



Fifth conviction of an ISIS member in Germany for crimes against humanity committed against the Yazidis

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Amal Clooney and German lawyers Natalie von Wistinghausen and Wolfgang Bendler represent the Yazidi victim who participated in the case as a co-plaintiff.

Today, the Higher Regional Court of Munich convicted a German ISIS member for her involvement in the enslavement, abuse and killing of a five-year-old Yazidi girl as well as the enslavement and abuse of the child's mother in Fallujah, Iraq. The 30-year-old woman known as 'Jennifer W.' was found guilty of aiding and abetting crimes against humanity through enslavement, attempted murder and aiding and abetting the war crime of attempted murder by omission, and membership in a foreign terrorist organization. The Chamber of 5 judges sentenced the defendant to 10 years in prison.

The judges found that the defendant travelled to Syria in late August 2014 and later married Iraqi national **Taha A.-J.** Together the couple moved to Fallujah, where they held captive a Yazidi woman and her 5-year-old daughter, Rania, for approximately 6 weeks. They were subjected to almost daily beatings which the defendant often instigated. The defendant and her husband forced the Yazidi mother to do housework and both she and her daughter were forced to pray even though the couple knew that the captives were Yazidis.

In the summer of 2015, the defendant's husband tied Rania to the window grid outside the house, in 45 degrees Celsius heat, as a punishment for wetting the mattress. The defendant and her husband let Rania hang there in the scorching summer sun and she died. Although the defendant had realised that Rania was in a life-threatening situation and would have been able to help, she did nothing to save her.

By late June 2018, the defendant was back in Germany but intended to leave to return to Syria. She was intercepted by an undercover agent working for the German federal police who recorded her discussing the death of her "sabiya" - meaning slave - which then led to further investigations, and ultimately a trial starting in 2019.

Jennifer W. is believed to be the first ISIS member who was put on trial anywhere in the world for international crimes committed against Yazidi victims. Employees of the Yazidi NGO Yazda identified the child's mother, who was then represented by her lawyers Natalie von Wistinghausen, Amal Clooney and Wolfgang Bendler. She was the main witness at trial and testified over 11 trial days before the court. Other relevant evidence that the court based its judgment on included incriminating statements made by the defendant to an undercover agent, forensic expert evidence regarding the child's death and other expert evidence establishing that ISIS' goal was to eradicate the Yazidi population.

The child's mother was present in the courtroom when the judgment was finally handed down. In response to the verdict, she said: "It was very difficult for me to hear the verdict today. All the memories came flooding back. I am glad that after six years the German court determined that the defendant is responsible for my daughter's death, but no sentence in the world will bring her back".

Victim's counsel **Amal Clooney** commented: "This judgment constitutes the fifth conviction of an ISIS member in a German court for crimes against humanity committed against Yazidi victims. It is a significant milestone for my client, a remarkably brave woman who lost her child in brutal conditions. And it is a victory for everyone who believes in justice. I am grateful to the German prosecutors for bringing this case and I hope that we will see a more concerted global effort to bring ISIS to justice".

Natalie von Wistinghausen, who represented the victim during the court hearings in Munich added that: "This judgement also contributes to the accountability of German nationals before their own courts for crimes committed in Iraq in the course of ISIS' campaign against the Yazidi in which they willingly participated. No one should be able to run away from criminal responsibility for such serious crimes, even when committed abroad".

Natia Navrouzov, Legal Advocacy Director at global Yazidi NGO Yazda, which is also represented by Ms. Clooney and has helped identify and locate victims in several criminal proceedings in different jurisdictions, said: "This conviction will mean a lot to ISIS survivors especially the ones who have shared their statements with us in the hope that they will see justice one day. It is also very encouraging for our organisation that has been tirelessly collecting evidence since the first months of the Yazidi genocide, including through interviews of more than 2,000 Yazidi survivors so far. We commend Germany for its leadership in prosecuting ISIS crimes and ask other States to follow the same example because the story of the survivor in this case is one of many others who have also suffered. They wish to face their perpetrators one day in a court room and it is our responsibility not to disappoint them. Today our thoughts are with the survivor in this case and we hope that the judgement will show her that the world cares about her suffering. The road to healing is long but we hope that it can somehow start for her today".

Note to editors:

Jennifer W's husband Taha A.-J. is on trial before the Higher Regional Court of Frankfurt, in the first genocide trial against an ISIS member. The main witness and co-plaintiff in the case against Jennifer W is also the co-plaintiff in the trial against Taha A.-J. where she is represented by Amal Clooney, Natalie von Wistinghausen and Jörg Oesterle. The Taha A.-J. trial is still ongoing, with a judgment currently expected at the end of November 2021.

*German courts have previously also convicted ISIS returnees **Nurten J.**, **Sarah O.** and **Omaima A.** of aiding and abetting crimes against humanity committed against Yazidis. Amal Clooney, Natalie von Wistinghausen and Sonka Mehner represented the victim participating as a co-plaintiff in these trials.*

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. For the victim's safety, her identity cannot be revealed.

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

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For a German version, please click [here](#).

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Yazda is a global community-led institution that protects and champions all religious and ethnic minority communities, including Assyrians, Chaldeans, Kakais, Shabak, Turkmen, and Yazidis in Iraq, Kurdistan Region, and Syria.

Founded in 2014 at the onset of the genocide perpetuated by Da'esh, also known as Islamic State in Iraq and Levant (ISIL) against the Yazidis, as well as war crimes and crimes against humanity against other minorities, Yazda leads advocacy and strategic projects in Dohuk, Sinjar, and the Nineveh Plains, as well as global diaspora hubs.

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