

National Jurisprudence summary

German case of no. 30 November 2021 – 5-3 StE 1/20 - 4 -1/20

The Higher Regional Court of Frankfurt am Main ruled that the defendant (Iraqi national) is guilty of genocide in notional concurrence with a crime against humanity resulting in death, a war crime against persons resulting in death, aiding and abetting a war crime against persons in two notionally concurrent cases, as well as bodily injury resulting in death.

Sentence:

Life imprisonment

Summary

The defendant, who had resided in R. in Syria since at least March 2015 and worked there as head of an IS office, bought witness A, who belonged to the Yazidi religious group, and her 5 year-old daughter as slaves in Syria in June 2015. They had been captured by IS members during the attack on the Sinjar region in summer 2014. He then took her to Iraq, where he forced her to stay in his household, living together with another witness, for several weeks. There they were under the instructions of the defendant, who ruled their entire lives, prohibited them from leaving the property and chastised them on a daily basis in order to discipline them and ensure they remained compliant, meaning that they lived in constant fear of him. Witnesses A and B suffered greatly, both physically and psychologically, due to the living conditions dictated by the defendant and his treatment of them. By inflicting serious physical and psychological harm on B, on the one hand, and witness A, on the other, the defendant endeavoured, in accordance with IS ideology, to targetedly destroy the Yazidi religion, Yazidism itself and its followers, who were of no value to him, in order to establish an Islamic caliphate.

At midday one day – the exact date is unknown – the defendant demanded that witness A stand barefoot on the stone floor of the yard surrounding the house in order to punish and discipline her. At that time, the maximum daily temperatures ranged from 38.1 to 51 degrees in the shade. At the defendant's behest, witness A returned to the house a short while later and, in accordance with instructions, returned to her tasks. However, the defendant became angry because the child had urinated on a mattress due to illness. In order to also punish and discipline B, the defendant tied the five-year-old child to the exterior grille of the living room window in the yard. There B was exposed to direct sunlight and could not move. After tying up the girl, the defendant went back inside. When he returned to the yard after some time, he untied the child, who had suffered heatstroke as a result of being tied up in direct sunlight and, because of the consequences of which, either had already died by that time or died immediately afterwards.