

Human Rights Council

Complaint Procedure Form

- You are kindly requested to submit your complaint in writing in one of the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish) and to use these languages in any future correspondence;
- Anonymous complaints are not admissible;
- It is recommended that your complaint does not exceed eight pages, excluding enclosures.
- You are kindly requested not to use abusive or insulting language.

I. Information concerning the author (s) of the communication or the alleged victim (s) if other than the author

Individual Group of individuals NGO Other

Last name:

First name(s): Nallein.....

Nationality: Yezidi.....

Address for correspondence on this complaint:

Mosul, Iraq.....

Tel and fax: (please indicate country and area code) (

E-mail:

Website: www.ezidikhana.net

Submitting the complaint:

On the author's own behalf:

On behalf of other persons: (Please specify: In partnership with communities of Anbar, Fallujh, Mosul, and Tikrit)

II. Information on the State concerned

Name of the State concerned and, as applicable, name of public authorities responsible for the alleged violation(s): Government of Kurdistan – Masoud Barzani, Commander-in-Chief Nechirvan Barzani (outgoing as of July 2019) De facto leader Sirwan Barzani (Ministry of Peshmerga), United States of America - Donald J. Trump, in his capacity as Commander in Chief of the armed forces of the United States. John Joseph Sullivan, Acting Secretary of State

III. Facts of the complaint and nature of the alleged violation(s)

The complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Please detail, in chronological order, the facts and circumstances of the alleged violations including dates, places and alleged perpetrators and how you consider that the facts and circumstances described violate your rights or that of the concerned person(s). The Yezidi are a cultural and religious minority, primarily based in the northwestern part of the Republic of Iraq near the cities of Shingal (Sinjar), Lalish, and Shekhan, with diaspora around the Middle East and the world. The Yezidi have been the recipient of acts of prosecution and genocide for hundreds of years because of our religious views. These acts have become more intense in the modern era and have seen the Yezidi people suffer in ways unimaginable. In addition to the impact of the U.S. led Iraq War, the Yezidi were and continue to be direct targets of Daesh (ISIS/L), with thousands dying as a result of their genocidal acts. Additionally, the Kurdish regional government has been forcibly taking over Yezidi indigenous land with the intent of profiting from the oil reserves there and eliminating any threat of Yezidi autonomy.

The Provisional Government created an investigative panel to determine what criminal acts may have been perpetrated against the Yezidi people in the period since the Iraq War began in 2003. Investigators for our government have critically examined the role of the Iraqi and Kurdish governments, as well as of the oil companies currently in Iraq, and others attempting to gain access to the area. We respectfully present our view and complaints on the practice of state actors, both the administration of Iraqi Prime Minister Haider Al Abdul and the administration of Massoud Barazni, President of the Kurdistan Regional Government, in support of filing criminal charges against these individuals and their governments.

In April 9, 2003 after the fall of Saddam Hussein, Masoud Barzani, head of the Kurdish government seized control of the Shingal area by use of Peshmerga troops and formed the Barzani Council. The Council was made up of non-Yezidi nationals and served as the defacto regional government of that area.

The Council included:

- Masoud Barzani, as titular head of the Council.
- Nechirvan Idris Barzani, who had defacto control over the council.
- Masrour Barzani, a nephew of Masoud, as head of the Kurdistan Region Security Council in Iraqi Kurdistan, and the individual responsible for the control of security and intelligence efforts in the Shingal area.
- Ashti Hawrami, as the natural resources minister of the Kurdistan Regional Government, and the individual responsible for the coordination of oil contracts in the Kurdish region.

- Aslam Usoyan, a Russian of Kurdish descent who was actively involved in organized criminal activities in Russia. He provided significant financial support to the Kurdish Government through his businesses and other financial networks. (He was killed in 2013)
- Vladislav Leontyev and Zakhariy Kalashov, ethnic Kurds and prominent members of Russian and Kurdish criminal networks.
- Tariel Oniani, someone actively involved in Kurdish and Georgian criminal networks and the Kutalsi crime family.
- Sieron Yudkovich Mogilevich, another Russian criminal network head, who had sold weapons to Sheikh Ahmed Aburisha, Cemil Bayik, a PKK leader, and also to Kurdish ISIS and other terrorist groups.

This council worked towards the benefit of the oil companies Exxon, Rosneft, Gulf Keystones Petroleum, and ASA Norwegian Oil. Starting in 2007, the Iraqi and Kurdish Governments entered into an agreement to open up Ain Ghazal and Haxali oil fields in Shingal (Sinjar) for oil production. The Kurdish Government started forcing the Yezidi people off our own land: an estimated 300 were forced to move to a new site. In addition, three sacred sites were destroyed.

On August 14, 2007 in the towns of Tilezer and Siba Khidir two car bombs exploded killing 200 Yezidi and wounded 300 Yezidi. The Kurdish government allowed the car bombers to cross the Shingal border even though they were not Yezidi. We know this because two days prior to the attack Aslam Usoyan came with Kurdish Pershmerga and collected Yezidi weapons and placed markers in the areas where the bombing took place. 20 members of the Pershmerga were arrested by Iraqi Police but we are unclear what prosecution took place, if any.

In 2011, the Kurdish administration approved a contract with oil companies Exxon and Rosneft for development in Dohuk and the surrounding areas, including West Mosul: all on Yezidi territory. His government approved applications from foreign and domestic companies promoting destructive large-scale mining operations that encroach on Yezidi land. New economic zones and dams are being built on ancestral lands, while new deals have been clinched by the government for a palm oil plantation expansion covering land in Shingal, Dohuk, West Mosul and Lalish – Lalish being one of our most sacred sites – and which is presently under control of the Kurdish Government for land development.

President Barazni's policy of favoring big foreign and local businesses is at the expense of the poor majority. It is also at the expense of the indigenous Yezidi population's rights to land, territories and resources.

The Yezidi community attempted to engage with the Kurdish and Iraqi governments many times from 2007 to 2011 over land acquisition. While the talks were entered into in good faith by the Yezidi, both the Iraqi and Kurdish governments continued their efforts to seize control of Yezidi lands. In Dohuk an estimated 500 Yezidis were forced off of land in the

Tawke and Atus oilfields, the community well-water system was poisoned, the government burned crop fields and razed homes. The secret police carried out an estimated 100 rapes, and 40 community leaders who were being held as political prisoners disappeared.

In Ninevel, an estimated 1500 Yezidis and other indigenous people were forced off of their lands and 3 square miles of fields were taken from farmers so they could be made into an oil field.

Both governments have employed the resources of the state to attack, criminalize, and target individuals and entire communities. These government resources include the Kurdish Peshmerga, and the Asayish, the Kurdish secret police. They have chosen to make state sponsored terrorism, human sex trafficking, murder, and rape the normal governmental response to demands for equity and equality of human rights, land rights, control over natural resources, and the establishment of an autonomous Yezidi region governed by the Yezidi people. All of which we allege were funded by profits from oil fields placed on seized Yezidi lands; and all of which was supported by President Barzani.

As part of Barazni's policies, Yezidis are forbidden from claiming their Yezidi identity and must identify themselves as Kurdish. The Yezidi religion is often outlawed, medical care is withheld in Yezidi refugee camps by the Kurdish Government, and international aid is withheld from the Yezidis by the Kurdish Government.

In 2011, Rex Tillerson, then President of Exxon, signed an agreement with the Kurdish Government to allow for oil drilling on Yezidi lands. This included the oil fields numbered 31-34 in Doruk and Mosul. This agreement was illegal under Iraqi law because the Iraqi Constitution states that land decisions must involve the indigenous populations when those decisions will affect them.

In 2013, Exxon employed local security forces which fired upon Yezidi activists, killing two of them. The local Kurdish Government and Exxon refused take any action. They turned a blind eye to any claim that Yezidis had for their ancestral land and bought land seized from the Yezidis.

It is estimated that between 2011 and 2013 that over 5,000 Yezidi were forced from their lands so that Exxon could conduct oil drilling and other supporting activities.

In 2014, the Kurdish Government and Barazni offered Yezidi communities in Shingal and Dohuk money to buy them out of their lands, but the Yezidi community leaders turned down this offer in March of 2014.

In August of 2014, the Kurdish Government and the Barazni Council met with ISIS. This was only days before ISIS conducted a major offensive into the Shingal area. Our investigators have collected video footage of Kurdish troops meeting with ISIS outside of Shingal on the morning of the attack. Kurdish troops helped ISIS to carry out genocide by coming in the day before the attack and taking weapons and also boarding up some of the houses of certain religious leaders. On the day of the attack, Kurdish Forces withdrew from the area, but located tanks blocking the main escape routes of the city and also fired upon any Yezidi who attempted to leave the city. After the attack, at the hospital where Yezidi fled to to seek

medical treatment Dr. Kifah Mohammad Kati, Director of the Shingal Hospital denied medical treatment to Yezidi and also committed heinous acts of murder by beginning operations on wounded Yezidi and ceasing medical treatment in the middle of procedures, thus causing the patients to die on the operating table.

On the day of the attack, Mustafa Barzani was leading the Peshmerga troops. Esmat Argashi, head of the Kurdish Secret Police directed members of the secret police to capture and kill Yezidi women and men. Peshmerga General Jala Talabani helped carry out attacks on Yezidi by giving comfort and aid to ISIS soldiers by providing weapons and material support as well as the locations of Yezidi in the city. In the early morning hours of the attack, according to an Anbar Tribal Leader named Mashaan Abraham, in a statement given to our investigator Mohammad Raja on November 11, 2018, he met with Mustafa Barzani and Masoud Barsani in the Presidential Palace in Erbil and discussed the details of the attack.

In September of 2017 we formed our own autonomous government, offered a treaty on autonomy and entered into eleven months of negotiations with the Iraqi Government regarding our rights over land and natural resources. During the period of these talks, President Barzani of the Kurdistan Regional Authority used his military forces to intimidate the Yezidi from pursuing autonomy. This included an attack on the town of Kahnsour on March 17, 2017 which resulted in the deaths of 10, the injuring of 43, and the arrest of some 1,500 individuals, all of which were Yezidi. We have video footage substantiating this accusation.

From 2003 to 2017, 40,000 civilians were killed from attacks by the United States. This information was confirmed in interviews with Hoshiyar Zebari who served as Iraqi Minister of Foreign Affairs and also Deputy Prime Minister and also by counts of bodies collected by civilian hospital workers who were tasked with collecting the deceased.

Medical reports our investigators have been able to collect indicate a high number of birth defects concentrated in very specific areas of Mosul, Anbar, and Fallujah. This according to medical experts, including Dr. Abdul Qader al Rawi, a member of the investigative team indicates that depleted Uranium was used during the attacks by the United States in 2017

In August of 2018 the Iraqi or the Kurdish Government, separately or in connivance, started carrying out extrajudicial killings. These were overseen by both Prime Minister Haider Al Abdul and President Barzani.

In August of 2018 a deal between Iraq, the Kurds, and the US State Department was reached to allow Sunni Kurdish tribal leaders to return to Shingal and hold government positions they held from 2007 to 2014 thus reconstituting the Barzani Council which had dissolved to allow for the ISIS invasion. In this agreement, the area was divided with the Barzani Council given mandate to govern northern Shingal and the PKK a mandate to govern southern Shingal. This deal goes against Iraq's own laws and constitution, which states that no non-Yezidi can govern Yezidi territory. These Kurdish tribal leaders were illegally given government positions in 2003 - 2014 by Barzani as part of his Kurdish-ization program in order to stop our Yezidi indigenous movement for autonomy, and thereby gain control over our land and oil resources.

As a result of their return to power in the Shingal area, the Barzani Council resumed their activities to remove Yezidi from their lands and dislocated 30 Yezidi from their homes. In April of 2018, the United States was informed by representatives of our government that these activities were being undertaken. However, our concerns were dismissed and the US continued to support the Barzani Council and its activities to take land from the Yezidi. This included providing weapons and financial support to the Barzani Council.

At the same time this deal was reached Iraqi Prime minister Haider Al Abdul unilaterally terminated the government's peace talks with the Ezidikhan. This is despite the outcry of numerous sections of the community for an agreement on social and economic reforms to help address the dire need for autonomy, the halting of land seizure, and privatization of public resources by both Iraq and Kurdish Governments for private oil and gas production. He refused to address our complaints against Exxon and the Russian oil company Roseneft and ignored the persecutions against the poor majority, including that of indigenous communities. Rather he further escalated acts of violence in the name of counterinsurgency. Simultaneously President Barazni threatened Shingal. This spawned a massive humanitarian crisis in the region. On August 19th, 2018, killings, torture, looting, bombings and military occupation and operations took place in Shingal and 25 Yezidi lost their homes and 10 were killed.

On June 12, 2019, Peshmerga troops under the command of Mustafa Barzani began setting fires to the crop fields of the Yezidi. 130,000 acres, which constitutes 90% of the Shingal area, were consumed by the fires. Our Investigators have video proof of the fires being set by clearly identifiable Peshmerga troops.

The signing by the Iraqi Government of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007, has yet to be translated into concrete actions to ensure that their obligations to protect indigenous peoples' rights in Iraq are fulfilled.

Criminal offenses against the Ezidikhan Government are a gross distortion of laws, and violations to longstanding jurisprudence. Schemes enacted by the Barzani government are done to impede, deter and/or stop the Ezidikhan Government and our communities from pursuing our autonomy, advocating for our rights as indigenous people, and to control of our land and national resources. The policies of the Iraqi and the Kurdish Governments are meant to further enable privatization of oil production. This is at the expense of the Yezidi people native to the area, and against their will. All of this is in direct violation of the International Covenant on Civil and Political Rights, the UN Declaration of Human Rights and other international laws.

The Provisional Government of Ezidikhan formally requests that the United Nations take the following actions:

1. Conduct a thorough investigation of the actions of the Republic of Iraq and the Kurdistan Region of Iraq regarding the aforementioned treatment of Yezidi.
2. Conduct a thorough investigation of the actions of the United States of America in regards to its use of depleted uranium, white phosphorus, and other weapons of mass destruction during its military campaigns in Anbar, Fallujah, and Mosul from 2003 to

2011, with specific emphasis on the attack on Fallujah that took place from November 27 – December 27, 2004.

3. Establishment of the Independent International Mechanism for a Criminal Tribunal on Genocide for Fourth World Nations.
4. Food and medical aid for the Yezidi people currently living in displacement camps to be distributed by the Provisional Government or a third party independent of Kurdish or Iraqi control and/or influence.
5. Activate the Trusteeship Council for the purposes of assuming trustee status over the area that has been declared Ezidikhan to enable the Provisional Government to fulfill the duties requested of it in the Proclamation by the Supreme Spiritual Council signed in the sacred Yezidi village of Lalish on the third day of Gelawej, year 6767 by the Yezidi calendar and July 25, 2017, according to the Gregorian calendar.
6. Observation of elections to be held on June 20, 2020 for the purposes of formally deciding on status of Ezidikhan, the adoption of a constitution, and the election of the government of Ezidikhan.

For the requests above, we ask that any actions and/or communications regarding them be made in consultation with Minister of Justice Nallein Sowilo, whose contact information is listed in Part I of this form.

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IV. Exhaustion of domestic remedies

1- Steps taken by or on behalf of the alleged victim(s) to exhaust domestic remedies– please provide details on the procedures which have been pursued, including recourse to the courts and other public authorities as well as national human rights institutions*, the claims made, at which times, and what the outcome was:

See Question 2

* National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

2- If domestic remedies have not been exhausted on grounds that their application would be ineffective or unreasonably prolonged, please explain the reasons in detail:

The Government of Iraq and the Kurdish government have a financial and political interest in seeing that the judicial efforts of the Yezidi fail. There have been numerous efforts by the Iraqi and Kurdish governments to impede and end any and all investigative efforts. This has included numerous assassination attempts and unfortunately successes.....

V. Submission of communication to other human rights bodies

1- Have you already submitted the same matter to a special procedure, a treaty body or other United Nations or similar regional complaint procedures in the field of human rights? This has also been referred to the Special Rapporteur on the rights of indigenous peoples. An Individual Complaint has been submitted to The Special Rapporteur on Violence Against Women, Office of the High Commissioner for Human Rights. That Individual Complaint Form is an enclosure to this Form.

2- If so, detail which procedure has been, or is being pursued, which claims have been made, at which times, and the current status of the complaint before this body:

The statement as listed above has been submitted to the Special Rapporteur for their investigation and the complaint is currently under consideration. We have an acknowledgement receipt for the Individual Complaint Form.....

VI. Request for confidentiality

In case the communication complies with the admissibility criteria set forth in Council resolution 5/1, kindly note that it will be transmitted to the State concerned so as to obtain the views of the latter on the allegations of violations.

Please state whether you would like your identity or any specific information contained in the complaint to be kept confidential.

Request for confidentiality (*Please tick as appropriate*): Yes No

Please indicate which information you would like to be kept confidential

Date: 07/15/19

Signature:

N.B. The blanks under the various sections of this form indicate where your responses are required. You should take as much space as you need to set out your responses. Your complaint should not exceed eight pages.

VII. Checklist of supporting documents

Please provide copies (not original) of supporting documents (kindly note that these documents will not be returned) in one of the six UN official languages.

- Decisions of domestic courts and authorities on the claim made (a copy of the relevant national legislation is also helpful):
- Complaints sent to any other procedure mentioned in section V (and any decisions taken under that procedure):
- Any other evidence or supporting documents deemed necessary:

VIII. Where to send your communications?

Office of the United Nations High Commissioner for Human Rights
Human Rights Council Branch-Complaint Procedure Unit
OHCHR- Palais Wilson
United Nations Office at Geneva
CH-1211 Geneva 10, Switzerland
Fax: (+41 22) 917 90 11
E-mail: CP@ohchr.org
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