

## **German court hands down second genocide conviction against ISIS member following enslavement and abuse of Yazidi woman in Syria**

*Press statement by victim's counsel Amal Clooney, Sonka Mehner and Natalie von Wistinghausen, Yazidi NGO Yazda and Nobel Peace Prize Laureate Nadia Murad*

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Today, the Higher Regional Court of Hamburg convicted German ISIS member Jalda A. of aiding and abetting genocide as well as of crimes against humanity and war crimes for the enslavement and abuse of a young Yazidi woman, "M". The defendant was sentenced to five years and six months in prison. This represents the second conviction of an ISIS member for genocide for atrocities perpetrated against the Yazidi religious minority in Iraq and Syria. M was the key witness in the case and joined the proceedings as a co-plaintiff. She is represented by British barrister Amal Clooney and German lawyers Sonka Mehner and Natalie von Wistinghausen.

According to the judgement, which the trial chamber of 3 judges presented orally after an 11-day trial, the defendant travelled from Germany to Syria in April 2014. There she married several high-ranking ISIS fighters, one of whom held M captive as a sex and household slave for a number of weeks in 2017.

The trial chamber concluded that through her actions, the defendant aided and abetted ISIS' attempt to destroy the Yazidi religious group and that the crimes committed amounted to genocide. The Chamber reasoned that it was 'unthinkable' that the defendant was not aware of ISIS' persecution of the Yazidis after having lived in the so-called Islamic State for more than three years and being married to high-ranking ISIS members. Moreover, the accused herself supported ISIS' ideology and spoke of the Yazidi as 'dirty infidels'.

The court found that she facilitated her husband's physical and sexual abuse of M by guarding the woman and preventing her from fleeing. M was raped in the presence of the defendant while she sat on the balcony. The defendant also herself physically abused M on several occasions. This included three instances of particularly severe abuse by the defendant, who dragged M across the floor by her hair, hit her head against the bathroom wall and hit her in the face with a torch. The defendant and her husband also forced M to undertake chores, take care of the defendant's son and pray according to Islamic rules. In addition to aiding and abetting genocide, the judges also found her guilty of crimes against humanity committed through persecution, enslavement and severe deprivation of liberty; and of aiding and abetting crimes against humanity and war crimes.

During her testimony at trial, M bravely took the stand over 2 days to detail – through an interpreter – the ordeal that she suffered at the hands of the defendant. She described the attack on her village, the executions of older boys and women, and the transport of younger girls in cattle trucks to Raqqa. She told the court that ISIS fighters would undress and inspect the girls and tug the ones they liked by their hair and take them away. The accused had denied all responsibility and tried to undermine M's credibility throughout the trial.

In announcing their judgement in M's presence, the trial judges found that M was bought or sold 15 times and raped by 14 'slave owners'. The judge highlighted that without M's credible testimony the defendant could not have been brought to justice.

Following the judgement, M stated: *'I am very grateful to the German judiciary for being so committed to clarifying the crimes that have befallen the Yazidi people and myself, and for putting the members of ISIS on trial. I am concerned with justice for my people and myself, not with the imposition of a particular punishment. There is no punishment for the accused that could undo the suffering. At the end of her sentence, the defendant will be free to live with her family. That has been taken away from me forever.'*

Victim's counsel [Amal Clooney](#) commented on the conviction: *'Today we have reached another milestone in the pursuit of justice. My client put her life on the line so that a court would recognise that what happened to her community was genocide. And today her abuser became the second ISIS member to be convicted of this crime. I salute my client for her bravery. I thank the German authorities for their commitment to prosecuting the ISIS genocide. And I hope that others will finally start to follow their lead.'*

Nobel Peace Prize Laureate **Nadia Murad**, who herself is a survivor of enslavement and torture at the hands of ISIS, commented: *'It is very meaningful that German courts have delivered a second genocide conviction. Justice for genocide and sexual violence is not a one-time deal. We need to show over and over in every case that perpetrators will not receive impunity and that survivors' rights matter. I am grateful to M, whose powerful testimony brought a piece of justice for our community as we near the genocide's 8th anniversary.'*

**Sonka Mehner**, who pleaded on behalf of the joint plaintiff, commented: *'Our client's goal in joining as a joint plaintiff is not to bring the defendant to the highest possible punishment. She wants justice for herself and the Yazidi community. There is no punishment for the defendant that could undo or even alleviate the suffering that happened to her.'*

**Natalie von Wistinghausen** added: *'This conviction demonstrates again that universal jurisdiction is an effective tool to prosecute the most serious international crimes. Returnees who allegedly committed such crimes abroad can and will be held accountable, this is more and more becoming the new reality of German courts and would never be possible without the brave and detailed testimony of survivors like our client.'*

**Natia Navrouzov**, Legal Advocacy Director at the global Yazidi NGO Yazda, which is also represented by Ms. Clooney, added: *'This conviction shows again the power and importance of the voice of survivors in a court of law. Thanks to the testimony of a Yazidi survivor, a second ISIS member is convicted for genocide. But two genocide convictions in eight years is far from enough. We hope that once its new government is in place, Iraq will follow Germany's example and take on a leading role in prosecuting ISIS members for international crimes, ensuring that those same voices of survivors are central to the process.'*

## Background

From August 2014, the Yazidi community in Iraq and Syria was targeted by ISIS through an organised campaign of executions, enslavement, sexual violence, and forced recruitment of child soldiers, as well as the forced displacement of an estimated 400,000 Yazidis from their homeland in Iraq. These crimes have been recognised by the [United Nations](#), national and international bodies and, more recently, the Higher Regional Court of Frankfurt as amounting to genocide. The Higher Regional Court of Frankfurt's decision (against [Taha A.-J.](#)) was the first conviction of an ISIS member for genocide anywhere in the world. This judgement against Jalda A. is the second.

German courts have previously also convicted 5 other ISIS members of crimes against humanity and war crimes for their involvement in ISIS' crimes against the Yazidis in 6 cases. These are the cases against [Jennifer W.](#), [Sarah O.](#), [Nurten J.](#), [Omaima A. \(who faced two separate trials\)](#) and most recently Romiena S. Ms. Clooney, Ms. von Wistinghausen and/or Ms. Mehner represented the Yazidi victims in all of these cases.

On 18 May 2022, Leonora M, another German ISIS returnee, was [convicted](#) by the Higher Regional Court of Naumburg of membership in a terrorist organisation. The proceedings against Leonora M. – like that against Sarah O. – were closed to the public as she was a minor when the events took place.

The victim, M, is a Yazidi and she participated in four proceedings in total, against [Sarah O.](#), [Nurten J.](#), [Omaima A.](#) and Jalda A., as a key witness and co-plaintiff. Before M was held by Jalda A., she was held captive and abused by Sarah O. who was involved in the enslavement of six other Yazidi women. During this period, she was also 'lent' to Sarah O.'s German friends, Nurten J. and Omaima A.

The defendant, Jalda A., was captured by Kurdish forces in late 2017 as she attempted to leave Syria. She was detained at the Roj camp in northern Syria until she was repatriated to Germany in October 2021. She was arrested upon her arrival and [indicted](#) in April 2022. The defendant's husband is [reportedly](#) detained by the Syrian Democratic Forces.

### **Note to editors:**

*Under German law, victims of grave crimes have the right to participate in criminal proceedings as 'co-plaintiffs' alongside the prosecution and defence. The victim is part of a witness protection program and for her safety, her identity cannot be revealed. She is therefore referred to as "M" in this statement.*

*German law normally also does not permit disclosure of defendants' full surnames.*