



German court hands down first genocide conviction against ISIS member

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Press Statement by Amal Clooney, Natalie von Wistinghausen and Dr. Jörg Oesterle who represent the Yazidi victim participating in the proceedings as a co-plaintiff; Yazda, an NGO that has been advocating for justice for Yazidis since 2014; and Yazidi survivor and Nobel Laureate Nadia Murad.

In a landmark trial, Iraqi national Taha A.-J. was convicted of genocide, crimes against humanity and war crimes following his enslavement and abuse of Yazidis in Fallujah, Iraq. This represents the first conviction of an ISIS member for genocide anywhere in the world.

According to the judgment, Taha A.-J. joined the terrorist group "Islamic State" (ISIS) sometime before March 2013. In the summer of 2015, he "purchased" and together with his wife enslaved a five-year-old Yazidi girl named Reda and her mother who were part of a group of Yazidi prisoners. They held Reda and her mother as captives at their residence in Fallujah, where they forced them to practice Islam and work as slaves. Both were violently beaten by Taha A.-J. and subjected to other abuse. Reda ultimately died after he chained her outdoors to the bars of the window and left her hanging in the scorching heat as a punishment for wetting the bed. The Higher Regional Court of Frankfurt sentenced the defendant to life imprisonment.

Although Taha A.-J. is not a German national, his victims are not German and his crimes have not been committed on German territory, German courts have jurisdiction over the crimes of genocide, war crimes and crimes against humanity under the principle of universal jurisdiction. His wife, "Jennifer W", a German national, was sentenced in a separate trial last month to 10 years in prison for her own involvement in the crimes against Reda and her mother.

Reda's mother – a member of the Yazidi community from the village of Kocho in Northern Iraq that was one of the targets of ISIS' brutal genocidal campaign – participated in the proceedings against Taha A.-J. as a co-plaintiff after the NGO Yazda identified and located her in Iraq. During the trial, she was represented by a legal team consisting of Amal Clooney and German lawyers Natalie von Wistinghausen and Dr. Jörg Oesterle. The victim was present in the courtroom when the judgment was handed down.

Victim's counsel Amal Clooney commented: "This is the moment Yazidis have been waiting for. To finally hear a judge, after 7 years, declare that what they suffered was genocide. To watch a man face justice for killing a Yazidi girl – because she was Yazidi. There is no more denying it – ISIS is guilty of genocide. I am in awe of my client's courage and grateful to Germany for defending the principle of universal jurisdiction which means that crimes like this must be prosecuted wherever and whenever they occur."

Natalie von Wistinghausen and Dr. Jörg Oesterle added: "The genocide of the Yazidi has already been recognized by international bodies like the UN and the European parliament as well as other national parliaments. But for a court of law to legally define the crimes ISIS committed against the Yazidi people as a genocide is a 'first'. The individual criminal responsibility of the accused in this case could only be proven thanks to the courageous testimony of our client. It's not an easy day for her as this verdict will never bring back her daughter and heal her wounds. But she is relieved that justice prevails for her community, for herself and for her daughter".

Yazidi survivor and Nobel Laureate Nadia Murad commented: "This verdict is a win for survivors of genocide, survivors of sexual violence, and the entire Yazidi community. Thank you to Germany for today's historic conviction. Germany is not only raising awareness about the need for justice, but is acting on it. Their use of universal jurisdiction in this case can and should be replicated by governments around the world".

Natia Navrouzov, Legal Advocacy Director at global Yazidi NGO Yazda, that has helped identify and locate victims in several criminal proceedings in different jurisdictions, said: "Yazidis use the word 'firman' when they speak about genocide. We have all heard this word from our parents, grand-parents and it has crossed generations to qualify numerous genocide attacks Yazidis were subjected to. Recently, this word was carried by ISIS survivors, especially Yazidi female survivors and today it is the first time in Yazidi history that this word takes a legal meaning and is used by a court of law to qualify ISIS crimes against Yazidis. We commend Germany, our legal team and of course, Reda's mother for making this happen and we hope that this decision will empower the Yazidi community to continue their fight for justice and also give hope to genocide survivors."

Note to editors:

German courts have previously convicted the four German ISIS returnees Jennifer W., Nurten J., Sarah O. and Omaira A. of (aiding and abetting) crimes against humanity committed against Yazidis. Amal Clooney, Natalie von Wistinghausen and Sonka Mehner represented the victims who participated as co-plaintiffs 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 in this case 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.