in 1965, its members have suffered sustained persecution, including regular detentions and executions in Iran. Even after the 1979 revolution and removal of the shah, they continued to be targets of violent attacks, which is what ultimately led them to relocate to Iraq where their members could continue their campaign for freedom and democracy against the Iranian theocracy, including by conducting armed attacks against the Iranian military and government targets.

After coalition forces invaded in 2003, the U.S. military occupied Camp Ashraf; the residents gave up their weapons; the U.S. government conducted security assessments on each of them; and ultimately coalition forces designated each resident as a protected person under the Fourth Geneva Convention.

In return for giving up their weapons and signing, individually and collectively, statements renouncing all violence and terrorism, residents were promised protection by coalition forces until their final status was determined.

In 2009 coalition forces withdrew from Iraq and the U.S. transferred responsibility for the protection of the residents to the Iraqi government. Since then the residents have suffered from numerous abuses at the hands of the Iraqi government. Camp Ashraf and Camp Liberty have been attacked six times in the last five years, with more than 100 people killed and hundreds more wounded.

As I previously mentioned, on September 1, 2013 the Iraqi government carried out or facilitated a massacre directed against the 101 residents remaining at Camp Ashraf who had been left behind to watch over their remaining property. At 5:15 a.m., approximately 120 men dressed in military uniforms, carrying AK-47s with silencers, and loaded up with armour-piercing bullets, pistols, and explosives engaged in a coordinated assault against the camp residents.

For two hours the Iraqi attackers scoured the camp, searching room by room, killing 52 with *coup de grâce* shots to the head. Many residents were handcuffed before being executed. Millions of dollars' worth of property was destroyed. The attackers seized seven hostages—six women and one man—and forcibly transported them outside of the camp, leaving behind a scene of destruction. The remaining 42 residents managed to survive the attack by hiding or escaping.

On behalf of a German NGO, Rights for Migrants, I interviewed all the survivors via Skype individually, looked at Google mapping technology to understand the distances between various points within the camp itself, and produced a highly detailed report analyzing what had taken place.

After initially acknowledging its role in the attack and the abduction of hostages, the Government of Iraq now denies its involvement in the attack and any knowledge of the hostages' whereabouts, although reports suggest they had been moved to a detention centre near Baghdad.

Despite this denial, eyewitness accounts place the Iraqi police at the scene and indeed there are some 1,200 plus Iraqi police and military inside, outside, and around the camp, making it completely implausible that anybody would not notice such an attack taking place. In fact, there are numerous accounts of eyewitness testimony

that made clear that the guards at the various guard posts through which the attackers entered opened the gates for them to enter and facilitated their entry.

Other attacks on Camp Ashraf in 2009 and 2011, which killed dozens and wounded many more, were actually acknowledged by the Government of Iraq to be committed by its own forces. But even if none of this direct evidence or pattern of practice existed, Camp Ashraf is indisputably an Iraqi prison camp on Iraqi sovereign territory, and the Government of Iraq had exclusive jurisdiction and responsibility to protect these people.

● (1315)

Today roughly 3,100 live in Camp Liberty, in poor conditions, with limited security protections. Unfortunately, the international community has done very little to address their needs. It's been two years since UNHCR began processing their claims for asylum. So far not a single resident has been granted refugee status. The vast majority of the residents have now been given the designation of persons with international protection needs, IPNs, which is a lesser status that only prohibits their refoulement to Iran and that removes ordinary channels through which actually designated refugees in danger could be resettled. UNHCR reports that it expects the remaining residents will also be designated IPNs.

To be clear, this means that without any accusations actually having been made against the residents and without any opportunity having been given to them to respond, UNHCR has determined that it's unwilling to certify that the residents en masse have not engaged in illegal acts of violence. Such a conclusion is inconsistent with international refugee law, including the requirement to determine each person's refugee status individually, and the presumption against using group affiliation to disqualify a person for refugee status.

To be clear, given that historically the PMOI directed its attacks against Iranian government and military targets, such acts would not be illegal under international law, and any claims that they've done otherwise have been refuted by credible evidence put forward by a range of other experts.

Belying the challenge of resettling IPNs, only 10% of the population has been resettled in the last two years and there are no prospects of a major resettlement forthcoming. As the remaining residents hope to be resettled, the Government of Iraq continues to deny them security protection. The residents are forced to live in thin paper-walled trailers and they have no protective shields against missile attacks. Although several agreements have been forged between the international community and the Government of Iraq for the delivery of more protective walls and bunkers, which the residents themselves have to pay for, only a small number have been delivered and the government has prevented their delivery from continuing.

Furthermore, the residents have been subjected to ongoing harassment and threats of future violent attacks. Harassment, among other tactics, includes delaying patients trying to go to the hospital, resulting in a loss of appointments with specialized doctors; holding deliveries of food at the entrance of the camp for several days until it's partially rotted; refusing to allow the residents to obtain their own forklift to lift heavy goods, and thus forcing them to carry them with their bare hands; and refusing to allow septic trucks to leave the camp to discharge collected sewage.

Despite international commitments to protect the residents of Camp Liberty, the Iraqi government has also prevented the entry of protective gear, including vests, helmets, sandbags, and other forms of protection, rendering the residents basically defenceless against attacks. Thus the camp remains void of basic security protection, especially from Iraqi-led assaults.

Less than two months ago, on December 26, 2013, there was another missile attack on Camp Liberty, killing 3 and wounding 71. The UN and the EU have condemned this attack and have called for the international community to intensify its efforts to find resettlement opportunities outside Iraq. The Government of Canada has also condemned these attacks and has been very vocal publicly, making clear that the international community has a duty to respect its obligations to these people.

Based on the evidence of numerous Iraqi-led and/or facilitated attacks and the current conditions in Camp Liberty, the Government of Iraq has committed numerous violations of international law, including crimes against humanity under customary international law binding on all states as well as the provisions of three treaties to which Iraq is a party: the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Fourth Geneva Convention.

Iraq has not only violated the residents' right to life, to be free from torture, and to be free from arbitrary detention, but has also consistently failed to protect the residents who were designated protected persons under the Fourth Geneva Convention. Beyond my own legal assessment of the situation, the UN Working Group on Arbitrary Detention, a body of the Human Rights Council, has issued two opinions that found that residents were being held in violation of international law.

In full disclosure, at the time, I was representing the residents and took one of those cases myself to the working group.

It's clear that, especially because the residents are in an Iraqi prison camp, they are not safe in Iraq. I'm here today not only to explain what they've suffered but to urge the Canadian government and the international community to intervene to assist the residents. Regardless of who carried out the attacks, it is undisputed that innocent people have been routinely killed or executed and forced to live in unsafe and insecure conditions. Given the ongoing violations of international human rights law, along with the residents' lack of safety and security, urgent action must be taken.

Unfortunately, many states have been hesitant to allow the residents of Camp Liberty to resettle in their countries, deferring to

the responsibility of the United States, which, regrettably, has not resettled any of them.

● (1320)

While the unwillingness of the U.S. to fulfill its commitments to the residents is troubling, it does not discharge other countries from considering action on a humanitarian basis to save these human lives. Even if, like Canada, you were not part of President Bush's coalition of the willing, which invaded Iraq in 2003, it remains undisputed that the residents have been internationally recognized as protected persons and asylum seekers, that they're unarmed and defenceless, and that for five years they've been detained in Iraqi prison camps.

There's no doubt, of course, that there are millions of people around the world suffering from ruthless and authoritarian dictatorship. One only need highlight Syria as a great illustration of that phenomena, let alone look to countries like North Korea, Sudan, and others. But it's actually a small sliver of a percentage of that much larger number where the international community has made specific actionable commitments to protect a population on which it has failed to deliver. Such inaction in the face of crimes against humanity, committed against populations we have specifically and unequivocally committed to protect, undermines all people's confidence in commitments made by all governments on human rights.

To conclude, and to address this terrible situation, I'd respectfully suggest that the following steps be undertaken.

First, it's worth noting that Canada has taken a leadership role globally in standing up to the abuses committed by the Iranian regime. The PMOI members in Camp Liberty have been at the vanguard of this struggle. The best way, in my view, to maintain a strong position with Iran would be for Canada to allow at least several hundred of them to resettle here. It is clear that rapid resettlement of the residents of Camp Ashraf, now Camp Liberty, is the only way to guarantee their safety and security. By taking such a humanitarian gesture, the Canadian government could both save lives and send a clear signal to Tehran about that government's illegitimacy.

Second, I urge the Canadian government to speak out about the Iraqi government's blatant disregard for human rights and to pressure the international community to make serious and meaningful commitments to resettling the residents abroad.

Finally, it's equally important now, especially given the deal among the great powers on Iran and its nuclear program, for Canada and the rest of the international community to continue to make clear that even if we do see progress on addressing the nuclear questions, which is something that we all aspire to—it remains an open question, of course, as to whether that progress will actually be achieved—for Iran to be welcomed back into the community of nations, it will need to stop its sponsorship of terrorism, including its ongoing support for Bashar al-Assad in Syria; stop funding terrorist organizations like Hezbollah and Hamas; stop making statements inciting genocide directed against Israel; and stop the myriad of ongoing human rights abuses directed at its own population that are designed to terrorize its people, especially women and minorities but also human rights defenders, lawyers, and political activists, among others.

Thank you again for hosting this important conversation. I'm happy to answer any questions you might have at the appropriate time.

**The Chair:** Thank you, Mr. Genser.

Colonel Martin, please feel free to start your testimony.

**Colonel (Retired) Wesley Martin (Military Police, United States Army, As an Individual):** Chairman Reid and members of the Canadian Parliament subcommittee, once again, I appreciate working with you. In the spirit of the camaraderie that we do have, I am joined by Dr. BioDun Ogundayo, who will translate the French for me. He teaches French here at the University of Pittsburgh Bradford campus.

Ladies and gentlemen, I appreciate this opportunity to address with you the situation in Camp Liberty and in Iraq. I regret that we are not able to be physically together today. It is always a pleasure working with you.

Since we last met, the Mujahideen-e-Khalq residents have completely left Camp Ashraf. On September 1, 2013, a murderous assault was conducted on the camp and against the 101 property custodians left at Camp Ashraf per joint agreement between the Government of Iraq, the U.S. Department of State, and United Nations Assistance Mission for Iraq. The smoke from the rifles and the explosions had barely settled before the U.S. state department and other supporters of Prime Minister Nouri al-Maliki commenced declaring that there was no evidence that the Government of Iraq was involved.

As the senior force protection and anti-terrorism officer for all coalition forces in Iraq and the former base commander of Camp Ashraf, I state that there is no way the Iraqi government could not have been involved. Camp Ashraf is in the middle of nowhere. Nothing and nobody can get within five miles of that camp without being seen by the Iraqi tower guards.

In a swarming attack formation, the assault force, wearing Iraqi special weapons and tactics uniforms, came from the Iraqi compound located directly north of the MeK compound. Their body movements were developed in the United States: Weaver stance, low ready. Those assault forces or their trainers had been educated by American special response team specialists. They copied our movements too well to have been trained by anyone else.

Armed with rifles with silencers and with various explosives, including American explosives dated 2006, the assault team moved with total precision throughout the camp. Unarmed residents were gunned down, several shot in the head while their hands were already secured behind their backs. More were murdered in the medical aid station while being treated for wounds already received. MeK leaders, especially, endured multiple rounds fired into their heads. These murderous attacks, accompanied by explosions and rising smoke from equipment and vehicles being destroyed, lasted for two hours.

With military precision and total coordination, this assault force departed in the same direction it came, to the north, to the Iraqi compound. With it went several hostages, driven out in a vehicle stolen from Camp Ashraf. Survivors of the massacre were later able to photograph the vehicle immediately outside an Iraqi military building, yet defenders of Nouri al-Maliki claim that no evidence exists to prove the Iraqi government was involved.

On the first day of the attack, only one locally stationed United Nations observer showed up. He toured the massacre site, but that was it. It took three days for somebody from the U.S. state department to show up, and then, once again, only to tour the massacre site. Never was an on-site investigation completed. No bullet casings were ever picked up and no inspection of explosive materials ever performed.

None of the basics expected of a professional investigation were conducted. It is easy to claim that no evidence exists when there is no proper investigation.

In the past year, Camp Liberty has been hit with four precision rocket attacks. Loss of life continues to mount. Each time Maliki's supporters claim that there is no evidence the Iraqi government was involved. Also each time, these supporters jump on al-Battat's claim that his Iraqi Hezbollah performed the attacks, even though al-Battat has yet to correctly state the number of rockets fired. Each time, he claimed responsibility for less than half of the total ordnance that struck the camp. The true attackers know how many rounds were fired. Furthermore, even in Iraq, rogue militias do not freely drive around in vehicles mounted with 280-millimetre rocket launchers.

We hear the news reports about the al-Qaeda problem in Iraq. The true problem is Nouri al-Maliki's genocide, which has forced the Sunni population to make a last stand. Attached to my testimony are three excellent articles from Struan Stevenson, member of the European Parliament and president of the delegation for relations with Iraq.

●(1325)

Mr. Stevenson totally understands the problems that Iraqi citizens are facing.

Meanwhile, over 2,900 former residents of Camp Ashraf are now at Camp Liberty. Over two years ago, Mayor Giuliani referred to this as a concentration camp. Last time I testified before you, I called it an extermination camp in waiting. The waiting is over. Scores have already died from the rocket attacks. Others have died while being denied access to timely medical support. Their sewage tanks are rupturing. Food shipments are being blocked from entry until the perishable cargo has rotted. Repair items already purchased are not being allowed into the area. The use of their forklifts and rented cranes is being impeded, and simple tools like shovels have to be hand-made inside the camp. Daily harassment from Iraqi intelligence officers is a never-ending story.

Then we have the issue of force protection equipment. After the first rocket attack, senior intelligence officer Colonel Sadiq had all 17,500 T-walls removed from the camp. The walls had proved to be very effective in saving lives. It has been an uphill battle and never-surmountable...[*Technical difficulty—Editor*]...for the residents to have the walls returned. Protective bunkers for the residents are suffering the same fate. Attached is a matrix I recently developed concerning the status of their force protection equipment.

In closing, what the residents are enduring is nothing short of despicable. These residents have been constantly lied to and lied about. They have suffered dearly, and have picked up the tab for these lies, often with their lives.

I sincerely appreciate this opportunity to once again testify before you, and look forward to your questions.

**The Chair:** Thank you, Colonel.

Colleagues, looking at the clock, we have enough time for five-minute rounds of questions and answers. Because we have two witnesses, I'll ask you to, (a), make it clear to whom you're asking your question, and (b), take into account the fact that if you want both of them to answer it will take a little extra time and you will have to adjust accordingly. It may be that if you don't plan correctly, you'll only get one question out because the time will get entirely eaten up by the two answers.

With that warning, we begin with Ms. Grewal, please.

• (1330)

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** Thank you, Chair.

I would like to begin by thanking Mr. Genser and Colonel Martin for joining us today. I'd also like to commend Mr. Genser for the work he's doing as international counsel to the residents of Camp Liberty and Camp Ashraf.

In the independent report on events of September 1, 2013, at Camp Ashraf in Iraq, you wrote that the UNHCR should grant refugee status to all residents through a group determination, and in accordance with its mandate, take full responsibility for the residents in Ashraf and Liberty and provide them with international protection.

Do you think this will be an effective measure to help the residents of the camps? Do you think neighbouring countries such as Albania will be willing to accept the camp residents?

**Mr. Jared Genser:** Thank you very much for the actually critical question that you're asking.

I do want to clarify that while I previously represented the residents for about a year and a half in relation to the arbitrary detention, for the last year and a half I have not represented them directly. I've been working with the German NGO through which I did this report that has been indirectly supportive of them and their situation.

Currently we have seen only 300 resettled in total, less than 10% of the total population. About 200 have gone to Albania. About 100 have gone to a number of different EU countries and a handful of Scandinavian countries. But we've seen very, very little progress in that regard.

As an international human rights lawyer, my focus has been on what tools exist currently that would enable us to expedite their resettlement. One doesn't have to have a position on the political orientation of this particular group. One only needs to be a fellow human being to see what they are suffering and to want to end that suffering.

I've advocated that UNHCR, as it's done on many occasions in the past...including, by the way, in a place in Iraq, Camp Makmur, where PKK residents openly carry weapons and where UNHCR did a group determination. Such a path could be followed with respect to the PMOI. It is a death penalty offence to be a member of the PMOI in Iran. Thus, by definition, they have a well-founded fear of persecution if they were to be returned to Iran on political grounds.

We know that obviously they've been persecuted not only in Iran but also in Iraq. UNHCR has at its disposal, in extraordinary circumstances...and in particular, the criteria suggest that it's when the health and safety of individual asylum seekers is in fact threatened. We know, based on the six attacks in the last five years, that in fact their lives are seriously threatened—four attacks just this past year at Camp Liberty, and the attack at Camp Ashraf and otherwise. So those basic criteria have been met for doing a group determination.

Unfortunately, my assessment is that UNHCR has strayed, very regrettably, from its humanitarian mission. Its mission should be narrowly focused on assessing whether or not these people have claims for asylum that are valid and ultimately issuing a decision as to whether or not they should be refugees in accordance with international law.

Unfortunately, the politics in Iraq and the broader set of issues that UNAMI, the UN Assistance Mission for Iraq, has with the Government of Iraq have meant that UNHCR seems to have subsumed its activities within the broader UN mission. It seems to me that UNAMI has unfortunately concluded that they have more important issues to deal with than this one and that they don't want to put pressure on Maliki with regard to the situation in Camp Liberty.

I think the international community and donors to UNHCR, including Canada, should be putting pressure on UNHCR to merely do its job—to actually either do a group determination or an individual determination and come to a conclusion as to whether or not these people are refugees. So far they're not willing to do that.

**The Chair:** You have 30 seconds left, Ms. Grewal.

**Mr. Jared Genser:** I'm sorry about that.

**The Chair:** No, that's okay.

**Mrs. Nina Grewal:** I don't think I'll be able to finish my question in 30 seconds. That's fine.

Thank you.

**The Chair:** We'll go to Mr. Marston, please.

• (1335)

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Thank you, Mr. Chair.

Colonel Martin, welcome back, and sir, welcome as well.

This is a very troubling situation. We've been looking at this for some time.

I believe it was your testimony last time, Colonel Martin, that the influence of Iran in Iraq was a growing concern at that point in time. I notice from the information you have provided us about the executions in Iraq and the things that are happening there that they seem to be getting rid of the Sunni establishment that was there for so long. Do you see that as having direct implications for the MeK who are in Camp Liberty?

I'll go a little bit further and give you a couple of other things to work with. I think it's appropriate to try to understand the politics of the UN's Human Rights Council and other folks, because there seems to be a lot of politics in this one. There were accusations on ABC television network about the MeK, the CIA, the assassination of scientists, and a variety of things.

Do either of you see any of that in play in this?

**Col Wesley Martin:** It's totally on the MeK at Camp Liberty. In one of my recent reports—and I believe many of you get my weekly reports—I mentioned that al-Maliki had just returned from Tehran, that he needed to please his bosses in Tehran, and that we could expect an attack very soon on Camp Liberty. That report went out on December 22. It was on the 26th that the next rocket attack came in.

Also, there are the articles you mentioned that were written by Struan Stevenson of the European Parliament. Struan has a very thorough understanding of what's going on in that area, and he's seeing the same thing that I am. Al-Maliki is committing genocide. This business in Anbar province is not heavily al-Qaeda. I was in the room in D.C. when al-Maliki was claiming that it was all al-Qaeda. No, it's not. They're making their last stand because of his genocide.

Ayatollah Khomeini made the comment that the road to Jerusalem is through Baghdad. Unfortunately, the only regional commander in that area who thoroughly understands the Iranian threat is Benjamin Netanyahu. Unfortunately, our own executive branch in the United States does not have the same sense as Netanyahu of what's going on.

**Mr. Jared Genser:** I will just briefly add to that. I agree, of course, with Colonel Martin's testimony, as well as his answer. I would only say that for me this isn't about politics, although the situation is intensely political. This is about saving human lives, and as an international human rights lawyer, I have one standard that I apply when I look at the facts of the situation. Is the Government of Iraq complying with its obligations under treaties they've signed and

under customary international law? The answer is clearly and unequivocally no.

So then the question becomes, okay, what can we do about it to try to improve the situation, given the limits of international law and the challenges of enforcing the treaty and customary international law obligations on Iraq? Ultimately, it has to start with the political will of particularly the United States, but the Government of Canada and other humanitarian-oriented governments are in a position to speak out about what's going on, to call out Nouri al-Maliki about what's going on, and also to hold Iran to account.

To my mind, all of this comes back to Iran, and all of this comes back to the engagement that the international community is currently having with Iran on its nuclear program. The reality, in my view, is that it is not an accident that the international community is being silent or is de-emphasizing this issue right now, because to emphasize this issue is to go to something that we in the international community know is of great importance to the mullahs in Tehran. They despise this group, and they make them their mortal enemy, because they stand for the separation of mosque and state and for a view of Islam that—

**Mr. Wayne Marston:** If I could jump in there for just a second, it strikes me from the standpoint of those people that this is an irritant for them. That's a terrible way to phrase it, but you would think that getting the folks out of Camp Liberty and getting them dispersed in safe countries would resolve a problem without raising it as the issue with Iran.

That politically can still be done. That's why I was looking at what the politics are in the sense of why people—the UN in particular—wouldn't just get these folks out of there. It would calm down the situation relative to all of the other problems, with Iran and Iraq both.

• (1340)

**Mr. Jared Genser:** There's an irony here. Based on the conversations I've had, particularly with the survivors of the recent Camp Ashraf attack, the residents themselves desperately want to get out of Iraq because they know they're doomed in the current situation, and yet... You would think that if Iraq actually wants them gone, the Government of Iraq itself would go to the UNHCR and say, "Grant these people refugee status or we ourselves are going to grant them refugee status so they can depart as quickly as humanly possible."

But the reality is that Tehran doesn't want to let them leave Iraq, because now they're trapped, and they can get them in multiple cuts. The reality is that while the claims of the Government of Iraq are that they'd like them gone, and that they're terrorists in accordance with what Tehran says, it's actually not to their benefit to let them leave, practically speaking, because their masters in Tehran don't want them to leave. They want these attacks to continue. They want more of them to be killed, and ultimately, like they did with the seven... It's reported that the seven may well be in Tehran as we speak now, handed over by Iraqi security forces.

This is what they'd like to see happen.

**The Chair:** We'll go now to Mr. Schellenberger, please.

**Mr. Gary Schellenberger (Perth—Wellington, CPC):** Thank you.



I noticed your hand movements, Colonel. Were you wanting to respond to that question also?

**Col Wesley Martin:** I was. Right now the government in Tehran has this golden egg, because the National Council of Resistance of Iran is having to throw so much money into simply the fuel for Camp Liberty. The residents are being tormented. Everything they do is made difficult, and that situation is very pleasing to the Iranian government.

I also wish to point out that the group going to Albania, which the MeK—not the UN, not the U.S.—actually set up, the last group of 12, is being denied exit by Nouri al-Maliki because one of the people is on his list of bogus arrest warrants. Also, UNHCR is trying to slip in three members who are not Camp Liberty residents, and the concern is that they are going to go to Albania and then start causing trouble and embarrass the MeK and the NCRI even more. Yet, you don't hear the United States or UNHCR complaining that Maliki is blocking this last group from going.

**Mr. Gary Schellenberger:** Thank you.

I've been quite troubled in the last while. Whether it be in Syria or wherever, when we have the Sunnis fighting the Shiites and the various other Muslim sects that are out there, it seems to me that a Muslim of any one of those sects is an infidel to the others.

Am I correct?

**Col Wesley Martin:** They always cite the Battle of Karbala back in 680 A.D. The reality is that we take it right up to the 20th century. Iraq was artificially formed as was Syria. We just started drawing straight-line borders and compiling countries together and putting the minority in power. Saddam Hussein was in the minority, yet he had the majority. There was long-term hostility.

We see just the opposite over in Syria. If we had tried to figure out how to make that world as hideous as what the people are having to face, we couldn't have done it any better. In 1953 we had the CIA support the overthrow of a popular government in Iran. We backed Nouri al-Maliki instead of Allawi. If Allawi were in charge of Iraq right now, you would not have the problem. Yet the United States ended up supporting Maliki, stealing the government from Allawi when Grand Ayatollah Sistani told Allawi to follow the constitution. Now Maliki is getting ready to steal the government again and that's why it's important he gets all this genocide done before April, because Maliki is going to stay in power, and the United States is going to support him. We saw the fiasco in Syria recently. We couldn't have handled that one more wrongly if we tried.

• (1345)

**Mr. Gary Schellenberger:** There's just one other thing. A lot of people don't understand the plight of these folks in these camps. It seems they have taken a back seat. I'm on this committee and if I weren't on this committee, I probably would not know of Camp Ashraf or Camp Liberty. Is there a way we can make more public to more people around the world the terrible situation these people are in?

**Col Wesley Martin:** I totally agree with you. I keep hitting the point that in America if Kim Kardashian comes out in a new dress, it's all over the media, yet 52 people were murdered at Camp Ashraf and we hear very little about it and it's suppressed continually. Unfortunately, in America, in the United States, our media does not

want to cover certain things, and unfortunately our state department has gotten away with a lot of lying.

In October we sent a letter to President Obama. It was responded to in December by Tony Blinken. The signatories on the letter were people like FBI Director Louis Freeh, Mayor Rudy Giuliani... [Technical Difficulty—Editor]... Governor Ed Rendell.... What we got back was a massive amount of lies. In January I took that letter apart, and Governor Ed Rendell sent it back to Tony Blinken.

In the room we're in now there are a couple of copies of the letter, and I'm willing to send it. Shiran has the letter. He's in the back of the room. I'm also willing to send it to... [Technical Difficulty—Editor]... and to show the problems. The media will not engage, for some reason. I can't figure out why. Even Rudy Giuliani, who is out there fighting for this issue, gets minimal response.

**Mr. Jared Genser:** If I might just add, one of the challenges is created by the way the Iraqi government is handling this. The residents are denied all visitors. There are no people who can visit them except for a rare U.S. government official and a rare UN official. They're able to communicate by telephone, via Skype, but basically that's about it. There are only a small number of Internet connections there.

To me, it's outrageous what's going on in Camp Liberty. It's outrageous. Whoever in world has heard of someone having to pay for their own imprisonment? This is what these people are doing. They're paying millions of dollars a year, funded by the NCRI, to actually pay for all the fuel, to pay and cater food to be brought to them, and otherwise.

I've never heard of such a thing. Even in the worst prisons in the world, you'll get scraps of food that aren't very good and you're not going to be in great condition, but you don't have to buy your own food. Maybe there are a few exceptions to that, but to me, it's outrageous what's going on.

The other thing is that the international community.... This issue, as was noted before by your colleague, has been so politicized that when I met recently with UNHCR in Geneva, they tried to argue that the people in Camp Liberty were not actually detained. That was their argument. They said they were in a temporary transit location. I drew a picture on a page. It's a square. Can they leave? Can they leave whenever they want? No.

The UN Working Group on Arbitrary Detention has said that they're detained in violation of international law. This is a body of the Human Rights Council. Will we disagree with that assessment? I'm like, "Well, if this isn't a prison, then what is a prison?" It has four walls. It has guards on all the towers, and people cannot come and go as they see fit. That is the classic definition of arbitrary detention under international law.

They've been given no due process of law. They've been charged with no crime. There's been no indictment. There's been no presentation to a court, to a judge. No ability to have a defence counsel challenge the claimed offences that they may have committed. None of that.

Yet even UNHCR itself says that they're not detained. So if you're in a situation where you have UNHCR, which is supposed to be a humanitarian body, not a political body, for political reasons rendering judgments like that, getting attention to the issues becomes all the more challenging because when people hear UNHCR's reports on Capitol Hill or in other parliaments—when I talk to people—they come across as reasonable, and people are used to being able to rely on UNHCR for good information.

It is a major challenge, not only to get attention to this kind of suffering, given the world that we live in, but also because unfortunately there is some complicity in the international community and UN agencies in turning a blind eye and/or lying about what's actually going on.

**The Chair:** We'll go now to Professor Cotler.

**Hon. Irwin Cotler (Mount Royal, Lib.):** Thank you, Mr. Chairman.

I want to begin by commending both our witnesses. I'll be putting a question to Jared Genser. I thought your independent report on what happened on September 13 should be required reading. It is the most comprehensive study that I've seen in these matters.

Let me just go to one matter that you mentioned in response to a question, and that is with regard to the seven who were abducted on the occasion of the September massacre. Do we know why these residents were abducted? Do we know if they were specifically targeted? You mentioned that there's some information that they may be in Iran. What can the international community do to discover their whereabouts and to secure their safety?

• (1350)

**Mr. Jared Genser:** Thank you, Professor Cotler, for the very pointed question, because we looked at the September massacre in great detail, but one can't forget that seven people were disappeared by Iraqi security forces and that they may well be in Tehran.

The intelligence is very spotty. The UN itself had publicly said that it was believed they were being held in security facilities near Baghdad. When the UN itself says that...that's just what UNAMI said, it sort of makes you wonder how it is that, on the one hand, everyone is saying that the Iraqi government wasn't involved, yet somehow these people are known to the UN as being detained somewhere near Baghdad in an Iraqi security facility.

In any event, they were targeted, it's my understanding, because of who they were: a number of key leaders left behind. They were likely on a list of people who were of particular concern to Tehran and that Tehran wanted to get their hands on. It's unclear where they are now.

Sadly, calls on the Government of Iraq to produce them or to determine their whereabouts have had no meaningful response. Ultimately, unless the international community is willing to hold Nouri al-Maliki's feet to the fire on these issues rather than give him a free pass, the idea that the Iraqis will have any incentive to cooperate is I think misguided.

Let me just briefly note that on the day we released our report—the timing of the release of our report in November was not accidental—it was the same day Nouri al-Maliki arrived in

Washington to meet with President Obama. The state department spokesperson was asked on that very day for reaction to the report put out by this German NGO, this investigation into the massacre in Camp Ashraf. The response of the spokesperson of the state department was astounding. I'm not going to quote from it precisely, but I'll let you know the one piece I am quoting precisely. Roughly speaking, he said, they'd looked at this issue “very, very, very closely”—three verys—and there was no evidence that they'd been able to determine “that the Iraqi government was in any way involved”.

Now, given that it was a camp of 1,300 guards inside, outside, and around the camp, and given Colonel Martin's testimony, having lived there and worked there, working closely with the Iraqis when he was there, explaining where it is in reference to the rest of Iraq and how it's impossible, and would have been impossible, for someone to have 100 commandos come into this, let alone all the other testimony we had, for the U.S. to make this claim publicly out of the state department the day that Nouri al-Maliki is in Washington is, to me, a licence for impunity.

If the U.S. government isn't going to hold him to account for what took place at Camp Ashraf, which was the commission of crimes against humanity, then why should he or Tehran conclude that they should be even remotely worried about producing the whereabouts of these seven people, let alone reappearing them?

To my mind, it really comes back again to the willingness of the United States and other members of the international community to not believe that there are higher priorities than the humanitarian imperative of saving human lives, and to not think that somehow, by doing a deal with someone like Nouri al-Maliki, there's no cost associated with that.

**Hon. Irwin Cotler:** You mentioned in your recommendations that Canada should resettle 300 as part of the larger recommendation that only resettlement can guarantee their safety. But as Colonel Martin mentioned, Iran would like to keep them in the camp, and Iraq is doing the bidding of Iran.

How do we bring about the resettlement, and what about the U.S., which has a particular obligation on these matters?

**Mr. Jared Genser:** No, indeed. Look, the U.S. shouldn't have turned over responsibility for Camp Ashraf to the Iraqis in the first place. In fact, I wrote a memo back in late 2008 that I provided to the state department quoting public statements by the Iraqi Prime Minister and the national security adviser, and a range of statements from Tehran, about how they were going to crush, destroy, kill, and otherwise imprison the residents.

You're only legally allowed to hand over responsibility from one party to the Fourth Geneva Convention to another party—which Iraq is—to the Fourth Geneva Convention if you are confident that this party will respect the rights provided to civilians protected in a time of war under the Fourth Geneva Convention. The U.S. knew those requirements were not going to be met by the Iraqis, yet we turned over that responsibility.

I do think if Canada were to step forward and set an example for the rest of the world, even to start with 100 or with a symbolic number of 50 or something like that, it would say that we hear this whole argument about IPNs. We'll go do our own individual assessment. We'll announce that we'll take 50, or we'll announce that we'll take 100. We'll send our own security people to interview them thoroughly. You all can consult with the United States...which, by the way, had seven intelligence agencies and security agencies interview each of these residents when they were in Camp Ashraf in the first place. Presumably with intelligence sharing being what it is between the United States and Canada, you could receive the files of these people and the assessments that were done by U.S. intelligence as well.

Making that announcement publicly would, in my view, force Nouri al-Maliki to let that number go. Given his public claims that he wants them to be resettled, if you call him out on that claim and say, "We're trying to resettle them, but Nouri al-Maliki is blocking us from receiving them", then that is a pretty hard position for most of the world to be able to defend.

• (1355)

**The Chair:** We go now to Mr. Sweet.

**Mr. David Sweet:** Thank you very much, Chair.

Thank you, Mr. Genser, for your great work.

Colonel Martin, it's good to see you again. I wish we could see each other in better circumstances than what we normally see each other under.

Can you just give us an idea of the size of Camp Liberty right now?

**Col Wesley Martin:** Yes, sir. Camp Liberty, when it was originally built by the Americans, was miles by miles. Now we're talking about less than half a square mile total. It's probably more like half a square mile one way by three-eighths or a quarter of a mile the other way.

That camp, when it was built by us—and I was there at the time, I used to live on Liberty when I was the ops chief of the operation—was built only to house us at night when we were off-duty, not the... [*Technical difficulty—Editor*]...hours a day that we were working. That's all it was designed for. Now you have over 2,900 people living in almost the size of a postage stamp, and they're not going anywhere else to work. They're stuck right there in what I would say is half a square mile at the most.

When Martin Kobler, UN ambassador, promised.... He was making the MeK think they had all of Camp Liberty. Instead, they got compressed further and further down. That's why these rocket attacks have been so effective.

**Mr. David Sweet:** To be clear, Mr. Genser's testimony was that there are 1,300 Iraqi guards that surround this small camp. Is that what I heard earlier?

**Mr. Jared Genser:** No, that was surrounding Camp Ashraf originally, which had also been winnowed back in size. But, yes, there were 1,300 around Camp Ashraf at the time the massacre took place.

**Mr. David Sweet:** What is the security size now around Liberty, does anybody know?

**Col Wesley Martin:** I can go ahead and add clarification.

The 1,300 at Ashraf not only involve security, but Maliki had put those there in case he had to go to war with Barzani up in Kurdistan. But it is true; there were 1,300 people able to respond should one of the MeK try to escape from Camp Ashraf or they do anything.

Camp Liberty is one of a compound of many camps. You're talking at least 10,000 people in that immediate area. You have what we call Camp Victory by the Al Faw Palace Lake, you had Camp Slayer, Camp Cropper, the list just kept going on, so you're talking well over 10,000 in that immediate area.

**Mr. Jared Genser:** But it's also worth noting—and, again, Colonel Martin, feel free to jump in because this is your expertise, I'm speaking a little out of my depth, but I know these facts to be accurate. There are five security checkpoints—this is in the Red Zone in Iraq, right outside of Baghdad—to get, ultimately, to Camp Liberty right now. The idea that a group of militants could put a massive truck-mounted rocket launcher together onto the back of a truck, drive it to within two miles—two to three miles away is where it's believed that these rockets are being launched from—launch 20 or 30 rockets and escape undetected in such a heavily fortified area, with 10,000 Iraqi soldiers and personnel, is, shall we say, unimaginable. The fact that there have been now multiple rocket attacks at this camp, and not a single person has ever been captured or killed conducting these attacks, I think speaks volumes to the Iraqi government's involvement.

• (1400)

**Mr. David Sweet:** Well, you've clarified what I wanted because—

**Col Wesley Martin:** Let me add—

**Mr. David Sweet:** Just a moment, Colonel, and I'll let you add.

Politics is always sometimes very bizarre. I can of course get my head around Maliki's motivation, but the state department making the very, very closed comment that they made is so absurd. I'm just wondering what that motivation would be. I can understand the other motivation.

Go ahead, Colonel.

**Col Wesley Martin:** Sir, I will go ahead and send Sonia the letter I was referencing. It will be beyond bizarre when you see the comments that he tried to make back to us.

Interestingly, what was also mentioned is that nobody's been arrested, but every time there's been such an attack, the United States and UN immediately call on Maliki to do the investigation. As I've said in this letter and other reports, as corrupt and as backward as the Chicago Police Department was in the 1920s, nobody called on Al Capone to investigate the Saint Valentine's Day massacre, yet that's exactly what we're doing here.

**Mr. David Sweet:** I know my time's running out. UNHCR, do they have people on the ground on a daily basis now in Camp Liberty?

**Mr. Jared Genser:** They don't ever come inside Camp Liberty. They come to the border.

This is one of the things that the residents have been promised, 24-7 monitoring at Camp Liberty, which hasn't existed. It's now being interpreted by the UN to say that you could reach somebody on a telephone 24-7, but of course they can't. In the middle of the night people don't pick up the phone, so this is what's happened with some of these rocket attacks. But UNHCR personnel come to the camp to then meet a person there and go to a facility about two miles away to interview the residents one at a time.

What the residents have argued repeatedly is that they need a permanent presence of even a single UN person in the camp. Because if there was a 24-hour presence then al-Maliki and others involved would think twice about launching rockets at it for fear that they'd kill a member of the UN personnel, which would be very problematic. But there has been no willingness on the part of the UN or the international community to push for a permanent in-camp presence of UN personnel at Camp Liberty .

**Mr. David Sweet:** I can feel my time draining away, but, Mr. Chair, I just want to say that again, if my colleagues are willing, I would love to have a representative from the United Nations High Commissioner for Refugees here to answer these allegations to us directly.

**The Chair:** We'll discuss that separately if we can.

Mr. Benskin, please.

**Mr. Tyrone Benskin (Jeanne-Le Ber, NDP):** Thank you. I'm the rookie to the team and there's no better way to get into a situation than by just hitting the ground running.

It's my pleasure to meet you both and from, temporarily anyway, an outsider's position I guess the first question I would ask, and it falls on the heels of Dr. Cotler and Mr. Sweet's questions, is on the suggested or alleged complicity of the United Nations and the international community in this situation. What is to be gained by them in doing this? What is at stake from their perspective or in your opinion by not allowing these individuals to be taken out of this camp and relocated to safer pastures, so to speak?

**Mr. Jared Genser:** I'll have one cut at it and I'm sure Colonel Martin will have his views as well.

In essence the UN has a whole series of challenges as well as personnel inside Iraq trying to help rebuild Iraq after the U.S. invasion there. Ambassador Kobler's predecessor, who for many years was responsible for this whole situation for UNAMI, was a gentleman who got into very hot water with the Iraqis because he called out the Iraqi election as not being free and fair. He got forcibly removed from his position as a result of that.

The instructions that were given to Martin Kobler were to go make nice with the Iraqis. It was clear to Ambassador Kobler...and we know this information, by the way. I'm not sure if your committee has heard from this individual, but you might want to. The information I'm about to share with you comes from a UN whistleblower, a guy named Tahar Boumedra, an international human rights lawyer who only worked in the UN system for the latter five to ten years of his career. Before that he was involved as an Algerian in staffing the Algerian judge to the International Court of Justice and running some of the law journals with the African Commission on Human and Peoples' Rights on human rights law in

Africa. He was Kobler's right hand through all of this and he has come out and said in essence that it was the top priority of the Iraqis, on behalf of their masters in Tehran, to go after the residents of Camp Ashraf at the time.

Therefore a plan was developed in collaboration with the Iraqis to put the pressure on them. The exchange would be, in essence, that the UN would get some of the other things that it wanted out of the Iraqis on a range of other important issues. So Kobler made a political calculation, according to Tahar Boumedra. He was following orders from New York to make nice with al-Maliki by giving him something that to the UN, while it is an issue of some concern and it obviously is a major human rights issue, was not as high a priority as a range of other issues that the UN had in Iraq.

So what was to gain politically was favour with al-Maliki, buying favour with al-Maliki by repressing the residents of Camp Ashraf. Even the whole move from Ashraf to Liberty was political, it had nothing to do with humanitarian exigencies. The claims of the Government of Iraq were that these people couldn't be interviewed because it wouldn't be viewed as an independent interview by UNHCR if they were interviewed in Camp Ashraf, even though it was held by the Iraqis, and even though FOB Grizzly, which is one of the U.S. operating bases there, was walled off separately and interviews could have been conducted there a mile or two away and otherwise.

Let me just mention very briefly that in essence al-Maliki insisted they be moved because Tehran was saying that because of the symbolism of Ashraf—which has been there for 30 years—to the Iranian resistance, it has to be shut down. So therefore, based on these kinds of arbitrary determinations, all of them had to be moved to Camp Liberty.

• (1405)

**Mr. Tyrone Benskin:** Thank you.

Colonel, if you'd like to chime in with your thoughts.

**Col Wesley Martin:** I totally agree with what Jared has said. Also, I'm holding here an investigation I did on one UN monitor, Massoud Durrani. Tahar Boumedra made a statement. Massoud Durrani was going around under Kobler's orders to instigate problems with the MeK and also filing a bunch of false reports back.

Tahar's statement in this document echoes what you just heard. There's also another problem with Kobler. Kobler was also working German businesses as was his wife who was the German ambassador to Iraq. They were trying really hard to get German business to come into the country. So there were two different problems there: one, appeasing Maliki, and two, trying to set up German industry and business.

**Mr. Tyrone Benskin:** Thank you.

**Mr. Jared Genser:** I'll get you a sworn affidavit from Tahar Boumedra that lays it out in a dozen pages. It's a good summary of his point of view and what he witnessed in Iraq working with Kobler. It's pretty chilling. It reminds me of what we've seen recently in Haiti with the UN engagement with the contamination, the cholera disease epidemic.

**The Chair:** Mr. Genser and Col Martin, both of you have offered to submit additional documents to the committee. If you could either send it to my office or to the clerk, we'll make sure to get it distributed. Our rules require that it's translated into both English and French. We'll make sure that happens and that it gets to all the members.

Colleagues, we are out of time. In fact, we've gone a little over time. Thank you for your generosity in this regard.

**Mr. David Sweet:** Can we just see if we have agreement, since that meeting time of Tuesday when we get back is empty, to bring

Paul Bhatti here before the committee if he's able to fly himself from Italy?

**The Chair:** Is there agreement?

**Some hon. members:** Agreed.

**The Chair:** There is agreement. We'll try to make that happen.

Thank you, colleagues. Thank you very much to our witnesses.

We are adjourned.

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