

# Trading Terrorists: Al-Qaeda in Iran for Mujahedin in Iraq?

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## Brief Analysis

On December 9, 2003, the Iraqi Governing Council announced that it would expel the Iranian opposition group Mujahedin-e Khalq (MEK) from Iraq. Reacting to this decision, Paul Bremer, administrator of the Coalition Provisional Authority, recently told Iraqi television that MEK members should be settled in other countries with the help of the UN High Commission for Refugees. He emphasized, however, that these individuals "cannot go to Iran . . . they have to go elsewhere." Despite Bremer's comments, some have speculated that the United States might exchange MEK members in Iraq for al-Qaeda leaders harbored by Iran. Yet, any such deal would raise serious problems.

### An Incentive to Harbor al-Qaeda

In the mid-1980s, the Reagan administration sent U.S. arms to Iran in exchange for the release of Americans held hostage in Beirut by surrogates of the regime in Tehran. Once Iran saw that American hostages were valuable trading items, it responded by taking even more hostages. Few would regard this experience as a triumph for U.S. diplomacy. The recently proposed trade of al-Qaeda leaders in Iran for MEK members in Iraq would replicate many of the problematic features of the 1980s arms-for-hostages deal. By trading thousands of MEK members for a few al-Qaeda leaders, Washington would make al-Qaeda figures a valuable unit of commerce for Tehran. Such an incentive would likely encourage Iran to provide safe harbor to additional al-Qaeda members in order to pave the way for further bartering with the United States.

Tehran has vehemently denied allegations that it is harboring such key al-Qaeda figures as Osama bin Laden's son Saad or Saif al-Adel, an Egyptian suspected of planning the May 2003 bombings in Riyadh from his Iranian residence. Yet, after an initial trade for these or other al-Qaeda suspects, Tehran could simply announce that it had captured them and other al-Qaeda figures as a result of its vigilant counterterrorism efforts, whereas in reality it may have been permitting al-Qaeda to operate from its territory while slowly surrendering only a few high-profile figures.

## Ensuring Fair Adjudication

Another problem with the proposed trade is that it would forestall any attempt to fairly try MEK members on credible terrorism charges. Such trials should not be held in Iranian courts, which do not deliver justice to ordinary Iranian citizens, let alone MEK members. Iran's "justice" system is in the hands of the most troglodytic hardliners, who eschew any pretense of respect for the rights of the accused and sentence dissidents to death for such crimes as "corruption on earth." Moreover, the UN Convention against Torture, to which the United States is a party, forbids handing accused parties over to states that systematically employ torture. It is difficult to think of a state more guilty of this offense than Iran; as recently as November 21, 2003, the UN's Social, Humanitarian, and Cultural (Third) Committee censured the Iranian court system for practicing torture.

If Iraq or a third party chose to try MEK members rather than hand them over to Iran, it seems unlikely that charges would be brought against every one of the more than 3,000 Iranians in MEK's Camp Ashraf in Iraq. After all, many of these individuals are children or spouses of MEK members. All of these individuals would have a credible fear of persecution if they were sent to Iran. Trading the human rights of innocent people for political expediency would be a tragic move, to say the least. The individual circumstances of each MEK member should be considered, rather than treating all of these 3,000 human beings as if they were trading cards. Bremer's advice is well taken: those at Camp Ashraf should not be expelled from Iraq until a reliable place of refuge is found. That may not be easy; according to an Iranian government spokesman, Tehran has already "warned other countries, particularly European states, that the presence of [MEK] members in those countries will leave negative impacts on their relations with the Islamic Republic."

## Giving MEK a Roadmap

Libya's apparent about-face regarding sponsorship of terrorism and acquisition of weapons of mass destruction demonstrated the effectiveness of providing rogue regimes with a roadmap for getting themselves removed from Washington's terrorism sponsorship lists. Similarly, during the 1980s, the U.S. government clearly showed the Palestine Liberation Organization (PLO) what it would have to do in order to establish regular diplomatic contact with Washington. That roadmap was instrumental in producing the Oslo Declaration of Principles, in which the PLO renounced violence (unfortunately, it did not stay committed to this statement).

This sort of approach should be taken with MEK as well. After all, despite its designation as a foreign terrorist organization (FTO), the group is not particularly active with regard to terrorism. Section 219 of the U.S. Immigration and Nationality Act requires the State Department to redesignate FTOs every two years based on their actions during the given time period. The State Department's October 2003 redesignation report did not cite any MEK terrorist attacks during the previous two years; after all, the organization did not even carry out any attacks inside Iran during this period. The report did assert that "MEK has engaged in terrorist activity by soliciting funds . . . by providing material support including training . . . [and] by planning or preparing a terrorist activity." Yet, the "terrorist activity" in question seemed to be limited to protests abroad (e.g., self-immolation by MEK members was described as "further MEK violence") and to serious but unsubstantiated charges of planning to assassinate Iranian intelligence agents. One would hope that the State Department has more detailed information that it could not release publicly. Moreover, in order to fulfill statutes requiring the State Department to detail how designated organizations threaten U.S. national security, the October 2003 report warned that MEK activities inside Iran "pose a threat to U.S. nationals visiting Iran," which is not necessarily a mortal threat to U.S. security.

Rather than unsuccessfully fighting its FTO designation in U.S. courts, MEK would be better advised to ask the State Department to provide a roadmap detailing what it has to do to secure its removal from the FTO list. Since May 2003, MEK forces in Iraq have been disarmed and under U.S. control, so that issue is presumably no longer a factor. Many MEK members, including the organization's leadership, are based outside Iraq; the State Department should spell

out what they would have to do to get MEK off of the FTO list.

### Keeping a Watchful Eye on Iran's Activities in Iraq

From an Iranian perspective, the fate of MEK is linked to the overall state of relations between Tehran and the new Iraqi authorities. As Iranian vice president Muhammad Ali Abtahi stated, "We have very good relations with the Governing Council, held discussions [on MEK], and this decision [to expel MEK] is the result." Indeed, many key Iraqi council members have made official visits to Tehran, where they have discussed a wide range of issues. In general, it is in both Washington's and Iraq's interests to encourage more foreign trade and travel to and from Iraq, so as to help restore the country's prosperity and reverse the isolation in which ordinary Iraqis lived under Saddam Husayn. That said, the new authorities in Baghdad must carefully scrutinize the nature of Tehran's intentions with regard to Iraqi-Iranian relations.

In September 2003, Bremer told the Senate Appropriations Committee that "elements of the Iranian government are causing mischief in Iraq, interfering in affairs through their intelligence services and through the Revolutionary Guards." That same month, he stated, "Iranian intelligence agents have been aiding groups that have carried out violent attacks in different parts of Iraq." Any Iranian connection to attacks against U.S. forces should be the key determinant of Washington's attitude toward Iran's activities in Iraq. Washington must keep up its guard against the possibility that Tehran's intentions in Iraq are malign.

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