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1 THE PARTIES AND JUDGEMENT

1.1 L. I.

The Parties

The Defendant

L. I.

Public Counsel for the Defense
Lawyer M. W.

The Prosecution

Public Prosecutors R. D. and A. T. W.
Swedish Prosecution Authority
National Unit Against International and Organized Crime
Box 57, SE101 21 Stockholm

Aggrieved party

1. Redacted A

Counsel for the injured party
Lawyer G. H. W.

2. Redacted B

Counsel for the injured party
Lawyer G. H. W.

3. Redacted C

Counsel for the injured party
Lawyer G. H. W.

4. Redacted D

Counsel for the injured party
Lawyer G. H. W.

5. Redacted E

Counsel for injured parties
Lawyer G. H. W.

6. Redacted F

Counsel for the injured party
Lawyer G. H. W.

7. Redacted G

Counsel for the injured party
Lawyer G. H. W.

8. Redacted I

Counsel for the injured party
Lawyer G. H. W.

Judgment

Crimes for which L. I. is found guilty.

Crimes against Humanity, 2015-01-01 – 2015-05-31, Section 2 para 1 cl 5, 7 and 8, and cl 2 of Act (2014:406) on Punishment for Genocide, Crimes against Humanity and War Crimes in the wording in force prior to 1 January 2022

Genocide, 2015-01-01 – 2015-05-31, Section 1 para 1 cl 2 and 5 and cl 2 of Act (2014:406) on Punishment for Genocide, Crimes against Humanity and War Crimes in the wording in force prior to 1 January 2022

Aggregated War Crimes, 2015-01-01 – 2015-05-31, Section 4 par 1 cl 2 and 7, and Section 11 of Act (2014:406) on Punishment for Genocide, Crimes against Humanity and War Crimes as in wording in force prior to 1 January 2022

Sentence

12-year prison sentence

Reported sections of laws

A new sentence has been imposed for new and newly discovered criminality. Previous sentences (Chapter 34, Section 1 para 1 and Chapter 34, Section 2 of the Penal Code) have been taken into account for newly discovered criminality.

Damages

L. I. is ordered to pay damages to Redacted A in the sum of SEK 150,000. L. I. is further ordered to pay interest on the amount pursuant to Section 6 of the Interest Act (1975:635) of 31 May 2015.

L. I. is ordered to pay damages to Redacted B in the sum of SEK 150,000. L. I. is further ordered to pay interest on the amount pursuant to Section 6 of the Interest Act (1975:635) of 31 May 2015.

L. I. is ordered to pay damages to Redacted C in the sum of SEK 150 000. L. I. is further ordered also pay interest on the amount pursuant to Section 6 of the Interest Act (1975:635) of 31 May 2015.

L. I. is ordered to pay damages to Redacted D in the sum of SEK 150 000. L. I. is further ordered to pay interest on the amount pursuant to Section 6 of the Interest Act (1975:635) of 31 May 2015.

L. I. is ordered to pay damages to Redacted E in the sum of SEK 150,000. L. I. is further ordered to pay interest on the amount pursuant to Section 6 of the Interest Act (1975:635) of 31 May 2015.

L. I. is ordered to pay damages to Redacted E in the sum of SEK 150,000. L. I. is further ordered to pay interest on the amount pursuant to Section 6 of the Interest Act (1975:635) of 31 May 2015.

L. I. is ordered to pay damages to Redacted F in the sum of SEK 150,000. L. I. is further ordered to pay interest on the amount pursuant to Section 6 of the Interest Act (1975:635) of 31 May 2015.

L. I. is ordered to pay damages to Redacted G in the sum of SEK 150,000. L. I. is further ordered to pay interest on the amount pursuant to Section 6 of the Interest Act (1975:635) of 31 May 2015.

Confidentiality

The confidentiality provision in Chapter 35, Section 12 of the Public Access to Information and Redacted Act (2009:400) shall continue to apply to information disclosed at the

hearing in camera that can reveal the identities of the injured parties and of Redacted K and Redacted L and the information contained in the appendices to this judgment. This includes identity data and other data that may lead to identities being revealed.

The confidentiality provisions of Chapter 15, Section 1 and Chapter 18, Section 17a, of the Public Access to Information and Redacted Act (2009:400) shall continue to apply to information presented at an in camera hearing resulting from reports submitted by UNITAD and Germany within the framework of police cooperation with conditions of non-publication.

The confidentiality provisions of Chapter 15, Section 1 and Chapter 18, Section 17a, of the Public Access to Information and Redacted Act (2009:400) shall continue to apply to hearings of injured parties held in the framework of cooperation with UNITAD and with Germany in the framework of police cooperation with conditions of non-publication.

Crime Victims Fund

L. I. is ordered to pay SEK 800 to the Crime Victims Fund.

Costs and reimbursements

M. W. is awarded costs from the government in the sum of SEK 1,046,410.

These costs consist of:

- SEK 747,525 time spent
- SEK 79,450 loss of time
- SEK 10,153 expenses
- SEK 209,282 VAT

G. H. W. is awarded costs from the government in the sum of SEK 877, 005.

These costs consist of:

- SEK 583,158 time spent
- SEK 67,098 loss of time
- SEK 51,348 expenses
- SEK 175,401 VAT

The costs are to be borne by the government.

Other

In the event that L. I. is granted conditional release from imprisonment sentenced by Stockholm District Court in its judgment of 4 March 2022 in Case B 20218-20, she is to be immediately detained. This applies until the custodial sentence can be enforced.

2 PETITIONS

2.1 Charge 1

The Prosecution seeks the conviction of L. I. for Crimes against Humanity under Section 2 para 1, cl 2, 5, 7 and 8 and cl 2 of Act (2014:406) on

Punishments for Genocide, Crimes against Humanity and War Crimes in the wording prior to 1 January 2022.

The Prosecution seeks the conviction of L. I. for genocide in accordance with Section 1 para 1 cl 2 and 5 and para 2 of Act (2014:406) on Punishments for Genocide, Crimes against Humanity and War Crimes in the wording in force prior to 1 January 2022.

The Prosecution seeks the conviction of L. I. for aggravated war crimes under Section 4 para 1, cl 2 and 7, and para 11 of Act (2014:406) on Punishment for Genocide, Crimes against Humanity and War Crimes in the wording in force prior to 1 January 2022.

The Prosecution has presented the following statement on the criminal acts as Charged.

**GENOCIDE, CRIMES AGAINST HUMANITY and AGGREVATED
WAR CRIMES**

whereas since 1 January 2012 there has been a non-international armed conflict in Syria, causing hundreds of thousands of deaths and forcing millions of people to flee; whereas several armed groups have taken part in the conflict, including the violent Islamist group that developed into the terrorist organization Islamic State (IS).

In April 2013, L. I. travelled to the conflict zone in Syria, with the aim of helping to establish an Islamic state under a strict Salafist interpretation of Islam and controlled by a violent Islamist armed group – from the summer of 2014 the terrorist organization IS.

In the summer of 2014, IS established control over a large territory in Syria and Iraq and created a state-like structure, the so-called Islamic State, under a strict Salafist interpretation of Islam. In this context, the armed conflict expanded to Iraq.

L. I. lived in the so-called Islamic State in Syria from July 2014 to February 2019.

IS has committed genocide, crimes against humanity and aggravated war crimes against the Yazidi minority

The Attack and Initial Aggression

On 3 August 2014 IS armed groups, in a targeted and coordinated assault, attacked several villages, including Kocho, Tal Banat, Sinjar, Solagh and Tal Qasab, which were mainly populated by the Yazidi community, a religious minority group on and around Mount Sinjar in northern Iraq. The attack, which lasted several months, constituted a widespread and systematic assault on the Yazidis, mostly civilians.

During the attack, the armed group IS, consisting of a large number of unknown assailants (IS), carried out the following acts, all with the aim of completely or partially annihilating the Yazidi community as such.

- In villages, a large number of women and children were separated from the men by IS.
- A large number of men and elderly women and children were abducted by IS and have been killed or are still missing.
- Yazidi men, women and children were taken prisoner and forced to convert to Islam.
- Religious buildings and other culturally significant property of the Yazidi community were destroyed.
- Women and children were taken prisoner and removed to various IS controlled buildings and assembly points, including a school in Tal Afar and a wedding venue 'Galaxy Hall' in Mosul, as well as other locations in Iraq.
- Yazidi women, children and men were subsequently enslaved.

As a result, in violation of general international law, women, children and men, including Redacted A-I, were forcibly displaced from the aforementioned locations in northern Iraq to various locations within the so-called Islamic State controlled area of Iraq and Syria by the armed group IS.

Crimes in Raqqa

IS controlled, within the territory of the so-called Islamic State, the city of Raqqa in Syria from August 2014 and introduced a state-like structure and order whereby, inter alia, the Yazidi community was deprived of

fundamental rights and freedoms.

Yazidi women, children and men in Raqqa were considered slaves/property belonging to unknown offenders affiliated with IS.

Yazidi women, children and men in Raqqa have hereby at the hands of unknown offenders affiliated to IS:

- Killed by extrajudicial executions.
- Subjected to serious and brutal physical attacks on their life, health, and physical person via systematic beatings, or otherwise subjected to physical violence sanctioned by the prevailing state order.
- Enslaved and subjected to the slave trade, such as, by being bought and sold in markets or through online sales pages.
- Called slaves / sex slaves “sabaya”, infidels or other offensive names and in so doing being subjected to humiliating and derogatory treatment.
- Detained, arrested, or otherwise restricted in their freedom of movement by being locked in residences or other buildings/houses controlled by IS, or otherwise forcibly assigned and restricted to these spaces.
- Prohibited from practicing any customs attributed to Yazidism or speaking their own language.
- Under threat of violence forced to convert to Islam and practice Islam.
- Deprived of their right to raise their children in accordance with Yazidi beliefs, culture and prevented from passing on to children important customs and traditions for the group.
- Systematically subjected to gross sexual abuse (women and children) such as rape, other acts comparable with rape and forcing them into sexual slavery, partly in households belonging to IS affiliated persons, and in other places such as buildings where women were held captive solely to be subjected to sexual slavery by regularly being subjected to rape and other sexual abuse.
- Forced into slave labor in households (women and children) belonging to IS affiliated persons.

Furthermore, unknown perpetrators affiliated with IS have forcibly abducted children under the age of 18 of the Yazidi community to the households of IS affiliated persons, and Yazidi boys under the age of 15

have been recruited by IS armed groups and used as child soldiers in hostilities.

Acts carried out under the rule of the IS armed group in Raqqa, Syria, have been part of a widespread and systematic attack against the Yazidi community *and* have been aimed at the total or partial genocide of the Yazidi community. Such acts have been part of or otherwise related to an armed conflict.

L. I.'s liabilities

L. I. has at some time between 3 August 2014 and the first quarter of 2015, together and in concert with other offenders and, with insight into the above-mentioned circumstances, bought/acquired/received/retained prisoners in the first instance Redacted H (born 1998) with a minor child Redacted I (born 2007), hereafter Redacted A (born 1994), with two minors Redacted B (born November 2014) and Redacted C (born 2008), and finally Redacted D (born 1978) with three minors, Redacted E

(born 2005), Redacted F (born 2006) and Redacted G (born 2013), all civilians, protected persons, Yazidis, in their residence in Raqqa, Syria.

From then on, L. I., alone or together and in concert with other offenders affiliated to IS, has during the period from autumn 2014 to 1 July 2015 in her home:

- a) Subjected Redacted A-I to extensive suffering when L. I. and other offenders treated and considered them to be their property / slaves.
- b) In contravention of general international law, they deprived Redacted A-I of freedom in their home and prevented them from leaving the home and, for long periods of time, confined them to rooms in the home to which they had been directed. Such deprivation of freedom lasted from 20 days to seven months.
- c) By force, children Redacted B, C, E, F, G and I were taken to the building, and in so doing to the group of people that adhere to the IS ideology and practiced Islam, and L. I. has thus forcibly separated children from the group of Yazidis and transferred them to another group.
- d) Forced Redacted A and D to perform housework/forced labor or to

perform such housework/forced labor under conditions of slavery under the control of L. I. Redacted D was also forced by L. I. to work in another household in Raqqa, Syria.

e) By being armed with an explosive belt / vest and having access to weapons and by showing videos of executions carried out by IS, instilled such fear into Redacted A-I that they did not dare to protect themselves.

f) Abused Redacted A, B and C by L. I such as:

i. Grabbing the hair of Redacted A and throwing/forcing her to the floor, then smashing Redacted A's head against the floor three times and pressing her foot and/or knee against Redacted A's head when she lay down causing dizziness, pain and swelling,

ii. throwing a glass against Redacted A hitting her in the breast, causing her to fall to the floor in pain,

iii. striking Redacted A on repeated occasions and scratching her in the face inflicting pain and causing her to turn white in the face.

iv. Threatening Redacted A on repeated occasions by saying she would kill her, which was likely to instill extreme fear for her personal safety.

v. Repeatedly pushing/shoving Redacted C and on repeated occasions spitting on Redacted A.

vi. Holding her hand over the mouth of Redacted B, at the time about one month old, to stop him screaming, which would likely make Redacted B to feel suffocated and in discomfort.

g) Forcing Redacted A, C, D, E, F, H and I to become practicing Muslims, by L. I., alone or through another party, providing compulsory teaching on the Qur'an, to pray five times a day, and preventing all the victims (including B and G) from speaking or learning their own language, practicing their religion, and other customs and traditions important to Yazidis.

h) Forced Redacted A, C, D, E, F, H and I to wear a full niqab or other clothing foreign to their culture/Yazidis.

i) Calling all the victims 'slaves', 'sabaya', 'infidels' and 'kuffar' or other offensive names with similar meaning and ordered them to forget their religion, their relatives and their past lives and instead become Muslims within IS.

j) On various occasions forcibly seeking to photograph, have photographed or had photographed Redacted A, B, C and D, E, F, G in order to sell them on the IS slave market for Yazidis. The photographing

and attempts have inculcated extreme fear and anxiety among the victims as this meant that they would be sold or otherwise suffer an unknown fate and risk separation from family members.

k) Allowed all the victims to endure oppressive conditions, including inadequate food, heating and clothing.

l) Redacted H was subjected to humiliating and derogatory treatment by a perpetrator in the residence who forced H, to sleep in the same bed as him, contrary to her cultural and religious values. L. I. has, by helping to maintain this lack of freedom, contributed to the co-offender being able to subject Redacted H to such humiliating and derogatory treatment.

m) In violation of international law, children have been deprived of the right to schooling or of rights and freedoms to which they are entitled.

n) Through coercion, during the period above, on various occasions sold/provided/transferred Redacted A-G to other persons within IS with the knowledge this could lead to each of them being killed or subjected to particularly severe suffering, serious sexual abuse, the separation of the children from their only surviving parent or other close relatives and further complicate the possibilities for them to be reunited with their ethnic group.

Through the above-mentioned actions, L. I. has subjected the injured parties to extreme suffering, torture or other inhuman treatment and subjected the injured parties to humiliating and degrading treatment that is likely to seriously violate their personal dignity. Furthermore, by the actions described above, L. I. has persecuted the victims by depriving them, in breach of general international law, of fundamental rights based on cultural, religious, gender or other motives prohibited by general international law, including age.

All the acts committed by L. I. were part of a widespread and systematic attack directed against the Yazidi community and aimed at the total or partial genocide of the Yazidi community as such. The acts have been part of or otherwise related to an armed conflict.

War crimes are to be regarded as serious when they are directed against children and when the acts have been part of a plan or as part of a large-scale crime and when the acts have caused severe human suffering.

Alternatively, L. I., in so far as she is not to be regarded as the offender, has, through the above-mentioned actions, promoted the genocide, crimes against humanity and serious war crimes committed by unknown offenders of the IS armed group against Redacted A-I in Syria and Iraq.



2.2 Damages

Redacted A seeks damages of SEK 150,000 against L. I. Interest pursuant to Section 6 of the Interest Act (1975:635) is also claimed on the amount from 1 July 2015.

Redacted B seeks damages of SEK 150,000 against L. I. Interest pursuant to Section 6 of the Interest Act (1975:635) is also claimed on the amount from 1 July 2015.

Redacted C seeks damages of SEK 150,000 against L. I. Interest pursuant to Section 6 of the Interest Act (1975:635) is also claimed on the amount from 1 July 2015.

Redacted D seeks damages of SEK 150,000 against L. I. Interest pursuant to Section 6 of the Interest Act (1975:635) is also claimed on the amount from 1 July 2015.

Redacted E seeks damages of SEK 150,000 against L. I. Interest pursuant to Section 6 of the Interest Act (1975:635) is also claimed on the amount from 1 July 2015.

Redacted F seeks damages of SEK 150,000 against L. I. Interest pursuant to Section 6 of the Interest Act (1975:635) is also claimed on the amount from 1 July 2015.

Redacted G seeks damages of SEK 150,000 against L. I. Interest pursuant to Section 6 of the Interest Act (1975:635) is also claimed on the amount from 1 July 2015.

Redacted I seeks damages of SEK 150,000 against L. I. Interest pursuant to Section 6 of the Interest Act (1975:635) is also claimed on the amount from 1 July 2015.

All the injured parties support the prosecution.

3 SUMMARY

The case concerns attacks by the Islamic State (IS) against the Yazidi community, which began with coordinated attacks against Yazidi villages in the Sinjar area of Iraq on 3 August 2014. The prosecution claims that, through the attacks and subsequent treatment of Yazidi women, men and children, IS committed genocide and crimes against humanity against the Yazidi community and committed aggravated war crimes.

L. I. is charged with genocide, crimes against humanity and aggravated war crimes against persons in Raqqa in 2014 and 2015. The injured parties in the case are women and children belonging to the Yazidi community.

There has been an extensive investigation into the case. A large part of the documentary evidence consists of international reports of various kinds and focuses primarily on IS actions towards the Yazidi population. As regards specific allegations against L. I., evidence consists mainly of the assertions presented by the injured parties. Other evidence cited, mainly in relation to L. I.'s ideological conviction and conditions within IS, has a bearing mainly on questions of intent and the purpose of the acts.

The investigation shows that Yazidis are a predominantly Kurdish-speaking ethno-religious minority historically linked to the area around the Sinjar Mountains in northern Iraq. Yazidis consider their faith to be one of the oldest religions in the world, with roots in ancient Mesopotamia. Conversion is not possible as you must be born into the religion by having two Yazidi parents. In this case, the Yazidis are considered to be a religious community protected by the genocide provision.

The investigation shows that in the summer of 2014 IS declared a caliphate in Iraq and Syria with Raqqa as the capital. IS created a state-like structure under a strict Salafist interpretation of Islam controlled by a violent Islamist militia.

IS aggression against the Yazidi population began with coordinated attacks on Yazidi villages in Sinjar in August 2014. The attack was well organized with hundreds of IS fighters in concert taking towns and villages around the Sinjar Mountains. There were few military targets in the region and IS focused on capturing Yazidis. IS had an explicit strategy towards the Yazidi population that meant that it would be eliminated in various ways. The aim was also to populate the IS caliphate.

In short, the strategy was that the Yazidis would either be killed or forced to convert to Islam or otherwise be forced to join the group that was supporters of IS. The intention was also to influence the composition of the Yazidi group in the longer term by prevent the birth of more Yazidi babies.

To implement the strategy, IS introduced a formalized and comprehensive system of slavery for the Yazidi population, mainly women and children. The investigation has shown that IS captured thousands of Yazidis in connection with the attacks. The men were executed immediately if they refused to convert. Children and women were detained and forcibly transferred to various assembly points and IS bases; Through intimidation and violence, they were forced to practice Islam and perform domestic work. Women and girls from the age of 10 were raped, with the aim of displacing them from the Yazidi group or to give birth to children who would become part of IS and the caliphate. During captivity, there was a continuous separation process. Women and girls were taken to IS affiliated households to be domestic slaves or sex slaves and to be forcibly converted. Boys from the age of 10 were taken to IS military camps. Many children were separated from their mothers and other female relatives in extremely brutal ways.

The investigation has shown that IS has carried out, inter alia, extrajudicial killings, family separations, imprisonment, slavery, forced conversion, forced labor, serious physical abuse, serious sexual abuse and rape, forced displacement, recruitment of child soldiers and abusive treatment of the Yazidi community.

It has also been shown that IS crimes against the Yazidi community have had

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far-reaching consequences. Yazidis have been forced to leave their homes in Sinjar and are unable to return, which has led to the splintering of the Yazidi community across different parts of the world. A large number of Yazidis live in camps in Iraq, and many have still not been accounted for. Yazidis who survived have in most cases suffered from very serious mental health problems. Many have also lost their Yazidi identity, language and culture.

The investigation has shown that the aim of these acts has been to destroy the Yazidi ethnic group completely or partially by physically destroying it and that from a social and cultural perspective the group would cease to exist. This has also been part of a widespread and systematic attack targeting the Yazidi civilian community and linked to the ongoing armed conflict, to which IS was a warring party.

The District Court has ruled that IS can be considered to have committed genocide, crimes against humanity and aggravated war crimes against the Yazidi community.

The injured parties in the case consist of nine Yazidi women and children in total. At the time period the case concerns, one of the women was of lower middle age, one was in her twenties and one girl was sixteen. Of the six children, one was newborn, one was two years old and four were between six and nine years old. They belonged to three different families and came from different villages in Sinjar.

The investigation has revealed that all the injured parties were captured by IS in connection with an attack on the Yazidi villages, after their male relatives had been executed. Together with a very large number of other Yazidi women and children, they were forcibly transferred between detention centers, first in Iraq and then in Syria. The injured parties were subjected to varying degrees of assault and abuse by men affiliated with IS and were forced to live in oppressive conditions without food or clean water. They were forced to practice Islam and do housework. The women were subjected to systematic rape. Three of the children were separated from their mothers. The injured parties became subject to the slave trade when they were transferred between

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different men within IS. After about five months in captivity and enslavement, they came to L. I.'s residence.

L. I. acknowledges that the injured parties were in the same house in which she lived. However, concerning the alleged crimes against the injured parties, she has denied all the acts and stated that she had nothing to do with the injured parties as they belonged to the man who owned the house.

The District Court has judged that the interviews with the injured parties are credible and that the information they provided is reliable as a starting point. L. I.'s statements have therefore largely been judged to be disproven.

It has been considered proven that L. I. had imprisoned the injured parties and treated them as her property and slaves, in the majority of cases, for almost five months. During this time, the injured parties were under the control of L.I. who also subjected them to abuse of various kinds. Such as:

- forcing the injured parties to become practicing Muslims by forcing them to participate in teaching about Islam, reciting the Qur'an and praying five times a day.
- forcing them to wear clothes of religious significance such as the hijab or niqab, - severely restricted the freedom of movement of the injured parties inside the house,
- prohibiting them from practicing their Yazidi religion and culture and from speaking their Kurmanji language.
- abusing and molesting some of the injured parties and referring to all of them with offensive remarks as 'infidels' or 'slaves'.
- showing propaganda videos where Yazidis are executed by men affiliated with IS and in connection with this saying that IS will kill all infidels,
- forcing them to perform household chores under slave-like conditions, - providing the injured parties with limited amounts of food and supplies, - participating in photographing some of the injured parties with a view to their further transfer.
- providing some of the injured parties to other persons within IS.
- participating in the transfer of some of the injured parties to other persons within IS.

It has been established that, by her actions, L. I. has perpetuated the deprivation of liberty and enslavement of all the injured parties initiated by IS in

connection with the August 2014 attack. As a result, and as she was also involved in the trafficking of some of the injured parties, she is responsible for the continuation of the deprivation of liberty and their enslavement. Some of the injured parties were freed through smugglers a few months after they left the home. However, three of the school-age children were not released until two, three and seven years later, respectively. The older girl is still missing.

The investigation has shown that the injured parties have suffered from severe mental health problems. Their trauma is likely to be lifelong, implying widespread and long-term difficulties in living a normal life. The injured parties have also lost much of their Yazidi culture and traditions. This is especially true for the children. When some of the children were freed after several years in captivity, they could no longer speak Kurmanji, only Arabic. They also had no knowledge of the Yazidi religion and culture, and they had the impression that they were Muslims.

It is further proven that L. I. has shared the ideology of IS and was in Syria to contribute to the establishment of an Islamic state. Enslavement forced conversion and forced domestic labor were part of IS ideology and tools to annihilate the Yazidi community. L. I. has shared IS annihilation aims. Her actions are similar to other actions carried out with a common underlying strategy, which, by their very nature, put the Yazidi community at risk of total or partial destruction. The acts against the injured parties have also formed part of a pattern of actions against the Yazidi civilian population which, taken together, constitute a widespread and systematic attack against them. The establishment of the caliphate by IS was the main motive for L. I.'s actions. As such, there was a clear connection with the ongoing armed conflict.

The District Court has assessed that L. I. has committed genocide by subjecting the injured parties to severe suffering and by forcibly transferring children from the Yazidi community to the group that was in sympathy with IS. She has committed crimes against humanity by subjecting the injured parties to severe suffering through inhuman treatment, slavery, imprisonment and persecution. She has committed an aggravated war crime against a person by subjecting the

injured parties to extensive suffering and humiliating and degrading treatment intended to seriously violate their personal dignity.

Taking into account that, for example, the crimes have different protective mechanisms, the District Court has found that L. I. should be tried and sentenced for all three crimes concurrently.

The penal value of the crime has been assessed as equivalent to imprisonment for sixteen years. The reasons for this include the fact that crime constitutes not only an extremely serious violation of the life and integrity of individuals, but also of basic human values and humanity. Exercising ownership over another person is a tremendous violation of that person's integrity when you take away that person's right to self-determination and human dignity. L. I. has been part of the systematized and extensive enslavement system that IS introduced. She has been very active and dedicated in the forced conversion of the injured parties and in that respect very much with the aim of ethnic cleansing. There are nine injured parties, most of whom are children, who L. I. has subjected to very serious violations and severe suffering that will affect the rest of their lives.

In view of the fact that a previously imposed sentence has been taken into account, the term of the custodial sentence has been set at 12 years.

With the support of Syrian law, the injured parties have been deemed to be entitled to damages.

4 BACKGROUND

4.1 Introduction

The case concerns IS attacks on the Yazidi people in Sinjar in August 2014 and the ensuing course of events. The prosecutor has alleged that IS committed genocide and crimes against humanity against the Yazidi population and also committed aggravated war crimes.

L. I. is indicted in the case for genocide, crimes against humanity and aggravated war crimes against persons in Raqqa in 2014 and 2015. There are nine injured parties, all of whom are Yazidis, who were the victims of the IS attack in Sinjar in August 2014. In short, the prosecutor claims that L. I. enslaved and imprisoned the injured parties, forcing them to do domestic work, mistreating them and making defamatory statements against them. L. I. is also accused of forcing her victims to become practicing Muslims by forcing them to recite the Qur'an and participate in prayers. She also forbade them from speaking their language and engaging in Yazidi religious and cultural practices. L. I. is alleged to have committed the acts with the aim of destroying, in whole or in part, the Yazidi community as such.

The Prosecutor relies on Section 1, first paragraph, clauses 2 and 5, Section 2, first paragraph, clauses 2, 5, 7, 8 and Section 4, first paragraph, clauses 2 and 7 and Section 11 of the Act (2014:406) on penalties for genocide, crimes against humanity and war crimes in the version in force before 1 January 2022. As far as this case is concerned, the content is the same as in the current Act (2014:406) on penalties for certain international crimes. The District Court will only refer to the Act on punishment for genocide, crimes against humanity and war crimes.

4.2 General outline

The prosecutor contends that IS attacked the Yazidi community in various ways with the aim of completely or partially exterminating the population

group. According to the indictment, L. I. shared this extermination aim and her actions should be seen as part of IS attack on the Yazidi community.

As the case concerns the Yazidi community, the District Court opens by briefly describing Yazidism and how Yazidis have traditionally lived, as well as their core religious and cultural traditions.

In addition, the District Court briefly describes the emergence and stance of IS during the period in question in the case, plus L. I.'s personal circumstances.

The prosecutor has presented a comprehensive investigation into the case. The District Court present this in Section 6. This provides a brief account of the international bodies that produced the reports cited and of the experts heard in the case. Other documentary evidence is also provided. It also describes how interviews with the victims were quoted and the examinations of which witnesses.

The District Court then proceeds to a general part about the actions of IS and how these actions should be evaluated. As has been seen, this is the starting point for the trial of the charges against L. I. The general part begins with a section on the legal rules, the District Court then presents investigations into IS actions, and finally describes an assessment of how IS actions should be characterized. These elements can be found in sections 7-11.

The charges against L. I. are dealt with in sections 12-26. This part begins with a more detailed outline. In short, the introductory sections relate to the assessment of what the victims have said, L. I.'s testimony, and then the specific assertions concerning such actions are adjudicated. Based on what has been proven, how the acts are to be assessed under the Act on Punishments for Genocide, Crimes against Humanity and War Crimes is examined. The final questions concern assessments of penalties and damages, etc.

It can already be worth mentioning here that the judgment includes certain

repetitions of the District Court conclusions in the various parts. The reason for this is, on the one hand, the alleged acts are related, and, on the other hand, it increases readability. The intention is that the general part and the part dealing with the prosecution of L. I. can, in principle, be read separately.

4.3 About Yazidis¹

Yazidis are a predominantly Kurdish-speaking ethno-religious minority historically associated with the Sheikhan District and Sinjar Mountains in Iraq. Their religion is not considered an Abrahamic faith. Yazidis believe that their faith is one of the world's oldest religions, with roots in ancient Mesopotamia. Conversion to Yazidism is not possible. One is born into the religion by having two Yazidi parents. There are no reliable figures concerning the number of Yazidis in the world and estimates range from 200,000 to 1,000,000. The largest group – over 100,000 – previously lived in the aforementioned areas of Iraq. As the District Court will return to, this group has been decimated since 2014. Outside Iraq and Syria, a larger group live in Armenia and Georgia. With regard to Western Europe, Germany and Sweden are likely to have the largest Yazidi populations.

¹ Primarily obtained from the Swedish Agency for Support to Faith Communities, publication series no. 7, Religious minorities from the Middle East, 2017 p 54

Yazidis speak Kurmanji, which is a Kurdish dialect, and the Yazidis have a very rich narrative tradition. The Yazidi religion does not have a unified collection of texts or set of dogmas, instead it has an extensive volume of hymns, legends, and narratives of a more or less local character. This diversity can be partly explained by the fact that Yazidi traditions have mainly been passed on orally and there is no canonized text collection. Research suggests that it is a religion focused on orthopraxis rather than orthodoxy. Acting and living in accordance with cultural patterns is therefore more important than having the right set of beliefs. Yazidi temples and shrines are central to the performance of rites.

Yazidism is perceived as monotheistic, centered around the idea of a god who created the world but then entrusted it to seven archangels. These are called the ‘seven mysteries’ and are led by Melek Taus, an angel who is believed to have fallen to earth and turned into a peacock. Melek Taus is the most prominent symbol of the Yazidi religion. Another important symbol is the snake. The snake is believed to have saved humanity by using its body to plug a hole in Noah’s Ark. However, those two symbols are associated with Lucifer in the Abrahamic religions, with the result that the Yazidis have been misunderstood as ‘devil worshippers’.

Yazidi traditions are often linked to taboo beliefs, which has given rise to the caste system as well as to dietary rules. These can have an impact on both individual and social life. Some rules, such as traditionally marrying only within one’s own group or respect towards religiously learned men, are observed by most, while other taboos have lost their topicality. Yazidi beliefs about the special status of one’s own people and the purity of blood have meant that marrying out to a non-Yazidi leads to exclusion. Yazidi women who have had sexual relations with non-Yazidi men have been considered to be unclean.

On 3 August 2014, Yazidi villages around Sinjar province came under attack. The District Court will return to this, as it is this attack and the subsequent course of events that are on trial in this case. However, it can already be stated here that Yazidi villages were destroyed, a large number of Yazidis were killed or captured and some fled. Of those captured, IS enslaved Yazidi women who were then sold and used as sex slaves. These exceptional circumstances persuaded the highest Yazidi leaders to issue a decree that these women should not only be welcomed back but also seen as the purest of the Yazidis.

Sinjar region in northern Iraq



4.4 The Conflict in Syria and the Emergence of IS

In 2011, the Arab Spring spread to Syria and peaceful protests by various political and religious groups erupted against President Bashar al-Assad's rule. The demonstrations were met with violence by the regime and the opposition grew and became radicalized. A large number of domestic armed groups, including violent Islamist groups, emerged and the conflict developed into a civil war. The Al Qaeda-affiliated organization

Islamic State in Iraq (ISI) expanded to Syria in spring 2013 and changed its name to Islamic State in Iraq and al-Sham/The Levant (IS/ISIL).

IS/ISIL was one of the main actors in the conflict in Syria and conducted large-scale offensives in Iraq in the summer of 2014. IS/ISIL taking over several cities, including Mosul, and eventually controlling large areas on both sides of the Syrian-Iraqi border. In late June 2014, IS/ISIL proclaimed its caliphate with Raqqa as its self-proclaimed capital and changed its name to Islamic State (IS).

As IS strengthened its role in the areas it controlled, state-like structures were set up with extensive bureaucracy, Islamist courts, border controls, training camps and rules. Intensive propaganda work was carried out. Many foreign so-called IS fighters travelled to join IS and settle in the caliphate. The last stronghold of IS, Baghuz, fell in 2019.

4.5 About L. I.

L. I. was born in 1972 and grew up in a Christian Iraqi family in Halmstad, Sweden. She is a trained nurse but has mainly worked as a teacher. She met J. M. in the mid-90s. He was a Muslim and L. I. converted to Islam. They married in a Muslim ceremony in 1996, and the following year they formally entered into marriage. They lived together in Halmstad but moved around the turn of the millennium to Lund, Sweden, where they socialized with other Muslim couples. They subsequently divorced and lived for long periods in different countries but remained in contact and had dealings with each other.

Between 1997 and 2013, L. I. and J. M. had six children together. Their eldest daughter was born in 1997. Sons O. and J. were born in 1999 and 2001 respectively. Their twin daughters were born in 2006 and their youngest son was born in June 2013.

After her divorce in 2002, L. I. and the children moved to the United Arab

Emirates where she worked as a teacher. With certain breaks she lived there until 2009 when she moved to Sweden. The following year, she moved with her children to England. She also worked there as a teacher. L. I. has explained that one reason why she worked and lived abroad was the difficulty of finding work in Sweden because she wore a burqa.

In the summer of 2012, L. I. and the children celebrated Ramadan together with J. M. in Egypt. L. I. became pregnant, and they got married again. The family remained in Egypt and L. I. worked as a teacher. J. M. did not stay in Egypt. L. I. has told us that he stated that he was in Turkey and wanted the family to move there. At the end of 2012, the eldest son O. went to his father. In April 2013, the rest of the family went to Turkey and were taken across the border to Syria by car, where they were reunited with J. M. and O. They lived together with J. M.'s second wife in the village where they had arrived.

On 5 August 2013, J. M. was killed in battle. The family moved to different locations in Syria and settled in July 2014 in Raqqa. Later that year, L. I. married an Iraqi man who was a member of IS. They lived together in Raqqa at the time in question. Her son O was killed in combat in 2016. The family left Raqqa in 2017. That same year, L. I. had a daughter with the Iraqi man. However, he had travelled to Iraq, where he later died. Her son J. was also killed in combat in 2017, and later that year, the youngest son died after an accident at home.

L. I. stayed in various locations in Syria until February 2019 when Baghuz, where she was then, was besieged. The family was taken to the Al Hol camp. L. I. and two of her daughters were eventually deported to Sweden and her other two daughters are, as far as is known, still in Syria.

L.

In March 2022, L. I. was sentenced to six years in prison for aggravated violations of international law between 7 August 2013 and June 2014 and for aggravated war crimes from 1 July 2014 to 26 May 2016.

She had been charged with failing to prevent her son J. from leaving home to enlist as a child soldier.

5 L. I.'s ATTITUDE

The prosecutor's claims and description of her offences are set out in Section 2.

The injured parties have assisted the prosecution and claim damages as set out in Section 2.

L. I. has denied any wrongdoing. The District Court will present a more detailed account of her attitude when examining the charges against her. She denies any liability for damages.

6 INVESTIGATION

6.1 Introduction

Extensive written and oral evidence has been cited in this case. The key elements of the evidence are summarized below. A large part of the documentary evidence consists of international reports of various kinds and substance. The District Court begins by presenting the majority of these reports, followed by a presentation of other relevant documentary evidence.

Interrogations of witnesses by experts who, in a number of cases, participated in the reports named are then presented. In addition to a presentation of the expertise of each of these interrogators, a brief report of what each witness interview concerned. Finally, the interviews with the injured parties and other interviews performed are presented.

By way of conclusion, the District Court reports on the photo arrays and line-ups shown to the injured parties during the preliminary investigation.

6.2 International investigations and reports

It is worth noting in particular some of the more key international reports and investigations that the District Court has made use of. IS actions have been investigated and analyzed by various bodies within the UN. As seen, as far as IS with regard to this case in question, has acted in both Iraq and Syria. Within the UN, the relevant investigative bodies have only had a mandate to investigate one of these countries.

UNITAD

In 2017, a UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) was established for Iraq. Its mission was the collection and preservation of evidence in Iraq of acts that could amount to war crimes, crimes against humanity and genocide committed in Iraq. In implementing its mandate, UNITAD was to be impartial, independent, and credible, and to act in accordance with the Charter and practice of the United Nations and relevant international law. The aim was for UNITAD to work to the highest possible standards to ensure the widest possible use of the evidence it collects before national courts. In May 2021, the Swedish Government entered into an agreement with UNITAD with the aim of making it easier for Swedish law enforcement authorities to obtain evidence collected by UNITAD.

The conclusions presented in the UNITAD reports are based on evidence that UNITAD has collected itself or received from its partners. Evidence includes testimonies from survivors, other eyewitnesses, experts, and offenders. A large number of forensic investigations and analyses of documents collected have also been carried out. The conclusions of the UNITAD reports on the crimes committed and the individual criminal liability of suspected perpetrators of these crimes are based on the requirement of reasonable grounds to believe.

The District Court has taken note of cited parts of the reports Daesh Attack on Sinjar August 2014, Analysis of the Slavery Routes and The Role of ISIL Women in the Enslavement of Yazidi Women and Girls. Reference has also

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been made to a memorandum drawn up by UNITAD concerning the identification of victims. A documentary film on UNITAD's methodological and evidence-gathering work has been presented. As shown below, interviews have been held with S. A. who participated in the report Daesh Attack on Sinjar August 2014.

COI

There are also UN agencies that have been tasked with investigating, reporting, and gathering evidence about conditions in Syria. In 2011, the Independent International Commission of Inquiry on the Syrian Arab Republic (COI) was established by the UN. The COI was established to investigate allegations of human rights violations in Syria since March 2011. The COI reports show that the agency has had an inclusive approach to the gathering of material and has used a number of different sources from both sides of the conflict. An event is included in the reporting only if there is supporting evidence that, according to the COI, provides reasonable grounds to believe that such an event has occurred. The District Court has taken note of the cited parts of the reports Rule of Terror, Living under IS in Syria, and They came to destroy, IS Crimes Against the Yazidis. The individual responsible for the latter report, S. A., has been interviewed.

IIIM

In 2011, the International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011 was established. This UN Evidence-Gathering Mechanism was mandated to collect and analyze evidence of violations of international law committed in the context of the armed conflict in Syria since 2011, and to provide legal support to those States leading investigations and prosecutions of crimes committed in Syria during that time. In addition to collecting material, the mechanism also conducts targeted investigations. States, including Sweden,

have contributed to the mechanism. The District Court has taken note of the cited parts of the reports IIIM Brief on the commencement of the initial non-international armed conflict in Syria and ISIL Ideological Treatment of Select Groups Based on Review of Dabiq Magazines and IIIM Brief on chapeau elements of the crimes against humanity for ISIL crimes in Syria. As shown below, an interview was conducted with R. S., who participated in the latter report.

6.3 Other documentary evidence

In addition to the documented evidence already noted, the following can be named.

The reports ‘Women in Islamic State propaganda – roles and incentives’ and ‘Swedish Foreign Fighters in Syria and Iraq’ by Europol and the Swedish Defence University (Center for Asymmetric Threat Studies) have been cited in relation to L. I.’s ideology and the purpose of her travelling to Syria, for example. The Agency and Roles of Foreign Women in IS from the Center for Justice and Accountability is another report cited.

A report from BKA, the Federal Criminal Police Office of Germany, has also been cited, via Eurojust. The report is part of a structural investigation to investigate allegations of genocide, crimes against humanity and war crimes committed by IS members against the Yazidi community. The aims of this included securing evidence and to identify and locate perpetrators.

The prosecutor has shown footage from the FBI, where IS men discuss Yazidi women. Reports from Amnesty International on the attack on the Yazidis in the Sinjar region, as well as information and reports from relief organization Yazda on Yazidi culture and tradition and others, have also been cited. Plus, a report by the International Federation for Human Rights concerning IS trafficking in slaves.

Extracts from online chats between L. I. and her brother between 2017 and

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2019 and between O. and his grandmother in 2013 and 2014 have also been cited. Various other electronic communications have also been cited.

Documentation and material produced by IS have also been shown, including a couple of so-called propaganda films and extracts from Dabiq. Dabiq is an IS magazine published 15 times from 2014 to 2016. Slave by the Hour is a section relevant to this case that looks at the way IS views the introduction of slavery. The propaganda films have concerned executions of people that appear to have been carried out in the name of IS. Some documentation from the IS administration has also been cited. This material includes a pamphlet published by the Islamic State's official propaganda agency, al-Himma Library, with questions and answers regarding rules concerning the treatment of slaves.

A number of photographs of the injured parties as well as of L. I. and persons with links to L. I. have been shown. These have included photographs of L. I.'s family members in combat gear in various situations linked to the fighting in Syria.

As regards the injured parties, forensic medical reports and other medical statements have been cited. The injured parties have cited the legal opinion of Dr A. M. with regard to Syrian tort law. A. M. is a Syrian lawyer and director of the Legal Department at the Syrian Center for Media and Freedom of Expression.

Finally, the prosecutor has presented certain news reports and documentary films on the development of IS and the takeover of geographical areas in Syria and Iraq.

6.4 Oral evidence

The oral evidence consists, in addition to the questioning of L. I., of the questioning of some of the injured parties, certain experts and witnesses who were present in Raqqa during the period in question. A number of interviews have been held with experts in areas such as psychology and international law,

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as well as with people who have investigated IS attacks on Yazidis and the situation of the Yazidis in general. These individuals will be presented under a specific heading below.

6.4.1 Hearing of injured parties

Redacted A and Redacted D, the only adult injured parties available, have been interviewed. As have Redacted C and Redacted I, who were minors at the time concerned. Redacted J, the guardian of Redacted I and who has acted as the representative of Redacted H, who remains missing, has also been interviewed.

The injured party interviews that took place during the preliminary investigation, mainly in their current homeland, have been cited via audio-visual playback on the basis of Chapter 35, Section 15 of the Swedish Code of Judicial Procedure. The injured parties have been present during the main hearing, during which supplementary hearings and cross-examinations have been held.

An abstract of the hearings of the injured parties and L. I. is provided in the appendix to the judgment. Information about other examining officers are, where appropriate, presented in the findings.

The formats of the hearings of the following injured parties can be named in particular.

Concerning Redacted D, UNITAD held three hearings on behalf of the Swedish prosecutor, which were recorded audio visually. The hearings took place in December 2022, November 2023, and May 2024. Swedish police and prosecutors have participated in the interviews held by UNITAD. The interviews conducted by UNITAD, lasting around sixteen hours, have been recorded audio visually. As noted, supplementary hearings and cross-examinations were subsequently held during the main hearing.

During the hearings at the main hearing, both the prosecutor and counsel for

the defense have also referred to documented interviews conducted with Redacted D. A documented interview has been conducted by the Yazda International Organization Documentation Project. Details differ between interviews held in May 2016 and May 2018. Redacted D has also been interviewed by the Commission for the Identification of Genocide Crimes against the Citizens of Kurdistan Areas Outside the Region, an investigative and evidence-gathering agency set up by the Iraqi Kurdistan Regional Government. The interview took place according to the documentation in November 2016.

Regarding Redacted A, interviews have been held in her current homeland with a Swedish prosecutor and police officer as the interrogating officers. There were four hearings, three in September 2023 and one in May 2024. A total of around 11 hours were recorded. As noted, supplementary hearings and cross-examinations were subsequently held during the main hearing.

The District Court will return to the content and forms of the hearings of the injured parties when assessing the credibility of the injured parties and the reliability of their information, as well as the evidential value of the hearings.

6.4.2 Expert witnesses

There have been several hearings with expert witnesses, which are presented below. As noted by way of introduction, the purpose of the hearings is also briefly explained.

Redacted S. A.

Redacted S. A. is an expert in international criminal law at the London School of Economics Middle East Center and University of Oxford.

From 2012 to 2016, S. A. was Chief Analyst at COI, leading the Commission investigation and reporting on crimes against the Yazidis in Syria. She was primarily responsible for the report They came to destroy; IS Crimes Against the Yazidis, but also involved in the report Rule of Terror; Living under IS in Syria. S. A. has described the way the Commission worked and collected

evidence. Some of the conclusions of the inquiry are based on interviews with victims conducted in accordance with international best practice. The report has extensive quotes, which is important for the investigation but also to convey a sense of what has happened. In addition to these interviews, the reports include collected documents, satellite images, other photos, reports from other organizations and other documentation and open sources. In order for a claim to be included in the reports, the claim must be supported by more than one source. S.A. also stated that, with regard to the crimes against Yazidis, the standard burden of proof of reasonable grounds was not difficult to achieve. Her view is that the conclusion that the Yazidis were victims of genocide, crimes against humanity and war crimes was well founded and the conclusions stand up very well today and have been confirmed by recent investigations by UNITAD and other parties.

After working at COI, S. A. became a senior analyst at UNITAD. During this work, she participated in the report Daesh attack on Sinjar August 2014. She has also described this work, stating, for example, that while the interview technique for the victims was basically the same, the UNITAD mission was more criminal investigation oriented than the COI was.

S. A. has also participated in the report. A demographic documentation of IS attack on the Yazidi village of Kocko, published by the London School of Economics and Political Science.

The hearing of S. A. concerned her knowledge of Yazidism, Yazidis as an ethnic group and their customs and traditions. She has also spoken about IS ideology, including the reasons and ideological basis for the attack on the Yazidis.

Redacted R. S.

R. S. works with international criminal law at the UN. Her work has included Yugoslavia and the Rwanda Tribunals, the Special Tribunal for Lebanon and

also for the UN Commission on Human Rights in South Sudan. With reference to our particular concerns, she worked for UNITAD in Iraq in 2019 and since 2020 as a legal advisor and head of unit at IIIM. Her work at IIIM includes analyzing crimes committed by IS in Syria. She led the work on the report IIIM Brief on chapeau elements of crimes against humanity for ISIL crimes in Syria.

R. S. has in her interview described the aims of IIIM and its method of investigation. She has stated, for example, that IIIM's mission is to analyze and investigate crimes committed in Syria by all sides in the conflict. The mission also includes providing support to the national bodies, in different jurisdictions, that intend to prosecute the crimes. IIIM collects, reviews and analyzes information from a variety of sources, including victims, witnesses, civil organizations and other international organizations. The material is compiled in a central database held according to the International Criminal Action Standard to help prosecutors present the evidence management chain. IIIM also produces its own analyses and reports.

R. S.'s interview has concerned issues such as IS implementation of a regulatory framework and an order sanctioning Yazidis to be regarded as property/slaves, how this ideology was implemented in areas controlled by IS, and what fundamental rights Yazidis were deprived of.

Redacted P. S.

P. S. holds a doctorate in jurisprudence with expert knowledge of international criminal law. She has previously served as a prosecutor at the Yugoslavia and Rwanda Tribunals. She is currently advising the ICC (Special Advisor for Slavery Crimes for the Office of the Prosecutor of the International Criminal Court) on the crime of slavery. P. S.'s interview has concerned her expertise on the crime of slavery and how the crime is defined within the framework of the international instruments regulating slavery, the slave trade and severe suffering. She also explained how, in her view, the concepts should be interpreted on the basis of common law and how she assesses IS attacks on the

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Yazidis.

Redacted P. I.

P. I. founded the Free Yazidi Foundation. At the time, neither UNITAD nor IIIM were represented in Iraq and Syria. The Foundation has primarily focused on providing trauma treatment and other support to survivors. However, it has also employed lawyers and other experts as criminal investigators who conducted crime scene investigations with the aim of investigating each village affected. The findings of these investigations have since been shared with criminal investigation authorities as well as UNITAD and IIIM. The Foundation has interviewed a very large number of Yazidi victims. These interviews were then forwarded to criminal investigation bodies, with a view they could then conduct official interviews with the victims.

The interview of P. I. has concerned the Yazidi culture and religion as well as the impact of IS crimes on the Yazidis both in the short and long term.

Redacted J. K.

J. K. is a Professor of Psychology at the University of Stuttgart. In addition to research, he has also worked with the clinical treatment of victims of war and other traumas. When IS attacks on Yazidis and the consequences thereof became more widely known, he was commissioned by the German government to go to Iraq to find Yazidi women and offer them the opportunity to go to Germany. He was looking for women that had been held in captivity by IS and were suffering physical or mental illnesses in association with this that could possibly be treated in Germany. He had spent time in Iraq in 2015 and interviewed women on the basis of his experiences there. In total, more than 1,000 women and children came to Germany via this project. They were housed in different cities in Germany and have been given treatment such as psychotherapy. J. K. has participated in clinical work. Based on his experience, he has testified on, for example, the psychiatric effect of being taken prisoner and separated from close relatives and the psychological and somatic effect of

repeatedly being enslaved without the prospect of being freed. In the case of children, he has spoken about their perception of being held captive and the impact of this in the short and long term.

Redacted D. L.

D. L. works for the Swedish Security Service (SÄPO). His questioning has concerned his knowledge of L. I. and her relationship with a violent Salafist jihadist group in Sweden during the 2000s. He has also told us about his knowledge of Swedish so-called IS-travelers. A number of memoranda produced by SÄPO concerning the conduct and ideological affiliation of L. I. and her family have also been referred to in the case.

Redacted T. L. O.

T. L. O. is a Professor of Psychology at Stockholm University. She is particularly focused on witness psychology and the ability to remember. Her hearing has concerned how human memory works with encoding, the storage phase and the origination phase, and various conditions that can affect the different phases. In addition, T. L. O. talked about research into people's ability to remember traumatic events and possible differences between long-term and short-term traumas. In this context, she described, for example, a study conducted on people who had been prisoners in concentration camps and their ability, 40 years later, to remember what happened in the camps. The hearing has also concerned how memories can be contaminated primarily in the storage phase and about schematic memories, i.e., the risk of mixing up memories if you are involved in several similar events. T. L. O. also talked about the ability to remember faces and about photo confrontations.

Redacted C. U.

C. U. is a journalist and has been a correspondent in the Middle East for many years. She talked about her observations of Yazidi women and children in refugee camps and what they have told her about their situation. At the main hearing, a report by C. U. has also been played in which she interviewed Yazidi

women who have been enslaved. C. U. has also talked about her observations and interviews with Swedish women who have travelled to Syria.

6.4.3 Other hearings

Witnesses were questioned by C. O. and I. M. and by Redacted K and Redacted L. All of them visited L. I.'s residence in Raqqa during the period in question. They have been questioned about their observations of L. I. and the injured parties and how they have, where appropriate, perceived the situation in which the injured parties found themselves. They also touched upon the status of women in the caliphate and their chances of leaving IS-controlled territory at that time.

6.5 Photo array and slide show

During the preliminary investigation, photo arrays were shown to the injured parties who were questioned. They have been shown nine black and white images of female faces, one of which one was L. I. All the women were wearing veils and the images have been cropped around their heads. The women's hair was covered. The images were of mixed resolution/quality.

None of the injured parties who have been shown the images have pointed to L. I. Redacted A asked if a couple of the other women depicted L. I. but she has not reached her own conclusion. She has stated that she believes that one of the women represents L. I.'s daughter-in-law. Redacted C has stated that some of the women, but not L. I., are reminiscent of the wife of one of the IS men who lived with her. The others did not recognize or name any of the women.

In addition to photo arrays, the same victims have been shown a number of other images, including of L. I.'s family members and friends as well as other injured parties. In that regard, Redacted A identified Redacted D and her three children, plus Redacted H and I. She also recognized the clothes Redacted D, and her children were wearing when they arrived at the house and the room they shared together. In addition, she identified L. I.'s son O., twin daughters

and the youngest son. Redacted C, D and I did not recognize any of the persons in the images.

7 LEGAL REGULATION

7.1 Genocide

Under Section 1 of the Act on Punishment for Genocide, Crimes against Humanity and War Crimes, a person who, for the purpose of the total or partial destruction of a national, ethnic or racially determined or religious ethnic group as such, kills a member of the ethnic group (p. 1), inflicts serious pain or injury on a member of the ethnic group or exposes him to severe suffering (p. 2), or by coercion transfers a child under the age of eighteen from the ethnic group to another group (p. 5). The penalty is imprisonment for a fixed term, no less than four and at most eighteen years, or for life.

Purpose of Genocide

A characteristic feature of genocide is that the crime is directed against a population group and is committed for the purpose of genocide. The penal code thus protects the right of certain specified ethnic groups to exist, and thus from being destroyed. The specific purpose of genocide makes the crime the most serious in international criminal law.

The protective interest for the crime of genocide is the designated ethnic group as a collective, not any one individual who is part of the collective. The nature of the offence presupposes that the act threatens the existence of an ethnic group or part of such a group. It is therefore necessary that a significant proportion of the population is affected.

It is not necessary, however, for individual members of the group to be physically eliminated. Genocide can also be achieved by the disappearance of an ethnic group from a social and cultural perspective.

As a starting point, criminality must also take place on a large scale. It is

therefore assumed, in principle, that a number of people participate in the crime and that it is directed at a large number of individuals. Genocide is often preceded by planning and coordination.

The assessment of whether an act has been committed for the purpose of the total or partial destruction of an ethnic group is made on the basis of the objective circumstances that existed at the time of the act. The existence of a plan or policy to destroy, in whole or in part, an ethnic group in the area and during the time when the act was committed may constitute a strong indication of the existence of the specific purpose. The existence of such a plan or policy is determined on the basis of circumstances relating both to the individual act and the circumstances in which it is committed, and to the perpetrator.

Religious community

A more specific demarcation of the population group is based on several factors. Common to the specified groups is that membership is often already determined at birth and that, at least in the case of certain ethnic groups, it may be difficult for a member to leave the group.

Members of a religious community share the same religion or religious or spiritual beliefs. The term covers both larger religious groups, such as Christians or Muslims, as well as smaller groups provided they are deemed to be of a permanent nature. However, it does not cover political groups where religious beliefs may form part of the political platform. The motives of the perpetrator are also relevant when assessing the definition of a protected group.

Killing

The criminal act is the intentional killing of a person. Criminal liability may also include failure to provide someone with essential necessities or care leading to death. Acts whereby people are subjected to treatment that gives rise to injury, illness or exhaustion resulting in death may also be covered, such as the imposition of very poor living conditions, hard physical work during

imprisonment or when held in concentration camps.

Severe pain or injury or extreme suffering

An ethnic group can be eliminated by causing serious injury or extreme suffering to its members.

The term serious pain refers to physical suffering of a certain kind. Causing pain with a lower degree of intensity may also be subject to criminal liability if it is inflicted on someone for a longer period of time or repeatedly. Serious injury refers to both physical and mental injury.

Severe suffering refers to psychological suffering. Criminal liability for severe psychological suffering includes anyone who exposes someone to difficult conditions in concentration or labor camps, provided that the act causes the person severe bodily or mental harm, which should include severe suffering. The criminal area is thus covered by acts that cause severe psychological suffering, for example by subjecting a person to great psychological stress and strain such as severe death anxiety or being forced to witness serious crimes committed against others.

Spiritual or mental injuries do not have to be medically verifiable. However, according to practice from International Criminal Tribunal, an action should not only have induced fear or dread, but at least psychological suffering that is not temporary. It therefore also requires acts to entail extensive and long-term difficulties in living a normal life. Although such suffering must be enduring, it does not have to be permanent. Mental suffering must also be so severe that it threatens to destroy the ethnic group as such and what constitutes severe suffering must always be assessed on the basis of the circumstances in each specific case. However, acts that give rise to general emotions such as anger, fear, anxiety, or sadness are not covered by criminal liability.

Inflicting such injuries or such suffering covered by criminal liability can be effected by different types of actions. According to International Criminal

Court (ICC) criminal criteria, this can include torture, rape, or inhuman or degrading treatment, for example. Criminal liability may also extend to other types of actions, provided that they have such an effect. The Rwanda Tribunal has held that women, as a result of being subjected to widespread rape and ill-treatment, were deemed to have suffered such injuries and suffering that they, their families and the ethnic group to which they belonged were broken to such an extent that it was a question of genocide of the ethnic group as such.

Forcible transfer of children

The survival of an ethnic group can also be threatened by children being taken away from the group to be raised in a foreign environment. In these cases, the existence of the ethnic group is jeopardized by the fact that this type of measure does not physically add new individuals, but also by preventing children belonging to the ethnic group from growing up with the cultural identity, language, and traditions of the ethnic group. In order for the continued existence of the community to be considered threatened, the combined measures should target a greater number of children or constitute one of several acts threatening that existence. However, for criminal liability to apply in an individual case, it is sufficient that only one child is transferred in this way.

With regard to the ‘forcible transfer’ criterion, this is not limited to physical violence, but may include threats of violence or coercion, such as that caused by fear of violence, coercion, deprivation of liberty, psychological repression

or abuse of power, against the displaced person or another person, or by exploiting a coercive environment.

A criminal transfer can thus also take place through the abuse of someone's position of dependence or the exploitation of relationships that, depending on the circumstances in the individual case, can be considered to be a coercive environment. This may be the case when an offender exercises power over the victim by virtue of their position, e.g., when the victim is imprisoned or their freedom is otherwise restricted and the offender is a prison guard or otherwise exercises control over the victim.

If the ethnic group to which the child belongs is subjected to other acts that, taken as a whole or individually, can constitute genocide, for example by members of the ethnic group being killed or subjected to severe stress, such an environment can be deemed to be coercive.

According to the Rwanda Tribunal, the aim is not only to sanction a direct act of forcible transfer, but also to sanction acts of intimidation or trauma that would lead to the forcible transfer of children from one group to another.

Even someone who did not realize but had reasonable grounds to assume that a child who is taken from their ethnic group to another group is under the age of eighteen can be convicted (Section 12 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes).

7.2 Crimes against humanity

In the case of crimes against humanity, according to Paragraph 2 of the Act on the punishment of genocide, crimes against humanity and war crimes, if the deed forms or is part of a wide-ranging or systematic attack aimed at a group of civilians, a person who kills a person who is part of the group (clause 1), causes a person who is part of the group grievous harm or injury or inflicts severe suffering via torture or other inhuman treatment (clause 2), subjects a member of the group to serious sexual abuse by rape, forced prostitution or another comparable serious

act (clause 3), causes a member of the group to become sexually enslaved or, in violation of general international law, to be subjected to forced labor or other such a form of coercion (clause 5), in violation of general international law, deports or forcibly removes a member of the group (clause 6), in violation of general international law imprisons a member of the group (clause 7) or), in violation of general international law engages in the persecution of members of the group by depriving them of fundamental rights on grounds of political, racial, national, ethnic, cultural, religious, gender or any other grounds (clause 8) is liable to imprisonment for a fixed term, not less than four and not more than eighteen years, or for life.

Extensive or systematic attacks against civilians

The characteristic feature of crimes against humanity is that criminal liability requires that the act constitutes a widespread or systematic attack directed against a civilian population or a group of civilians in the population or being part of such an attack. Accordingly, liability relates to acts which form part of or a step in the process of collective action which, by their scale, cruelty or the systematic and organized manner in which they are carried out, cause civilians such harm or injury that it is necessary to prevent and punish this at international level.

As a starting point, the attack consists of a series of acts, each of which may constitute a crime against humanity, and which follow a certain plan and together form a pattern. In most cases, this is a large number of acts which, taken together, cause considerable injuries to the civilian population affected. The characteristic of what is meant in this context by attack is therefore that it is extensive in nature. The acts constituting the attack may be of various kinds, such as killing, sexual assault, enslavement, persecution or enforced disappearance.

In principle, an attack is always preceded by planning and carried out in an organized and systematic manner. Often a large number of people are involved in implementation. In many cases, the attack is planned and led by a small number of political or military leaders. The attack is then the result of collective action following a predetermined plan, as opposed to the occurrence of random and unconnected actions aimed at achieving a common objective.

The group must consist predominantly of civilians. The fact that a small number of non-civilians, such as combatants or fighters, are in the group does not preclude the group as such from being treated as civilians.

If the individual act cannot in itself be regarded as an attack (i.e., meeting the requirement of scale as such), it must be part of such an attack. However, the perpetrator must have intent in relation to the actual circumstances constituting a criminal assault. Further, the individual act must be objectively linked to the attack by its nature or effect. The perpetrator must also be aware of these conditions.

Crimes against humanity are, by their very nature, large-scale. Such criminality is often committed by several perpetrators who are liable for one or more acts, each of which constitutes a crime of varying gravity and nature and which is directed against different persons. For such an act to constitute a crime against humanity, it must form part of a pattern of acts which, taken together, constitute a widespread or systematic attack on civilians.

Killing

Crimes against humanity are committed through murder. It is clear from the Rome Statute's criminal criteria that this concerns depriving one or more persons of their lives. Only intentional acts fall within the scope of the provision.

Severe pain or injury or suffering through torture or other inhuman treatment.

For criminal liability, the pain, injury, or psychological suffering must have arisen as a result of torture or other inhumane treatment.

Severe pain concerns physical suffering of a certain qualified kind. Causing pain with a lower degree of intensity may also be subject to criminal liability if someone is exposed to this for an extended time or repeatedly. Serious injury refers to both mental and physical injury. Mental injury requires that it is medically provable, e.g., a mental shock, psychosis or severe depression. General expressions of emotions such as anger, fear, anxiety or grief do not fall under the provision.

Severe suffering refers to psychological suffering. This can be caused by a person being subjected to severe psychological stresses. Being forced to witness serious crimes committed against someone else can also cause severe suffering.

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Torture as a crime against humanity, as well as a war crime, refers to the intentional infliction of severe pain or severe physical or psychological suffering. The victim must also be in the custody or under the control of the perpetrator, unlike when the corresponding crime is committed as a war crime. For torture as a crime against humanity can be committed without any specific purpose (cf. however torture as a war crime below). Thus, even purely sadistic motives can be behind the act.

Acts of torture may also be committed by omission, for example by failing to provide sufficient food, water or medication to detainees. Acts of violence directed against a third party may also constitute torture, e.g., by a relative being raped or beaten in front of the person against whom the act of torture is directed. The provision can be regarded as equivalent to a criminalization of serious abuse.

Rape is by definition considered to meet the torture crime's requirement of severe pain and suffering.

Inhuman treatment can concern a large number of actions. In addition to torture, which constitutes a qualified form of inhuman treatment, liability also extends to acts that are contrary to what according to general values are considered to comprise human treatment and that constitute a serious violation of the fundamental respect for human dignity (cf. the crime of war crime below). Acts which constitute a general desecration of personal dignity can, if they cause serious suffering, also be covered by criminal liability. Accordingly, for example, coercion to perform work in degrading and abusive conditions or to perform acts that are manifestly contrary to a person's religious or cultural beliefs can constitute inhuman treatment. Exposing people in captivity to severe humiliation, such as forcing them to live under difficult conditions with a lack of food, sleep and possibilities of managing their own personal hygiene, falls under criminal liability.

The assessment of the degree of severity of the pain or suffering caused by the act takes into account, shall take into account factor such as the conditions under which an act is committed, how the act is performed and what effects it has. Factors related to the victim's personal circumstances such as age, gender, state of health or dependence can also be relevant. For example, acts committed in a prison camp or in an environment where people are deprived of their liberty or under the complete control of others can be covered by the term. In such circumstances, several acts, each of which does not give rise to a

sufficiently serious effect, can, when taken together, reach the level of criminal liability.

Serious sexual abuse

Serious sexual abuse can occur through rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence of equivalent severity.

The requirement of violence or intimidation does not apply when an act is committed against someone who is not in a position to give genuine consent. This inability may be due, for example, to the fact that the act is committed in a coercive environment/circumstance. This can happen, for example, when the victim is in captivity or whose freedom is otherwise restricted, and the perpetrator is a prison guard or otherwise exercises control over the victim. The fact that a widespread or systematic attack is directed against the group of civilians to whom the victim belongs, and of which the sexual abuse forms part, can lead to the conclusion that such coercive circumstances exist.

Genocide, crimes against humanity and war crimes are generally committed in the context of systematic and large-scale use of force. Often there is an armed conflict, which in the case of war crimes is also a prerequisite for criminal liability. A sexual assault committed in such circumstances, which are in themselves coercive, can mean that a person is not considered to be able to give genuine consent to the sexual act and thus not able to reject it.

Sexual slavery, forced labor or other forced conditions

Slavery is defined as the exercise of any or all of the powers conferred by ownership rights over a person (Rome Statute, Article 7:2(c) and the 1926 UN Convention on Slavery and Forced Labor). Sexual slavery also constitutes a crime against humanity (Article 7:1(g) of the Rome Statute).

The power resulting from ownership rights over a person can be exercised by buying, selling, lending, or bartering such a person or by otherwise depriving a person of their liberty. The decisive factor for criminal liability is that a person deprives someone else of their right to self-determination or, at least significantly restricts this. In so doing, the person falls into a forced state. It is not necessary for the person to be deprived of their liberty in a physical sense. Even someone who otherwise has their courses of action

greatly reduced can be considered enslaved as well as anyone who otherwise is unable to leave a place because they have nowhere else to go and fear for their life. The measures must be contrary to general international law in order to be punishable.

In international practice, the enslaving condition has been described as severely restricting a person's freedom of movement by subjecting them to physical or mental control, violence, intimidation, coercion, cruel treatment or sexual abuse. The condition can thus arise by depriving the person, in principle, entirely of their ability in accordance with their own will and thereby being forced to submit to the will or wishes of another person.

Indications for establishing the crime of slavery include, for example, control or restrictions on freedom of movement; measures to deter or prevent flight; control of the physical environment; psychological control or pressure; violence, threat of violence or coercion; control of sexuality and reproductive autonomy; claims of exclusivity; control of fertility; forced administration of contraception, forced pregnancy, control of breastfeeding, starvation; forced labor; torture; and cruel treatment and abuse.

Children born into slavery and/or held captive with their enslaved parents can be the direct victims of slavery together with their parents.

The crime of slavery is not subject to any specific length of time or minimum duration.

The survivor's state of mind is not part of enslavement as such. The enslaved person does not need to be aware that they are a victim of a slavery crime. Nor does the crime of slavery require maltreatment per se to be considered such.

Deportation/forcible displacement

Deportation or forcible displacement means the forcible transfer, without grounds permitted by international law, of the persons concerned, by deportation or by the use of other coercive measures, from the territory in which they lawfully reside. Deportation refers to transfer outside the national territory while forced displacement takes place within the territory. Criminal liability aims to protect civilians from being forced to leave their homes and the areas where they have the right to be. The decisive factor is whether, having regard to the circumstances of the individual case, the transfer takes place against the will of the person concerned.

Measures that force civilians to flee under the threat that they will otherwise be subjected

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to, for example, violence, sexual abuse, or persecution can fall within the scope of criminal liability, even if the persons themselves decide to move of their own accord. The prohibition protects both groups of civilians and individuals.

Detention in violation of general international law

Deprivation of physical freedom can, in addition to being kept under lock and key, entail actions that substantially restrict freedom of movement. Persons who are forced to stay in demarcated areas but allowed to move freely within that area, can therefore be considered to be deprived of liberty. For criminal liability to apply, such loss of freedom is in breach of general international law, including human rights and humanitarian law.

Persecution

Criminal liability for persecution addresses acts that deprive a group of civilians of their fundamental rights by subjecting them to discrimination for political, racial, national, ethnic, cultural, religious, gender or other motives prohibited by general international law.

The crime is directed against the group as such. In many cases, it will probably be the same group that is also the subject of a criminal attack. Religious motives can form the basis for actions undertaken both because a group adheres to a particular religion and because it does not.

Persecution refers to the serious deprivation of fundamental human rights such as the right to life, family, freedom of expression, freedom of association and freedom of religion. The International Criminal Tribunal for the former Yugoslavia has defined persecution as a gross or flagrant violation of fundamental common law rights. The seriousness of the act is also required to be comparable with other crimes against humanity. The assessment of whether an act constitutes persecution is to be made on the basis of all the circumstances related to the act. Even less serious acts can be regarded as criminal offences based on an overall assessment.

Criminal liability for persecution can include acts that also on other grounds constitute crimes against humanity, such as murder, torture, and deprivation of liberty. Acts that are not otherwise criminal and that can be pretty much described as financial or legal acts committed for discriminatory purposes can also constitute criminal persecution.

7.3 War crimes

Under Section 4 of the Act on Punishment for Genocide, Crimes against Humanity and War Crimes, if the act is part of a series or in some other way, in association with an armed conflict or occupation, a person who kills a protected person (clause 1), inflicts severe pain or injury on a protected person or exposes this person to severe suffering through torture or other inhuman treatment (clause 2), exposes a protected person to serious sexual abuse through rape, forced prostitution, sexual slavery or another seriously comparable act (clause 5), subjects a protected person to humiliating or degrading treatment that is likely to seriously violate their personal dignity (clause 7), deports or forcibly transfers a protected person in violation of general international law (paragraph 8), or armed groups recruit or uses children under the age of 15 years old for direct participation in hostilities (clause 11) for direct participation in hostilities children under the age of 15 years (paragraph 11), this is adjudged to a war crime. The penalty is imprisonment for a maximum of six years or, if the offence is serious, for a minimum of four years and a maximum of eighteen years or for life.

If the crime is adjudged to be a severe war crime, the sentence is imprisonment for a specified period, minimum four and maximum eighteen years, or for life. When assessing whether a crime is severe, special consideration shall be given to whether the act was part of a plan or policy or part of a widespread crime, or whether the act caused death, serious pain or injury or extensive suffering, comprehensive damage to property or particularly serious damage to the natural environment (Section 11).

Participate in or be associated with armed conflict

In order for international humanitarian law to apply, and accordingly for the crime to be a war crime, it is first necessary that there was an armed conflict at the time of the act.

Armed conflicts are categorized as either international, where two or more states are involved in armed conflict against each other, or non-international, also called internal conflicts, where violence arises within a state.

Two parameters that according to practice are taken into account to determine the existence of a non-international armed conflict are the intensity of armed violence and the degree of organization of the groups. The intensity of violence shall be assessed, inter alia, on the basis of duration, extent of damage, types of weapons used, geographical spread and impact on the civilian population. With regard to the organizational requirement, at least one of the Parties shall be a non-governmental actor with a certain degree of organization. In order to assess if the non-government actor meets the organizational requirement, whether there is a hierarchical chain of command with a leader, the ability to plan and implement organized attacks, control of territory, and access to weapons are to be taken into account. An overall assessment should always be made of whether or not an internal armed conflict exists. By definition, a state actor always meets the organizational requirement.

However, the fact that international humanitarian law applies to a certain area and during a certain period does not automatically mean that it applies to every act committed in that area during that time period. For one or more acts to be assessed under international humanitarian law, the act must be part of or related to the armed conflict (the so-called ‘nexus’ requirement). For such a connection to be deemed to exist, the conflict should have played an essential role in the offender’s ability to perform the act and their decision to perform it.

Both civilians, fighters or combatants can incur criminal liability for violations of humanitarian law.

Protected person

Under Section 3 of the Genocide, Crimes against Humanity and War Crimes Act, a protected person means any person who, as a wounded, sick, shipwrecked, prisoner of war or civilian or in any other capacity, enjoys special protection under the Geneva Conventions of 12 August 1949, Additional Protocol 1 of 1977 or otherwise under general international law applicable in armed conflict or under occupation.

Killing

A criminal action that concerns the intentional killing of a protected person. In addition to actions that immediately cause the death of a person, liability also includes actions that lead to the death of a person. Accordingly, the provision covers acts that cause, for example, injury, illness or physical exhaustion leading to death, provided that the effect is intentional.

Severe pain or injury or suffering through torture or other inhuman treatment

A criminal action that concerns inflicting severe pain to or injury on a protected person or to severe suffering to the person. This can be done through torture or other inhuman treatment.

Serious pain or injury or suffering entails the same consequences as under the corresponding constituent elements of crimes against humanity (see above).

Torture as a war crime, as with crimes against humanity, refers to the intentional infliction of serious pain or severe physical or psychological suffering (cf. the description of the crime of torture above). However, torture as a war crime also presupposes, unlike when the crime is committed as a crime against humanity, that the act is committed with a specific purpose, namely to obtain information or a confession, to punish, threaten or intimidate, or for any other purpose arising from any form of discrimination. The specific purpose need not be the sole motive for the act.

Torture is a specific form of inhuman treatment. As such, inhuman treatment can be committed via the same type of acts as torture, but without the requirement that the act be committed for a specific purpose. Abuse, rape or, for example, coercion to witness a

relative being subjected to serious crimes can thus constitute inhuman treatment. The offence is characterized by a grave violation of the fundamental respect for human dignity. For example, protected persons should have the right to enjoy respect for their person, family rights, beliefs, religious practices, customs and traditions (see above under crimes against humanity).

Serious sexual abuse through, for example, sexual slavery

The criminal act is intended to expose a protected person to serious sexual assault through rape, forced prostitution, sexual slavery or other comparable acts. Criminal liability for war crimes corresponds in principle to the same type of acts as crimes against humanity.

Humiliating or degrading treatment

Criminal liability refers to a person who degrades, humiliates or otherwise violates the personal dignity of a person to such an extent that it can generally be regarded as a desecration of their personal dignity.

Acts that can constitute violations of personal dignity include, for example, coercion to commit degrading acts or acts committed with the aim of generally humiliating and ridiculing a person. The act should typically have been capable of seriously violating personal dignity, regardless of whether the victim perceived it as such. This can be a matter of sexual assault, various forms of abuse, threats or acts whereby someone is forced to perform or tolerate seriously degrading or insulting acts. Actions exposing people to tough living conditions can also be covered, such as being denied the opportunity to take care of their personal hygiene for a long time during detention, being isolated from the outside world, being denied information about what has happened or will happen to relatives. Exposing people to treatment that involves them experiencing intense fear and anxiety about death can also be covered. The assessment can also take into account the cultural or religious background of the victim. As such, this can, for example, include shaving a beard or cutting, forcing the person to eat pork, drink alcohol or smoke tobacco. If the requirement to cause serious pain or injury or severe suffering is met, the act can be subject to liability under the second paragraph of Section 4.

Offences which individually are of a less serious nature can be covered by criminal liability if they are committed repeatedly or over a long period of time and, an overall assessment finds they were typically intended seriously offend personal dignity.

The provision is largely overlapping in relation to other war crimes committed against a person, since such acts in principle always involve, in some respect, a serious violation of the personal dignity of the victim. Acts that undermine a person's self-esteem can amount to humiliating treatment. The same applies to acts that can be regarded as a less serious form of torture, where the conditions necessary for torture are not met.

Deportation/forcible displacement

Deportation refers to movement outside the territory of a State while a forcible displacement takes place within the territory. As a starting point therefore, deportation can occur only in international armed conflicts or under occupation. However, it is necessary that the measure involves a transfer across a certain geographical area.

As a rule, deportations and forced displacements refer to larger groups of people. However, the penal provision also covers acts directed against a person.

Recruitment of child soldiers

The provision means that anyone who recruits or uses children under the age of fifteen for national armed forces or armed groups for direct participation in hostilities will be convicted of a war crime.

Criminal liability includes both compulsory enlistment and voluntary recruitment. Thus, all acts involving the formal or de facto participation of a child under the age of 15 in an armed force or group are covered. In addition to participating in combat, it also includes, for example, sentry duty or sabotaging.

On the other hand, the recruitment and selection of children for activities which are not directly related to hostilities, and that can most closely be compared to civilian work, such as carrying out domestic tasks for military personnel fall outside the scope of the provision.

Negligence is sufficient in relation to the age of the child when it comes to criminal liability.

8 THE EMERGENCE AND IDEOLOGY OF IS

As has been seen, several of the expert witnesses consulted in the case were

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involved in the investigations which led to those reports. They have essentially confirmed the findings of the report. However, their data are, in some cases, specifically reproduced.

8.1 The Emergence of IS

As stated in the introduction to the judgment, ISI (the Islamic State of Iraq) established its presence in Syria in 2012. During the conflict in Syria, the Al-Qaeda-sworn armed alignment Jabhat Al Nusra achieved territorial and military success from 2012. ISI asked Jabhat Al Nusra to swear allegiance to ISI and not Al-Qaeda, which led to a split in the jihadist environment in April 2013. ISI subsequently adopted the name ISIL – the Islamic State of Iraq and the Levant.

ISIL's self-proclaimed goal was to establish an organized, structured caliphate that could implement and enforce ISIL's ideology, which was based on an extreme interpretation of the Salafist-Jihadist ideology. The caliphate, which was organized and politically driven, used brutal violence against political opponents, members of certain ethno-religious groups, and anyone who fell outside ISIL's prescribed norms of behavior. The aim of the caliphate was also to overcome the existing state boundaries in the Middle East and eventually create a global caliphate, as reflected in the proclamation of the 'Islamic State' (IS) on 29 June 2014 in Mosul. IS was led by Abu Bakr al-Baghdadi who then became caliph. Muslims were asked to swear an oath of allegiance to the caliph.

At its peak, IS controlled an area covering 100,000 square kilometers. In mid-2014, IS exercised sovereignty over a significant territory, divided into provinces and administered through a hierarchy of ministries and defended by an almost conventional military force. The provinces were led by an 'emir'.

IS called for the violent overthrow of secular regimes. Populations in areas controlled by IS, were forced to adapt to the interpretation of Islam used by IS under threat of extreme violence. The aim was to create a religious state that applied an absolutist form of Sunni Islam. Other religious groups were targeted, either through mass murder, expulsion, or other crimes.

IS ideology was based on a bipolar worldview, where different groups of people

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were discriminated against. The ideology was based on a thoroughgoing gender segregation. Muslim men were granted full citizenship of the IS caliphate on condition that they embodied the group's vision of masculinity such as leadership and authority. Women were expected to live up to 'hyper-feminine' qualities, where chastity, purity and innocence were fundamental.

The role of women was to care for men and to produce and indoctrinate boys to become 'lion cubs' who would fight for the caliphate; girls were socialized into this role from a young age. IS official and highly regulated system of enslavement represented an extreme manifestation of these policies limiting the autonomy of women and girls.

IS introduced a strict interpretation of Sharia law by restricting fundamental freedoms, especially for women; women and girls over the age of ten were forced to be completely covered when they were outdoors. They were also not allowed to be in the company of men outside their immediate family. Failure to comply with these rules was punishable by lashes or stoning.

Boys and children were taken to training camps to secure the future of the caliphate by violence, while girls were raised to cook, sew and care for the family. Theoretical education was limited to religious education and children were encouraged to marry early. The recruitment and use of child soldiers by IS was openly encouraged by IS authorities.

IS accordingly not only aimed to systematically attack people based on religion and political views, but also because of their gender, sexual orientation and age.

IS created well-equipped security agencies and a network of courts to enforce its policies. A key part of the IS security apparatus was Hisbah (the religious morality police), tasked with enforcing IS rules based on its interpretation of Sharia. There was a Sharia court system that implemented Sharia law in practice with the help of the courts and Hisbah. In so doing, IS created an effective system of discrimination based on factors such as gender and religion.

Since the founding of IS, the organization has been characterized by the systematic use of extreme violence, including public executions (via e.g.

beheadings and crucifixions). IS and its supporters distributed videos of executions of opponents via the internet and social media. The victims of IS public executions were usually men or boys accused of being affiliated to other armed groups or of violating IS edicts.

Executions have been recorded in Aleppo, Raqqa, Idlib, Al-Hasakah and the Dayr Az-Zawr Governorate. They followed a consistent pattern in that IS, often through the morality police Al-Hisbah, informed residents of the time and place of execution and urged them to participate. People who were on streets nearby were forcibly taken to witness the murders. After the executions, the corpses were placed on public display, often on crosses, for up to three days to serve as a warning to the local population. There are also reports that IS executed women in public, including Raqqa by stoning for adultery.

IS has been designated as a terrorist organization by the UN Security Council and other international and national bodies and courts on several occasions.

About the role of foreign fighters in particular

Foreign fighters played a significant role in IS. During her hearing, S. A. stated that IS sought to sell the idea of the caliphate to other parts of the world. If you wanted to be a good Muslim according to the IS definition, you could join the caliphate and live in line with the teaching there. Those arriving could be individuals that already had ideological ties to IS or groups that felt excluded in their surroundings and groups that lacked self-respect where they were.

These foreign fighters travelling from other parts of the world were mainly driven by a hard line religious ideology and they often participated in both operational and governing activities within the caliphate. Their role gave IS superiority in the armed conflict, especially in 2014. They were also a driving force in the process of radicalization in the areas and, in addition to military involvement, played a prominent role in the religious, educational and legal systems established.

8.2 IS view of the Yazidi population

The District Court has described Yazidism in general in the introduction to the judgment. However, there is reason to highlight in this section what P. I., among

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others, has explained, that one can only become a Yazidi by being born into it by two Yazidi parents. It is not possible to convert to Yazidism. Generally speaking, living with or marrying someone outside the Yazidi community and pre-marital sex are prohibited.

Yazidis have historically suffered persecution and attacks. The Sinjar Mountains are an important place as the area has provided a refuge for them. There are also a number of religious Yazidi temples and monuments in the area.

As stated, IS had a bipolar worldview. This was illustrated by the strategy that IS adopted in the conflict in Syria and Iraq. IS divided people who did not belong to IS into different groups consisting of those who were initially non-believers and the so-called apostates who rejected Islam. The non-believers consisted of those who were not born into Islam, such as Christians and Jews. These groups were given different choices when IS had occupied their land. They could convert to IS interpretation of Islam, they could leave IS with what they could carry, or remain in IS as a religious minority by paying an annual tax to IS. The group of apostates who had been Muslims, but who had rejected Islam, could not be accepted in an Islamic state however, and were executed.

S. A. and R. S. have described how the way IS viewed the Yazidis was expressed on the basis of these principles. According to IS, the Yazidis were a group of non-believers who were believed to be descendants of the pre-Islamic era. IS did not regard Yazidis as believers in God, but as devil worshipers. They were therefore regarded as heretics and infidels. According to IS, the Yazidis worship of Melek Taus was the main form of infidelity ('kuffar'). Unlike Jews and Christians, Yazidis were not given any opportunity to live in the caliphate by, for example, paying taxes. This was because the Yazidis had never been given the opportunity to convert to Islam. The IS strategy was therefore to offer them the opportunity to choose to convert or death. Adult men and teenage boys were accordingly forced to convert, and if they did not, they were executed. Women and children were to be enslaved instead and in so doing, forced to convert.

9 THE ATTACK ON SINJAR IN AUGUST 2014

9.1 The attack

The Sinjar area is located on a line between Mosul and Raqqa, making it a strategically important site for IS. In June 2014, IS began to move into the area around Sinjar, while Kurdish authorities strengthened their defensive positions. Early in the morning of 3 August 2014, IS fighters attacked Sinjar from Mosul and Tel Afar in Iraq, as well as from Syria. The attack was carried out with artillery and heavy machine guns, as well as small arms. The attack was well organized with hundreds of IS fighters taking towns and villages around the Sinjar Mountains in concert.

There were few military targets in the region and the attack was met with very weak military resistance as the Peshmerga security forces who were to defend the region had already withdrawn from the area.

In the attack, IS focused on capturing Yazidis. S. A. has confirmed that the attack in this way differed from previous attacks on other religious groups, such as Christians and Jews. Roadblocks were set up and fleeing Yazidi families were hunted down. Within hours, those Yazidis who had not managed to escape were surrounded by armed IS forces. The villages in the area were cleared of Yazidis. Many of the houses that had been abandoned were looted and destroyed by IS.

Tens of thousands of Yazidis fled towards Mount Sinjar during the attack. As soon as IS took control of the villages around the mountain, the mountain was besieged by IS and escape routes were blocked. Tens of thousands of Yazidi men, women and children remained on the mountain where temperatures were above 50 degrees. They had no water or food. IS tried to persuade the Yazidis to come down from the mountain by offering assurances that they had no evil intentions. Those who came down were taken prisoner. An estimated hundreds of Yazidis, including many young children, died on Mount Sinjar. After a few days, the Syrian-Kurdish forces, YPG, opened a corridor from Syria to Mount Sinjar, so that those besieged on the mountain could be brought to safety.

IS actions followed a predetermined pattern in the attack. Women and younger

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children were separated from men. The men were summarily executed after they had been given the opportunity to forcibly convert to the IS version of Islam. Executions were sometimes performed in the vicinity of women and children and mass executions took place. Even older women were executed. The men and older boys who submitted to forced conversion were transported to various holding places and then to special camps where they were forced to work or given weapons training. Those who converted survived for some time until IS were able to judge whether the conversion was genuine.

Yazidi religious and cultural sites and monuments in the area were damaged and destroyed during the attack.

In total, between 1,500 and 3,000 people died in the attack on Sinjar.

The injured parties' accounts of the attack of 3 August 2014 strongly corroborate that stated in the reports and expert witness evidence.

9.2 Treatment of Yazidis after the attack

The Yazidi women and children were initially taken to various temporary assembly points in the Sinjar region. From there, they were systematically moved to other holding places in Iraq (including Ba'aj, Tal Afar and Mosul) and Syria (Raqqa). Only Yazidis who had been taken prisoner were held in these assembly points. In Mosul, IS used Badush Prison and the wedding venue Galaxy Hall as holding places. This is where the sexual abuse of Yazidi women and girls began. S. A., however, has stated that the Yazidis were at that time considered to be IS property in general and rapes were therefore committed in secret, as the victims were considered to be someone else's property and therefore to be left alone. The fact that the captured Yazidis were considered IS property, is also the reason why they were shared out as spoils of war to successful IS fighters. Many of the captured Yazidi women were ultimately taken to various IS bases in Raqqa.

Early in their captivity the Yazidis were grouped by IS based on gender and age. Women and children were divided into groups of older women; married women and children; plus, young and unmarried women and girls. IS fighters selected the most desirable women and girls directly. Young women were

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sexually assaulted in the holding places or immediately removed from them. There are reports that girls from the age of nine were separated from their mothers and taken as sex slaves. Virgins were considered the most highly desirable for sexual abuse, which is why IS separated these from the married women early on.

Many of the women were later taken to individual IS fighters in Raqqa, the capital of IS. The systematic sexual abuse and enslavement perpetrated by IS continued there.

S. A. has testified that women were also subjected to serious physical abuse, that they were burned with cigarettes, that they did not receive enough food and water and were denied medical care. P. I. has also explained that they were subjected to so-called reproductive violence such as forced pregnancy and forced abortion.

Young boys who reached puberty were sold and forced to convert to Islam, participate in training camps and engage in combat, including in Raqqa.

The children in captivity were often subjected to abuse, partly by witnessing the assaults their mothers were subjected to, and partly by themselves being subjected to violence, both by the slave owner and his wife. Enough water and food were often not provided. The children were also given Muslim names. Both mothers and children were often told that Yazidism was a bad religion and that they were 'infidels'. The children in captivity were deprived of the right to education through enslavement because they were to be given a Muslim upbringing. P. I.'s testimony also confirms that maltreatment of the children of Yazidi women was used in many cases to compel their mothers to do various things or to threaten the mothers.

9.3 About the enslavement of Yazidis by IS in particular

As enslavement was a fundamental part of IS attack on the Yazidi population, there is reason to go into greater detail about how it was organized. As we have seen, the underlying foundations of slavery were gender, age, marital status, virginity and whether one converted to Islam.

S. A. has stated that IS legitimized the enslavement of Yazidis through medieval interpretations of Sharia. Enslavement was given plenty of space in official IS publications. Several articles and special editions of the journal Dabiq were devoted to justifying the enslavement of Yazidis in particular, by describing historical examples and interpretations by scholars to support legitimacy. These publications were in line with internal fatwas and guidelines instructing that Yazidi women could be taken as sex slaves (so-called sabayas). One of the purposes of this was to increase the number of people in the caliphate so that the next generation could be created within the caliphate, through the birth of children to slaves.

R. S. has explained that IS established a complex and formalized system of enslavement. Several IS departments were involved in slavery. Women and children were registered for sale. IS also recorded sales and was able to issue certificates of ownership. Only men could formally buy and sell sabayas. Women could own slaves, however.

P. I. and S. A. have described the rules that existed for what to do with your slave. IS published a pamphlet with questions and answers regarding female slaves in October/November 2014. The pamphlet stated, for example, that it was permissible to have sex with a slave without their consent; that it was permissible to sell, buy or give away slaves; that the owner was not allowed to sell a slave who had become pregnant by the owner; if an owner died, the slave could be inherited by the survivors of him; a man was not allowed to have sex with his wife's slave; it was permissible to strike a slave; a slave who tried to escape from his owner was punished; it was permissible for a female slave to buy herself free from her owner; if a slave gave birth to a child of an IS warrior, the offspring belongs to the father, who was superior to the mother. The latter was a way to prevent the birth of a new generation of Yazidis. P. I. and S. A. have stated that sexual abuse was permitted and mainly committed by men but was often engaged in by their wives by giving sleeping pills and in other ways preparing the slave for rape by ordering them to shower or tying the slave to the bed. There are also testimonies that IS women encouraged their husbands to rape a slave. If the IS warrior was away fighting, his wife often had access to

the key to the room where the slave was held.

Slaves were also often forced to do housework such as cleaning, cooking, and caring for children. S. A. and R. S. have testified that women in IS accordingly had a key role in managing the everyday lives of slaves. The home was the woman's domain and IS fighters were usually out during the day. It was then that wives made sure that the slaves worked and gave them instructions on housework and handed out punishments for alleged misdemeanors or asked the husband to punish them.

Furthermore, it was often the IS women who dealt with teaching when the Yazidi slaves were forced to convert. This meant, for example, that Yazidis were forced to recite the Qur'an and pray at Muslim prayer times and fast during Ramadan, often through psychological or physical violence. The slaves were forced to learn Arabic and were not allowed to speak their language. As this took place when the men were away fighting, it was the IS women who were the main driving force in this. However, there are reports of IS families treating their slaves well.

S. A. has in her hearing explained how the IS slave trade with Yazidi slaves was organized. Sales of slaves and their children took place partly in official slave markets, including in Mosul and Raqqa, and partly between IS members directly from the holding places, by drawing lots, auctions and via online markets. After a first sale or gift, the slave could be sold onwards, given away, killed or bequeathed. Slave traders were able to buy entire groups at particularly good prices, after which they were forwarded for sale at locations throughout Syria and Iraq. The slaves were bought in exchange for money or objects. The sale stated age, status of virginity, how many times the slave had been sold, and descriptions such as 'sexually pleasurable' and 'obedient'. There are further reports of how the slaves were forced to be photographed by their owners in order to be sold and that women and girls were dressed in finer clothes plus make-up and then photographed. The treatment of female slaves depended on various factors such as age, marital status, perceived beauty and 'sexual purity'.

That said above is also supported by what the injured parties in this case have

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said in hearings, and also by videos shown by the prosecutor where IS men discussed the appearance of Yazidi slaves and their preferences in terms of age and appearance.

A slave could be bought off and become part of the caliphate. However, selling a slave to someone outside IS was subject to severe punishment with stiff penalties. This was to prevent the slaves from being sold back to their families.

The injured parties' accounts of the chain of events following the attack on 3 August 2014 provide very strong support for what is stated in the reports and by the expert witnesses.

9.4 Consequences for the Yazidi population

According to UN reports, there are no Yazidis left in the Sinjar area after the IS attack. Demographic studies also show that entire villages were wiped out by killing or kidnapping.

Yazidi families, whether captured or not, are still dealing with the trauma of captured family members. Many people do not know where their family members are. Over 2,000 Yazidi women and children are estimated to still be held by IS and thousands of Yazidi men and boys are missing. As there are still so many people missing, there is no closure for the survivors. Celebrations of Yazidi festive days have been affected and many such festive days have been cancelled out of respect for the abducted. S. A. has testified that the IS attack on Yazidis is seen as part of a trauma that extends over generations and this shows how the population in general was impacted by the attack.

As the community was expelled from the Sinjar region, the Yazidi population is now dispersed around the world and there are still around 260,000 people living in refugee camps in Iraq. There is no chance of them to return to their former lives. Houses in the area were destroyed and looted, as were religious sites in the area. There is therefore nothing to return to for Yazidis to be able to live in their culture or religion. Some children have never had the opportunity to grow up in their home villages and in their culture because they were taken captive at a young age or born in captivity. P. I. has explained that many of them no longer remember that they are Yazidis and can no longer speak Kurmanji, only

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Arabic. As shall emerge, the same applies to several of the injured parties in this present case.

S. A. and J. K. have explained about the aspect that Yazidi women and girls, who grew up in a patriarchal society like the Yazidis, face additional challenges to live without male relatives. As many men were killed or disappeared, the ability of these women to survive and develop has also been affected for this reason.

Studies conducted on groups of Yazidis that have been subjected to violence by IS show that psychological stress and suicidal tendencies are higher among Yazidis who survived such violence than among other Yazidi participants. It is further clear that the IS captivity and rapes during the war had profound immediate and long-term consequences for the mental health of the surviving women and that Yazidi refugee children and adolescents suffer not only from PTSD but also from various other problems such as adjustment difficulties. J. K. has confirmed the content of those studies and has also stated that the Yazidi women and children suffered several traumas as a result of the attack and the subsequent abuses. Firstly by being separated from the men and their families, then by hearing or witnessing the men being executed and then by being stripped of their belongings and abducted and in many cases separated from their children. This creates a so-called collective trauma that also involves additional traumatization aspects for the children.

Children can also relive the trauma their parents experienced by hearing about what the family experienced, so-called secondary traumatization. J. K. has also explained that children are affected by losing trust in people and humanity as a result of feeling betrayed by their parents who have not been able to protect them. Worldwide, research studies show that when children experience trauma they cannot process, 60-80 percent will develop some form of personality disorder.

J. K. has also explained that the captivity and abuse and living in a state of martial law for a long time as the Yazidis did, produces both physical and psychological reactions as well as sleep problems, nightmares and anxiety.

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P. I. has described how sexual violence and rape affected the Yazidis as a group because many of those captured were still unmarried and were therefore expected to be virgins and 'pure'. They were therefore deprived of the opportunity to show purity and do good actions before reincarnation. In the Yazidi religion, the view of a woman who has had sex outside marriage, even through rape, changes, and the woman loses her status in the group and as a human being. This has been confirmed by J. K. who has described how the Yazidi women were affected by the sexual abuse in such a way that they began to doubt their religious affiliation. IS men believed they could convert the women to Islam via sexual abuse. There are cases described in the investigation where the Muslim woman held a Yazidi woman while she was being raped by a man. The Yazidi woman was then told that this made her a Muslim. C. U. has explained that she has interviewed Yazidi women who have had children through rape, who do not dare to make themselves known as Yazidis.

J. K. has also testified that when violence is practiced systematically with the aim of eradicating an ethnic group, there are factors that affect the whole group in a different way than violence that is practiced individually. In this way, he believes that the violence is directed against an entire society, which then becomes collectively traumatized.

S. A. also states that women and children who have been 'solely' sold as property, without being subjected to other abuses, have also been affected so that they can never return to a normal life.

P. I. believes that the culture of the Yazidis has changed over time as a result of the IS treatment of Yazidis. For example, the language now contains more Arabic words than before and more Yazidis wear the veil.

When the Yazidis were separated from their families and women were captured and the men killed, this actually prevented the birth of more Yazidis because both parents must be Yazidis for the child to become a Yazidi. P. I. has explained that the first sale was the worst for many women because they were sold like cattle, lined up in a room and IS men were allowed to choose the one they wanted. During captivity, women and children lived under permanent

threat of being sold on, possibly making things worse.

The expert witnesses heard in the case have testified as to how the Yazidis were affected and are still today affected by how they were treated by IS. According to them, the abuses against the Yazidis are therefore still ongoing.

The injured parties' accounts of the consequences for them of captivity and enslavement give very strong support to what is shown in the reports and by the expert witnesses.

10 WERE THE GENERAL CONDITIONS TO SUPPORT LIABILITY FOR THE RESPECTIVE CRIMES MET?

10.1 Genocide

The prosecutor claims that, by a series of acts aimed at the total or partial destruction of the Yazidi religious community, IS committed genocide. The first question for the District Court is therefore whether the general conditions for criminal liability for genocide exist. The District Court will then, where appropriate, assess which acts of genocide can be considered to have been committed by IS.

Religious community

The prosecutor has argued that Yazidis are a religious community protected by the genocide provision.

According to international reports, Yazidis are defined as a religious group. This is because the Yazidis define themselves through a common religion. It is an independent religious community and therefore a particular religious group within the meaning of the provision. The religion has existed for thousands of years. That IS also regards the group as a religious group is shown by the fact that IS referred to the Yazidi religion as the reason for the attack on the group as well as the subsequent abuses against them in their writings about the group.

Aim of the Holocaust

There is extensive written and oral evidence that IS acted with an aim of extermination in their treatment of Yazidis. In the view of the District Court, the following circumstances essentially show that this was the case.

S. A. has testified to how the IS ideology was based on trying to achieve a utopia, a state, based on IS ideological foundations and where IS members were regarded as pure and good. IS public statements in journals and social media etc., show that IS opposed the existence of the Yazidi group. Yazidis were considered unclean, unfaithful, and idolaters. They had no right to exist.

As stated above, IS treated Yazidis differently in the August 2014 attack. For example, Kurds and Muslims were killed in the area immediately, Christians and Jews had in previous attacks been given the choice to leave the caliphate or to remain in return for paying a tax. The Yazidis were not given any opportunity to leave the caliphate and were taken prisoner with the main purpose of being converting and help populate the caliphate. The men who refused to convert were executed immediately, while women and children faced a slower process of enslavement and forced conversion.

Yazidi religious and cultural sites and monuments in the Sinjar area were damaged and destroyed during the attack, which according to international practice indicates that IS aimed to destroy the religious community as such.

The aim of destroying the Yazidi group was also demonstrated by the fact that the men who were captured were first given the opportunity to convert, but then executed if they refused. Already in this way it can be stated that the possibility for the Yazidi community to survive would be made considerably more difficult, both by the fact that a large number of the group were killed, also because one can only be born into the Yazidi religion by two Yazidi parents.

The introduction of a formalized slavery system with the enslavement of Yazidi women and children with the express motive that the women should be used as sex slaves, is also, according to the District Court, a clear sign that IS intended to influence the composition of the group. The aim was to populate the caliphate through women. A clear example of this was that a child born between an enslaved woman and an IS fighter became the property of the man and thus part of IS and the caliphate. There was accordingly a clear plan and policy to annihilate the ethnic group completely or partially.

Sexual violence was also used strategically by IS to ensure the Yazidi women

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were excluded from the Yazidi community. Information from the injured parties in this case, which is also strongly supported by other evidence in the case, shows that a woman was deprived of her human dignity and acceptance within the group, not only through slavery as such, but also through the sexual abuse that was committed. J. K., for example, has described how Yazidi women began to doubt their religious affiliation because of the abuse they endured.

It should also be noted that the enslavement system as such, in which people were deprived of their right to self-determination, already violated the human dignity of the Yazidis, which, according to the District Court, indicates that destroying the group was one aim. This is shown in particular by the fact that anyone selling a slave on to someone outside IS was subject to severe punishment within IS to prevent slaves from being sold back to their families.

In addition, the treatment in captivity, especially in the form of frequent forced conversion, shows that the aim was that the Yazidi women would be deprived of their faith and become Muslims. The injured parties in this case have also told of how they were allowed to read the Qur'an and pray during their captivity and in some cases were given new Arabic names. According to the District Court, such forced conversion strongly suggests that the aim of IS was to prevent the birth of a new generation of Yazidis. S. A. and P. I. have also confirmed this and how the women in captivity could either die of maltreatment or on a more spiritual level moved towards a slow extinction.

Overall, the District Court considers that the IS attack on the Sinjar area, the killing and enslavement, and the extensive abuses in various forms that were committed against the Yazidis, took place with the general aim of exterminating the Yazidi community, both physically, but also from a social and cultural perspective. The purpose of annihilation within the meaning of Paragraph 1 of the Act on punishment for genocide, crimes against humanity and war crimes is therefore fulfilled.

10.2 Crimes against humanity

The prosecutor has argued that the IS assault of the Yazidi community was part of a widespread and systematic attack against the Yazidi community, thereby

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committing crimes against humanity against the Yazidi community. The first question for the District Court is therefore whether the necessary conditions for crimes against humanity exist. The District Court will then, where appropriate, assess the acts by which crimes against humanity can be considered to have been committed by IS.

The question of whether IS or IS-affiliated individuals have committed crimes against humanity by enslaving Yazidi women and children has been tried in national courts in Germany and the Netherlands, among others. These have determined that IS attacks on the Yazidis in the Sinjar region and their subsequent treatment constituted a widespread and systematic attack on the Yazidis, who were civilians.

The District Court finds it relevant to highlight in particular the following that emerged from the investigation into the case.

Attacks on civilians

As we have seen, the target of the IS attack on the Sinjar region on 3 August 2014 and the time thereafter was the entire Yazidi population in the Sinjar area, which was in the midst of the proclaimed caliphate. As noted above, the Yazidis constitute a religious community, and the attacks were carried out to implement the IS ideology with the aim of destroying the Yazidi religion and establishing an Islamic state. The attack on the Yazidis therefore comprised an attack on a civilian population.

Comprehensive and systematic attack

The investigation has, according to the District Court, established that IS followed a predetermined plan in connection with the attack on the Sinjar region. In addition to the coordinated military attack itself, the treatment of the Yazidis in the area followed in the same predetermined manner. Yazidis were separated on the basis of gender and age, with women and younger children being separated from men. The men, and sometimes older women, were summarily executed after being given the opportunity to convert to Islam. Women and children were taken prisoner and moved to various assembly points. From there, transfer was organized by buses to other holding locations, before being moved onwards to

Iraq or to Syria. Boys were put in training camps. The same applies to the systematic nature of the extremely planned use of resources such as combatants, weapons, buses for the transport of women and girls, accommodation in assembly points, etc.

The captured women and girls were forced into slavery and to act as sex slaves and sold or passed as such to IS fighters, thereby depriving them of their freedom. IS also committed widespread sexual abuse of women and girls. The enslavement and abuses were authorized and legitimized by IS.

In the attack, thousands from the Yazidi population were killed or abducted in the attack. At the time of the attack, the community numbered around 300,000 and the number of casualties was at least a four-digit figure. In principle, all Yazidis disappeared from the region.

It is clear from the international reporting that the Yazidi population was subjected to murder, rape, sexual violence, torture, imprisonment, sexual slavery, forced prostitution, forced pregnancy, other inhuman acts, persecution, deportation and forcible displacement via the attack.

In the light of the above, IS actions against the Yazidi community during the August 2014 attack and through the subsequent treatment of the group constitute a widespread and systematic attack against a civilian population within the meaning of Section 2 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes.

10.3 War crimes

The prosecutor claims that IS treatment of the Yazidi community constituted serious war crimes and that, since 1 January 2012, there has been a non-international armed conflict in Syria, and this was extended to Iraq in 2014. Furthermore, it has been alleged that the acts under the rule of the armed group IS in Syria were part of or otherwise related to an armed conflict. The first question for the District Court is therefore whether there has been a non-international armed conflict in the area since 1 January 2012 and whether the acts are related to the conflict. The District Court will then, where appropriate, assess which acts can be considered to be war crimes committed by IS.

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The issue of a non-international armed conflict in Syria and Iraq has been examined in both Swedish and other European courts. In a ruling of 20 June 2024 in Case B 5459-23, Stockholm District Court has held, with the support of reports also cited in this case, that there had been a non-international armed conflict in Syria since at least 1 January 2012. In the light of the investigation named, the District Court cannot now make any other assessment.

According to international reports, the conflict continued beyond 2012. In 2013, IS became an increasingly strong and well-organized armed group, operating under a clear command structure and hierarchical structure. In June 2014 IS declared a caliphate in Mosul, covering areas of Syria and Iraq, thereby extending the armed conflict to Iraq. The Supreme Court has assessed that there was a non-international armed conflict in Iraq in spring 2015 (NJA 2021, p. 303).

Overall, the District Court considers that it has been established that there was a non-international armed conflict as alleged by the prosecutors at the time and place stated. It is also undisputed that IS has been a warring party in this.

However, the fact that a non-international armed conflict took place in a certain area and during a certain period does not mean that this applies to every act committed in that area and during that period. During the time an armed conflict is in progress, acts unrelated to the hostilities can take place and these should, as a starting point, be assessed in accordance with the usual rules applicable outside time of war. For an act to be assessed under international humanitarian law, it is therefore necessary that the act is part of or otherwise related to the armed conflict. This is often referred to as nexus.

With regard to the connection between the armed conflict in question and the acts covered by the indictment, the District Court notes that the acts covered by the indictment are well aligned with IS ideology and policy. As stated above, IS ideology was based on a bipolar worldview, in which different groups of people were discriminated against. IS committed widespread abuses against those groups, including the Yazidis, whom they considered to be of lesser value. The nature of the acts allegedly committed by IS was such that they were closely

linked to the ongoing armed conflict. That condition under Section 4 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes is therefore fulfilled.

11 IS ACTIONS

11.1 Killing

The prosecutor has alleged that, in connection with the attack on the Sinjar area in August 2014, a large number of Yazidi men and elderly women were abducted by IS and subsequently killed or remain missing. Yazidi women, children and men in Raqqa have also been killed by extrajudicial executions.

As explained above, intentional killing is punishable as genocide, crimes against humanity and war crimes, provided that the general necessary conditions are met.

It is apparent from the general account of IS actions that, in connection with the attack on the Sinjar area in August 2014, IS killed those men who refused to convert. This has also been confirmed by several of the injured parties in the case. Older women were also executed.

IS ideology has been characterized by the extreme use of violence, including public executions. The victims of IS executions were usually men or boys accused of being affiliated with other armed groups or of violating IS edicts. Executions have been recorded in Raqqa and elsewhere. There are also reports that IS executed women in public, including in Raqqa, for adultery.

It can be noted that many of the persons killed by IS included Yazidis and civilians and as such, members of a protected religious community, a group of civilians and thus constituted protected persons under Section 3 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes.

As the District Court has found, the necessary conditions for the penal provisions were also met. IS can thus be considered to have committed genocide, crimes against humanity and war crimes by killing members of the Yazidi community and others (cf. Section 1, first paragraph, clause 1, Section 2, first paragraph, clause 1 and Section 4, first paragraph, clause 1 of the Act on

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Punishments for Genocide, Crimes against Humanity and War Crimes).

11.2 Severe pain or injury or severe suffering

The prosecutor has argued that Yazidi women and children unknown to perpetrators affiliated to IS have been subjected to serious and brutal physical attacks on their life, health and physical person by being systematically beaten or otherwise subjected to physical violence that has been sanctioned by the current state order.

As stated above, IS actions since its founding have been characterized by the systematic use of extreme violence.

On the basis of the international reports cited, as well as the injured parties and witnesses heard in the case, the District Court considers that IS, through its actions, has caused the Yazidi population severe pain, injury and severe suffering that is punishable as genocide. Similarly, the District Court considers that IS has caused the Yazidi population such severe suffering that is punishable as a crime against humanity and war crimes. In support of these conclusions, the District Court draws particular attention to the following circumstances.

The IS attack on the Yazidis began partly by military means, and partly by the Yazidis in the Sinjar region being captured and separated according to gender and age. In connection with the separation, they were stripped of their belongings and valuables. There are repeated testimonies, including from the injured parties heard in this case, of how Yazidi families, consisting of women and children from the various assembly points, were forced to hear and see men being executed nearby. In other cases, women and children were forced to live in a state of uncertainty about what had happened or would happen to their husbands and fathers. Several of the injured parties in this case have also stated that they have never been able to see their spouses or fathers again.

Women and children were taken prisoner and moved to various assembly points. It is clear, according to the District Court, that the detention and transport of women and children to various places, both within and outside the country, entailed an illegal forced displacement that in itself further contributed to the separation between the families and the suffering of the ethnic group in

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such a way that the group would not be able to survive in the long term.

The systematized enslavement of Yazidis, controlled by a strictly regulated system, constituted, according to the District Court, the exercise of power wholly or in part, resulting from ownership of a person. Slavery as such was, according to the District Court, deeply dehumanizing in a way that makes it – in itself – inhuman treatment. In particular, S. A. points out that, regardless of other ill-treatment in captivity, being regarded as an object was already causing serious harm.

Both capture and slavery as such also constituted illegal detention, as most Yazidi women were neither allowed nor given the opportunity to leave the places where they were held or the families where they were staying.

In addition to living in uncertainty about what had happened to their husbands, the investigation into the case shows that women and girls were subjected to gross sexual abuse in the places and bases they were transferred to. The injured parties in this case have also described sexual violence. Redacted A, for example, has explained how, shortly after giving birth to her son in captivity, she was subjected to repeated rapes at night by various men when she was at a so-called IS base. Similarly, Redacted D has told us about widespread and repeated sexual abuse while in captivity. Sexual abuse of Yazidi women has taken place both at IS bases and in IS families where they have been held captive. In addition to slavery as such, the women were accordingly also subjected to sexual slavery that was sanctioned by IS.

In captivity, the Yazidi prisoners were also subjected to other physical abuses. Redacted A has told us about how one of the IS fighters beat her and burned her on the legs with a piece of metal. Slaves were often forced into forced labor in IS homes. Physical punishments involving the use of violence and other means were common in captivity and many of the women endured very demanding conditions in terms of food and other basic necessities, such as living accommodation. Yazidi women and children were denied the right to practice their religion and culture and were forced to convert, often under threat or with the use of psychological or physical violence. Many were denied the right to

speak their own language. All the acts described above also denied the Yazidis the right to raise their children in accordance with Yazidi beliefs, customs, and traditions.

The District Court notes that some of the above-mentioned acts, such as the extensive rapes and severe ill-treatment, may in themselves be deemed to be so serious that they can be considered to constitute both torture and inhuman treatment and such severe suffering as is required by the genocide provision. That assessment is also supported by the interpretation adopted by the international tribunals. These acts therefore automatically meet the criteria for criminal liability for the act of subjecting someone to serious pain, injury and suffering as both a genocide, a crime against humanity and a war crime.

As stated above, the District Court also considers that slavery itself can be regarded as inhuman treatment and thus meets the requirements for criminal liability for both a crime against humanity and a war crime. Although neither slavery nor sexual slavery is expressly referred to as an act of genocide in Section 1 of the Act on Punishment for Genocide, Crimes against Humanity and War Crimes, it is the District Court's assessment that the combined treatment of the Yazidi community through the imposition of slavery and/or sexual slavery, the killing of relatives, the separation, detention, forced displacement, the serious physical and psychological abuses such as, for example, serious sexual abuse, constitute such severe suffering that threaten to destroy the community as such.

In addition, the continued degrading treatment these people were subjected to in an already vulnerable situation, such as forced conversion, forced labor and the generally difficult conditions in which they lived during captivity – in a situation where their human dignity had already been grossly violated.

Against this background and taking into account the findings on the consequences for the Yazidi population as well as the statements of J. K., S. A. and P. I., the severe suffering has, according to the District Court, led to extensive and long-term difficulties for the Yazidi community to live a normal life. An example of this is that no Yazidis today live in the Sinjar region but are

dispersed around the world, many also still suffer lasting effects and psychological trauma after the IS treatment of them. Many of the men are no longer there and other Yazidis are still missing. The surviving Yazidis, including through the widespread sexual abuse, have also been affected in such a way that they question their own existence. Some of those who have been liberated no longer speak their own language, and they find it difficult to celebrate their religious holidays and travel to sites that are important for their religion. Several of their religious monuments have also been destroyed. The community has thus been affected such that they still have great difficulties to live in accordance with their religion, customs, and traditions.

To summarize, IS treatment of the Yazidis can be considered to have meant that the Yazidi community has been subjected to severe pain and injury. The community as a whole has also been subjected to such a serious violation of the fundamental respect for human dignity that the concept of severe suffering in each of the three types of crime is fulfilled. As the other general conditions of penal provisions are met, IS can be considered to have committed genocide, crimes against humanity, and war crimes by subjecting the Yazidi community, which constitutes a protected religious community, a civilian group and thus protected persons under international humanitarian law, to serious pain, injury and suffering (cf. Section 1, first paragraph, clause 2, Section 2, first paragraph, clause 2, and Section 4, first paragraph, clause 2, of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes).

11.3 Forced transfer of children

The prosecutor has alleged that unknown perpetrators affiliated with IS forcibly took children under 18 years of age belonging to the Yazidi community to IS affiliated households.

On the basis of the international reports cited, as well as the injured parties and witnesses heard in the case, the District Court considers that IS, through its actions, has forcibly transferred children from the Yazidi community to another group in a way that is punishable as genocide. In support of this conclusion, the District Court draws particular attention to the following circumstances.

One of the IS ideologic aims was to populate the caliphate. The enslavement of Yazidi women and children was in line with this to increase the number of people in the caliphate so that the next generation could be created. IS rules also meant that children born in captivity, with a Yazidi mother and IS man as the father, would become part of IS.

As stated above, IS attacks on the Yazidis began with the capture and separation of Yazidi families in the Sinjar region according to gender and age. The men were immediately executed if they refused to convert. Several of the injured parties in this case have also stated that never saw their spouses or fathers again.

The children were left behind with their mothers and other female family members as prisoners and then taken to various assembly points. There, boys were separated from the rest of the family if they had reached puberty and taken to training camps and expected to participate in combat. They were forced to convert to Islam and as such, according to IS ideology, would become part of the caliphate. Girls in puberty were separated from their mothers and taken as sex slaves or slaves by IS fighters and could even be married off to IS fighters.

The injured parties in this case have explained how their older siblings were abducted and separated from the family or how their children who had reached puberty were separated from them. Redacted H and I were both minors and separated from their family. Redacted J has also told us about how several of her children were separated from her.

In captivity, even younger children were forced to convert, pray and read the Qur'an and were to be given a Muslim upbringing. Many of them were not allowed to speak their own language and were given Arabic names. Redacted D has told us that her daughter could only speak Arabic when she was released and Redacted C has stated that during his captivity, he thought he was Muslim. Yazidi children were thus deprived of their religion and culture, often under threat or in the face of psychological or physical violence.

The District Court can confirm that the Yazidi children started being transferred from their ethnic group by IS during the attack on Sinjar when they were

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separated from their fathers who were then killed. As children and mothers were captured, they were forcibly transferred to various assembly points and later to IS-affiliated households or military training camps. The transfer of the children took place either as part of the enslavement of the Yazidi women, or independently by separating them in some cases from their mother and/or siblings.

The District Court considers that it is clear that the transfer has taken place forcibly, as the attack on Sinjar was by military means and the children have not voluntarily chosen to leave their families, their home villages or their Yazidi group. Nor have the children had any practical opportunity to influence their situation independently, as they were children. Even the continued transfer from the community, concerning children separated from their mothers and other family members, took place compulsorily.

According to the District Court, the forced transfer in captivity continued. As stated above, coercion refers not only to physical violence, but also to the threat of violence or coercion, such as that caused by fear of violence, coercion, deprivation of liberty, psychological repression, or abuse of power, against the displaced persons or other persons, or by exploiting a coercive environment. An example of this is when the victim is in captivity or whose freedom is otherwise restricted and the perpetrator exercises control over the victim. According to the District Court, the children in captivity were exposed to such a coercive environment as a starting point. This conclusion is further strengthened by the fact that the Yazidi community as such was simultaneously subjected to other acts that, according to the District Court, constituted genocide.

The forced conversion that was part of IS ideology is a clear sign that the forced transfer continued even in captivity. The children who in captivity would be raised in another religion and forced to read the Qur'an and pray, thereby lost their cultural identity and religion, which are natural consequences of a child transfer as an act of genocide.

The same applies to those who were forced to speak Arabic and were forbidden from using their own language.

The District Court also notes that the children of women who were pregnant when they were captured and then gave birth in captivity, like the children who were captured at a very young age, were also never given the opportunity to acquire their culture or group affiliation to their religion.

Further, the established use of Yazidi child soldiers by IS for military training and combat was another way of forcibly transferring the children to another ethnic group.

Through IS actions and ideology, the District Court can state that the existence of Yazidis as a community was jeopardized both by not being able to physically add new individuals to their numbers, but also by preventing children who belonged to the community from growing up with the cultural identity, language and traditions of the community. IS treatment of the Yazidi children, who are members of a protected religious community, can therefore be considered to have meant that IS committed genocide against the Yazidi community including by forcibly transferring the children from their community to another group (cf. Section 1, first paragraph, clause 5 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes).

11.4 Serious sexual abuse

The prosecutor has argued that Yazidi women and children have been systematically subjected to serious sexual abuse such as rape and other acts comparable to rape by unknown perpetrators affiliated with IS.

As we have seen, after the attack on the Sinjar region, the captured women and children were taken to various assembly places. The international reporting in the case shows that both women and girls were subjected to systematic sexual abuse in the places and bases they were transferred to. This is also confirmed by the injured parties in the present case.

Abuse started as soon as the girls started entering puberty, and generally therefore when they were still children. Rape and sexual assault took place systematically, was accepted and sanctioned by IS and was mainly linked to ownership rights. Redacted A, for example, has told how, shortly after giving birth to her son in captivity, she was subjected to repeated rapes at night by

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various men when she was at a so-called IS base. Similarly, Redacted D has explained about how she, both at various military bases and in other places belonging to IS, was raped by several different men and how she was threatened with death when she resisted. As shown in the account of IS ideology, sometimes the abuse took place in secret because the women were owned by IS or IS members and sexual abuse of a slave was considered a prohibited attack on someone else's property. Sexual violence against a slave was allowed.

In the light of what has emerged, it is clear that IS subjected the Yazidi women and children to widespread and serious sexual abuse. the abuses have taken place both at IS bases and when held captive in IS families, including in Raqqa. As the District Court will return to, there was also extensive sexual abuse within the framework of sexual slavery.

The Yazidi women and children were part of a group of civilians and were also protected persons under Section 3 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes. As has emerged, other necessary conditions for these penal provisions were met. IS can therefore be considered to have committed crimes against humanity and war crimes through serious sexual abuses (cf. Section 2, first paragraph, clause 3 and Section 4, first paragraph, clause 5 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes).

11.5 Sexual slavery, forced labor or other such coerced states

The prosecutor claims that Yazidi women, children and men were forced into slavery after the attack of the Sinjar region in August 2014, by unknown perpetrators affiliated with IS and were enslaved, treated as property and subjected to slave trading, including by being bought and sold on markets or via online sales pages, and were forced into sexual slavery, both in households belonging to IS-affiliated, and also in other places such as buildings where women were held solely for the purpose of sexual slavery by regularly being subjected to rape and other sexual abuse. Women and children have also been subjected to forced labor in IS-affiliated households.

As evidenced above, IS established a complex and formalized system of enslavement of Yazidi women and children. The primary purpose of slavery was to have women as sex slaves in order to populate the caliphate. Women and children as well as sales were registered by IS, which also issued certificates of ownership rights. After a first sale or gift, the slave could then be resold, given away, killed or bequeathed. Slave traders could buy entire groups at wholesale price, for sale elsewhere in Syria and Iraq. The slaves were bought in exchange for money or objects. Some were sold or passed to new owners up to fifteen times. Many of the women were taken to individual IS fighters in Raqqa. Only IS members were allowed to buy and sell sex slaves, sabayas, which were a male benefit, but women were also allowed to own slaves.

The sexual violence perpetrated against women and children was partly linked to ownership rights, as sexual violence against a slave was allowed according to IS documents. It was therefore committed in households of IS fighters. As shown above, there was also widespread sexual abuse of Yazidi women in assembly points and military bases, which is also confirmed by the injured parties in the present case.

Although the primary purpose of slavery was to have women as sex slaves, slaves were also often used for housework such as cleaning, laundry, washing dishes, cooking, and caring for children, all without payment. Violence, punishment and verbal abuse were common, and many Yazidis were prohibited from practicing their religion and speaking their language. They often endured poor sanitary conditions and threats of being sold onwards. The slaves were forced to be photographed by their owners with the aim of selling them.

The sale of slaves and their children took place both in official slave markets, including in Mosul and Raqqa, and also among IS members directly from the holding points, as well as by drawing lots, auctions and via online markets.

It is also apparent from the international reporting that the men and older boys who submitted to forced conversion during the attack on the Sinjar region in August 2014, were transported to various holding points and then to special camps where they were forced to work. Young boys were sold and forced to

convert to Islam, participate in training camps and engage in fighting, including in Raqqa, which according to the District Court contributed to further enslavement.

The District Court can conclude that IS, through the treatment described above, exercised some or all of the power resulting from ownership of a person. This is evidenced, by e.g., the purchase, sale and imprisonment of the Yazidis. P. S. has explained that ownership of the Yazidis was exercised through a legal document, a certificate, (de jure) but there was also actual ownership, for example in the form of women who actually (de facto) had responsibility for slaves when the men were away fighting. Both IS families and IS fighters exercised ownership rights.

P. S. has also said that ownership rights were manifested by the fact that Yazidis in captivity were sexually abused, lacked practical opportunities to escape, suffered physical and psychological abuse, lived under poor sanitary conditions and often did not receive enough food, and were forced to practice Islam. All in all, this meant that the Yazidi group was completely deprived of its right to self-determination and forced into a state of coercion.

IS also engaged in the slave trade by using the slavery system and the extensive slavery administration with the intent to force people into slavery.

In the light of the findings in the case, it is clear that IS, in violation of general international law, subjected Yazidi women, men and children to sexual slavery, enslavement and the slave trade, and forced them into forced labor.

The Yazidi women, men and children were part of a group of civilians and were also protected persons under Section 3 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes. As has emerged, the other necessary conditions for crimes against humanity and war crimes were met. IS can thus be considered to have committed crimes against humanity and war crimes through its actions in this regard (cf. Section 2(1)(5) and Section 4(1)(5) of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes).

11.6 Forcible displacement

The prosecutor claims that Yazidi women, children, and men, including Redacted A-I, were forcibly transferred by unknown perpetrators affiliated with IS in breach of general international law from northern Iraq to various locations within the territory controlled by the armed group IS in Iraq and Syria, which constituted the so-called Islamic State.

After the attack in August 2014, the women and children were taken to various temporary assembly points in the Sinjar region, which was controlled by IS. From there, the women and children were systematically transferred to other holding facilities in Iraq, including Mosul, and Syria. The women and children were transported by buses and cars. These transfers were effected with the use of violence or threats of violence. The injured parties in this case have explained exhaustingly how they were transferred to different places with violence and threats of violence. For example, Redacted D has said that at one of the assembly points in Raqqa, she was threatened with being beaten or thrown down a staircase if she and the children did not go with them to the next assembly point. The injured parties in this case have explained that they were all moved around to different assembly points in Iraq and Syria and then finally to Raqqa.

Against this background, the District Court considers that it is clear that IS forcibly moved the Yazidi women, men, and children from their homes in the Sinjar region. This was done in contravention of general international law.

The Yazidi women, men and children were part of a group of civilians and were also protected persons under Section 3 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes. As can be seen, other necessary conditions for crimes against humanity and war crimes were met. IS can thus be considered to have committed crimes against humanity and war crimes through its actions in this regard (cf. Section 2(1)(6) and Section 4(1)(8) of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes).

11.7 Detention in violation of general international law

The prosecutor claims that, following the attack on the Sinjar region in August

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2014, Yazidi women and children were taken prisoner and moved to various buildings and assembly points controlled by IS in Iraq by unknown perpetrators affiliated with IS, and in Raqqa imprisoned, arrested or otherwise restricted in their freedom of movement by being locked in homes or other premises/houses controlled by IS, or otherwise forcibly directed to and restricted in those spaces.

As can be seen above, after the attack on the Sinjar region, Yazidi women and children were first captured and taken to certain locations in the vicinity, and then forcibly transferred to other places in both Iraq and Syria, and then enslaved. As indicated, all these activities were carried out with violence or under the threat of violence on the part of IS. The injured parties have explained how they were kept under guard by IS at the various assembly points and how IS-affiliated men decided where and when they would be transferred. The same was true when they were placed with IS families who owned them.

According to the District Court, it is clear that the Yazidi women and children had no physical or practical opportunity to leave the places where they were held by IS, either as slaves or pending further sale or transfer.

Via the actions named above performed by IS, the District Court considers that it is clear that IS held the Yazidi women and children captive and that this was in violation of general international law.

The Yazidi women and children were part of a group of civilians. As has emerged, other necessary conditions for crimes against humanity were met. IS can thus be considered to have committed crimes against humanity through its actions in this regard (cf. Section 2(1)(7) of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes).

11.8 Persecution

The prosecutor has argued that IS, through its state-like structure and order, deprived the Yazidi community of their fundamental rights and freedoms. Among other things, the group has been prevented from practicing Yazidi customs and traditions and speaking their own language. They were forced to convert to Islam and practice Islam under threat of violence, deprived of the right to raise children in accordance with Yazidi beliefs, culture and prevented

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from teaching children important customs and practices for the group.

As stated above, after the attack on the Sinjar region, Yazidi women and children were first captured and sent to certain points nearby, then forcibly transferred to other localities in both Iraq and Syria, and then enslaved. As indicated, all these acts were carried out with violence or under threats of violence on the part of IS and with the aim of exterminating the Yazidi community.

As noted by the District Court, IS can, by its actions, be considered to have engaged in murder, serious sexual abuse, slavery, and sexual slavery and forced labor, forcible displacement and imprisonment, and to have subjected the Yazidi community to serious physical and psychological abuse. It can already be seen from these acts that the Yazidi community has been deprived of basic human rights.

IS attacks on the Yazidis began with the capture and separation of the Yazidis in the Sinjar region from their families. The majority of the men were killed immediately, causing the Yazidi families to become splintered. Several of the injured parties in this case have told us that they have never been allowed to see their husbands or fathers again. Even later, mothers were separated from their sons and children and siblings from each other, partly because boys were taken as child soldiers and girls as sex slaves or to marry IS fighters. The mothers were thus deprived of their right to raise their children in accordance with Yazidi beliefs and culture and were prevented from teaching them important customs and traditions. These actions deprived the Yazidi community of the right to family life and violated their freedom of religion.

This is also supported by the treatment of Yazidis in captivity, notably in the form of slavery and forced conversion, as the group was denied the freedom to practice their religion and were forced to practice Islam. The injured parties in this case have also explained about how they were supposed to read the Qur'an and pray during their captivity in several different IS families and in some cases were given new Arabic names. They have also explained about how they were banned from speaking Kurmanji in captivity.

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In addition, the slavery system as such violated the basic human rights of the Yazidis, due to the abusive and degrading way they were treated as property.

It is also clear that all acts against the Yazidis were carried out by IS for religious reasons with the purpose of exterminating the community. They were undertaken with a discriminatory purpose.

Through IS actions, the District Court considers that IS committed persecution against the Yazidi group, who were civilians. As we have seen, the other necessary conditions for crimes against humanity were met. IS can thus be considered to have committed crimes against humanity through its actions in this regard (cf. Section 2, first paragraph, clause 8 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes).

11.9 Humiliating or degrading treatment

The prosecutor claims that Yazidi women and children were referred to as slaves/sex slaves ‘sabaya’, infidels or other insulting remarks by unknown perpetrators affiliated with IS whereby they were subjected to humiliating and degrading treatment.

International reporting in the case shows that punishments such as violence and verbal abuse were common in cases where a slave did not perform their duties and under the pretext that they were Yazidis and infidels. The injured parties in the case have told us that they were called sex slaves, or ‘sabaya’ by their owners.

The District Court notes that criminal liability for the act refers to the person who degrades, humiliates, or otherwise violates the personal dignity of a person to such an extent that it can generally be regarded as a desecration of their personal dignity. According to the District Court, IS attacks against the Yazidi group through, for example, family separations, slavery, sexual and other abuses, forced conversion, imprisonment and forcible displacement can be regarded as acts that have typically been seen as seriously violating personal dignity, and thus fall within the scope of criminal liability. The court also found that disparaging a person as an ‘infidel’ and ‘sex slave’ can be regarded as having been liable to seriously offend their personal dignity. Bearing in mind the

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context in which this took place; in a deeply degrading situation where Yazidi women had already lost their right to self-determination and were held captive.

The District Court therefore considers that IS subjected the Yazidi women and children, who were protected civilians under international humanitarian law, to humiliating or degrading treatment that was likely to seriously violate their personal dignity. As it has emerged, other necessary conditions for war crimes were met. IS can thus be considered to have committed a war crime through its actions in this regard (cf. Section 4, first paragraph, clause 7 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes).

11.10 Recruitment of child soldiers

The prosecutor has alleged that Yazidi boys under the age of 15 were recruited by IS armed groups and used as child soldiers in combat.

The recruitment and use of child soldiers by IS was openly encouraged by IS authorities. International reporting in the case shows that young boys who reached puberty were sold and forced to convert to Islam, participate in training camps and engage in combat, including in Raqqa. That information is also supported by the injured parties in the present case. Redacted J has, for example, explained how her two sons aged eleven and fourteen, were abducted by IS in direct connection with the attack on the Sinjar region.

As already noted, establishing the use of Yazidi child soldiers for military training and combat by IS, and forcibly transferring the children to another ethnic group can be considered another way of engaging in genocide. In addition, the act entails the exercise of powers attached to the right of ownership over these children and that child soldiers can thus be considered to be enslaved children.

In the light of the above, the District Court considers that, as an armed group, IS recruited or used Yazidi children under the age of fifteen for direct participation in hostilities who were protected civilians under international humanitarian law. As has been seen, other necessary conditions for war crimes were met. IS can therefore be considered to have committed a war crime through its actions in this regard (cf. Section 4, first paragraph, clause 11 of the Act on Punishments

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for Genocide, Crimes against Humanity and War Crimes).

11.11 Conclusion

According to the District Court, it has been shown that IS and unknown perpetrators affiliated to IS have carried out extrajudicial executions, family separations, imprisonment, slavery, forced conversion, forced labor, serious physical abuse, serious sexual abuse, forcible displacement, recruitment of child soldiers and degrading treatment against the Yazidi population.

These acts have been part of a widespread and systematic attack directed against the Yazidi civilian community and have been carried out with the aim of destroying, in whole or in part, the religious community of Yazidis as such. The acts have also been linked to the armed conflict that was going on, to which IS was a warring party.

The crime of genocide has consisted of IS carrying out extrajudicial killings against the Yazidi population, which is a protected religious community, inflicting severe pain, injury and suffering on that community, and forcibly transferring children from the group to another group. The crime against humanity has consisted of IS carrying out extrajudicial killings against the Yazidi community, which were civilians, subjecting that community to severe pain, injury and suffering, serious sexual abuse, slavery, forcible displacement, imprisonment, and persecution. War crimes consisted of extrajudicial killings, severe pain, injury and suffering, serious sexual abuse, sexual slavery, forcible displacement, humiliating or degrading treatment and recruitment of Yazidi child soldiers by IS against the Yazidi community, which constituted a protected group. In view of its scale and structure, as well as the fact that the acts caused death and severe suffering, there can be no doubt that they be regarded as serious war crimes.

In summary, the District Court considers that IS can be deemed to have committed genocide, crimes against humanity and serious war crimes against the Yazidi population.

12 ASSESSMENT OF THE CHARGES AGAINST L. I.

12.1 Introduction

As the District Court has found, IS has committed genocide, crimes against humanity and serious war crimes against the Yazidi community.

L. I. is charged with genocide, crimes against humanity, and serious war crimes against persons. The injured parties are a total of nine women and children from the Yazidi community.

In brief, L. I. is charged with imprisoning and enslaving the injured parties for a period from twenty days and seven months. During the period of imprisonment and enslavement, L. I. allegedly subjected all or several of the injured parties to, such treatment as beatings, molestation, forced labor and offensive statements, and forcibly photographed them with the aim of selling them on the IS slave market. L. I. is also said to have forced the injured parties to become practicing Muslims by teaching them about Islam under coercion, forcing them to recite the Qur'an and pray several times a day. They were also required to wear special clothing, such as a full veil. The injured parties were also prevented from speaking their own language and from practicing their Yazidi religion and culture, and in the case of the injured parties who are children, deprived them of their right to schooling and other rights and freedoms granted to them. Finally, L. I. is also charged not only with acquiring or receiving the injured parties, but also with transferring or supplying some of them to other persons within IS.

The charges against L. I. will be examined in accordance with the structure set out below.

12.2 Outline

To increase the understanding of the arrangement, it should already be mentioned here that L. I. has admitted that to all intent and purposes, the injured parties have been in the same house as her during the period of time alleged in the charges. She has however, vigorously denied all involvement in what is alleged.

The indictment of L. I. with regard to the specific assertions is essentially based

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on the depositions of the injured parties heard in the case. A relatively high proportion of their depositions are therefore referred to in the judgment. The depositions are, however, divided according to which offence claim is being tried. As it can be of value to take note of the injured parties' narratives together and in chronological order, the depositions in their entirety are reproduced in the appendix to the judgment. The arrangement is the same with L. I.'s deposition. As stated in the presentation of the investigation in the case, the depositions of the other persons are not referred to.

The injured parties are thus a key part of the case, and the District Court therefore begins with a brief introduction of them in terms of their family affiliation, age, and gender. The District Court then briefly presents L. I.'s stance and details (section 14). As in the case of the injured parties, her comments are reproduced in more detail under the respective allegations.

Before assessing the depositions made by the injured parties, the District Court presents information about the standard of proof and the assessment of evidence (section 15). As regards the assessment of the injured parties' depositions, which is crucial for the assessment of the indictment, the District Court first reports on the assessment of the injured parties' credibility and then assesses the reliability of the information provided. It is not disputed in the case that the injured parties have been subjected to severe trauma by IS. For example, it is important, when assessing the reliability of their information, to take into account, in addition to the usual criteria for assessing reliability, what memory research says about the ability to remember details during and after traumatic events. The District Court then presents its conclusion regarding each injured party's narrative (section 16). L. I.'s information is examined in connection with each of the alleged acts.

The charge against L. I. includes that she acquired or received the injured parties knowing that they had previously been subjected to the IS attack on 3 August 2014 and to subsequent imprisonment and enslavement, as well as to torture-like treatment, sexual violence and forced conversion. It is similarly understood that L. I. transferred or made available the injured parties to other persons within IS with the knowledge that this could lead to each of them being

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exposed to, extremely severe suffering, serious sexual abuse and similar, and that the children would be separated from their only surviving parent. Against this background, the District Court considers that it is relevant to report what has been investigated on an overall level as to what the injured parties were exposed to both before and after they were in the building concerned in the main proceedings. As noted, those circumstances can also affect the reliability of the information provided by the injured parties. Each respective part is presented chronologically, i.e., before and after the assessments of the acts that are claimed to have taken place in the house in question (sections 17 and 19 respectively).

When it comes to the assertions directed against L. I., the injured parties heard, speak of a woman as the perpetrator. It is therefore of crucial importance to determine if the woman the injured parties are talking about is L. I. As noted, it has been established that the injured parties in and of themselves were in the same house as L. I. and it is therefore important ahead of the assessment of the individual assertions, to establish if L. I. is the person concerned, or if the injured parties can have confused her with someone else. The District Court sets out its assessment of this issue in Section 18.2.

The District Court then reports the assessment of if, and what in each of the respective assertions a) – n) have been substantiated. As noted above, the respective statements made by the injured parties and L. I. are presented under the respective assertions. The section concludes with a summary of the assertions that the District Court considered substantiated (sections 18.3 and 18.4).

The District Court then presents its assessment of how the acts are to be assessed on the basis of which assertions have been substantiated. As enslavement is a key part of the alleged criminality, the District Court presents the meaning of enslavement in a separate section (section 20). The court then examines whether there are grounds to convict L. I. of genocide and then takes a position on whether there are grounds to convict her of crimes against humanity and, finally, of a serious war crime (section 21-23). After which, the District Court considers issues of competition that can arise (Section 24).

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The District Court will then consider the issue of sentencing and damages (Section 25). Finally, the District Court examines other issues, such as legal costs, confidentiality and detention (section 26).

13 ABOUT THE INJURED PARTIES IN GENERAL

The injured parties are a total of nine women and children belonging to the Yazidi community. They belong to three different families and come from different villages in the Sinjar area of Iraq.

All the injured parties were captured by IS in connection with the attack on Yazidi villages in Sinjar on 3 August 2014. The District Court will return to the circumstances surrounding what the various injured parties have said about how they were captured, how they were transported to IS-controlled areas and then to the house in Raqqa at issue in the case. However, it can already be noted here that they came to the house familywise and at different timepoints in January or early February 2015. They were in the house for different lengths of time. They all remained in captivity after they left the house.

The investigation shows that two girls, Redacted H, who was sixteen years old, and Redacted I, who was seven years old, were the first of the injured parties to come to the house. They are sisters, but in order to protect themselves, during their captivity they claimed to be mother and daughter. They were in the house for about five months. Redacted I was freed in 2018. Redacted H is still missing. Redacted J, who was also heard in the case, is the mother of Redacted H and I. She was separated from her daughters before they came to the house in question.

The next people who came to the house were Redacted A, who was twenty years old, and her newborn son, Redacted B, to whom she gave birth in captivity in October/November 2014. Redacted A also brought a boy who was six years old, Redacted C. They had certain family ties and met while in captivity before coming to the house. Redacted A registered him with IS as her son to protect him. They were in the house between twenty days and a month. They were then freed from IS in late 2015.

The last of the injured parties who came to the house were Redacted D, who

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was 36 years old, and three of her children. Her eldest son, Redacted E, was nine years old, her daughter, Redacted F, was eight years old, and her youngest son, Redacted G, was just over a year old. They were in the house for just under five months. Redacted D and Redacted G were freed from IS in the summer of 2015. Redacted E was freed sometime in 2017 and Redacted F not until October 2022.

14 L. I.'s STANCE AND INFORMATION IN BRIEF

As stated in the introduction, L. I. has denied any wrongdoing and rejects any liability for damages. The District Court will return to L. I.'s information during the assessment but will briefly present her position and information below.

L. I. did not enter the conflict zone in Syria in order to help establish an Islamic state under a strict Salafist interpretation of Islam and controlled by a violent Islamist armed group. Her purpose with the trip was to keep the family together and to be able to be with all her children. Regardless of L. I.'s purpose for the trip, at the time she entered Syria there was no concerted opposition to the Assad regime, but there was a broad and diverse alliance. A large part of the Free Syrian Army were defectors from the Assad regime. Kurdish forces were an important element, even though there already were some Islamist elements in the opposition. In late 2013 and early 2014, when L. I. entered Syria, few observers understood what role IS would come to play in the opposition as a whole. It is also not clear which group L. I.'s then husband, J., belonged to when he was killed.

L. I. did not belong to IS. However, over time, people close to her have come to be incorporated into IS structures. L. I. has not, however, ideologically, militarily or in any other way, felt any affinity with IS. She distances herself from IS and the extremely serious crimes that IS have committed. On the other hand, she was critical of the Assad regime.

Regarding the alleged crimes against the injured parties, L. I. has denied that she bought, acquired, or accepted any other human. Nor did she bring any of the injured parties to the house in question. She has not held the injured parties captive, or in any way prevented any of them from leaving a particular room or

house. Nor has L. I. sold or transferred the injured parties to anyone else.

L. I. acknowledges, however, that the injured parties in this case have been treated and regarded by other persons as property and slaves. However, she has not exercised any control over the injured parties or their work. She has not in any way accepted how the injured parties have been treated. Instead, she has felt that the injured parties have been in a terrible situation, and she has suffered with them. She has tried to ameliorate the situation for the injured parties as much as she has been able to.

With regard to the specific assertions, L. I. has denied that she would have subjected the injured parties to mistreatment or any other such crime as is alleged in the indictment. Nor has she referred to the injured parties with offensive remarks as 'slaves', 'sabaya', 'infidels', 'kuffar' or the like. She was not fitted with an explosive belt or a bomb vest. She has not shown execution films to the injured parties. However, there have been weapons in the residence, but these have not belonged to L. I.

Furthermore, L. I. has not forced the injured parties to become Muslims or taught them about Islam under coercion. However, she has answered questions about Islam from the injured parties. She has not had any objections to the injured parties speaking Kurmanji. When it comes to the injured parties' clothing, L. I. has not forced them to dress in a certain way. However, IS has had strict dress codes and regulations that applied in Raqqa at the time. L. I. has had no impact on this.

L. I. did not share a household with the injured parties but they have been in the vicinity of each other and were in the same building. The injured parties sometimes ate with L. I.'s family and where they shared the food that was available. They were generally humble circumstances.

As for the alleged photographing of the injured parties, it is not clear when the pictures were taken. In any event, L. I. has neither photographed the injured parties nor allowed anyone else to photograph them.

L. I. has not deprived the injured parties who were children of their rights and

freedoms, such as the right to schooling. The person who bought or acquired the injured party is responsible for that.

15 EVIDENTIARY REQUIREMENT, EVALUATION OF EVIDENCE AND CO-PERPETRATION

15.1 Evidentiary requirement

In criminal cases, the burden of proof lies with the prosecutor. In order for the prosecutor to meet this burden of proof, he or she must present an investigation that corresponds to the requirement(s) for the strength of evidence applicable in criminal proceedings. The standard of proof is usually expressed in such a way that the indictment must be substantiated. In several court cases, the Supreme Court has stated that this means that a conviction requires the court to find that the investigation presented in the case is beyond reasonable doubt that the accused has committed the act alleged by the prosecutor.

The requirement also states that the investigation must be so complete that there is no reason to assume that further investigation would change the assessment. If uncertainty persists in some respects after the investigation has been presented, e.g. with regard to other possible perpetrators, this may lead to the evidentiary requirement not being met. (See, inter alia, ‘Murder at the bus stop’ NJA 2023 p. 129 with references.)

15.2 The free assessment of evidence

The starting point is that there is free production of evidence and free consideration of evidence. Case law has developed certain principles of assessment. The method by which the court examines the evidence cited by the parties should always be determined in the light of the circumstances in each individual case. In this case, according to the District Court, it is firstly appropriate to assess the evidence submitted by the prosecutor in order to support what is alleged in the statement of the criminal act as charged, and then consider the information and evidence given by L.I.

When evaluating the evidence, the District Court will first examine the value of the evidence presented individually by the prosecutor and the injured parties who assisted the prosecution. The question then arises as to whether the weight

of evidence is sufficient to meet the evidentiary requirement and whether it is therefore established that act was carried out in the manner alleged in the statement of the criminal act as charged. If the prosecutor's evidence is insufficient, L. I. must be acquitted. If, on the other hand, the evidentiary requirement is deemed to have been met, her information and other evidence relied on against the prosecutor's assertions must be examined. If the statement of the criminal act as charged is thereby refuted or if L. I.'s narrative weakens the prosecutor's evidence, such that the evidentiary requirement is not met, the prosecution must be dismissed.

Before the conclusion of the assessment of evidence, a general and final balancing of the probabilities is to be performed.

15.3 Co-perpetration and aiding and abetting a crime

The prosecutor contends, primarily, that L. I., acting alone or together with and in concert with other perpetrators, has subjected the injured parties to the offences charged. In the event that the District Court in some respects were not to find that L. I. is to be regarded as the perpetrator, the prosecutor has argued that she, through her actions, has aided the crimes.

It follows from Chapter 23, Section 4 of the Penal Code that not only is the liability of the perpetrator of the act to be judged for certain acts, but also any others who have aided this by word or deed. Each participant shall be judged on the basis of their intent. This means that all participants should be punished and that each participant is independently responsible for their actions and thus regardless of whether or not other participants can be punished. Several persons who have jointly committed a crime may be sentenced in so-called co-perpetration for the crime if they acted 'together and in concert'. This concerns cases where several people have been helped each other to commit the crime, and they are then each punished as a co-perpetrator. Co-perpetration requires, for example, that the perpetrator has done something that shows that he or she stands in solidarity with the overall criminal plan in a way that makes it natural to regard him or her as perpetrator.

As regards the relationship between the general part of Swedish criminal law

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and international criminal law, it can be noted that the starting point is that the Swedish provisions on participation are to be applied. It has also been expressed in the Swedish preparatory work that the rules on co-perpetration and complicity in crimes in the Rome Statute are primarily intended to be applied by the International Criminal Court. This part of the Charter does not reflect applicable customary law as a starting point and there is therefore no commitment to apply these criminal law principles nationally. However, it can be noted that in international practice there is co-perpetration in the form of participation in what is sometimes referred to as joint criminal enterprise. For example, the ICTY has classified acts that only cover parts of a wider criminal act as co-perpetration. This was assessed by the General Court as a consequence of the fact that crimes against the law of nations are, by definition, in many cases of a collective nature and are regularly perpetrated by groups acting according to a common criminal plan or with a criminal motive.

Where it is alleged that an act has been committed by several persons together and in concert, such evidence is required at individual level that it can be established, with regard to each of the persons involved, with the evidentiary requirement applicable in criminal proceedings, that they have participated in the commission of the crime in such a way that they are to be regarded as co-perpetrators.

16 ASSESSMENT OF THE TESTIMONY OF THE INJURED PARTIES

16.1 Introduction

With regard to the specific assertions against L.I., the evidence consists, in principle, only of the statements of the injured parties heard. They have explained what they believe L. I. has subjected them to, and where appropriate, what they have observed with regard to the other injured parties. Other evidence cited, mainly in relation to L. I.'s ideological home and the conditions within IS, has a bearing primarily on the questions of intent and the purpose of the criminal acts.

It follows from the foregoing that how the District Court evaluates the

testimonies of the injured parties is of crucial importance for the assessment of the prosecution of L. I. It can already be stated here that, of the injured parties heard, it is essentially the information provided by Redacted A and Redacted D that is relevant. Redacted C and Redacted I were children at the time in question and their information is, for that reason alone, unreliable.

16.2 How the testimonies of the injured parties are referred to

As stated in the presentation of the investigation into the case, the District Court has allowed so-called early hearings of the injured parties to be played audio-visually (Chapter 35, Section 15 of the Code of Judicial Procedure). However, both supplementary and cross-examinations were held at the main hearing, which was a necessity for the proceedings.

Most of the recorded interviews have been made in the injured parties' current home countries. The length of the interviews in the cases of Redacted A and Redacted D was 11 and 16 hours respectively. The other interviews also lasted several hours. It has been clear that the interviews have been very strenuous for the interviewees to perform as in some cases it has been the first time they have spoken about their experiences during their captivity with IS. It should also be noted that a relatively large proportion of the interviews recorded concerned the periods before and after the injured parties are to have been in the house at issue in this case. The defense, during cross-examination, on the other hand, has been able to ask relevant questions specifically focused on L. I.'s liability. In the assessment of the District Court, the cross-examinations have thereby been held in an efficient and legally secure manner and they have not been affected by the injured parties' state of health at the main hearing.

In the assessment of the information provided during the recorded interviews, account must be taken of the fact that interviews during the pre-trial investigation are not conducted under the procedural safeguards applicable to examinations before a court and in the presence of the parties, and that the fact that certain evidence is not presented in the best possible way generally has a lower evidentiary value. In this case, however, it can also be noted that the District Court has been able, through the recorded hearings, to see how the questions have been asked and how the answers have emerged, as well as the

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injured parties' reactions to information they have heard for the first time. The District Court has also been able to assess what the injured parties explained spontaneously. However, as with any questioning with an interpreter, it should be noted that there may be some language confusion. Certain misunderstandings of this kind have in this case been clarified at the hearings during the main hearing.

With these starting points, the District Court proceeds to examine the credibility of the injured parties and the reliability of the information they have provided.

16.3 Credibility of injured parties

It should be noted at the start that for it has been notably psychologically stressful for all the injured parties who have been interviewed to travel to Sweden and participate in the trial.

With regard to Redacted A and Redacted D, who provided the key information for the prosecution, they have both made a credible impression. There is nothing to indicate that they would have knowingly provided false information. They appear to have been they anxious that their testimonies should be correct as they have on several occasions corrected the interviewer when they misunderstood something the interviewees said.

Redacted A and Redacted D have also, clearly experienced considerable anguish when talking about their experiences both during the hearing during the preliminary investigation and during the main hearing. Nothing has come to light to suggest they exaggerated their situation and their experiences in the house in question. On the contrary, it can be said that they both made it clear that – unlike during their time in captivity in general – they were not subjected to sexual abuse during that period. Redacted A has cited this as a crucial reason why she desperately wanted to remain in the house when she was about to be forwarded elsewhere. Redacted D has also been clear that she was not subjected to any direct physical abuse while in the house. As for Redacted D, it can also be noted that she did not appear to have talked about the events that for her have been the most traumatic. On numerous occasions during the hearings, she has replied that what has happened is too difficult to talk about, which the

interviewer accepted. This also indicates that she has said more than what she has actually experienced.

There is therefore no reason to question the credibility of Redacted A and Redacted D. Nor has there been any reason to question the credibility of Redacted C, Redacted I and Redacted J.

16.4 Reliability of specific information provided

16.4.1 Starting points

As regards the reliability of the information provided by the injured parties, the District Court will carry out an overall assessment of their testimonies and then, where appropriate, under the respective charge, carry out a more specific examination concerning each individual detail that has been provided.

There are reasons to note at the outset that all the injured parties heard have experienced and borne witness to very traumatic events. They have submitted their testimonies with great anguish and have at the main hearing found it difficult to take note of their own recorded narratives. This is particularly true for the adult injured parties, who are already noticeably affected when the attack of 3 August 2014 is mentioned, but Redacted C and Redacted I have also found it upsetting to participate in the process as they have not previously talked about the events to any great extent.

Furthermore, consideration must be given to the fact that the injured parties experienced extremely traumatic events before and after their time in the house in question, and of the risk of confusion between the traumas. Similarly, the fact that a long time has elapsed since the time of the crimes means that care must be taken when assessing the evidence submitted.

The expert witness T. L. O. has explained that people generally have the ability to remember well for a long time certain things that have occurred during traumatic situations. Studies have shown that people who are exposed to such situations have an ability to remember key details rather than more peripheral ones. In general, the longer the exposure the better the remembrance. According to T. L. O., memory can also be affected by factors such as hunger, lack of sleep and other factors that impair human cognition. For a person who has

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experienced several traumatic events of a similar nature, there is a risk that these memories can be confused. However, studies have been conducted on prisoners from concentration camps and their ability to remember when it has been more than 40 years since they were freed. Based on objectively verifiable facts, the accuracy of their memories could be measured, showing that they remembered the worst events most clearly and that they had relatively accurate memories, even though they were in poor condition during the encoding phase.

According to T. L. O., children can remember events from the age of three, but it is more common to remember from the age of five to six. In addition, there is a risk of contamination of memory during the storage phase. In the event that a person discusses and reads about the event, memory may be unconsciously affected.

The injured parties who have been heard about the events in the house belong to different families and they had not met before the time at issue in the case, nor since. The same relationship applies between the injured parties and L. I. It has come to light that Redacted D recognized Redacted A in a news report in connection with the release of Redacted A. Redacted D has explained that they have had some contact via whats-app in recent years. However, it has not come to light that they talked to each other or other parties concerned in such a way about the events in the house that would have affected their memories. As the District Court will return to, the information provided by Redacted A and Redacted D is also not so consistent that this in itself comprises a reason to assume that they have spoken with each other.

There is also reason to highlight that the injured parties' narratives about the attack on 3 August 2014 and about the subsequent chain of events with transports, assembly points and other holding places during the time they have been detained are strongly supported by the investigation in the case reported by the District Court in the general section on crimes committed by IS. As we have seen, IS had some specific transport routes and holding places that were used, which corresponded well with what the injured parties had said. Redacted A and Redacted D also explained about the separation process of girls and women based on age that IS started immediately after the attack, in detail and

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how they perceived this. The investigation also lends strong support to the injured parties' information about IS violence and rape, as well as the humble conditions during captivity. The above indicates that Redacted A and Redacted D have an ability to remember details and can also account for the chain of events in chronological order.

16.4.2 Information specifically provided by Redacted D

Redacted D has provided a long and in the key parts detailed narrative about her experiences when held in captivity by IS and in the house concerned.

The narrative in these parts contains no contradictions or difficult to explain moments. She has been able to reproduce details, such as, for example, naming virtually all the IS men who 'owned' her and also giving detailed descriptions of their appearance and origin. She has stated, for example, that one IS man was of Indian descent and that she still thinks of him when she sees an Indian film. She described another IS man as short and stout and that he came from Syria and had a gunshot wound to his stomach. Redacted D also named a number of Yazidi women and children with whom she was in captivity in different places and at different periods. She has also named girls that have been separated from the group and abducted and provided details of their onward fate.

Given the level of detail and empathy that characterizes Redacted D's narrative and how she reacted and felt during the hearings, her narrative undoubtedly appears to be as she herself experienced it. Even taking into account that there must reasonably be many events and details that she does not remember, she has been able to describe each holding location and also talked about certain incidents that occurred at each location. Such have often concerned traumatic events, for example, when there have been urgently threatening situations for her or a fellow prisoner. T. L. O.'s testimony shows that this is often how human memory works.

It can also be noted that there are several examples of Redacted D being careful about details. For example, when the interviewer named the vehicle that Redacted D said was a bus, she corrected it to be a truck.

With regard to memories of the house in question, it should be noted that

Redacted D was there for at least almost five months. It was the place where she spent the longest time during her captivity, and it was also the first private house she came to. Before that, she and her children had been in larger assembly points and IS bases. The time spent in the house also differed from her imprisonment in general, as she was not subjected to sexual abuse there. It was also the only place where she was held captive together with Redacted A. The information they provide is supported by each other in several parts. For example, they have provided the same information on who 'owned' them, who ruled the household and over the injured parties. They have also provided similar descriptions of the house and the family who lived there as well as the routines in the house and how they were treated. For example, they agree that Redacted A had received worse treatment in several respects than Redacted D. However, as mentioned, the information is not so consistent that there is reason to believe that they have affected each other's memories. Redacted D, for example, has been clear that she herself has not seen Redacted A being maltreated in the house. Redacted D was also in the house for a much longer time than Redacted A.

Redacted D has also talked about her observations of Redacted H and Redacted I. The information relates to both what she herself observed and what Redacted H has told her. It should be noted that Redacted D has had several months to make those observations. It also appears that Redacted H and Redacted D became quite close during the time in the house when they spent the days together in the company of each other. For example, Redacted D was noticeably affected when, during an interview, she saw a photograph of Redacted H and Redacted I. Furthermore, Redacted D stated that Redacted H told her that she had been beaten by an IS man for discovering that Redacted H and Redacted I were sisters, and not mother and daughter. This information is also provided by Redacted I, independently of Redacted D, during her interview.

It should also be noted that Redacted D stated that, at the time of her release, a document or contract had been drawn up and there was a question of a payment of USD 20,000. She stated that her last owner had provided her with a document with an equivalent content. The investigation referred to a document drawn up

by the IS office for the administration of justice, the Judiciary of Raqqa, with the content specified by Redacted D. According to the document, dated June 2015, a named man reached agreement with Redacted D, referred to as the 'female slave, that she would pay \$20,000 for her and her three children to be freed. Although that information is not in itself of crucial importance for the assessment of the indictment, it does indicate that Redacted D provided reliable information.

Finally, it should be noted that Redacted D provided essentially the same information throughout the pre-trial investigation and maintained this at the main hearing. In addition, she provided essentially the same information in the interviews conducted with her by the Regional Government's Investigation and Evidence Collection Authority and the Yazda International Organization Documentation Project in 2016 and 2018.

Altogether, the District Court considers that the information provided by Redacted D as a starting point is reliable.

16.4.3 Information specifically provided by Redacted A

Like Redacted D, Redacted A has provided a long and in the central parts detailed narrative about her experiences during captivity with IS and in the house in question. The narrative contains in these parts no contradictions or difficult to explain moments. She has given detailed descriptions of the essential elements of her narrative. As mentioned, her information is strongly supported by the general investigation into IS actions and strategies. Redacted A has also talked about the places where she has been held and named and described the IS men who owned her. She has also told us in a detailed way about her own experience as a pregnant woman who was about to be separated from her mother-in-law and also her feelings about giving birth to her child in captivity. It is clear that Redacted A was very much focused on the well-being of her children. She has described Redacted C's actions and state of mind and Redacted B's hunger and infections. It is clear that she has suffered a great deal from how the children were treated and how they felt, and that these memories have thereby become entrenched.

As regards her recollection of the house in question, it must be noted that Redacted A was there for between 20 days and one month. As with Redacted D it was the first private residence she came to in Raqqa. Before that, she and the children had been to larger assembly places and IS bases. It was also the only place where she was detained together with Redacted D. As with Redacted D, the time she spent in the house differs from the rest of her captivity when there was no sexual abuse. As explained above, the information provided by Redacted A and Redacted D is supported by each other in several parts. Redacted A has been in the house for a shorter time than Redacted D and has, as far as can be seen, been more isolated in the house and has stated that she basically had no contact with Redacted H and Redacted G. However, she has still been able to provide a general description of the house and talked about who decided what and which procedures and rules applied.

Redacted A has, according to her own testimony, been subjected to abuse on several occasions in the house. She has talked about some specific occasions with great empathy and anguish, but also with anger over how she has been treated. The descriptions are detailed in terms of the sequence of events, such as how her head was pressed to the floor at one time and how another time she had a glass thrown at her and that she was hit in the face in such a way that she was scratched by the perpetrator's nails that left her bleeding. These are therefore specific and relatively singular events. Redacted A has also described her feelings concerning the events. According to the District Court, what Redacted A has talked about, appears to reflect her own experiences.

As is the case with Redacted D, Redacted A has taken care to ensure that the details she explains should be correct and has on several occasions corrected the interviewer. Redacted A has also been specific as to what she was not exposed to in the house and has, for example, talked about the temporary freedom she felt when not being subjected to sexual abuse. It is worth mentioning here how she described her feelings of desperation when she found out that she would be sold because, as she put it, she would do anything possible in the house, to avoid being sold as she would then risk being subjected to sexual abuse again. Even in this part, her narrative undoubtedly appears to be as she experienced it herself.

When Redacted A was in Sweden for the main hearing, a forensic body examination was made of her. The forensic medical report shows some physical injuries that may be attributable to the violence that Redacted A has stated that she has been subjected to during captivity. It appears that she has a large number of scars on different parts of the body that, according to the forensic medical report, were quite old. Given that the investigation took place around ten years after the injuries occurred, it is of course very difficult to draw any conclusions from the findings. The District Court notes, however, that it is clear from the forensic medical report that Redacted A has revealed scars on one of her forearms and thighs, these can very well be compatible with being burned with objects. As the District Court will return to, Redacted A stated that one of her 'owners' burned her with hot metal objects when she refused to have intercourse with him. Redacted A herself has stated that she still has marks from that abuse. It can also be noted that Redacted A exhibited arc-shaped scars on her face that, according to the forensic medical report, can have arisen after contact with a fingernail or other curved object. As noted, Redacted A has explained that during her time in the house in question she received blows to the face and suffered bloody scratches from the perpetrator's fingernails. According to the District Court, the forensic medical report provides a certain support for the information provided by Redacted A.

Altogether, the District Court considers that the information provided by Redacted A as a starting point is reliable.

16.4.4 Information specifically provided by Redacted C

As the District Court has found, there is no reason to question the credibility of Redacted C. On the other hand, with regard to the reliability of the information he has provided, it is of crucial bearing that he was six years old at the time of the alleged acts. He does not seem to have spoken to other people about his memories and what he has been exposed to. On the other hand, it is clear from his narrative that he must have subsequently gained an idea of IS actions against the Yazidis and the purpose of it on a more general level.

According to T. L. O., children can remember events from the age of three, but it is more common to remember from the age of five or six. Redacted C has not

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provided a coherent narrative, but he seems to have more fragmentary memories. However, according to the District Court, it is clear that he has specific memories of what he himself experienced. As an example of events, he clearly perceived to have experienced, he said he played with rabbits in a garden, played football and was with a man in a candy store. Some parts of what he has said concur with what Redacted A and Redacted D stated about what he was exposed to in the house in question. He states, for example, that he attended an 'Arab school' with a few other children and that he was forced to pray at home. He also seemed to recognize L. I.'s son as a boy he had played football with. However, Redacted C has also talked about events that there is no other support for having occurred in the house in question.

In conclusion, Redacted C has not provided a coherent and chronological narrative and it is not possible to draw any firm conclusions regarding specific acts. Redacted C's information therefore has no bearing on the assessment of the allegations against L. I. On the other hand, his narrative supports what he has been through on a general level.

16.4.5 Information specifically provided by Redacted I

As the District Court found, there is no reason to question the credibility of Redacted I. On the other hand, with regard to the reliability of the information she has provided, it is of crucial bearing that she was seven years old at the time of the alleged acts. She has also actively tried not to remember the events, which according to T. L. O. can affect the ability to remember negatively. In addition, Redacted I, was in captivity for a total of about four years, which at the time was a significant part of her life expectancy. Her memories would probably be affected due to the tremendous trauma that she has experienced for a long time, and that she may have confused events.

However, Redacted I seems to have partly coherent memories in the sense that she seems to have sorted the memories based on what happened in the different places she was in, and whether she was with Redacted H or not. She has presented clear memories of the IS man who separated her from Redacted H and also of a time when she was reunited with Redacted H for a few days. For her part, these were naturally crucial events when she was separated from

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Redacted H, who was her only security after she was separated from her mother. In addition, she has provided relatively detailed narratives about a family she was imprisoned with for a couple of years at the end of her captivity.

Redacted I's narrative, however, is not chronological and it is not possible to draw any firm conclusions about where and when what she has told us has occurred. However, one reflection that can be made is that the time – at least almost five months – that Redacted H and Redacted I were in the house in question should, based on what has come to light in the investigation, have been a not insignificant part of the time that she was in captivity together with Redacted H.

Some of the sequences she has talked about concerning the time she was together with Redacted H, should thus concern the events in the house in question. For example, her description of the room in which she and her sister allegedly lived when Redacted H slept with an IS man is similar to the room in which Redacted D described Redacted H and Redacted I slept in while in the house in question. However, as the District Court will return to in its assessment of the individual assertions below, Redacted I's information is not entirely reliable.

In conclusion, Redacted I has not provided a coherent and chronological narrative and it is not possible to draw any firm conclusions regarding specific acts. Redacted I's information therefore has no bearing on the assessment of the assertions against L. I. However, her narrative supports what she and Redacted H have been through on a general level.

16.4.6 Information specifically provided by Redacted J

As the District Court has found, there is no reason to question the credibility of Redacted J. However, she has not been in the house at issue in the case and the significance of her information is in principle limited to what Redacted H and Redacted I experienced during their captivity before they were separated from Redacted J. However, her narrative supports general conclusions about the attack of 3 August 2014 and how IS strategies and the slave trade worked. She also talked about her own escape from IS. Her narrative is also included in the

appendix to the judgment.

With regard to the reliability of Redacted J's information, it must be noted that she provided a clear and coherent narrative. It appears to be chronological. She was an adult at the material time and was in captivity for a few months, which should reduce the risk of confusion of memories. She has described several critical moments in a detailed and emotional way. What she says appears to be what she herself experienced. For example, the description of the desperation she felt when Redacted I and Redacted H were forcibly taken away. Even the description of her escape from IS together with her other children and the feelings that IS men had threatened to take her sons, undoubtedly appears to be as she perceived them.

Overall, the District Court considers that the information provided by Redacted J as a starting point is reliable.

16.4.7 Conclusion

The District Court has found that all the injured parties heard are credible. On the other hand, the reliability of the information provided by them varies, mainly depending on their respective ages.

The District Court has found that Redacted C and Redacted I have not provided coherent and chronological narratives and that it is therefore not possible to draw any firm conclusions regarding specific acts from their information. Their information therefore has no bearing on the assessment of the assertions made against L. I. On the other hand, their narrative supports what they have been through on a general level.

The District Court has found that Redacted A, Redacted D and Redacted J have provided cohesive, chronological, and detailed narratives that undoubtedly appear to be as they themselves experienced them. For these reasons, for example, the District Court has considered their information as a starting point to be reliable.

17 **IS ATTACK ON THE INJURED PARTIES BEFORE THE TIME THEY SPENT IN L. I.'S HOME**

17.1 Introduction

It is apparent from the injured parties heard in the case that all of them were the victims of the IS attacks on 3 August 2014. They were then taken prisoner and held captive by IS until they arrived at L. I.'s home. During this time, they were transported between different holding places and were subjected to abuse of various kinds. As the District Court will return to, the injured parties have been held captive and abused even after their time in L. I.'s home.

The prosecutor has structured the indictment against L. I. in such a way that she is to be seen as a link in the attack on the injured parties, i.e. she has maintained the captivity and enslavement of the injured parties. She is also alleged to have been aware of what the injured parties – at least on a general level – had been exposed to before being taken to her home.

Against this background, the District Court will present below what has been investigated about what the injured parties experienced during their captivity before they came to L. I.'s home. As the injured parties have to some extent had similar experiences, the District Court will begin by describing these, and then go into what each of them has experienced. As noted, the injured parties' own narratives form the basis for the assessment of what has been investigated. In this part, they are strongly supported by expert witnesses heard and cited reports of the attack and IS strategies, aims, and methods. L. I. has also not disputed the details as such.

17.2 The general chain of events

The injured parties' information indicates that they lived in different villages in the Sinjar area of Iraq. All the families farmed and there does not seem to have been any major shortage of food or other necessities. They seem to have lived a relatively peaceful life. The children who had reached school age went to school and were out playing in their free time. All families were active in their Yazidi faith, both religiously and culturally. For example, they celebrated Yazidi festive periods and participated in rituals.

The injured parties and their families were all affected by the IS attack on Yazidi villages in Sinjar on 3 August 2014; they have explained that the villages were surrounded by IS vehicles with IS flags and a large number of IS men with weapons. The men shouted that no one was allowed to leave the village. The IS men kicked in the doors of the houses and took everyone who was their prisoner. Redacted D and her family had tried to escape to Mount Sinjar but were not able to and were captured. Although Redacted A and her family had tried to escape up the mountain, she was pregnant and could not walk so quickly, causing them to be captured. Redacted C, who was six years old, has recounted a memory of his family having put a white flag on the house but the IS men still came and abducted them.

The IS men took all the captured Yazidis to various assembly points in the villages. The men were blindfolded and taken away. There are reports that some men were taken to Mosul, but the majority of the men were executed. Redacted I has stated that she heard gunshots but did not know what was going on. Redacted J has told us that some men were thrown into irrigation channels and then shot dead. Some 20 men from her village had managed to escape and hide under a haystack, but the IS men found them and set the haystack on fire. Redacted J has also told us that about 450 men were executed in her village between 11 a.m. and 4 p.m. that day. Redacted C, who was only seven years old, has recounted a memory of him and his brother hiding under pillows after their older brother had been abducted. The IS men found them, fired shots and then abducted his brother. Redacted C has also described a recollection of IS men shouting that the children should come out because there was chocolate, and that the children were then photographed.

Furthermore, the injured parties have explained that the IS men took all their valuables, such as gold and mobile phones. Redacted D has explained that she especially remembers that an elderly lady who had a gold ring that she could not remove from her finger, and that an IS man threatened cut off her finger if she did not get it off. The claim that mobile phones were taken is confirmed by the investigation of mobile data that has been made, i.e. that such data stopped in the Sinjar area in connection with the attack.

Redacted D and Redacted A have not seen their husbands, nor a large number of other male relatives, since that day. Redacted C has not seen his father since that day.

The women and children have been forcibly displaced between different holding places in Iraq and then in Syria; The injured parties have spoken of various places and buildings they have stayed in, including in school buildings in Tal Afar and in premises called Galaxy Hall in Mosul, where around 1,000 captured Yazidis were held at the same time. The injured parties have later been taken to what they describe as IS bases or IS headquarters in or near Raqqa. They have described that it felt like they were being herded around like cattle.

The injured parties have also described very difficult conditions involving assault, forced labor and sexual abuse. Redacted A has explained, for example, that IS men kicked women and children and beat them with rubber hoses. The IS men did not allow the prisoners to lie down, shouting ‘do not lie down, get up and stand there’. According to Redacted A, this was because they were going to be tortured, and that it was ‘haram’ or unlawful in Arabic, for women to lie down in public places. Everyone was scared and the children could not sleep. All the injured parties testify that the IS men who guarded them went around instilling tremendous fear.

Throughout their captivity, the women and children were sorted by age. Initially, the IS men separated ‘girls’ – in this case unmarried women and women without children – from the other women and children, as well as boys over the age of 11. Those who were separated out were then taken away, the girls to become slaves and the boys soldiers. Older women were also taken away. Redacted J has stated that they were told that the older women would be taken to a place where there were fans but they were buried alive in a pond instead. The women were thrown into a pond and then the pond was covered with earth.

The separation process went on continuously and often several times a day. IS men registered the women and children on a list, which made the injured parties even more afraid when it became clear what was going on. According to the

injured parties, the entire procedure entailed tremendous suffering as they could never be sure what would happen. They have also described a great fear that they would be separated from their children. Both Redacted D and Redacted A have depicted specific situations in which they witnessed mothers being separated from their children. Some tried to resist, but then the IS men became violent, including dragging the girls by the hair. At one point, a woman became angry and argued when she found out she was going to be sold. The woman's owner then came and beat her and kicked her son, who was kicked almost to death.

As noted, the injured parties were taken to IS bases near Raqqa. At the IS bases, the women were allocated to IS men who then exchanged women with each other on a regular basis. Redacted D and Redacted A have both stated that they were regularly raped while at the bases.

Already early in the captivity, coerced education about Islam and coercion to participate in prayers for the prisoners began. They had to memorize prayers and texts from the Qur'an. This also affected the children, who were not allowed to play but participated in household chores or were taught about Islam. Redacted D has explained about one occasion when an IS man pulled the trigger on his weapon making an audible 'click' and threatened to kill a little boy who had not learned the prayers. On another occasion, a Yazidi woman refused to pray, saying that she was a Yazidi and that she believed in Melek Taus. An IS man then arrived with a machine gun and threatened to kill her. Everyone started screaming and the kids were crying. Other IS men then arrived and the situation was defused. Such situations caused everyone to be very frightened and to be sure to memorize texts and obey all commands.

The injured parties have also told us that they received very limited amounts of food and water. For example, Redacted A has stated that they received only one piece of bread every other day. The water they were given was dirty and full of insects but they had no choice but to drink it. Redacted I has described that there were pieces of glass in the rice. Her mother, Redacted J, has stated that they were only given enough rice that covered the bottom of the cup and there were lice in the rice. The water was dirty and undrinkable. Both Redacted A and

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Redacted D have explained that they prioritized the children being fed but even so, the children were still always hungry. Redacted D has stated that she sometimes managed to take leftovers from the plates she was washing up for the IS men. They had to sleep on the floor, or on the ground outside. Redacted A and her family lived outdoors for several months.

17.3 Redacted D, Redacted E, Redacted F, and Redacted G

From Redacted D's information, it would appear that after the first few days being transported between different locations, she and her children were taken to Galaxy Hall where they were allowed to stay for about fifteen days. She has said that she knew several of the girls and young women who were abducted from Galaxy Hall and that they are still missing. Redacted D and her children were later taken to a school building in Tal Afar, where they also stayed for about fifteen days. The school was full of captured Yazidis and no one was allowed to leave the school building.

Then Redacted D and her children, along with other Yazidi women and children, were taken to a building in the village of Qasr Mihrab. They stayed there for about two months and there the forced conversion became more structured as the IS men forced the Yazidi group to participate in prayer sessions. Some Yazidi boys were taken to a nearby mosque to learn to pray, and they were then instructed to teach the women and children.

Redacted D and her children were later taken along with a large number of other Yazidi women and children to Raqqa in Syria. She has explained that everyone was crying but that she found it difficult to express how hard it was to get to Syria. They were placed on a farm outside Raqqa. The IS men stayed downstairs and the Yazidis upstairs. The day after arriving there was a gathering at the farm so that all Yazidi families would be registered with the number of family members, names and age. This was also a very difficult situation for Redacted D as she understood the purpose of the registration and what would happen. After four days, the IS men read out the names of her and the children and asked them to go to a car. They threatened to throw her down the stairs if they did not go with them.

They were then taken in a car with other Yazidi women and children to a house in Mayadeen. There she was met by other Yazidi women who said that women who came there would be sold. At night, all the Yazidi women and children were told to assemble and the IS men chose who they wanted to take with them. Those who did not go voluntarily were beaten. She herself was threatened by an IS man that if she and the children did not go with him, he would take only her and thus separate her from the children. The IS man ended up taking her, the children and another woman with children to a car and took them to a house in Deir ez-Zur. According to Redacted D, this house was located next to a military base.

The IS man who brought Redacted D to the military base said that the house she was placed in had belonged to some 'infidels' who had managed to escape. He said, 'we could not capture them but we captured you'. He also said that she was his 'sabaya' and that he would rape her. Redacted D stood up and said that as long as she was alive, she would not let him touch her. He said that she would regret it and that he would give her to someone who would 'give her something worse than death'. He then handed her over to another IS man, who raped her and held her captive for about a month. The rapes were the worst during the captivity; she would have preferred death. Redacted D has described a very painful situation for her when one night she was summoned to an IS man unknown to her who said he would see if he liked her or not. According to the man, he had come to an agreement on this with her owner. This situation caused her to collapse.

After a while, the entire IS base and all the captured Yazidi women and children were moved to a new base. That was also in Syria. She continued to be raped by her 'owner'. In addition to being regularly raped, she and the other Yazidi women were forced to pray and read the Qur'an. They also did all the household chores for the IS men, such as washing dishes, cleaning, and laundry. Redacted D's 'owner' then passed her on to another IS man at the base. This transfer began with her owner calling her to go to him when she was standing at the sink. When she disobeyed him, he came up and dragged her by the shoulder and threw her to some men at the door. The men removed her veil. Her owner

took her to another room and said he did not want her anymore and that he was giving her to someone else. Her children were still in the first room. He had locked them in and said that he had something for their mother and that they were not allowed to leave the room. At night, her new owner came to her room and raped her. She then spent a month with him before he said he was done with her and would sell her.

Other IS men also raped Redacted D when the men were replaced. She told an IS man that it cannot be allowed in any religion to treat a woman in that way. The man then said he could kill her if it would make her feel more comfortable. She replied that the reason she was in his power was that she could not kill herself because she needed to live for her children.

When Redacted D and her children were to be sold on, a discussion arose with her owner that ended with him pulling out a machine gun. The owner said she could shoot herself. He ended up saying that she would be allowed to leave the base. She and her children were then taken to L. I.'s home.

17.4 Redacted A, Redacted B and Redacted C

After a few initial days in captivity, Redacted A was taken to a school building in Tal Afar. She was with her mother-in-law and her sisters-in-law and their children. A large number of other women and children from her village were also placed in the school building. They lived outdoors in the schoolyard as there was no room for all the prisoners inside the building.

The IS men who were guarding them were continuously engaged in the separation process. The way this was done was that all the women/girls were lined up and then IS men pointed out one of them and said 'you will come with us'. Some resisted but the IS men then dragged them by the hair and led them off to waiting buses. On several occasions IS men came and wanted to take Redacted A, but she explained that she was pregnant, which was also visible as she was in the fifth month. So they let her be for the time being. All the captive women and children were terrified and had to do everything they were told. The IS men did not regard them as human beings, but as cattle.

Redacted A remained at the school in Tal Afar for about three months. Then

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she, her mother-in-law and sisters-in-law were taken to a prison-like building in Badush. It was a large building, which was partially burned down, with small lattice windows. Many women and children were there. Here, too, they were made to live outside. The IS men continued the separation process. Now it was no longer only girls and young women who were chosen, but also married women without children. The women were taken to IS men who would allocate them among themselves.

The conditions were very bad. All the prisoners were tired and dizzy because they did not get any food and there was only dirty water. Everyone was scared and the children could not sleep. After a number of days they were taken back to Tal Afar and stayed at a school there for about a week. Then they were placed in abandoned houses in Tal Afar. The houses were empty because IS had forced the residents from their homes. Redacted A was placed in a house together with her family and some other families. They lived there for about two months. They were incredibly difficult months. The house was dirty and full of snakes and insects. There were no mattresses, blankets or matches. At night, IS men came and searched the house to check that no one was planning to escape. They spread fear and everyone was scared.

Redacted A was nearing full-term of her pregnancy and was tired and exhausted. She slept directly on the hard ground and could hardly move. A week before she was due to give birth, an IS vehicle arrived in the middle of the night. IS men came into the house and shone flashlights. They selected Redacted A and took her out to the vehicle. Because she was near full-term, she could not get up and they dragged her out. While she was waiting in the car, the IS men got a phone call and after that they let her go back in. She thinks she was chosen because she looked the youngest of the women in the house. She later gave birth to her son (Redacted B) in the house. Her mother-in-law helped her but there was no medical equipment and there was nothing to swaddle her son. Her mother-in-law made a blanket out of a piece of her dress.

Two weeks after giving birth, they were taken to Galaxy Hall in Mosul. They were taken there at night on a flatbed truck. There were already many Yazidi prisoners there and new groups of Yazidis arrived as time went by. Redacted A

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was there for almost a month, then taken to Syria. It was a very difficult time. Her newborn son was very ill. He had both eye and ear infections and did not sleep during the days or nights as he was in pain and crying all the time. She did not think he would survive because it was so cold and he had severe infections. She focused entirely on her son and did not care about herself.

Even in Galaxy Hall, IS men continued to separate and remove older women and girls from the group. They took Redacted A's younger sister-in-law who was the same age as her. In the evening, several IS men came and selected girls/women for themselves and then her sister-in-law was selected. She does not know how her sister-in-law was abducted because she was too scared to look. Those who decided were called Emirs and they had lists of those captured and noted who was going to which IS man. Redacted A realized that her time would come and that she would be separated from her relatives.

After about a month, Redacted A, her son and her older sister-in-law with three children were separated. They were taken to Raqqa, Syria. There were about ten women on the bus and most had several children between the ages of newborn and ten years. Her own son was about a month old. She remembers that it was cold outside and it was probably around the turn of 2014/2015. However, it is difficult for her to judge the season and weather because they sometimes they were simply shaking with fear rather than because they were freezing.

They were taken to a prison building in Raqqa. There were a large number of Yazidi women and children there. Many of the children were separated from their mothers. All the women and children lived in two rooms and were surrounded by guards. They were not allowed to go out and the conditions were terrible. The children were sick and there was no medication. During this time, she was reunited with Redacted C, who was then six years old. He is a second cousin of her husband. She hugged him and registered him as her son so they would not separate them. She took care of him until he was released. They remained in Raqqa prison for about eight days. She sat mostly crying and was worried about what would happen to her and if they would separate her from the children. The IS men continued to select women who were then separated out. After eight or nine days, she was chosen and was to be taken away. She and some other women

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were taken to a room where they had to take off their veils and jackets. The IS men said they wanted to be able to see their faces. She had the children with her. An IS man claimed she lied when she said they were her children. She breastfed Redacted B to prove she was his mother. The IS men discussed who they should take and who should be allowed to take their children with them. These were not the same men who had guarded them before, but these IS men came from somewhere else. They came to choose women for themselves.

A man named G. took her. He was an Arabic IS man. She was allowed to keep the children, but she was separated from the other women, including her older sister-in-law. G. took her to a base where many IS men were based. At the base, she lived with the children in a room. Both the door and the window were covered with blankets. They slept on the ground. She had no diapers for her son who peed on himself and became wet and cold. Every night IS men came and raped her. She tried to resist but they tied her hands together and held her mouth so she would not scream. This happened several times a night, three or four different men came every night. The children were usually left in the room but sometimes they removed Redacted C. However, many times he saw how they pushed her, handcuffed her, covered her mouth and then raped her. He was terrified and sat quietly in a corner of the room. This really affected him and he often could not speak for several hours afterwards. He was also very scared and woke up at night screaming terribly. She spoke to him and said that the IS men did so because they were their enemy. She remembers that he put his hand on her and said that he thought they would hurt him instead of her. After about a week at the base, G. took her to L. I.'s home.

17.5 Redacted H and Redacted I

As noted, Redacted I was only seven years old when she was captured by IS. Her narrative of what happened is therefore not coherent. However, her mother, Redacted J, has been able to tell her about the time in captivity until she was separated from her daughters, Redacted I and Redacted H.

Redacted J has stated that she was taken prisoner with her children as well as her sisters-in-law and their children. They were initially taken to a school together with other women and children from the village. At the school, IS men

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began separating girls/younger women from women with children. Redacted I looked older than her age and they therefore tried to cover her with a veil. Both Redacted I and Redacted J have told us that the sons of the family were abducted and when they later came back, they told us that they had been forced to read the Qur'an and pray and that they were given weapons training.

Later, Redacted J and her daughters were taken to Tal Afar. They were placed in buildings along with a large number of other captured Yazidis. They were there for about fifteen days. They were given sleeping pills or drugs that made them sleep almost all the time. Redacted J has described the situation as terrible. It felt like she was dead. IS had already taken her sons and she was terrified that they would also take her daughters. IS men came every day and picked out new girls and women. They tried to escape twice during this time but were captured. As punishment, they were locked in a room without food for seven days.

Every afternoon IS men came and took away girls they liked. They shone flashlights to see what the girls looked like and who they wanted to take. It was mainly younger unmarried women without children who were selected. In order to prevent Redacted H (sixteen years old) from being selected, they tried to say Redacted H was the mother of Redacted I. On one occasion Redacted H and Redacted I were nevertheless selected. They were ordered to get up and go to a car, and they started crying and screaming. Redacted J's sister-in-law screamed that Redacted H was her daughter-in-law so the IS men would think Redacted H was married. When the IS men still took the girls with them, Redacted J screamed that Redacted I was her daughter in an attempt to stop them taking her as well. But it did not help. The IS men dragged out Redacted I, who screamed and fought, and dragged out Redacted H, who also cried and tried to resist. Redacted J and the sisters-in-law tried to hold the girls tight and to pull them back. In the end, the IS men started to shoot at them and they had to let go of the girls. The IS men also had guns pointed at the girls' heads and threatened to kill them. She saw that the girls being taken away but did not find out where they were taken. That was in October 2014 and it was the last time Redacted J saw Redacted H. She did not see Redacted I until around three years later when

Redacted I was freed.

Redacted I has also described that she and her family were placed in various school buildings during the initial period of captivity. Food was scarce. Redacted I has from her perspective described how she was separated from her mother as follows. The school building was absolutely full of people – all Yazidis – both from her village and from other villages. At regular intervals, all the prisoners were assembled and IS men hand-picked good looking girls, about sixteen to eighteen years old. At one time, a man with a long beard came and chose her big sister, Redacted H. They chose Redacted H because she was a young woman.

Their mother told them to pretend that Redacted I was Redacted H's daughter so they would not separate them from the rest of the family. Their mother and other family members tried to keep them together, but the IS men tore them away. They were thrown into a car and were very scared and did not know what was going to happen. In the cars were other girls of Redacted H's age. They were taken to an IS headquarters. There IS men came and picked out girls that they had bought and took them away. She and her sister were there for a few days before an IS man came and bought them. She does not remember his name.

Further, with regard to Redacted I's information on what happened before and after their time at L. I.'s home, it can be noted that there is uncertainty concerning this. Via what Redacted D has said about what Redacted H told her during the time in L. I.'s home, it has been established, however, that the following event occurred in the time before.

Redacted I and Redacted H were in a house with several other Yazidi girls and women, including from their village. A woman from their village was working there for IS according to Redacted I, and revealed to an IS man that they were sisters and not mother and daughter as they claimed. This led to the IS man beating Redacted H with a length of wire. Her sister had bruises all over her body and could not move. This beating happened every night. They were then sold as sisters to two IS men.

17.6 Conclusion

The investigation has shown that all the injured parties were captured by IS in connection with the attack on the Yazidi villages, after their male relatives had been executed. Together with a very large number of other Yazidi women and children, they were forcibly transferred between holding points, first in Iraq and then in Syria. The injured parties were subjected to varying degrees of assault and molestation by men affiliated with IS and were forced to live in oppressive conditions without food and clean water. They were forced to practice Islam and do housework. Redacted A and Redacted D were subjected to systematic rape. Redacted C, Redacted I, and Redacted H were separated from their mothers.

The injured parties were subjected to the slave trade when they were transferred between different men within IS. After about five months in captivity and enslavement, the injured parties came to L. I.'s home.

18 ASSERTIONS MADE AGAINST L.I.

18.1 Introduction

As stated at the introduction, the prosecutor contends, in essence, that L. I. acquired or received the injured parties together and in agreement with others, and then kept them in captivity and enslaved in her home. During the time in the home, she is to have subjected them to abuse, harassment, forced labor and forced conversion and also forced some of the injured parties to be photographed for onward sale.

Redacted A and Redacted D have talked about a female perpetrator in the case in question who they called U. H. They have stated that it was she who ruled over them and that she was the one who subjected the injured parties to the actions that took place in the house.

As we have seen, L. I. has denied these actions. However, she acknowledges that she and the injured parties lived in the same house during the period at issue in the main proceedings. She has also admitted that she was called U. H. because her son's name was H. However, L. I. claims that, firstly, she did not

play the role indicated by the injured parties heard and secondly, she did not expose them to the acts alleged. She argues that their statements are unreliable and argues, inter alia, that there may have been confusion with other women in the house or that the injured parties were confusing their memories with experiences elsewhere.

Against this background, the District Court starts by considering whether the woman named U. H. by the injured parties is L. I.



18.2 Identification of L. I. by the injured parties

Redacted A and Redacted D have accordingly described a female perpetrator called U. H.

Neither Redacted A nor Redacted D have been able to identify L. I. during a photo lineup. However, it can be noted that the women in the photographs were wearing hijab, i.e. only their faces were visible. In addition, the photograph of L. I. was taken in Sweden several years after the time at issue in the case. The fact that Redacted A and Redacted D did not identify L. I. during the photo lineup is, according to the District Court, of no significant importance for the assessment of the prosecution. Similarly, it is irrelevant that they stated in court that they were certain that L. I. was the perpetrator.

What is more relevant, however, is that Redacted D spontaneously explained about the woman she calls U. H.'s personal circumstances that are a good fit with L. I.

Redacted D has named and indicated the age of U. H.'s twin daughters as well as that of her youngest son and linked his name to the fact that she was called U.H. Redacted D has also named U. H.'s two older sons and stated that U. H. had spoken of them as jihadists. The names and ages match L. I.'s children. Redacted D has also said that U. H. had a daughter-in-law with a baby who was in the house and a daughter who was married and lived in Iraq. This information also matches L. I.'s circumstances.

According to Redacted D, U. H. had told Redacted D that her husband, A. A., was not the father of the children but that their father was a martyr. U. H. had also mentioned that she had had a period of mourning (Iddah period) for forty days and that A. A., who had been friends with the deceased man, told U. H.'s eldest son that he wanted to marry her.

Regarding U. H.'s background, Redacted D has stated that U. H. had told her that she was originally a Christian and had belonged to the infidels but that she had now found Islam as the true religion. U. H. had also mentioned that she had previously worked as a teacher.

Redacted A was not in the house in question as long as Redacted D was and she was more isolated in her room. However, she has made some observations about the personal circumstances of the woman she calls U. H. She has stated that U. H. spoke Arabic but was not from Syria. U. H. had not said which country she came from but Redacted A had got the impression that she was originally a Christian. U. H. was, according to Redacted A, fair-skinned and the color of her eyes was more green or grey than dark brown. On her chin, U. H. had a blue dot that, according to Redacted A, looked like a homemade tattoo.

Regarding U. H.'s family relationships, Redacted A has also talked about twin daughters and she has been able to name one of them. She has also explained that U. H. had a son, whom she named, who lived in the house and a daughter-in-law with children. Redacted A has stated that U. H. had another son who Redacted A did not meet. According to Redacted A, the woman was called U. H. because she had a grandchild, who was two years old, called H.

According to the District Court, it is clear from the injured parties' statements that the person they call U. H. is L. I. In addition to Redacted A's statement of a blue dot on the chin that is difficult to explain, everything they have said points to L. I. as the person referred to. That Redacted A misunderstood that two-year-old H. was a grandchild and not a child of U. H., is probably explained by Redacted A's age perspective.

In addition, friends and relatives of L. I. who were heard in the case, namely C. O., I. M., Redacted K and Redacted L, confirmed that Yazidi women and children lived with L. I. Redacted D has described visitors who came to U. H. that match C. O., Redacted K and Redacted L.

Against this background, according to the District Court, it is clear that U. H. and L. I. are the same person and that the injured parties have lived in the same house as her. As has been shown, L. I. has also admitted that she was called U.

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H. and that she was in the house with the injured parties. However, she has denied the acts and pointed out that there may have been other women in the house that the injured parties confused her with. She has said, for example, that she went off to visit her daughter-in-law and grandchildren for seven days in March 2015 and when she came back, Redacted A and her children had left the house. According to L. I., G.'s wife and children had been in the house during this time. Redacted D and Redacted H complained that G.'s wife had been mean. G.'s wife was also unhappy because, according to L. I., she was probably jealous.

The crucial question in this regard is therefore whether it has also been established that it is L. I. that the injured parties refer to in the parts that are crucial for the prosecution, or whether there may be an alternative perpetrator.

As a preliminary point, it should be noted that L.I. does not have any burden of proof obligation and she is therefore not required to explain any circumstances that would discharge her from any liability. However, she has put forward a hypothesis that it may be G.'s wife who is the person the injured parties mean.

In that regard, it must be stated that Redacted D was absolutely certain in her statement that, throughout the entire period in the house, there had been a woman in charge of her and the household, and that that woman was U. H. The same woman was also the one who, for example, forced Redacted D to perform household chores as well as to study the Qur'an and to pray.

Redacted A has also been clear that there is only one woman she speaks of as the perpetrator and that is U. H. As the District Court will return to when assessing the individual assertions, Redacted A has described in detail U. H.'s role when she was photographed and then sold on.

Both Redacted A and Redacted D are accordingly certain in their conclusions. It seems unlikely that they would not have remembered if the critical acts had been committed by a woman other than the one they have described in such detail.

In addition, with the exception of socializing with each other and Redacted H,

neither Redacted A nor Redacted D have interacted with any woman in the house other than U. H. It can also be noted that they have had extensive exposure to U. H., Redacted D has seen her daily for about five months. It is also worth noting that the treatment to which the injured parties are alleged to have been subjected was continuously ongoing, i.e. U. H. can be assessed to be a known person to them. As noted in the reliability assessment, it is also worth noting that the house in question was not only the first private home they came into, but also that U. H. was the first woman with whom they were 'placed'. It was thus a departure from the time before when they had only been with men affiliated with IS. The conditions mentioned above are those which, according to T. L. O., reinforce their memories.

On the basis of the evaluation of evidence made above with regard to the identification of L. I., the District Court can conclude that any confusion with an alternative perpetrator can be ruled out.

The District Court therefore concludes that it is clear that the person who Redacted A and Redacted D call U. H. is L. I. Any confusion with an alternative perpetrator can be ruled out. From now on, the District Court will consistently use the name L. I.

18.3 General statement of the criminal acts of deprivation of liberty and enslavement

The District Court will start by examining the general assertions that L. I. has acquired or received the injured parties and kept them captive and enslaved.

18.3.1 The prosecutor's assertions

In an initial allegation, the prosecutor claims that, between 3 August 2014 and the first quarter of 2015, L. I. purchased/acquired/received/retained, together and in agreement with other perpetrators, and with the knowledge of the crimes allegedly committed by IS against the Yazidi community beforehand, first Redacted H and a minor child, Redacted I, then Redacted A with two minor children, Redacted B and Redacted C, and finally Redacted D with three minor children, Redacted E, Redacted F and Redacted G, all civilians, protected persons, belonging to the Yazidi community, in her residence in Raqqa, Syria.

Further, according to the statements (a) and (b), the prosecutor has asserted that L. I., alone or together and in concert with other perpetrators, exposed Redacted A-I to severe suffering as they were considered, and treated, as property/slaves by her and other perpetrators. According to the indictment, she has also, alone or together and in concert with other perpetrators in violation of general international law, detained Redacted A-I in her home and prevented them from leaving the home and for long periods also the rooms in the home to which they were directed to. Such deprivation of freedom lasted between twenty days and seven months.

18.3.2 Investigation

The testimonies of the relevant persons interviewed in the main proceedings are as follows.

Redacted A

Redacted A has stated that it was G. who brought her and the children to L. I.'s home. She has stated that G. and L. I.'s husband fought for IS together. When she was in the house, however, Redacted A had nothing to do with G., other than the fact that he had handed her over to L. I.

It was L. I. who controlled and supervised Redacted A and the children. Redacted A and Redacted C were allowed very restricted space in which to move even inside the house when L. I. locked the door to the bedroom allocated to them. Redacted A was only allowed to come out if L. I. asked her to perform a task. Then she could go to the kitchen. Similarly, she and the children were only allowed to go to the bathroom when L. I. permitted it. If the bedroom door was open, L. I. sat outside the door on guard. Redacted A was not allowed to go outside but she made several attempts to look out to see what things looked like outside. Once L. I. discovered that she was trying to look out into the backyard and then L. I. put her under stricter surveillance. Redacted A was also forced to perform household chores and to participate in teaching about Islam.

Redacted A had little to do with Redacted H and Redacted I but she knows that they slept in another room and that G. had taken possession of them. L. I. knew, however, that they were in the house. The first time she met Redacted H she

was wearing a black hijab, together with L. I.

Redacted D

Redacted D has stated that one evening a man came to the IS base and collected her and the children. She protested at first, but then the man said he would hit her if she did not go with him. She and the children were taken to a waiting car where L. I.'s husband, A. A., was sitting in the front passenger seat. He did not show his face. They drove to L. I.'s place.

Redacted D was met in the house by L. I. and her children. A. A. and the other man left again. Redacted D perceived L. I. as happy when she and the children arrived. L. I. said that they would forget their relatives and their people and that they now only belonged to and would obey her religion. She would teach Redacted D and the children about the Qur'an and to pray so that they would no longer be infidels.

L. I. told Redacted D that A. A. and G. were like brothers and that they had taken possession of the house, formerly belonging to Syrians, together. A. A. was home very rarely and always came home late at night. Redacted D never saw his face. He did not abuse her except when he took her and the children to the house against their will.

When Redacted D arrived at the house, the other injured parties were already there. Redacted A, Redacted B and Redacted C, who according to Redacted D were with L. I., lived in the same room as Redacted D and her children. L. I. and her children and her daughter-in-law with children had their own rooms in the house. Redacted D shared the kitchen with them but they had separate toilets. Redacted H and Redacted I lived in another part of the house that was owned by G. Redacted H explained that G. had taken her for himself and that he slept with her. L. I. knew about this and she always left Redacted H when G. came home. L. I. was in charge of Redacted H and Redacted I when G. was not at home and he was basically only at home on Fridays. Redacted H and Redacted I were present at meals and they were also forced to pray and read the Qur'an.

L. I. was in charge of all the women and children in the house, such as over household chores, that they should pray and that they were not allowed to leave

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the house. There was only one main entrance and it was locked. L. I. moved freely in the house but very rarely went out and when she did, she locked the door and the main gate so that no one could get out. Redacted D and the children were sometimes allowed go out in the yard, which was surrounded by a wall with barbed wire, but they were not allowed to go beyond that. The room she and the children had indoors was about 12-15 square meters. They were not allowed to move freely in the house without L. I.'s permission. Sometimes they had to go to the part of the house where Redacted H and Redacted I lived and to watch TV. However, they were only allowed to watch programs about Islam and the Qur'an. L. I. moved freely throughout the house, i.e. also in the part where Redacted H and Redacted I lived.

L. I.

L. I.'s husband A. A. had arranged a home for the family. When L. I. went with him to look at the house, she found that there was food in the fridge and laundry in the bathroom, i.e. it was obvious that someone was living there. She was told that there was an acquaintance of her husband, G., who lived in the house and that she and her family would be able to borrow a room. She never met G., only heard his voice. He had a wife and several children, but they had left.

One morning, in January 2015, her twin girls heard noises from G.'s part of the house. L. I. thought at first that it was his wife and children who had come back. However, it turned out that it was Redacted H and Redacted I. She perceived that Redacted H was about eighteen and that Redacted I was the age of her twin daughters. Her daughters started playing with Redacted I. A few weeks later, the twin girls said that there was a woman with two children in 'uncle's' living room. This turned out to be Redacted A with children Redacted B and Redacted C. She perceived that Redacted A was about twenty years old and that Redacted C was five to six years old. Redacted B was a baby. A week later, Redacted D arrived, with children Redacted E, Redacted F and Redacted G. The older children were the same age as her twin girls and Redacted D was L. I.'s age. The youngest child was two years old.

It was G. who brought all the injured parties to the house.

L. I. had not heard about the IS attack of 3 August 2014, but she had heard that IS had begun enslaving people called Yazidis. It was one of her sons who told her about the enslavement. Her son said that IS had the attitude that slavery had been allowed in the past and that they had now been reintroduced it.

It was only when Redacted A had arrived at the house that L. I. realized that G. was keeping slaves. She understood that the Yazidi women were enslaved and that G. owned them. Her husband told her about this, but he did not want anything to do with the Yazidi women in the house. L. I. was also completely against slavery and did not want to live in such a way. She therefore urged her husband to work harder to find another house for the family. It was difficult because there were so many of them.

Neither her husband nor her older sons had any contact with the women as they respected G.'s private affairs. All the doors in the house were unlocked and the gate opened from the inside so everyone could go out if they wanted to. L. I. has treated all the injured parties as she treats other people, i.e. she was pleasant and generous.

18.3.3 Assessment of the District Court

Introduction

The District Court will below purely take a position on the alleged factual circumstances and not on the prosecutor's claim that L. I., via enslavement, exposed the injured parties to severe suffering within the meaning of Section 1(1)(2) of the Act on punishment for genocide, crimes against humanity and war crimes, or deprived the injured parties of their freedom in violation of general international law pursuant to Section 2(1)(7) of the same Act. How the acts that are proven are to be assessed in these respects will be resolved by the District Court under Section 21.

The District Court will also go into more detail about the meaning and consequences of enslavement in section 20 but would like to point out the following for the adjudication that is now to be made of whether L. I. enslaved the injured parties.

As explained in the General Part, enslavement is defined as the exercise of any or all of the powers conferred by ownership over a person (Rome Statute, Article 7:2(c) and the 1926 UN Convention on Slavery and Forced Labor). The power resulting from ownership over a person may be exercised by buying, selling, lending, or bartering such a person or by otherwise depriving a person of their freedom. Children born into slavery and/or held captive with their enslaved parents are considered to be victims of slavery together with their parents.

There is no requirement of time limitation or minimum duration for the existence of a slavery offence. The enslaved person does not need to be aware that they are a victim of a slavery crime. Nor does it require any maltreatment *per se* for a slavery crime to be deemed to exist. The damage has already been caused by someone exercising ownership over the other person.

As regards L. I.'s role, it should be noted at the start that, in the light of the legal framework for the slavery system introduced by IS in Raqqa, it should be ruled out that, formally speaking, L. I., as a single woman, could 'buy' or 'own' slaves. However, *the concept of slavery covers both de jure and de facto* ownership rights, i.e. it is sufficient that she actually exercises the right to property. The investigation also shows that it was common for a man to formally own a slave, but a woman ruled the household and thereby exercised the right of ownership. The fact that L. I. was a woman does not therefore rule out the possibility that she could have exercised actual authority over the injured parties, thereby perpetuating their captivity and enslavement.

Considering that the circumstances differ between Redacted A – Redacted G on the one hand and Redacted H and Redacted I on the other hand, the assessments are presented under separate headings. The District Court then takes a position on L. I.'s duties in this regard.

Redacted A – Redacted G

Redacted A has stated that it was G. who brought her and the children to L. I.'s home. As with the other IS men who have dealt with her, she has been confident in her information. G. had also raped her while she was at the IS base, which

ought to boost her memory of him. Against this background, the District Court considers her information to be reliable. Redacted A has also been clear that G. only brought her and the children to the house to hand them over to L. I. She had virtually no contact with G. when she was in the house.

Redacted D has stated that it was L. I.'s husband, A. A., and another man who brought her and the children from the IS base to L. I.'s home. Redacted D has been resolute in her perception and, as the District Court has noted, she has also consistently been able to name various IS men in a seemingly reliable manner. She has also been able to explain a lot about A. A.'s circumstances and she has obviously spoken to L. I. about him.

According to Redacted D, for example, L. I. told Redacted D that A. A. was a high-ranking member of IS and that he was not the father of L. I.'s children. Redacted D, however, has not seen his face, either in the car or later on the few times he came to the residence. Although there are some indications that it was A. A. who brought Redacted D and the children to the house, in the view of the District Court, this is not sufficient for it to be considered proven that this was the case.

It is therefore not possible to draw any certain conclusions as to who, apart from G. in the case of Redacted A, actually brought the injured parties to the house. There has also been no investigation into L. I.'s role in the proceedings. It is clear, however, that L. I. received the injured parties in the house and that she was subsequently the one with whom they had contact and obeyed. There is no doubt that Redacted A and Redacted D felt that it was L. I. who 'owned' them. It should also be noted that as they were not sexually abused in L. I.'s residence, there did not necessarily have to have been a man who was also in possession of them.

It has also been confirmed that L. I. was clear from the outset, at least in relation to Redacted D, that the injured parties would be forced to convert to Islam. They were also encouraged directly to forget their relatives and their community. Through both the information provided by Redacted A and Redacted D, it has also been established that L. I. was responsible for the house when her husband was not at home. Redacted D has stated that L. I.'s husband came home

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sometimes, but that was late at night. L. I. herself has stated that her husband was home a couple of times a week and then only in the evenings. The conclusion can therefore be drawn that it was L. I. who decided in the household most of the time. The investigation has revealed that this was not an unusual situation in Raqqa when the majority of the men were in combat or were engaged in weapons training. Homes were mostly female domains.

Against this background, the District Court concludes that L. I., at least on a general level, understood Yazidi women and children would be arriving and that she would take charge of them in the home. It is also understood that L. I. had a deciding role in relations with the injured parties from the start and that she was both aware of her right to decide and expressed this.

It is further understood that Redacted A and her children and Redacted D and her children had very limited freedom of movement and that this was entirely dependent on L. I. Redacted A was basically confined to a bedroom; the door was locked and if it was open, L. I. was on guard outside. She was only allowed to come out when she was told by L. I. to perform chores in the home.

Redacted D and her children seem to have been allowed to move in a slightly larger part of the house and also outdoors in the courtyard. However, it was L. I. who decided and even they needed her permission to leave the bedroom.

As will be seen below in the assessment of the individual assertions, it has also been ascertained that L. I. has not only referred to some of the injured parties as slaves/sabayas but has also treated them accordingly. As an example, situations arose where L. I. has threatened to sell the injured parties and to send Redacted E to a military base. She has also participated in a transfer and in other cases has decided when she would hand over the injured parties.

It has accordingly been ascertained that L. I. had decisive control and effectively exercised ownership rights over the injured parties. The fact that, under IS rules, L. I. did not 'own' the injured parties is irrelevant to that assessment, since it has been established that she actually did have power over them. As the District Court will return to, this power over the injured parties has been manifested, for example, by the fact that she has not only held them captive, but also severely

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restricted their freedom of movement, that she has forced them to perform work and to convert. The fact that other perpetrators may also have had control over the injured parties does not change the assessment that L. I. has assumed a decisive role and that she is to be regarded as the perpetrator.

It follows that, according to the District Court, it has been established that L. I. received Redacted A–Redacted E and kept them in captivity in her home. It has also been proven that she has treated them as her property and as her slaves. She has thus perpetuated the deprivation of freedom and enslavement of the injured parties that IS initiated after the attack on 3 August 2014.

Redacted H and Redacted I

With regard to Redacted H and Redacted I, there has been no investigation into how they got to L. I.'s residence. However, it can be inferred from the information provided by Redacted I that she and Redacted H were deprived of their liberty – and thus did not move of their own free will – during the period at issue in the main proceedings. Their mother, Redacted J, has also explained how they were abducted by force from an IS base. Even there, they were both imprisoned and enslaved by IS.

As regards the conditions for Redacted H and Redacted I in L. I.'s home, Redacted D's information has primarily been cited. Given that Redacted D was in the house together with Redacted H and Redacted I for almost five months, the District Court assesses her information as reliable. Moreover, it is apparent from Redacted D's testimony that she and Redacted H came close because they were left with each other.

It is apparent from the information provided by Redacted D, which is also supported by the information provided by Redacted A, that Redacted H and Redacted I belonged primarily to G. They lived in a specific room where G. also slept when he was at home. There is also a claim in the case that Redacted H was G.'s sex slave.

The starting point for the District Court here is therefore that Redacted H and Redacted I primarily 'belonged' to G. It is thus clear that there was a difference in relation to the other injured parties, which the District Court found that L. I.

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had full access to. With the main support of Redacted D's information, however, it is undisputed that L. I. controlled all the women and children in the house in terms of household chores and that they would participate in teaching about Islam and prayer times. Redacted D has explicitly stated that L. I. was in charge of Redacted I and Redacted H when G. was not at home, which was the majority of the time. As with the other injured parties, Redacted H and Redacted I were not allowed to go outside the gate, and it is unclear how much freedom of movement they had indoors.

The District Court's conclusion is that L. I. participated in the captivity of Redacted H and Redacted I by controlling them at home and keeping them locked up. It is further established that she participated in the enslavement of Redacted H and Redacted I by treating them as her property and her slaves. L. I. has had actual control and authority over Redacted H and Redacted I for almost all their waking hours and her actions have been of crucial importance to maintain their imprisonment and enslavement. The fact that there may have been overlapping powers of authority does not alter that assessment; rather, her participation is such that she must be regarded as a co-perpetrator.

It follows from the foregoing that it has been established that L. I. received Redacted H and Redacted I and kept them in captivity at her home. It is also proven that she has treated them as her property and as her slaves. She has thus continued their captivity and their enslavement initiated by IS after the attack on 3 August 2014.

L. I.'s insights into what the injured parties had previously been exposed to before they came to her home

As regards L. I.'s insights into what the injured parties have been exposed to before they arrived at her home, the District Court notes that it is clear from her actions that she was aware that they were slaves and that this was the reason why they were taken to her home. She has said that one of her sons told her that IS had introduced a system of slavery. She was therefore not unaware that this was a structured system of slavery. Given that she lived with an IS fighter and lived in the IS capital Raqqa, she cannot have been unaware of the war that was going on against the Yazidis and other groups. In view of how L. I. has lived her

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life, she does not appear to be a person who is unaware of the world around her. The District Court's conclusion is therefore that, although L. I. has not known in detail what each individual injured party has been exposed to, she has had insight into how they had been treated on an overall level.

Period of crime

It can be initially stated that the injured parties were in L. I.'s home during the winter and spring of 2015. There is some uncertainty about how long they were in captivity. Redacted A and Redacted D have estimated how long they were in L.I.'s home based on various factors such as weather conditions, Yazidi festive periods, and when they were finally freed. Their information, which fits well with L. I.'s statement, it is undisputed that Redacted H and Redacted I came first, then Redacted A and her children while Redacted D and her children were the last to arrive.

No investigation has been made into how long Redacted H and Redacted I had been in the house before Redacted A and the children arrived. In other words, it has not yet been proven that Redacted H and Redacted I were there at the time Redacted A arrived. According to Redacted A, she was in the house about a week before Redacted D came and for a total time from about twenty days up to a month. Based on Redacted D's information about when she arrived and then left the house, it can be concluded that she was there for almost five months. It has been further known that Redacted H and Redacted I were in the house until Redacted D and her children were moved.

From the above, the District Court concludes that the imprisonments have lasted between twenty days and five months. It has not been proven that any part of this has lasted as long as seven months as the prosecutor has claimed.

Review of L. I.'s information in this part

L. I. claims that she and her family were merely lodgers in a room in G.'s house. She admitted that she understood that the injured parties were slaves. However, she considered that this was G.'s business and that it was not something she wanted to interfere in. She has also stated that she and her husband were against slavery and that she therefore wanted to leave G.'s house.

She further argues that the injured parties were not imprisoned because all the doors were unlocked and the door was opened from the inside so that everyone could go out if they wished to.

Initially, it can be noted that L. I.'s information about her peripheral role in the household, as a lodger, is refuted by what Redacted D told about how L. I.'s family lived and moved around in the house. From the information provided by Redacted A and Redacted D, it is also clear that L. I. was in charge of the household. Testimonies from C. O., I. M., Redacted K and Redacted L also show that they were of the opinion that they were visiting L. I., i.e. in a house that she was in charge of. Further, it seems more reasonable that it was as Redacted D stated, that G. and A. A. had seized the house together, and that G., who does not appear to have had any family living there, had a smaller part of the house at his disposal.

With regard to the objection that L. I. was not involved in the enslavement of the injured parties, but that it was entirely G.'s business, the District Court notes that her actions strongly militate against her being opposed to slavery. Her claim that she had nothing to do with the injured parties other than being hospitable is further refuted by the information provided by Redacted A and Redacted D. As the District Court found and will also return to in the assessment of the individual assertions, L. I. has not only accepted the enslavement, but she has also taken an active part in it. Her claim in this regard is also disproven.

According to the District Court, L. I.'s claim that the injured parties were not deprived of liberty, but could themselves have walked out of the gate, is also refuted. From the information provided by the injured parties heard, it appears that they were intermittently even locked in their bedroom. Given the structure of the slavery system, that claim is not only refuted but also so improbable that it can be ignored.

When weighing up the evidence, the District Court therefore considers that L. I.'s statements, which are not supported by any other evidence in the case, do not weaken the strong support that the prosecutor's evidence gives to the prosecution in this regard. Her information does not therefore alter the District

Court's assessment that the allegations of deprivation of liberty and enslavement have been substantiated.

18.3.4 Conclusion of the District Court

The District Court's conclusion in this regard is that it has been established that L. I. has received and kept all the injured parties in captivity in her home.

Such deprivation of freedom has lasted between twenty days and five months. It is also shown that L. I. treated the injured parties as her property and slaves.

L. I. has thus maintained the deprivation of freedom and enslavement of the injured parties that IS initiated after the attack on 3 August 2014.

The District Court will return below to how the acts are to be assessed and, in particular, with regard to the assessment of the concept of severe suffering.

18.4 The specific assertions of crimes

18.4.1 Transferred children

In accordance with assertion (c), the prosecutor claims that L. I., alone or together and in concert with other perpetrators, is guilty of the following.

Through coercion, the children Redacted B, C, E, F, G and I were brought to the home, and thereby to the group of people that adhere to IS ideology and practice Islam, and L. I. has thus forcibly separated children from the group of Yazidis and transferred them to another group.

Assessment of the District Court

In this regard, the District Court notes that – as has already been stated above – the facts have been investigated. The injured parties who were children were not only separated from one or both of their parents, but from their Yazidi ethnic group. As the District Court found, L. I. received them and maintained the captivity and enslavement of the children. It can also be noted that L. I. forced the children to practice Islam through prayers and religious education with a view to their conversion. As the District Court will return to, this was also an explicit aim of L. I.

The legal assessment of whether L. I. transferred the children within the meaning of the Genocide Provision, Section 1, first paragraph, clause 5 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes is

presented under the heading Genocide below.

18.4.2 Forced labor in the household

In accordance with assertion (d), the prosecutor claims that L. I., alone or together and in concert with other perpetrators, committed the following acts:

Forced Redacted A and D to perform housework/forced labor or that they under slave-like conditions performed housework/forced labor under L. I.'s control. L. I. has also forced Redacted D to perform work in another residence in Raqqa, Syria.

Investigation

The interviewees in question have mainly stated the following.

L. I.

L. I. has denied the assertion. She has stated that everyone in the house cleaned after themselves and that they did laundry together in a washing machine because there was limited access to electricity. L. I. has never seen any of the injured parties clean, except Redacted H who at some point scrubbed the floor.

Redacted D

L. I. said that it was Redacted D's duty to carry out household chores. Redacted D cooked and washed dishes several times a day. She also did laundry and household cleaning. When L. I. announced that Redacted D and the children would be sold in order for L. I. and her family to move to a new house, she also talked about cleaning the new house. Redacted D and her children were forced to clean the new house and it took two days.

Redacted A

L. I. gave daily orders that Redacted A should perform various household chores. Redacted A was forced to clean the kitchen and bathroom and to wash the dishes. She also washed clothes and polished shoes for L. I.'s family. At one point, Redacted B was sick and cried a lot. Redacted A asked L. I. to comfort him for a few minutes before she started cleaning. L. I. became very angry and snatched Redacted B from her. L. I. laid him down on the mattress and told Redacted A to get working. Redacted B continued crying until Redacted A came back. Redacted A has stated that she was afraid that L. I. would take the children away from her if she refused to work.

Assessment of the District Court

As explained in the general section, it was common for Yazidi women and children to carry out household chores with IS families. Even several of the injured parties who have not been able to present exact memories have stated that they remember that there was housework. Redacted I has stated that she helped her sister clean a house that was really dirty. Redacted C has stated that Redacted A did cleaning because they were slaves.

The information provided by Redacted D and Redacted A shows that, in accordance with L. I.'s instructions, they carried out household chores such as cleaning, washing dishes and laundry. As the District Court has already stated, the injured parties have been deprived of liberty and have lived with an underlying threat. In practice, therefore, they have not been able to refuse to carry out the tasks assigned to them by L.I. With regard to Redacted A, it has also emerged that L. I. mistreated Redacted B when Redacted A raised the slightest objection.

In the District Court's assessment, it has thus been established that Redacted A and Redacted D carried out household tasks under duress and that it was L. I. who forced them.

In view of the strength of the prosecutor's evidence, the District Court's conclusion is not swayed by L. I.'s argument that all the injured parties only cleaned and washed for their own account.

The assertion in this part is therefore substantiated.

18.4.3 Weapons, explosive belts, and execution videos

In accordance with assertion (e), the prosecutor claims that L. I., alone or together and in concert with other perpetrators, committed the following acts:

By being armed with an explosive belt / vest and had access to weapons and by showing videos of executions carried out by IS, inculcated such fear in Redacted A-I that they did not dare to resist.

Investigation

The interviewees in question have mainly said the following.

L. I.

L. I. has admitted that there were weapons in the house, but they did not belong to her. She also claimed that her son was using his father's explosive belt. The weapons were stored in a high cabinet. L. I. has also denied that she had shown videos with IS propaganda to the injured parties. She did not have a phone.

Redacted D

Redacted D has stated that L. I. had an explosive belt and a gun on her when she went out. She has described the explosive belt, that there was a string that you had to pull to blow yourself up, and that the belt was concealed under L. I.'s clothes. L. I. had said that she would blow herself up if she was arrested and then everyone around her would die. Redacted D's children also saw that L. I. had an explosive belt and a gun. The explosive belt and gun were stored in a locked box in L. I.'s room. Redacted D has also stated that Redacted H at one point put on the explosive belt because she was upset that she would be sold.

Further, Redacted D has said that L. I. showed her videos on her phone where a boy, who was about seven years old, was given a gun by an IS man and then shot a handcuffed and bound man. L. I. asked Redacted D if she recognized the IS man and Redacted D said she did as it was the man who, together with A. A., brought her and the children to L. I.'s house. L. I. also showed another video to Redacted D and Redacted H where men were beheaded as they lay in a row on the ground with their hands tied behind their backs. The blood ran into a river and the water turned red. Redacted D is of the opinion that L. I. showed that type of videos to show how IS worked. L. I. said that IS believed that Yazidis were infidels and that IS would kill anyone who did not become a Muslim. L. I. also said that IS will kill all infidels.

Redacted A

Redacted A has stated that she never saw L. I. carrying a weapon or wearing an explosive belt. However, she has explained that there were weapons hidden under the pillows in the bedroom and that L. I. often checked that the weapons remained under the pillows. The older children were afraid of weapons. In this context, it can also be noted that Redacted C has explained that he remembers that a man taught him how to handle weapons and that he had to wear body armor that was heavy.

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Assessment of the District Court

Through the information provided by Redacted A and Redacted D, it is established that there were different types of weapons in the house and that L. I. had access to them. That information is also supported by a photograph cited of L. I.'s two youngest sons handling a weapon in the home. Redacted C's memory – although it is not clear that it dates from the time in L. I.'s home – of a man who taught him how to handle weapons and wear body armor also supports the general picture of the presence of weapons within IS. Through Redacted D's detailed description of the explosive belt and L. I.'s stated application area for this, it is also established that there was an explosive belt in the home. However, it has not been shown that L. I. 'armed' herself with the explosive belt in her home, but the purpose was to use it when she went out.

Furthermore, Redacted D has described in detail two of the videos that she says L. I. has shown to her. She has also explained the context in which the videos were shown. At one point, Redacted H was also included. In the case, the prosecutor has presented two IS propaganda videos with the content described by Redacted D. Although it cannot be established that these are the videos specifically shown to Redacted D, it is clear that such propaganda films existed. In the light of the above, it has been established that L. I. showed execution videos to Redacted D and Redacted H.

L. I.'s statements that it was not her weapon and explosive belt have no impact on the prosecutor's evidence. Nor does L. I.'s claim that she did not have a phone to show videos on. Her statements accordingly do not change the court's assessment.

In summary, the assertion is substantiated to the extent that L. I. had access to weapons in her home and that she had shown videos of executions carried out by IS to Redacted D and Redacted H. It is further established that the older children were aware that there were weapons in the house and this made them afraid. In this part, it can also be noted that L. I. had told Redacted D that she had been given weapons training and that she could use weapons and fight like a man. In addition to this, what L. I. said in connection with the showing of the execution videos when she described how IS viewed Yazidis and that such

infidels would be killed.

Against this background, and based on other circumstances in the house, the presence of weapons and the showing of execution videos must have been a contributing factor to the continued deprivation of freedom and enslavement. In addition, it should have caused the injured parties a particular fear for their lives.

18.4.4 Abuse, harassment and unlawful threats

In accordance with the assertion (f), the prosecutor claims that L. I., alone or together and in concert with other perpetrators, is guilty of the following.

- i grabbed Redacted A's hair and threw/pushed her to the floor, then forcefully struck Redacted A's head against the floor three times and pressed her foot and/or knee against Redacted A's head when she lay down which all caused dizziness, pain and swelling,
- ii threw a glass at Redacted A that hit her in the breast, causing pain and her to fall to the floor,
- iii repeatedly pushed Redacted A and scratched her in the face, causing pain and bleeding
- iv threatened Redacted A by repeatedly stating that she would kill her, which was likely to provoke in Redacted A serious fear for her own personal safety.
- v harassed Redacted C by repeatedly pushing/shoving him and harassed A by repeatedly spitting on her,
- vi abused Redacted B, who at the time was about one month old, by holding her hand over his mouth when he screamed to make him stop, which would have caused Redacted B shortness of breath/discomfort.

Investigation

The interviewees in question have mainly said the following.

L. I.

L. I. has firmly denied that she engaged in any violence or in any other way harassed the injured parties. She has worked with children and would never cover the mouth of a baby because it was crying. She has in principle, not seen Redacted C and she definitely has not hit or pushed him. However, as stated at the beginning, she has stated that it can have been someone else, such as G.'s wife, who treated the injured parties badly.

Redacted A

Redacted A has stated that she felt that L. I. was always angry with her and used harsh language. For example, L. I. became angry and raised her hand to hit her when she did not understand Arabic. L. I. was also angry if the children cried. L. I. often pulled Redacted A by the hair and it felt like L. I. hated her. L.

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I. also got angry if Redacted A did not work fast enough. In case Redacted A did not do the dishes right away, or did not work fast enough, L. I. hit and pushed her. At one point, L. I. pushed her so hard that she fell to her knees and was bruised. L. I. then said that she should get up and go wash the dishes.

On another occasion, L. I. was upset because there was something that Redacted A did not understand, and then L. I. threw a glass at her. The glass hit Redacted A on her breast and she fell to the ground. L. I. then talked about that she had aimed at her face, which Redacted A interpreted as L. I. had wanted to hurt her even more. L. I. hit her on some occasions with an open palm, which Redacted A remembers especially as L. I. had long nails that scratched her face. She suffered small, bleeding scratches. Redacted A has also stated that L. I. often pushed her. As L. I. was strong, Redacted A fell to the floor and sometimes into the wall.

According to Redacted A, the worst assault occurred when L. I. forced her to be photographed before she would be sold on. Redacted A cried and begged L. I. not to sell her. Because she resisted, L. I. grabbed her hair, dragged her and threw her onto the floor. L. I. struck the right side of her head/temple against the floor at least three times. After which, L. I. grabbed her head the right side of which was still on the floor and stepped on the left side of her head with her foot. L. I. said she would not lift her foot until Redacted A agreed to be photographed. She also said she could kill Redacted A if she refused to be photographed. Redacted A has stated that she felt completely dizzy and her head shook and she was trembling inside. She had a swelling on her forehead. After which she allowed herself to be photographed.

Redacted A has also said that L. I. spat at her on several occasions. For example, L. I. spat in her face when she opened her niqab to breathe. L. I. said at the same time that she was not allowed to show her face.

According to Redacted A, L. I. has threatened to kill her. This was mainly when L. I. felt that Redacted A ignored her. As an example, Redacted A has mentioned situations where L. I. called her and if she did not respond directly, L. I. came and asked why she did not come and said, 'you are ignoring me, I

can kill you’.

Although Redacted A has been afraid for herself, she has stated that she was most afraid for the children’s sake and she did not want them to be hurt. L. I. was not kind to Redacted B and Redacted C. They were not allowed to make any noise because then L. I. became angry. Redacted C was not allowed to leave the room without L. I.’s permission and she was often angry at Redacted C and yelled at him. She pushed him often, too. At one point, Redacted C spilled water on the floor and L. I. grabbed his neck and really scared him. After that, Redacted C barely dared to touch food and drink because he was afraid he would spill something again. However, Redacted C was aware of the situation they were in and what the consequences might be. He was therefore careful to follow L. I.’s instructions.

When Redacted B cried, L. I. put her hand over his mouth to silence him. She applied so much force on Redacted B’s mouth that it must have hurt him. This happened when L. I. felt that Redacted B was crying for too long and she said, ‘do not let the boy cry’. Redacted A was afraid that he would not be able to breathe and that he would suffocate. She was always very scared when Redacted B cried and tried to get him to shut up as soon as possible so that L. I. would not hear him. She was afraid that L. I. would suffocate him.

Redacted D

Redacted D has not seen L. I. be violent with Redacted A. Redacted D has, however, stated that L. I. treated Redacted A very badly. She bases this information partly on what she has seen and partly on what Redacted A has told her. Redacted A has told Redacted D that L. I. beat her, among other things because Redacted B was crying, and that it had been worse before Redacted D had come to the house. Redacted D perceived that L. I. did not like small children crying. Redacted A said that L. I. had told her to close Redacted B’s mouth when he was crying, and that L. I. had also closed Redacted B’s mouth to make him stop screaming.

Assessment of the District Court

Redacted A has described several situations of assault, harassment and unlawful

threats. In this part, it one person's word against the other as L. I. has denied that she would have exposed Redacted A, Redacted B and Redacted C to the acts that Redacted A claims. In addition to what has been said about the credibility of Redacted A and the reliability of her information in general, it must be stated that she has given details of the events in this regard and also described them in context. The events appear to be very much how she herself perceived them. According to the District Court, there has been no reason to question the reliability of the information provided.

Redacted A's description of her situation is also supported by what Redacted D has said. As the District Court has already noted, there is some support in the forensic medical report for the claim that L. I.'s long nails scratched Redacted A in her face.

Against this background, the District Court considers it undisputed that L. I. has abused, harassed and threatened Redacted A in the manner alleged by the prosecutor. It is also undisputed that L. I. has, on at least one occasion, held

Redacted B's mouth closed when he screamed. It is difficult to conclude whether this caused him shortness of breath, but it should be clear that it has caused discomfort. It is also undisputed that L. I. has abused Redacted C by pushing him on several occasions.

Through the strength of the prosecutor's evidence, L. I.'s statement that she did not use any violence or otherwise harass or threaten Redacted A, Redacted B and Redacted C is refuted.

The assertions are therefore substantiated.

18.4.5 Forced conversion, language, and culture

The prosecutor has claimed, in accordance with the assertion (g), that L. I. alone or together and in concert with other perpetrators, is guilty of the following.

Forced Redacted A, C, D, E, F, H and I to become practicing Muslims by L. I., alone or via another party, forced them to recite the Qur'an, to pray five times a day, and that all injured parties (including B and G) were prevented from speaking or learning their own language, practicing their religion, and other customs, and traditions important to the Yazidis.

Investigation

The interviewees in question have essentially stated the following.

L. I.

L. I. has denied that she had any views on the Yazidis in the house speaking Kurmanji. She has also not expressed any views on the Yazidi religion. However, she answered questions about Islam when the injured parties asked. Redacted H was very interested in Islam. L. I. thought Redacted H was a convert. Redacted H and Redacted D sometimes sat with L. I. when she recited the Qur'an. She had the door open and they were curious. Redacted H asked many questions and could translate to Redacted D who did not understand much Arabic. Redacted D and Redacted H also attended prayers a couple of times. The children were in the room sometimes but did other things. She herself prayed five times a day.

Redacted A

Redacted A has stated that L. I. banned the Yazidis in the house from speaking Kurmanji. Redacted A and the other Yazidi women and children tried to speak Kurmanji with each other but L. I. became angry and said they would speak Arabic. Redacted A could speak and understand a little Arabic but Redacted C could not. Because he did not dare to speak Kurmanji, he became very quiet. L. I. said at some point that this was the last time Redacted A spoke Kurmanji. On another occasion, L. I. raised her hand to Redacted A to beat her because she did not understand Arabic.

Redacted A has stated that she practiced her Yazidi religion before she was taken prisoner and she and her family celebrated Yazidi festive days. L. I. knew that Redacted A and the children were Yazidis. She said they were infidels and that the Yazidis were attacked because they were not Muslims. L. I.'s intention was for the captured Yazidis to convert to Islam. In addition to Redacted A doing housework, one of the purposes of her being taken to L. I.'s house was for her to learn about Islam.

According to Redacted A, L. I. was deeply religious and believed that if she could get others to convert to Islam, she would be rewarded by God. L. I.

forced Redacted A to learn about Islam, to pray, and to memorize verses and texts from the Qur'an. It was either L. I. or her twin daughters who taught the lessons. There were lessons several times a day and they were forced to pray four or five times a day. Redacted A found it difficult to do this as she had to take care of Redacted B at the same time. Redacted A's view is that she would have been beaten if she had not attended the lessons and prayer sessions. L. I. thought that Redacted A was slow to learn the verses and she said that even the twin daughters had complained that Redacted A was bad at listening. Similarly, Redacted C was forced to take part in lessons on the teachings of the Qur'an, to learn verses and to pray. It was hard for him to learn the texts by heart. Redacted D and her children also had to pray several times a day and to participate in lessons about the Qur'an.

Redacted D

Redacted D has stated that the Yazidis in the house were not allowed to speak Kurmanji. L. I. became angry when Redacted D spoke Kurmanji with the children and explicitly forbade her to do so. L. I. said they should speak Arabic and if Redacted D only spoke Arabic to the children, they would learn. L. I. – who had previously been a teacher – also taught the children to read and write in Arabic. The children did not receive any other schooling. Redacted D already knew some Arabic, but her children did not.

Further, L. I. saw it as her duty to teach Redacted D and the other Yazidi women and children in the house about the Qur'an and to pray various prayers. L. I. rounded them all up for teaching the Qur'an twice a day and praying five times a day. The children were excused early morning prayers, however. L. I. said that they would now adhere to the true religion and that they had to learn everything that had to do with Islam. L. I. said that they must know the prayers and to recite the Qur'an no matter how long it would take them to learn. L. I. read a passage from the Qur'an, which they would then repeat.

Redacted D memorized long verses, and so did her children, but they found it difficult. Redacted D dare not say no because she was afraid that L. I. would hit her.

Redacted D's view is that L. I. saw herself as an Imam. She dressed in special

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sharia clothing for prayers and religious teaching, forcing Yazidi women and children to dress in special clothing. The clothes consisted of a full length skirt and a hijab from the top of the head that covered them all the way down to their hands, with only their fingers visible. Their whole body was fully clothed, with their heads and hair covered, but with their face visible. L. I. told them that it was 'haram' if their hair was not fully covered. The girls were also told to wear these clothes, but the boys wore 'Afghan clothing'.

Redacted D has also explained that L. I. often said that Redacted D and the other Yazidis were infidels. Sometimes she said that they had previously been infidels but that they were no longer infidels as they were now with the right religion.

L. I. sometimes called Redacted D 'Umm' followed by Redacted E's name, i.e. as men call women in Islam. Redacted D and the other Yazidis were not allowed to practice their religion, nor celebrate Yazidi festive days, such as the Yazidi New Year.

Assessment of the District Court

Redacted A and Redacted D have unanimously stated that L. I. took on the role of teacher and Imam. She taught them about the Qur'an and asked them to recite texts from it. They also explained that they had to pray five times a day. The children also had to participate in the teaching and most of the prayer sessions. Redacted A and Redacted D have further described how difficult it was to learn the texts by heart, both for them and for the children. Redacted A has described how tired she was and that she had difficulty keeping up. Redacted D had difficulty with Arabic and reading, but still had to memorize long texts. They have both said that it was particularly difficult for the children.

Redacted D's information also shows that Redacted H and Redacted I were also forced to participate in both the lessons and prayer sessions. Given that Redacted D was with them for a long time, the District Court considers that information to be reliable. Redacted I has also said that during parts of her captivity she had to read the Qur'an and to pray. This supports the claim that the Yazidis were forced to attend lessons in the homes of IS families. As previously

stated, forced conversion was part of the IS strategy against Yazidis.

The information provided by Redacted A and Redacted D shows that neither they, Redacted H, nor any of the children participated voluntarily in religious education and prayers. They also had no desire to convert to Islam. In any event, it is the District Court's assessment that, under the circumstances, the injured parties could not have consented to conversion.

All in all, therefore, the District Court considers that it is established that L. I. has forcibly taught all the injured parties, except for the youngest children Redacted B and Redacted G, about Islam and thereby forced them, among other things, to recite the Qur'an. She has also forced them to take part in prayers four to five times a day.

Furthermore, it is apparent from the information provided by Redacted A and Redacted D that L.I. banned them from speaking their mother tongue, Kurmanji. They have explained that it was particularly difficult in relation to the children who did not know any other language. Redacted A has stated that this meant that Redacted C did not dare to ask her questions and that he became very quiet. It also appears that L. I. urged the injured parties to speak Arabic and that she has told Redacted A that this was the last time Redacted A was to speak Kurmanji. Redacted A has also described L. I. as becoming angry and threatening if Redacted A did not understand Arabic. Redacted D's information shows that L. I. taught the children Arabic. Even with the uncertainty surrounding the recollections of Redacted C, it can be noted that he described attending an 'Arabic school' where he learned Arabic. There was just him and two other children in the school and the teaching was only in Arabic.

Altogether, the District Court considers that it has been established that L. I. has banned the injured parties from speaking Kurmanji. She has in some cases become angry and threatening if they spoke Kurmanji. In any case, the enslavement itself and the conditions in the house are enough to say there was coercion behind her actions and exhortations.

The same conclusion is reached by the District Court regarding the opportunities for the injured parties to practice their Yazidi religion and culture

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during the time they were enslaved by L. I. As the District Court described in the general part, this is in line with the IS strategy against Yazidis.

The court's conclusions above are not changed by L. I.'s statements that she has not expressed views on language, religion, or culture. This information, as well as the information that Redacted D and Redacted H voluntarily requested teaching of Islam, is refuted by the evidence cited by the prosecutor.

In conclusion, the assertions are substantiated.

18.4.6 Clothing

In accordance with assertion (h), the prosecutor claims that L. I., alone or together and in concert with other perpetrators, is guilty of the following.

Forced Redacted A, C, D, E, F, H and I to wear full veil or other clothing foreign to their culture/Yazidis.

Investigation

The interviewees in question have essentially stated the following.

L. I.

L. I. has denied that she forced the injured parties to wear special clothes. She has stated that the Yazidi women, like herself, had to wear a full veil when they were out. The injured parties' children borrowed clothes from her children.

Redacted A

Redacted A has stated that she had to wear black hijab and niqab. She had a hard time having the niqab over her face and when she opened it to breathe, L. I. spat in her face and said she should not show her face. Her niqab had two layers, in one the eyes were visible. Sometimes L. I. gave her permission to have only one layer, but sometimes she had to have both. The week before she was sold, she had to be completely covered. L. I. said that no one would see her face because it was haram.

Redacted D was also forced to wear a black hijab but Redacted D did not have to wear a niqab, only a headscarf. The first time Redacted A met Redacted H, she was with L. I. and wore a black hijab.

Redacted D

Redacted D has stated that L. I. wore special sharia clothing at prayer times and during religious education. L. I. also forced the Yazidi women to dress the same way. The clothes consisted of a full length skirt/dress and a hijab from the head down to the hands, only fingers were visible. Their body was fully clothed, head and hair were covered, but the face was visible. L. I. told the injured parties that it was ‘haram’ if their hair was not completely covered. The girls were also required to wear these clothes during prayers and lessons. The boys were allowed to wear ‘Afghan clothing’.

Even the rest of the time, Redacted D and the other Yazidi women were forced to wear a long black dress and a veil. Redacted D’s eldest daughter, and sometimes even the youngest daughter, had to have a ‘dishdasha’ covering their hair, but not their face. Even when Redacted D and the children came to L. I.’s house, they had to surrender their own clothes. Redacted D’s sons borrowed clothes from L. I.’s children and these were also ‘Afghan clothing’. L. I. said that they had to wear these clothes ‘because now you are not at home anymore’.

Assessment of the District Court

Redacted A and Redacted D have concurred that L. I. forced them to wear special clothing, both during prayers and religious education, but also at other times. It is apparent from their information that Redacted H, Redacted I, and Redacted F were also required to wear the same type of clothing. The clothing they were forced to wear, including a full length skirt and hijab or niqab, has had a clear religious and cultural meaning. L. I. has also expressed this by, for example, saying that it is haram to show their hair. Redacted A has also in this context been treated more strictly than Redacted D when she was forced to wear the niqab. That L. I. spat in the face of Redacted A when she took off her niqab to breathe, reinforces that image.

However, as regards the boys, Redacted C and Redacted E, the District Court does not consider that it has been shown that the clothes they were wearing, referred to by Redacted D as ‘Afghan clothing’, had any particular religious or cultural significance. It is not inconceivable that that outfits were merely the result of borrowing clothes from L. I.’s children.

It follows from the foregoing that the District Court considers that it has been established that L. I. forced the female injured parties to wear special clothes that were religiously and culturally alien to them and their Yazidi religion and culture.

The District Court's conclusion is not changed by L. I.'s statement that the injured parties only complied with the requirements for clothing that applied generally to women who stayed outdoors in Raqqa. It is clear from that the District Court has found to be established that it was in the home that the injured parties were forced to wear such clothes, and that it was L. I. who controlled this.

The assertion is accordingly substantiated with the reservation concerning the boys Redacted C and Redacted E, as stated above.

18.4.7 Insulting language

In accordance with assertion (i), the prosecutor claims that L. I., alone or together and in concert with other perpetrators, is guilty of the following.

Named all the injured parties 'slaves', 'sabaya', 'infidels' and 'kuffar' or other insulting language with similar meaning and ordered them to forget their religion, their relatives and their past lives and instead become Muslims within IS.

Investigation

It has been investigated and established in the case, that 'Sabaya' is a term for slaves/sex slaves and that 'kuffar' means infidels.

The interviewees in this issue have essentially stated the following.

L. I.

L. I. has denied that she would have been mean or that she would have made insulting remarks to the injured parties.

Redacted A and Redacted D

Redacted A and Redacted D have explained that on various occasions L. I. referred to them as 'infidels'. This has been on a large number of occasions, in certain cases as an explanation for her/IS behavior towards them, and in other cases as insulting language. L. I. also spoke of Yazidis being infidels and that IS was going to kill all infidels. Redacted D has stated that L. I. spoke of the

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injured parties having previously been unfaithful and that they were no longer so because they now belonged to the true religion.

Redacted A explained, among other things, that L. I. said that Redacted A and the children were unfaithful and that the Yazidis were attacked because they were not Muslims.

Redacted D has further stated that L. I. said that it did not matter if G. saw Redacted D's face because she was 'sabayas'. L. I. also said they were slaves.

Assessment of the District Court

Through the information provided by Redacted A and Redacted D, it is established that L. I. referred to them as infidels. It has also been shown that L. I. referred to Yazidis generally as infidels, i.e. according to the District Court, all the injured parties were included when L. I. through Redacted A and Redacted D in these cases spoke to them as a group. As an example, L. I. has said that they would forget their relatives and their people and that they now only belonged to and would obey her religion and thus no longer be unfaithful.

Further, it is apparent from Redacted D's statements that, L. I. referred to her as 'sabaya'. It was a clear statement and had a clear meaning in that L. I. thought it made a difference who was allowed to make an appearance in front of men. However, it has not been shown that the other injured parties understood that L. I. called or referred to them as 'sabayas'. In that respect, the assertion is therefore not substantiated.

Given the strength of the prosecutor's evidence, L. I.'s statement that she did not make any insulting statements against the injured parties is refuted.

It follows from the foregoing that, subject to the reservation set out above, the assertion is substantiated.

18.4.8 Photography

In accordance with assertion (j), the prosecutor claims that L. I., alone or together and in concert with other perpetrators, is guilty of the following.

By force on various occasions tried to photograph, photographed or had photographed Redacted A, B, C and D, E, F, G in order to sell them on the IS slave market for Yazidis.

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The photo sessions and attempts invoked extreme fear and anxiety among the injured parties as it meant that they would be passed on/sold to an unknown fate and risk separation from family members.

Investigation

The interviewees in question have mainly said the following.

L. I.

L. I. has denied having photographed or attempted to photograph or allowed anyone else to photograph the Yazidi women. There was also no discussion about photography. L. I.'s children, however, at some point asked her to photograph them together with the Yazidi children. She has not told them that the Yazidi women would be sold, but she may have informed them that she and her family would move. They also did so in May 2015 when A. A. had acquired another residence for them.

Redacted A

Redacted A has told us that she absolutely did not want to be sold on from L. I. This was because she was not subjected to sexual abuse there, as she had been previously during her captivity. If she was to be transferred, she did not know what to expect and was therefore terrified. She struggled with the thought of being photographed because she knew the photos would be used to sell her.

L. I. informed Redacted A that they were planning to sell her. L. I. had first sent Redacted H to photograph Redacted A and the children. Redacted A refused, however. L. I. then came instead to beat her and then photograph her by coercion. Redacted A cried and begged L. I. not to sell her. She said she would do anything to avoid being sold. When she resisted, L. I. grabbed her hair, pulled her and threw her onto the floor. L. I. hit her on the right side of her head/temple three times as she was on the floor. Then L. I. held her head down with the right side still on the floor and stood on the left side of her head. L. I. said she would not lift her foot until Redacted A agreed to be photographed. L. I. also said she could kill her if she refused to be photographed. Redacted A became completely dizzy and her head was shaking and she was trembling inside. She had a swelling in her forehead. She then said it was OK for them to take photos of her and the children.

L. I. then photographed her. The photo was taken in her room. Redacted D was present for a while. She remembers that Redacted D was very sad as Redacted A was struggling to avoid being photographed.

G. was also there, but she is sure that it was L. I. who abused and photographed her. A few days later, a man came with G. and collected her and the children.

Redacted D

Redacted D has explained that L. I. wanted to take photographs of Redacted D and the children in order for them to be sold. L. I. said that they could no longer afford to keep them and that there was someone who wanted them. L. I. said that Redacted D and the children would sit down together for photography. However, Redacted D refused. She cried and went on hunger strike for two days. Redacted D is certain that a photograph was taken of her and the children in L. I.'s house because she saw the photograph when she was released. There was a photograph of her and her three children taken in their room in L. I.'s house. The photograph had been uploaded to a site. She got the photo from the smuggler. It became a very important photograph for her because it was the only photograph she had of her two eldest children, from whom she had then been separated and who were then missing for several years.

Redacted D, however, is not sure who took the photograph. L. I. tried several times and she also tried to get her daughters to photograph Redacted D and the children in secret. L. I. may also have forced Redacted H to take the photograph. At one point, Redacted H took a photograph of Redacted D and the children but she said she would delete it.

When Redacted D found out that L. I. wanted to photograph them, it was very difficult. It was so hard words could not express it. Redacted D then understood they were about to be sold and she did not know what would await them. Redacted D would rather have died than be photographed.

Redacted D has also been involved in the photographing of Redacted A. Redacted A cried and did not want to be made up and photographed. Redacted H was supposed to make up Redacted A. According to Redacted D, Redacted A was photographed together with Redacted B and Redacted C. This was a few

days before they were taken away. Redacted D does not know whether the photographs were taken with L. I.'s or Redacted H's mobile phone.

Assessment of the District Court

By way of introduction, it can be noted that both Redacted A and Redacted D have described the attempts at photography and the photo sessions as emotionally extremely difficult. They have stated with great feeling what they went through and what they did to try to stop them and their children from being photographed. Redacted A has spontaneously described in one of the initial interviews that Redacted D was also upset witnessing the treatment and photographing of Redacted A.

With regard to Redacted D, she has not been able to specify on which occasion a photograph of her and her child was taken. However, she has stated that L. I. tried to take photographs of them, but Redacted D then protested by going on hunger strike. L. I. sent her children instead and possibly even Redacted H. As has also emerged, Redacted H was also given the task of putting make up on Redacted A for the photographs. It seems that L. I. took advantage of her in this respect. Notwithstanding this uncertainty, it can be noted that a photograph of Redacted D and the children was taken at L. I.'s home. That photograph has also been shown during the main hearing. Regardless of who actually took the photograph, it can be noted that L. I. has tried to take the photograph and that there is much to suggest that it was also she who told her children and or Redacted H to take the photograph. However, what preceded the photo shoot has not been satisfactorily investigated which is why the District Court considers that all that has been proven is that L. I. only tried to photograph Redacted D, Redacted E, Redacted F and Redacted G.

Regarding Redacted A, she has described in more detail what happened when she was photographed. L. I.'s different approach to Redacted D and Redacted A is also illustrated in this regard. L. I. also appears to have been harsher and more violent towards Redacted A, who was beaten when she protested against the photography. Redacted A has explained her perception of the experience of how she fought against being photographed but that she finally saw she had no other choice. L. I. stood on her head and forced it against the floor with her shoe

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while threatening to kill her.

Redacted A has said during one interview session that it was G. who photographed her, but in subsequent interviews stated that it was L. I. but that G. was present. During the main hearing, Redacted A has stated that she is certain that it was L. I. who not only abused her, but also took the photograph. According to the District Court, it is irrelevant for the assessment whether it was L. I. who actually took the photo or whether it was G. In any event, L. I. has had such an involvement in the photographing of Redacted A that she should be judged as a perpetrator. From the information provided by Redacted A, which is supported by the information provided by Redacted D, it was L. I. who was the driving force behind the photographing of the injured parties. It was also L. I. who both abused and threatened Redacted A and so finally agree to be photographed.

As noted, both Redacted A and Redacted D have described the panic and fear they felt when L. I. talked about their being sold and this was the reason they refused to be photographed. Redacted A has described her own experience of how she prayed and pleaded that she would do anything in L. I.'s house, as long as she was not sold. Redacted D has also described similar feelings. They felt in a way safe in L. I.'s house and had it relatively better than before during their captivity, mainly because they were not subjected to sexual abuse and because they were with the children.

According to the District Court, there is no doubt that L. I. has understood their situation and feelings about it. As noted, Redacted A has described the assault that preceded the photography and the situation as a whole as the worst moment in L. I.'s house.

It follows from the above that it has been established that L. I. attempted to photograph Redacted D, Redacted E, Redacted F and Redacted G and that she participated in the photographing of Redacted A, Redacted B and Redacted C in such a way that she should be regarded as a perpetrator. Irrespective of the participation of other persons, it has also been established that L. I. has been a driving force in the photography of the injured party and in announcing the

plans for their sale. Through L. I.'s actions, she has provoked severe fear and anxiety among the injured parties as it meant that they would be passed on/sold to an unknown fate and risk separation from family members.

In view of the strength of the prosecution's evidence, L. I.'s statement that she neither discussed nor participated in the photographing of the Yazidi women is refuted.

The assertion is therefore, as set out above, substantiated.

18.4.9 Pitiful conditions

In accordance with allegation (k), the prosecutor claims that L. I., alone or together and in concert with other perpetrators, is guilty of the following.

Allowed all injured parties to live under pitiful conditions, including inadequate food, heating and clothing.

Investigation

The interviewees concerned have essentially stated the following.

L. I.

L. I. has denied that she would have allowed the injured parties to live in particularly pitiful conditions. There was a general lack of food. L. I. has stated that she has treated all the injured parties as she treats other people, i.e. pleasant and generous. She invited those who lived in the house to eat when she had cooked. They lived in the same house and then she wanted to be generous and hospitable. When A. A. was home, she made sure that the Yazidi women and children were fed in their rooms instead.

Redacted D

Redacted D has explained that she and her children often ate meals together with L. I. when the men were not at home. They were given limited food at mealtimes. L. I. and her children had other food between the communal meals.

Redacted A

Redacted A has said that – unlike Redacted D – she was usually not allowed to eat together with L. I. According to Redacted A, this was because L. I. did not consider her a genuine Muslim because she had not learned all the Muslim

verses and prayers. L. I. left food for her and Redacted C in the bedroom. They were usually fed once a day and sometimes twice, but some days they were not fed at all. There was far from enough food. She let Redacted C eat as much as she wanted in the first place. L. I. said it was Redacted A's problem whether there was enough food or not. Redacted A has also said that it was very cold in the room. Redacted B was affected by the cold as he constantly had ear infections. She used her clothes as bedding for the children. Only after a week did she get a blanket from L. I.

Assessment of the District Court

The prosecutor argues that L. I. allowed all the injured parties to live under pitiful conditions, including inadequate food, heating and clothing. What is to be described as pitiful conditions is, of course, a question of interpretation based on what can be considered standard. In this case, these conditions may also be considered as part and consequence of the captivity.

The investigation has revealed that Redacted A and Redacted D and their families before captivity ran farms and seems to have lived a good life. It has not come to light that there was any shortage of food and water or other necessities. However, these conditions are of minor importance, i.e. regardless of the conditions in the past, the injured parties have been forced to live in a way and in a place that they have not chosen or been able to influence in any way.

It follows from the foregoing that, according to the District Court, it is in principle irrelevant what the food supply in Raqqa was like in general.

However, it can be noted that there is no indication that there was any general shortage of food in Raqqa at this time. There is evidence in the case suggesting that there was access to food, including salmon and flatbread. Notwithstanding this, the District Court's assessment of the assertion will be based on whether it is established that L. I. has treated the injured parties differently in relation to herself and her family.

Both Redacted D and Redacted A have explained that they did not get enough food from L. I. According to their information, L. I. treated Redacted D and

Redacted A and their children differently when it came to the availability of food. Redacted D and her children were given limited food at mealtimes while L. I. and her children had more free access. Redacted A has also in this part been particularly vulnerable as she did not receive food every day and that when she was fed it was in principle sufficient only for Redacted C. She has in her interview also described how this affected breastfeeding of Redacted B, who was constantly hungry.

The District Court therefore considers that it is established that L. I. has provided Redacted A and Redacted D and their children with very limited food and that in this regard she has treated them differently in relation to herself and her family. However, it has not been established what the situation was like for Redacted H and Redacted I, so that part of the allegation cannot be considered investigated.

Similarly, it has not been established whether there were restrictions on the availability of drinks. Regarding the house being cold, it has emerged that it was cold in the house and that at least Redacted A, Redacted B and Redacted C froze and that it took a week before they received a blanket from L. I. To that extent, the assertion is substantiated. However, it has not been found that L. I. treated the injured party differently in terms of clothing in this regard.

According to the District Court, L. I.'s claim that she was generous and hospitable and treated all the injured parties as she treats other guests is disproved.

The assertion is thus substantiated with the reservations set out above.

18.4.10 Humiliating and derogatory treatment

The prosecutor, according to assertion I), claims that L. I., alone or together and in concert with other perpetrators, is guilty of the following.

Subjected Redacted H to humiliating and derogatory treatment by a co-perpetrator living in the residence by forcing Redacted H, contrary to her cultural and religious values, to sleep in the same bed as him. L. I. has, by helping to maintain the deprivation of freedom, contributed to the co-perpetrator being able to commit the humiliating and derogatory treatment against Redacted H.

Assessment of the District Court

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As has emerged, L. I. has denied that she had anything to do with how G. treated the Yazidi women.

The assertion in this part is that by maintaining the imprisonment of Redacted H, L. I. has contributed to the fact that, contrary to her cultural and religious values, she has been forced to sleep in the same bed as G.

As the District Court has found, it has been established that Redacted H and Redacted I — unlike the other injured parties — belonged primarily to G. However, it has also been established that L. I. controlled and was in charge of Redacted H and Redacted I when G. was not at home, which was the majority of the time. As the District Court has found, L. I. is to be regarded as the perpetrator of the deprivation of liberty and enslavement of Redacted H and Redacted I. The District Court has also found that L. I. acted completely independently in certain respects, for example, in order to force Redacted H and Redacted I to participate in lessons about Islam and prayer times.

It follows from the foregoing that the District Court considers that it is in itself established that L. I. was involved in what G. has exposed Redacted H to. The question is, however, whether it is undisputed that he, as the prosecutor claimed, forced her to sleep in the same bed as him.

Neither Redacted H nor G. has been able to be heard in the case. L. I. has stated that Redacted H slept in the same room as G. However, according to her, there were mattresses on the floor that Redacted H can have slept on. Redacted A has stated that G. had taken Redacted H and Redacted I for himself. She had no closer dealings with them. Redacted D, on the other hand, has spent about five months in the house together with Redacted H. She has stated that Redacted H told me that G. slept with her at night. L. I. should have known about this, and L. I. always left Redacted H when G. came home.

Redacted D has not, however, made any observations of her own about G.'s conduct. Redacted H's sister, who is the one who could have made more direct observations, has explained about a room where she was imprisoned together with her sister, reminiscent of the description of G.'s room given by other interviewees. There were two beds and a table/desk. She said that the 'IS man'

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slept with her sister at night, even though her sister did not want to have anything to do with the man. However, it was not possible to do anything as the man, according to Redacted I, would have raped the sister regardless. Redacted I has also said that she herself was given sleeping pills because the IS man did not want her to be awake while he was with her sister. In this context, the District Court notes that Redacted D has testified that Redacted I was very tired during the time in L. I.'s house. As mentioned in the initial assessment, Redacted I has also described a situation where an older woman kicked Redacted H because she had become pregnant. This happened in a large house with other Yazidi women. However, as the District Court has already stated, the information provided by Redacted I is not reliable.

Overall, there is much to suggest that G. slept in the same bed as Redacted H, and probably even raped her. That it would be completely against her cultural and religious values is clear from the investigation into Yazidi culture in general, but also from the testimony of her mother, Redacted G. The investigation also shows that it was very common in IS homes with sex slaves and that it was one of the basic elements in the enslavement of Yazidi girls and women. Even with this in mind, the District Court notes that there is no reliable testimony on how G. treated Redacted H in this regard. Therefore, the assertion has not been substantiated.

18.4.11 Depriving children of their fundamental rights

In accordance with the assertion m), the prosecutor claims that L. I., alone or together and in concert with other perpetrators, is guilty of the following.

In violation of international law, children have been deprived of the right to education or of other rights and freedoms.

Assessment of the District Court

As the District Court found, all the injured parties who were children were enslaved by L. I. In so doing, she has deprived them of a number of rights and freedoms to which they are entitled. The District Court will return to these during the assessment of how the acts should be characterized. However, it can already be noted here that Redacted C, Redacted E, Redacted F and Redacted I were of school age and went to school before they were captured by IS. By

maintaining their captivity, L. I. has thereby deprived them of their right to education. As has already been noted, they have also been forced to participate in teaching about Islam and prayer times and prevented from practicing their Yazidi faith. In so doing, L. I. has also deprived them of their freedom of religion.

18.4.12 The injured parties, sold, supplied or transferred

The prosecutor has alleged that L. I., alone or together and in concert with other perpetrators, is guilty of the following.

Through coercion, during the period above, on various occasions, Redacted A-G were sold/supplied/transferred to other persons within IS with the knowledge that this could lead to each of them being killed or subjected to particularly severe suffering, serious sexual abuse, the separation of the children from their only surviving parents or other close relatives, and further complicate the possibilities for them to be reunited with their ethnic group.

Investigation

The interviewees in question have mainly said the following about what happened when Redacted D and Redacted A and their children left L. I.'s home.

L. I.

L. I. has denied that she had any involvement in Redacted A and her children disappearing from the house. They were missing when L. I. came home after going on a trip to relatives. Nor has she said that the Yazidi women would be sold. However, she may have informed them that she and her family would be moving. They also did so in May 2015 when A. A. had found a new home.

Redacted A

Redacted A was in L. I.'s house for about twenty days to a month. L. I. said several times that Redacted A would be sold and become another man's woman. Redacted A did not want to be sold onwards and felt that she could endure almost anything in the house as long as she was not sold. Shortly after she had been photographed, G. came with a man named S., to whom she and the children were handed over. She was kept prisoner by him for about three months before she was resold. S. subjected her to torture and rape.

Redacted D

Redacted D has stated that L. I. talked about Redacted A being resold. Redacted A and the children were abducted after an incident when Redacted A had

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refused to do the washing up that L. I. had ordered her to. The reason Redacted A could not wash the dishes was because she was sick and Redacted B was screaming. L. I. told Redacted A to get ready for some men to come and get her. Later, some men who were affiliated with IS men came and took Redacted A and the children away.

One day towards to the end of Redacted D's time in the house, L. I. told her that she and the children would be sold because L. I. could not take care of them anymore. After they had been forced to clean L. I.'s new home, L. I. left Redacted D and the children with G., Redacted H and Redacted I. G. took them to clean a new house where they would then live. One of the first days in the new house, Redacted D began planning to escape at night. G. found out about the escape plan and she was not allowed to stay with him anymore. G. drove her and the children away in a car. It was dark outside. They reached a place where a man got out of a white car, gave G. some money, they shook hands and laughed. The other man took her and the children with him and said that they belonged to him. When Redacted D saw that money was being handed over, she felt like she and the children were cattle being sold.

Assessment of the District Court

The starting point for the assessment in this part is that the District Court has determined that L. I. has been responsible for the deprivation of liberty and enslavement of the injured parties during their time in the house, and that she has thereby maintained the deprivation of liberty and enslavement of them initiated by IS on 3 August 2014. As will be explained below, it is also clear that the deprivation of liberty and the enslavement of the injured parties continued even after L. I.'s time. The injured parties were not released by her, and the chain of perpetrators continued. This fact alone means that L. I. has a share in the liability for what the injured parties were later exposed to.

However, the District Court finds reason to also point out the following about L. I.'s liability for the transfer of the injured parties to other persons within IS.

In the assessment of assertion j) about photography, the District Court has found that L. I. has been a driving force in the photography and the attempts to

photograph the injured parties and has also been the person who informed them that they would be sold.

With regard to Redacted A, Redacted B and Redacted C, it is established through Redacted A's information that, a few days after the photo shoot, G. came with a man who took them to an IS base. They were subsequently taken prisoner by that man for about three months and Redacted A was subjected to regular aggravated rapes. From the information provided by Redacted A and Redacted D, it has been shown that L. I. was not only responsible for the photo shoot but also that she was involved in the transfer. L. I. has on several occasions told Redacted A and Redacted D that Redacted A would be sold. Redacted D is detailed in her information, including that L. I. asked Redacted A to prepare to leave in connection with the discussion that she was not able to wash dishes. Redacted A's statement that L. I. told her that she would be sold and belong to a man, also appears to be how she herself perceived this as it contradicted everything Redacted A believed in. As things turned out, Redacted A's was extremely fearful of being sold on.

The fact that G. also participated in the transfer does not alter the assessment that L. I. contributed to the transfer of Redacted A, Redacted B and Redacted C to other IS men. As the District Court has already stated, IS regulations should not have allowed L. I. to formally sell slaves or meet men who were buyers. However, L. I.'s participation is such that she should be regarded as a perpetrator. She is therefore also responsible for the continued detention and enslavement of Redacted A, Redacted B and Redacted C.

Regarding Redacted D, she has told us that L. I. talked about Redacted D and the children being sold because she could not take care of them anymore. L. I. then left them in the house of G. who then sold them on to another IS man. During this transfer, Redacted D was able to observe that G. received money from the man who took over her and the children. Redacted D's information shows, according to the District Court, that L. I. has supplied Redacted D, Redacted E, Redacted F and Redacted G for onward sale. She is therefore also responsible for the continuation of their detention and enslavement.

With regard to L. I.'s position in this part, the District Court has already found her statement that she was away travelling in connection with Redacted A's disappearance to be rebutted in the general assessment. Through the testimonies provided by Redacted A and Redacted D, L. I.'s claim that she would not have told Redacted A and Redacted D that they would be sold is refuted. L. I.'s statement that she then moved is in line with Redacted D's testimony.

Altogether, therefore, L. I.'s statements do not alter the District Court's assessment that the assertion of supplying and transferring the injured parties has been substantiated.

The prosecutor has also claimed that L. I. was aware of what the injured parties might be subjected to during their continued imprisonment and enslavement. In this respect, the District Court makes the following assessment.

The District Court reports below the injured parties' narratives of what they came to be exposed to after they had to leave L. I. That L. I. has not been able to know with certainty what the injured parties would actually have to suffer is self-evident. However, according to the District Court, L. I. has not only been aware that the deprivation of liberty and enslavement of the injured parties would continue and what suffering this would entail for them, but she must also have realized the risk that they could be killed or treated particularly badly in various ways. For example, she knew that Redacted E was approaching the age where boys were forced to become child soldiers with IS and she had to realize that there was such a risk. As Redacted D explained, already in the house L. I. had threatened to send Redacted D to a military base. Even for Redacted C, being separated from Redacted A would be a step towards danger, especially as L. I. knew he was not her son.

L. I. has also had the insight that girls and women regularly became sex slaves of men connected to IS. As we have seen, she referred to one injured party as 'sabayas'. L. I. also told Redacted A when she was to be sold that she would belong to a man. Furthermore, she has shown some of the injured parties video footage of IS executions of Yazidis and declared that IS would execute those who did not belong to IS. She has accordingly had knowledge of the capacity

for violence that IS possessed and how IS treated Yazidi men, women and children, and that the purpose was to destroy the Yazidi community.

Against this background, the District Court considers it clear that L. I. transferred or supplied the injured parties to other persons within IS with the knowledge that they were at risk of being killed, subjected to serious sexual abuse or other particularly severe suffering and that the children were at risk of being separated from their parents or close relatives. It has also been established that, by contributing to further transfers of the injured parties, L. I. must also have realized that this would make their being reunited with the Yazidi community more difficult.

18.4.13 Conclusion concerning L. I.'s actions

The District Court has found that L. I. has received and imprisoned all the injured parties in her home. These imprisonments have lasted between twenty days and five months. L. I. has treated the injured parties as her property and her slaves. She has perpetuated the imprisonment and enslavement of the injured parties initiated by IS after the attack on 3 August 2014. According to the District Court, she has been aware of IS slavery system and that the injured parties were enslaved and what, in general, they had been exposed to before they were taken to L. I.'s home.

While the injured parties were imprisoned and enslaved by L. I., she has forced them to become practicing Muslims by forcing them to participate in teaching about Islam, forcing them to recite the Qur'an and to pray four or five times a day. L. I. has also forced the female injured parties to wear clothes with clear religious meaning such as hijab or niqab and full length skirts. The injured parties have also been banned from speaking Kurmanji and practicing their religion and culture.

L. I. has not only detained the injured parties in the house, but also severely restricted their freedom of movement in the house. In one case, the injured parties were basically completely restricted to a bedroom.

Further, L. I. has physically assaulted and harassed three of the injured parties. She has also disparagingly referred to all of them as 'infidels' or 'slaves'. For a

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couple of the injured parties, she has shown propaganda videos where Yazidis are executed by IS fighters. In connection with this, she has explained that IS will kill all infidels. She has also handled guns openly in the house.

L. I. has also forced some of the injured parties to perform household chores under slave-like forms. She has provided the injured parties with limited, and in some cases very little, food and necessities.

Furthermore, L. I. has tried to photograph certain injured parties, as well as participated and been a driving force in the photography of other injured parties, before they would be transferred. She has thereby provoked severe fear and anxiety in the injured parties as photography for them meant that they would be left to an unknown fate and risk separation from family members.

Finally, L. I. participated in the transfer of three injured parties and supplied four of the injured parties for resale to other persons within IS. She has thus been responsible for the continued detention and enslavement of them. She has acted with insight that the injured party was at risk of being killed, subjected to serious sexual abuse or other particularly severe suffering and that the children were at risk of being separated from their parents or close relatives. She must also have realized that her actions made it more difficult for the injured parties to be reunited with the Yazidi community.

19 WHAT THE INJURED PARTIES HAVE BEEN EXPOSED TO AFTER THE TIME IN L. I.'s HOME

19.1 Introduction

The injured parties left L. I.'s home in various ways and have subsequently, as far as can be seen, had nothing to do with her. However, all the injured parties have remained deprived of liberty and have had several 'owners' in the ensuing period.

As will be seen below, Redacted D and her then two-year-old son, Redacted G, were freed in the summer of 2015. Her other two children, Redacted E and Redacted F, were not freed until 2017 and 2022, respectively. Redacted A, Redacted B and Redacted C were also freed in the summer of 2015. Redacted I was released in 2018 and Redacted H remains missing.

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Below is an account of what has come to light about what the injured parties have experienced and been exposed to after their time in L. I.'s home.

What Redacted J was exposed to after she had been separated from her daughters, Redacted H and Redacted I, is apparent from her testimony in the appendix to the judgment.

19.2 Redacted D, Redacted E, Redacted F and Redacted G

After G. sold Redacted D and the children onwards, they were with two different IS men for a shorter period. One tried to rape Redacted D, but she told the husband's wife, who became angry. The man ended up saying that Redacted D and the children would be passed on. The men were open about the fact that she and the children were to be sold on. The third man who bought her was from Saudi Arabia and had a wife but no children. He showed her a picture of a girl and said that she was a sex slave from Kocho, but that she was not working and therefore Redacted D and her children would come and work for him. The girl turned out to be a sixteen-year-old Yazidi girl who Redacted D got to know during the one or two months she was with the man. The man regularly raped Redacted D during this time. The worst part, however, was that he took her two eldest children away from her. Redacted E and Redacted F were taken away, but she does not know where they went. She went on hunger strike for several days after the children had disappeared. There was also talk that the husband and his wife would take the then two-year-old Redacted G. The husband liked Redacted G very much, but his wife does not want a child from an infidel. Redacted D was therefore allowed to keep Redacted G.

Redacted D later got in touch with a smuggler who urged her to flee and come to a certain place with a white bag so they would recognize her. She took Redacted G and fled and was picked up by the smuggler's friends. Her last owner contacted her and said that if she came back with USD 20,000, he would free her. He had previously given her a document from an IS court that was an agreement to free her for money. However, she did not return to him, and she does not know if he was paid anything for her.

The smuggler helped her to a village in Syria where she could stay with a

woman for a few days and then be reunited with members of her family. Although she was free, it was a very difficult situation because two of her children were missing. She cried a lot because she was free but not her children. She was given a photograph of her and all three children by the smuggler, that were taken at L. I.'s home. That photograph meant a lot to her because she did not have her two oldest children with her. There was no information about what happened to them after they were taken away.

It later turned out that the siblings had been separated. Redacted E had been taken to a military base and was then liberated from the Al-Hol camp in 2017. Redacted F was only released in autumn 2022, although she had been in Al-Hol camp for the latter period. Otherwise, Redacted F could not say what she had endured, but she had been sold six times while in captivity. Redacted F can no longer speak Kurmanji, only Arabic. But she would rather not talk to anyone.

19.3 Redacted A, Redacted B and Redacted C

The man who collected Redacted A and the children from L. I.'s home was called S. They were imprisoned by him for about three months. S. first brought them to an IS base with many other Yazidi women. She was dropped in a room tied by her hands and feet. They took the children away from her and she was not allowed to see them for several days. She and two other Yazidi women were in the room. IS men came and raped them on a regular basis.

S. later took Redacted A and the children to another house, which was close to the IS base. S. wanted to have sex with her every night, but she resisted. He gave her medication or drugs so she would not be able to resist. The drugs made her dizzy as though she were intoxicated. She was also beaten and handcuffed and had her hands and feet tied when she resisted. On several occasions, S. became so angry that he burned her with a piece of metal. He heated the metal on a stove oven until it turned red and burned her with it on her legs. She still has burn marks on her legs. S. said that if he asks for something and she refuses to comply with his request, there would be consequences. She felt it was better to be tortured than raped, but in the end, it was beyond her control and she could no longer resist. Redacted B and Redacted C were in the same room sleeping. Redacted C asked about her burns. She tried to tell me there was no

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danger. But he saw that she had to wash the wounds every day so they would not become infected, and she thinks he understood. Redacted B was crying all the time because she could not feed him.

After a month or so, S. sold her to a man from Libya who was an IS agent smuggler. He contacted Iraqi and Kurdish smugglers and explained who he had in captivity and asked if there were relatives who wanted to buy back the prisoners. The man had several Yazidi women and children in captivity. After a sales process, she was able to be reunited with her brother and other relatives who had paid USD 15,000 to the man. Redacted C was also released.

19.4 Redacted H and Redacted I

As noted by the District Court, it is difficult to establish the chronology of Redacted I's narrative. She has described different sequences of captivity when she was alone and when she was with Redacted H. From Redacted D's information, it appears that Redacted H and Redacted I were left with G. when Redacted D was sold on. It is therefore clear that the times that Redacted I talked about when she and her sister were separated refer to after their captivity in L. I.'s home.

Redacted I has described her recollection of who separated them. She has said that the last time they were sold together was to two IS men. One man later died in an explosion, and the other separated the sisters and sold them separately. According to Redacted I, they were promised that they would be reunited but that was not the case.

Redacted I has explained that an IS man took her home to a farm where he lived with his wife and children and some other relatives. Her understanding is that she was with that family for about two years. She was not allowed outside the walls. The IS man wanted her to sleep with him when his wife was not at home. But she said no and slept with his parents instead. She was always afraid that the IS man would do something sexual with her. However, he did not do anything in that house, but it was only later. Redacted I had to take care of the children and help out at home. She did not want to be there, but she did not know what else to do. She had persuaded herself that they were her family and

that she would not be able to see her real family again. She cried when she thought of her family and felt that she was very lonely and did not have anyone.

Redacted I did not go to school. She had to read the Qur'an and pray and the family called her a different name. The wife of the house ordered her to appear in a special room where she would read the Qur'an. She was taught to learn texts by heart and she did so. She had to fast during Ramadan. She wore a long black dress and a shawl or hijab.

Redacted H knew the mother of the IS man Redacted I was with. Redacted H begged her to let her meet Redacted I. There was therefore a meeting between the siblings. She thought it had been a month since they were separated, but her sister said it had been three years. The sister lived with an IS man and a younger Yazidi girl. The IS man wanted her to leave after three days, but thanks to Redacted H crying, she was allowed to stay for a whole week. Redacted H lived in a house with a garden of flowers. Even though it was a large house, the man lived there alone with Redacted H and the other Yazidi woman. The IS man was gone during the day. While she was there, Redacted H slept with her. So did the other Yazidi girl. She does not remember what Redacted H was wearing, but she believes that her sister had been convinced to believe in Islam. Redacted H, however, wanted to return home to their family.

The IS man who owned Redacted I then came and took her away by force and that was the last time she saw Redacted H. The IS man took her to another residence and he tried to do 'something' with her. She cried. Then she came to a place where there were many IS men sleeping in bunk beds. One of them tried to do something sexual with her in front of all the others. Then an older IS man bought her. He lived on a farm that was barren, with a wife and many children. Even there she had to wear a long black dress and hijab but she does not remember if she was told to read the Qur'an.

After a month or so, she fled with the family on account of shootings. The family handed her to H. A-S., who understood that she was not their daughter. She did not answer H. A-S.'s questions because she thought another group would take her away. It was then made public that she had been found and after

a few days her cousin came and picked her up. She only calmed down when she saw it was her cousin. She went with him to Kurdistan.

Redacted I has stated that during the period in question she did not herself understand that she had been sold several times, but others have told her this. However, she was aware that she was in different places and that it was out of her control and against her will. She has also said that in retrospect she has understood that she has been brainwashed to believe that Islam was the right way to live. Redacted J has told us that before her captivity Redacted I could not speak a word of Arabic but when she was released she spoke only Arabic and no Kurdish at all. Nor did she know anything about the Yazidi religion when she came back.

With regard to Redacted H, Redacted J has stated that a woman explained that some IS men had told Redacted H that her parents did not want her. Redacted J feels terrible at the thought Redacted H were to become of that view. The same woman gave her several letters that were alleged to have been written by Redacted H. However, she does not know if it was Redacted H who had written the letters, or if someone had forced her to write them. From the content of the letters, it appears that Redacted H had converted to Islam. Redacted J, however, does not believe this to be true. She has been told that Redacted H has been seen with an Arab family in a market.

20 THE ENSLAVEMENT OF THE INJURED PARTIES

20.1 Introduction

As the District Court has found, IS introduced a system of slavery for the Yazidi population. This system was one of the key elements in the implementation of the genocide and crimes against humanity perpetrated by IS against the Yazidi population. Being enslaved means that the person is in principle completely deprived of their ability to act according to their own will and thereby forced to submit to someone else's will or wishes. The enslavement of Yazidi women and children was a starting point for sexual slavery and forced labor, as well as for forced conversion. It was also a step to separate children from their parents and transferring the children from their ethnic group.

Similarly, the enslavement and deprivation of freedom of the injured parties are the basis of L. I.'s criminality. Before examining how L. I.'s actions are to be assessed, it is worth explaining in more detail the meaning of enslavement and how it impacts those affected. The legal rules are primarily set out in the general part, but the District Court also begins this part by briefly describing the legal starting points.

20.2 The Meaning of Enslavement

Slavery has been an international crime for almost 100 years. The UN Convention on Slavery and Forced Labor dates back to 1926. It defines enslavement as the exercise of any or all of the powers of ownership over a person. The Rome Statute has a similar definition.

The power resulting from ownership over a person may be exercised by buying, selling, lending, or trading such a person or by otherwise depriving a person of their liberty. The decisive factor for criminal liability is that a person deprives someone else of their right to self-determination or, in any case, significantly limits it. In this way, the person enters a coerced situation. It is not necessary for the person to be deprived of their liberty in a physical sense. Even those who otherwise have their options greatly reduced may be considered enslaved as well as those who otherwise are unable to leave a place because they have nowhere else to go and fear for their lives.

An enslaved person does not need to be aware that they are victim of a slavery crime. As regards the injured parties in the present case, Redacted D's youngest child, Redacted G, who was two years old, did not realize that he was in a state of coercion, but as his mother was enslaved, he is also to be regarded as a slave. In addition, it has emerged that, at least once during the period Redacted D was deprived of freedom, there was a danger that he would be separated from his mother. As for Redacted B, he was born into slavery because his mother, Redacted A, was then already enslaved.

As regards the slightly older children, it is apparent from the information provided by Redacted C and Redacted I, both aged between six and seven, that they were aware that, following the attack of 3 August 2014, they were not in

charge or could decide on their situation in life. They were first separated from their fathers and male relatives and later, during captivity, from their mothers. They have also experienced that they were forced to participate in religious education and prayer times. For Redacted I, who was enslaved for almost four years, her situation naturally became clearer the older she became and this was further strengthened when she was separated from her sister, Redacted H. Redacted D has testified that the situation was the same for her older children, Redacted E and Redacted F, especially when after the time in L. I.'s residence they were separated from her and from each other.

Slavery is a perturbing crime. It begins when someone exercises ownership rights over a person. There may be different conditions over time, but slavery does not end until all the different ownership rights have been abolished. There is no requirement of time limitation or minimum duration for the existence of a slavery offence. It may be enough to have someone enslaved for a few hours if one thereby perpetuates enslavement.

In this case, the injured parties have been enslaved for different lengths of time, both in terms of the total time and time with L. I. As the District Court found, the injured parties were already enslaved and the subject of slave trading when they arrived at L. I. She has received them knowing this and appropriated them as slaves. In L. I.'s case, Redacted A – Redacted C were enslaved for about twenty days, while the other injured parties, Redacted D – Redacted H, were enslaved in their case for about five months. As noted, all the injured parties were then still enslaved when they were transferred and supplied to new owners.

The adult injured parties and children Redacted B, Redacted C and Redacted G were enslaved for a total of 12 to 18 months. For the children who were separated from their mothers, the time spent in captivity became significantly longer. Redacted F was detained and enslaved for more than eight years and Redacted E and Redacted I for about four years. Redacted H has not yet been found. As the District Court will return to, both the children and their mothers have been very hard hit by this trauma.

Slavery is a very serious crime as it is a tremendous violation of human dignity to be considered property. IS also held the stance that Yazidis lacked human dignity. J. K. has testified about the effect being seen as an object has on humans. As for the Yazidi women and children, in addition to that violation, there was also a great concern and fear about what would happen next because their enslavement was a continuous state. As has been seen, they had several different owners and even during the time at the IS bases and assembly points, there was a great deal of uncertainty because the separation processes took place continuously. As a result, there was a great deal of uncertainty and loss of control. They could not defend themselves, could not flee, and were completely beholden to their owners. As shown in this case, such a loss of control is usually even worse for a person, as the only parent or close relative, who is responsible for children.

The injured parties have described particularly well the feeling of being completely at the mercy of someone else and how they felt utterly helpless. First, their husbands and fathers had been executed and they and their children and female relatives had been taken away from their home villages. The injured parties have explained that they felt as though they were cattle transported around to different places of residence and that they completely lacked knowledge of where and when they would be on next time. Such a loss of control is very traumatizing.

There was also a constant fear of being separated from their children and their female relatives. The injured parties have described the humiliation they felt when the IS men registered all Yazidi women and children to control them and decide who would be taken away and who would stay. This was a process that went on continuously for a long time. Likewise, the injured parties have described that the greatest fear when they were with L. I. was that they did not know when they would be sold on and what would then happen. As mentioned, J. K. has testified from his experience that the violation a person experiences by being considered property is so traumatic from which one may never recover. Both Redacted A and Redacted D have confirmed this and that they felt that they no longer had any human value. Redacted D in particular has said how

painful it was for her when she saw that G. received money from the man to whom he gave her and her children. It was then clear to her that they were a commodity.

As the District Court will return to during the assessment of whether L. I. subjected the injured parties to severe suffering, she has exercised her authority over the injured parties and also subjected them to abuse of various kinds. In assessing whether slavery is involved, however, the damage is already done when a person is regarded as property or a commodity. It does not therefore require any ill treatment per se for a slavery offence to be considered to exist. The crime lies in being regarded as property in itself.

21 GENOCIDE

21.1 Introduction

L. I. has been charged with genocide. The prosecutor argues that, by the acts in question, she subjected the injured parties to severe suffering and, in relation to the children, separated them from the Yazidis group and forcibly transferred them to the group of the population belonging to IS. The current provisions are therefore Section 1, first paragraph, clauses 2 and 5 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes. According to the indictment, all the acts were carried out with the aim of destroying the Yazidi community as such.

In the present case, it has been established that all the injured parties belong to the Yazidi community.

As stated in the general part, criminal liability for genocide requires that the punishable act be committed with the aim of destroying, in whole or in part, a national, ethnic, or racially determined or religious community as such. The nature of the crime thus presupposes that the act threatens the existence of a population group or a part of such a group, for example from a social or cultural perspective. This is a fundamental requirement for its application in each individual case. Genocide usually has a collective and large-scale character in itself.

L. I.'s actions have been directed against nine injured parties, who in this context may be regarded as a smaller number of persons. In order for her actions to be covered by the genocide provision, the threat to the survival of the Yazidi community must be real. This means that, in principle, her actions, together with other similar actions, must form part of a plan or policy pursued for the purpose of extermination.

The District Court has found that IS can be considered to have committed genocide against the Yazidi population through, among other things, executions, sexual abuse and other physical and psychological abuses that were committed via enslavement and forced conversion, etc.

Initially, the District Court will examine whether L. I. has shared IS annihilation aims. If shown, the Court will then examine whether the acts she has committed constitute acts of genocide.

As the District Court has found, L. I. has subjected the nine injured parties to similar acts. However, there are some differences in how they have been treated and what has been investigated about each injured party. Below, the District Court does not differentiate the injured parties in all respects but will proceed on the basis of L. I.'s actions and what she has subjected all or individual injured parties to. The assessment of the allegations above shows in more detail what has been investigated with regard to each of the injured parties.

21.2 Genocide purpose

21.2.1 Introduction

As a general rule, the assessment of whether an act has been committed with a view to the total or partial destruction of an ethnic group may be made on the basis of the objective circumstances existing at the time of the act. A factor of key importance for this examination is whether there is a plan to annihilate the ethnic group and whether the act forms part of it.

The District Court has found that through the attack on the Sinjar region, the killing and enslavement, as well as the extensive abuses in various forms that were committed against the Yazidis, were done with the aim of eradicating the Yazidi community both physically, and also from a social and cultural

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perspective.

To assess whether L. I. has shared this genocidal purpose, it is necessary to begin by touching on her background in Islam and how she relates to the ideologies of IS and similar groups.

21.2.2 L. I.'s ideology

The prosecutor claims that L. I. travelled to Syria in order to contribute, alone and through her family, to the establishment of an Islamic State with the ideology subsequently implemented by IS.

The investigation shows that women's main role in IS was as wives and mothers. They would take care of their spouses who carried out jihad and raise the next generation of the caliphate by instilling love for jihad and martyrdom in their children. In this way, the women carried out their own form of jihad and were part of the common purpose of the caliphate. The important role of women was conveyed not least in IS propaganda.

It was a common phenomenon that women from different European countries travelled to Syria and joined IS. Their reasons could vary. It could be women who felt dissatisfied with their life situation in their home countries and who were attracted by what IS had to offer. However, many women were also ideologically convinced and strived to make Hijrah, i.e. to emigrate to a Muslim country and live by Sharia law.

As stated at the beginning of the judgment, L. I. was married to J. M. for a number of years and even the years they were not formally married in Sweden, they were closely linked and had several children together. The interview with D. L. from SÄPO shows that J. M. belonged to a group of openly violent Islamists in Sweden. For example, he was responsible for a website with violent Islamist content where he called for jihad in Syria. He was also involved in a mosque in Halmstad, Sweden, that was then known to be extremist. As has been seen, J. M. first travelled to Syria and was then followed by his and L. I.'s son, O. L. I. and the other children who then lived in Egypt, subsequently followed.

L. I. has stated that she had no insight into J. M.'s actions and that she was lured to Syria. In view of L. I.'s subsequent conduct and the date of the facts at issue in the present case, those facts are of limited importance for the assessment in the present case. The District Court can nevertheless state that D. L. is of the opinion that it is unreasonable that L. I. would not have known about J. M.'s convictions and that nothing indicates that she was tricked into going to Syria. The District Court also finds that it does not seem likely that L. I., who appears to be an independent woman who has made several life-changing decisions of her own accord, had no knowledge of J. M.'s ideological beliefs and plans to go and fight in Syria.

As has been seen, J. M. was killed in combat, probably as a fighter for a jihadist group that later became part of IS. L. I. then married A. A., who was a high-ranking member of IS. Her two sons, O. and J., also fought for IS. O. expressed strong sympathy with IS in conversations with his relatives in Sweden. Both sons appear in photographs containing IS propaganda. It can accordingly be stated that L. I.'s close relatives were apparently strong supporters of IS.

L. I. has also objected that she has not had the opportunity to leave Syria. This objection is also of limited importance in the present case in view of the acts which the District Court found her guilty of. However, it can be noted that the investigation shows that women in Syria have limited room for maneuver and that in many cases they needed a male escort. D. L. has, however, stated that both men and women left Raqqa in 2013 and 2014. He has assessed that the opportunities for L. I. to return to Sweden when J. M. died in August 2013 were very good and that it was only in the second half of 2015 that IS restricted freedom of movement, and it became more difficult to leave Syria. It has also come to light that L. I.'s friend, C. O. and her family, left Syria for Sweden in part in December 2013, and then in late summer 2015. J. M.'s other wife and child also left Syria in 2014. Furthermore, O. has in a chat conversation with a relative in Sweden, in November 2013 conveyed that L. I. wanted to stay in Syria. L. I. has expressed to her brother in Sweden, for example, 'it is not for you to understand how we live and what we believe in', and 'we live on the little plot that remains for us Muslims of IS. This was in 2017 and 2018.

Finally, it can be noted that L. I. was in the last stronghold of IS when it fell in 2019. She was thus in an IS-controlled area from 2013 to 2019 without at any time contacting the Swedish authorities and asking for help to leave Syria, or in any other way independently tried to leave there.

According to the District Court, there can be no other conclusion than that L. I. shared IS ideology and that she was in Syria to contribute to the establishment of an Islamic state.

21.2.3 L. I.'s genocide purpose

L. I. mainly spent her time at her residence in Raqqa. As seen, it was in accordance with IS ideology that women managed the homes while the men were out fighting or had weapons training. As the injured parties told us, many IS men stayed at the military bases.

However, the fact that L. I.'s place was in the home did not mean that she took a passive role. Unlike what is common for women in other armed conflicts, IS women had a genuine and crucial role in building and populating the caliphate. This was partly because IS sought to wipe out the Yazidi community in various ways, and when it came to enslavement, forced domestic labor and forced conversions, women played a crucial role. It seems, however, that L. I. had an unusually significant role. There are examples in practice of women who restricted themselves to using Yazidi women as domestic slaves, seemingly without any deeper ideological purpose. However, L. I. has not only acted independently in maintaining the enslavement and imprisonment of the injured parties but has also been very active and dedicated in their forced conversion.

According to the District Court, L. I.'s active and devoted role in forcibly converting the injured parties indicates that she was ideologically convinced that this was right. Her conduct vis-à-vis the injured parties confirms that view. The fact that she taught them Islam twice a day and held prayers five times a day, as well as forcing the children to attend, indicates a great commitment. Even the fact that she forced the injured parties to wear culturally religious clothing and that, for the purposes of teaching and prayer, she herself changed into special clothes to resemble an imam also indicates her dedication.

Furthermore, L. I. made statements that the injured parties now belonged to ‘our’ (i.e. IS) people, that the injured parties would forget their people and that the injured parties were not to speak Kurmanji. Similarly, she made statements directly related to religion, such as that the injured parties were infidels, but that they would not be so anymore, and that IS would kill all infidels.

That L. I. threatened to send Redacted D’s nine-year-old son to an IS-military base and that she told Redacted A that he would belong to a man after the transfer, also firmly supports L. I. having knowledge of and sympathy with IS different ways of destroying the Yazidi community.

21.2.4 Conclusion genocide purpose

IS had the aim of destroying all or part of the Yazidi community both physically and from a social and cultural perspective.

L. I. shared the IS ideology and was in Syria to contribute to the establishment of an Islamic state. L. I. also shared the IS genocide purpose and has thus had the aim of completely or partially destroying the Yazidi community.

21.3 Severe suffering

21.3.1 Introduction

An ethnic group can be annihilated by causing serious pain or injury or suffering to its members. Severe suffering refers to psychological suffering. Criminal liability includes acts that cause severe psychological suffering, for example by subjecting a person to great psychological stress and strain such as severe fear of death or being forced to witness serious crimes committed against others. Spiritual or mental injuries do not have to be medically detectable. However, according to the practice of International Criminal Tribunals, the act is required to have caused not only fear or dread, but psychological suffering that is at least not temporary. It is therefore necessary, in principle, that the acts give rise to widespread and long-term difficulties in living a normal life.

The prosecutor has argued that everything L. I. has subjected the injured parties to, taken together, constitutes severe suffering under the genocide provision.

21.3.2 Significance of the acts to which the injured parties have been subjected

The District Court has found that L. I. has received and kept the injured parties as slaves in her home for a period of five months. When she received the injured parties, she understood that they were already enslaved and what they had been subjected to overall. She thus perpetuated the enslavement of parts of the Yazidi population by IS following the attack on the Sinjar area on 3 August 2014. The District Court will return to the importance of L. I. understanding that she participated in the enslavement system and that she must have realized that the injured parties had been exposed to severe suffering and trauma even before they came to her.

L. I. has already, by treating the injured parties as slaves and depriving them of their right to self-determination and exercising ownership rights over them, seriously violated their human dignity. She has thereby also deprived them of basic human rights.

Furthermore, L. I. has also physically imprisoned the injured parties. None of them have been allowed to go outside the walls and the gate was locked. Redacted A and her children have basically been completely confined to their bedroom, which was locked or guarded by L. I. Redacted D and her children's freedom of movement indoors was also very limited, and completely dependent on what L. I. decided. As the District Court found, a weapon was kept openly in the house, and L. I. reminded at least a couple of the injured parties about IS violent extremism by showing videos of IS executing Yazidis.

Another clear exercise of L. I.'s authority over the injured parties is the photographing and attempt to photograph the injured parties in which she participated. Redacted A has explained that this was one of the worst times during her stay with L. I. She has described how desperate she was not to be transferred and that the photograph symbolized that she would be sold. Redacted D has also described that she, for the same reason, struggled against being photographed.

With regard to the way the IS slave market worked; there are examples in the investigation where IS men at the slave markets discussed how a Yazidi slave

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can be traded for a pair of sneakers, there is no doubt that the photography and the attempts at photography were particularly offensive to the injured parties. This illustrated that they could be made freely available. In addition to the violation itself, the photography sessions – especially taking into account what the injured parties had been through in the past – also created a great fear of what could happen in the next place and that there was a risk that they would be separated from their children.

As noted by the District Court, forced conversion appears to have been one of L. I.'s main purposes for enslavement. She forced the injured parties to become practicing Muslims by giving them no choice but to participate in teaching about Islam, to learn to recite the Qur'an, and to pray four or five times a day. Redacted A and Redacted D have described how difficult it was to learn the Arabic texts, and that even the children made a lot of effort because they were afraid of L. I. Even in the case of the forced wearing of clothing with religious significance, Redacted A, in particular, who was forced to wear a niqab, has expressed how stressful it was and that it reinforced the feeling of being discriminated against.

It is thus clear that L. I. has harshly violated the religious freedom of the injured parties by preventing them from practicing their Yazidi religion and forcing them to practice Islam. An important aspect in assessing the suffering of the injured parties in this part is that the investigation has shown that Yazidis generally have a strong religious and cultural identity. There are also examples in the investigation when Redacted D has talked about a captured Yazidi woman who, despite the conditions and threats at the IS base, refused to pray and said that she was Yazidi and believed in Melek Taus. It was not until an IS man pulled out a machine gun that she gave in. The injured parties have also confirmed that they had a strong religious and cultural identity and that they actively practiced their Yazidi faith and culture prior to the IS attack. This should make the violation of forcibly worshipping a god they did not believe in and practicing a foreign religion worse than otherwise. The fact that L. I. also talked about the injured parties being infidels and that there was no choice for them but to convert because IS killed all the infidels, made the situation even

more difficult for the injured parties.

Another important aspect is the treatment of children. In this case, the majority of the injured parties are children. At the time in question, they ranged in age from Redacted B who was a newborn to Redacted E, who was nine years old. In between, Redacted G was two, Redacted C six, Redacted F seven, and Redacted F eight. As shown, during the time in L. I.'s home they were enslaved with their mothers and in the case of Redacted I with her big sister, Redacted H, and in the case of Redacted C with her relative, Redacted A. It has emerged that both Redacted H and Redacted A took on mothering roles in relation to the respective children when Redacted C and Redacted I were completely left in their care.

When a child is treated badly, it usually affects not only the child but also their close relatives. J. K. has testified that the Yazidi mothers suffered twice in the way that their husbands had been executed and they were therefore solely responsible for the children, while they themselves were exposed to severe trauma. Redacted A and Redacted D have expressed in their narratives that the instinct to protect the children was so great that, for their part, they were prepared to put up with 'anything at all', as long as the children survived and they were not forced to be separated from them. There was always a threat that the children would be taken away from them. For example, L. I. threatened to send Redacted E to a military base. Also in relation to Redacted A, L. I. used the children as a means of pressure by being violent and aggressive towards them.

Redacted A and Redacted D, both of whom have been treated despicably during their time in captivity, testify that the absolute worst for them was to see the children suffer and not be able to give them security and emotional stability. The children also did not have their basic physical needs such as food, drink and heating met. Both Redacted A and Redacted D have stated that the only thing that prevented them from killing themselves was that they were responsible for the children. When Redacted D was freed, she wished that it had been her children, Redacted E and Redacted I, who had been freed while she remained in captivity instead. Redacted H has not been able to be heard, but from what

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Redacted I has said, it is clear that Redacted H felt a great responsibility for Redacted I. They were also separated from their mother in a very brutal way.

Even from the children's perspective, it is particularly difficult to see their mothers or other persons to who they are attached being mistreated. J. K. has testified that a child feels their mother's insecurity and fears and notices when something is not right. Redacted A, for example, has talked about how Redacted C suffered and how scared he was when he watched when she was raped. Redacted D has also testified to the concerns of the children. Both Redacted A and Redacted D have stated that the children were careful to obey and please when they understood their vulnerable situation. L. I., who herself has several children, must have understood the aggravating aspect and meaning of having children enslaved. She must also have understood that Redacted B was so small that he was born in captivity and that Redacted A had undergone childbirth under such conditions.

As noted by the District Court, L. I. appears to have been particularly hard on Redacted A, at least in comparison with Redacted D. L. I. abused Redacted A on a few occasions, partly in connection with the photo shoot and partly because she thought Redacted A was washing up slowly. L. I. also regularly pushed Redacted A and even pulled her hair. However, what Redacted A experienced as most offensive was when L. I. spat in her face. Redacted A has explained that she felt that L. I. really hated her. She has also said that she lived in constant fear that L. I. would hurt her, but even more so that she would hurt the children. Redacted C was pushed and L. I. scared him when she got very angry when he spilled something. Redacted A has also stated that she was afraid that L. I. would one day suffocate Redacted B after she covered his mouth when he screamed.

L. I. has also forced the injured parties to carry out housework. As can be seen from the general section, this was very common in IS homes and it was an explicit purpose of the slavery system. The injured parties have cleaned, cooked, washed up, washed clothing and cleaned shoes for L. I.'s family. Although this would not have been particularly hard work, it reinforces the injured parties' experiences of being slaves and being completely at the mercy

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of what L. I. decided. L. I. also used both explicit and implicit threats in these contexts and, in the case of Redacted A, violence on some occasions. For Redacted A, it was particularly onerous as she had Redacted B, who was only a few months old, to take care of. He was also often ill and needed care, which L. I. did not take into account.

Finally, it should be noted that L. I. completely dictated the living conditions of the injured parties during their time with her, which in itself has been a serious violation of their personal integrity. They were given inadequate food and other necessities and were always hungry. This also affected the children worst, and thus also indirectly Redacted A and Redacted D, who were particularly worried about the children. As their freedom of movement was limited, they were also not allowed to go to the toilet without L. I.'s permission.

21.3.3 Effects of what the injured parties have been exposed to

The District Court has described above the circumstances in which the acts were committed and how they were carried out and found that L. I. has subjected the injured party to very serious and particularly offensive acts.

The question is whether L. I. can be considered to have subjected the injured parties to such severe suffering that her actions should be assessed as acts of genocide. As we have seen, what constitutes severe suffering must be assessed in the light of the circumstances of each specific case. In the context of that examination, it is relevant not only to assess the acts as such and their effects, but also circumstances relating to the victim's personal circumstances, such as age, sex, and state of health. As mentioned, the majority of the victims were children.

For all the injured parties, L. I. was aware that she participated in the IS enslavement system and that the injured parties had already been subjected to severe suffering and traumatic experiences before they came to her. It was also clear that Redacted A had recently given birth and that her baby, Redacted B, had severe infections. L. I. also knew that Redacted H, Redacted I and Redacted C had been separated from their mothers. All these circumstances are relevant when the District Court examines the degree of suffering to which L. I.

has subjected the injured parties.

Before the District Court examines the effects of the acts, it must be stated that L. I. cannot, per se, be held liable for acts suffered by the injured parties after their time with her. On the other hand, she is liable for having transferred or supplied the injured parties for onward transfer. As the District Court has noted, she has also had insight into the various forms of inhuman treatment that the injured parties risked being subjected to.

It follows from the foregoing that the nature of the crime is such that it is relevant in assessing the effects of the acts that L. I. has been part of a chain of persons in whose custody the injured parties have been deprived of liberty and enslaved.

The District Court has in the general part described the effects on the Yazidi community of the crimes that IS has subjected it to. The Yazidis have been forced to leave their homes in the Sinjar area and are unable to return, leaving the Yazidi community dispersed across different parts of the world and a very large number of Yazidis are still living in camps in Iraq. Many Yazidis are still missing. Those Yazidis who survived have suffered from severe mental health problems. Many have lost their Yazidi identity and Yazidi festive times are no longer celebrated.

These circumstances also apply to the injured parties in the present case.

Before the IS attack, all the injured parties lived in villages in the Sinjar area and seem to have lived relatively quiet lives. They practiced their Yazidi religion and culture. Redacted D, Redacted E, Redacted F and Redacted G now live in a camp in Iraq. They have been to visit their home village but their house was, like the rest of the village, destroyed. Redacted A and Redacted B live on another continent. Redacted C and Redacted I both live in Europe with some members of their families.

The injured parties have also lost much of their Yazidi culture and traditions. This is especially true of the children. For example, the children's language has been affected. Before captivity, they spoke only their mother tongue, Kurmanji.

When Redacted F and Redacted I were released after several years in captivity, they could no longer speak Kurmanji, but only Arabic. They also had no knowledge of the Yazidi religion and culture. Redacted I has explained that at the end of her captivity she thought she was Muslim. Redacted C has also stated that at the end of his imprisonment, although he was only seven years old, he had assumed that he was a Muslim.

All the injured parties have had severe mental problems as a result of their imprisonment and everything they were subjected to at the time. They are at different stages of their recovery depending on their age, how long they have been free, and what treatment they have received for their traumas.

Redacted I and Redacted C have in principle not talked about their experiences before, but it was only in connection with the current preliminary investigation that they have explained what they remember about the events. As has been seen, these are mostly fragmentary memories. Despite this, they were noticeably affected during the interviews. Redacted I has difficulty talking about her experiences and at the main hearing got panic anxiety from listening to her recorded interview. Her mother, Redacted J, has confirmed that Redacted I is feeling very poorly and would need psychological support and that she has not wanted to ask Redacted I for details as she did not want to reopen wounds. Redacted I has stated at the main hearing that she has only now asked for help.

Redacted D has told us that her daughter, Redacted F, does not want to talk about what she has been through and that she does not want to talk to anyone about anything at all. She is angry, she is silent, she is withdrawn. She has received treatment from a psychologist but needs more extensive help as she is still very traumatized. Redacted F has also undergone various surgeries for her injuries. Redacted D has stated that her children felt happy and secure before captivity but that they are now afraid and silent. J. K. has confirmed that children who have been traumatized can often become extremely quiet and develop aggression or antisocial behavior.

The adult injured parties, Redacted A and Redacted D, were freed almost ten years ago and have talked about their experiences with some regularity over the

years. As we have seen, Redacted D was interviewed by various organizations relatively soon after her release and she has also received some psychological treatment. Redacted A has undergone quite extensive treatments in its new home country. Despite this, they still have great difficulty in talking about what has happened. As the District Court noted, it is with great anguish that they spoke about their experiences. The hearings have been interrupted because they have not been able to cope. Redacted D has on several occasions replied 'it is too difficult to talk about' when she was asked certain questions. Both she and Redacted A have had difficulty seeing their recorded interviews at the main hearing. Redacted A has fainted on several occasions during the interviews and also during the main hearing. Other injured parties have also fainted and had panic attacks in connection with questioning.

J. K. has testified that a large number of women he has treated have also fainted when they talked about their experiences. According to him, this is the body's way of dealing with the situation. When a person begins to talk about their trauma, the memories well up in their head and that fainting is then the body's defense mechanism to avoid psychological damage.

Redacted A and Redacted D have also talked about other problems, such as anxiety, headaches, insomnia and concentration problems. According to J. K., these are typical symptoms of post-traumatic stress, i.e. psychological reactions can manifest themselves as physical problems. Neither the body nor the psyche is able to live for a long time in such a state of emergency as it means to be enslaved. As the District Court has explained, this entails constant uncertainty and fear of what will come next.

Redacted A has explained that she feels as if something happened in her brain when L. I. hit her head on the floor when she was forced to be photographed. Both her own information and records from her home country show that she has recurring seizures where she loses consciousness. X-rays and EEG tests have not revealed any physical cause. Her psychiatrist has noted that she suffers from anxiety problems, PTSD, depression, and memory problems. Redacted A has also said that Redacted B has problems with speech and that she does not know if this has to do with L. I. covering his mouth when he was a baby. It is not

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possible to establish any physical connection between these problems and L. I.'s actions, but Redacted A's thoughts illustrate how deeply rooted her trauma is from these events.

In the case, it has also emerged that there have been attachment problems between mothers and daughters after they have been separated. This is also common according to J. K. Children expect their parents to protect them and take care of them, which mothers in these cases have not been able to do and the children then lose that sense of security. Children may also feel that their mothers left them in the lurch when they separated. An attachment disorder may then develop. Even parents can suffer and feel guilty about not being able to protect their children. Redacted D has expressed anxiety and sadness that it was she and not her child who was released first. Redacted J has described the same feeling in relation to Redacted I, and also in relation to Redacted H who is still missing.

21.3.4 Conclusion severe suffering

The District Court has described above the circumstances in which the acts were committed and how they were carried out and found that L. I. has subjected the injured parties to serious and particularly offensive acts. The District Court has also found that the injured parties had been detained and enslaved for a number of months and had suffered severe trauma before coming to L. I. The District Court has also highlighted the personal circumstances of the injured parties, such as the fact that seven of the nine injured parties were children, several of whom had been separated in different ways from both their parents. The District Court has also reported on the injured parties' well-being and psychological suffering and other effects of the traumas they experienced while in captivity. It has been established that their trauma is likely to be lifelong and involves extensive and long-term difficulties in living a normal life.

It has also been noted that enslavement, forced conversion and forced domestic labor were part of IS ideology and tools to annihilate the Yazidi community. L. I. has shared the IS annihilation aims. Her acts are part of other similar acts carried out with a common underlying strategy and which, by their nature, were

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such that the Yazidi community was in danger of being destroyed in whole or in part. It is clear that the psychological suffering is so severe and of such a nature that it threatens to destroy the Yazidi community as such.

On the basis of an overall assessment, the District Court considers that L. I. has subjected the injured parties to the severe suffering referred to in the genocide provision, taking into account the length of the deprivation of liberty and enslavement and the insulting treatments that the injured parties had to endure, for example through forced conversion, forced labor and abusive language and taking into account the injured parties' personal circumstances.

It follows from the above that L. I. committed genocide by subjecting the injured parties to severe suffering.

21.4 Transfer of children

21.4.1 Introduction

The survival of an ethnic group can also be threatened by children being taken away from the group to be raised in a foreign environment. In these cases, the existence of the ethnic group is jeopardized by the fact that this type of measure does not physically add new individuals, but also by preventing children belonging to the ethnic group from growing up with the cultural identity, language and traditions of the ethnic group. For these reasons, the transfer of a child is a specific act of genocide, which states that anyone who forcibly transfers a child under the age of eighteen from the ethnic group to another group is to be adjudged for genocide (Paragraph 1(1)(5) of the Act on punishment for genocide, crimes against humanity and war crimes).

As found by the District Court, IS – as one of several acts threatening the existence of the Yazidi community – with force and violence transferred Yazidi children to assembly centers and later to IS-affiliated households or military training camps. The transfer of the children took place either as part of the enslavement of the Yazidi women or independently by separating them in some cases from their mother and/or siblings. The forced transfer continued in captivity through both enslavement and forced conversion. As has been seen, IS targeted a very large number of Yazidi children, which in itself has threatened

the existence of the ethnic group. However, it can be noted that, as stated in the Criminal Code, it is sufficient for criminal liability in each individual case that only one child is transferred in this way.

21.4.2 L. I.'s actions

The injured parties who were children were separated by force and violence from the Yazidi community in connection with the IS attack on 3 August 2014. IS had, as has been seen, the stated purpose to annihilate the Yazidi community by, for example, enslaving children and forcing them to convert and to grow up within the group that sympathized with IS. In this way, transferring the children to the group that sympathized with IS was also a way of populating the caliphate.

At the start, it should be noted that all the injured parties except Redacted A and Redacted D were under the age of eighteen. In view of the limited investigation into Redacted H, it is not possible, according to the District Court, to determine whether L. I. realized, or had reasonable grounds to assume, that Redacted H was under eighteen years of age. However, as regards the other children, given that they were small, it was clear that they were under the age of eighteen.

When examining the allegations, the District Court has assessed that L. I. has received the children and maintained the deprivation of liberty and enslavement of them. With regard to the criterion of forced transfer, it can be said that this is not limited to physical transfer by force, but may include the threat of force or coercion, against the persons being transferred or another person, or by exploiting a coercive environment. For example, the Rwanda Tribunal has stated that the purpose in these cases is not only to sanction a direct act of forced displacement, but also to sanction acts of intimidation or trauma that would lead to the forced transfer of children from one group to another.

It follows from the foregoing that, although the injured parties were already forcibly transferred to the IS-affiliated group when L. I. received them, by maintaining their imprisonment and enslavement, she also maintained the forced transfer. As noted by the District Court, she has also had a clear aim of

extermination with regard to the children by obliging them to practice Islam with the aim of converting and also prohibiting them from speaking Kurmanji and teaching them Arabic instead. She has thus intended for them to be raised in a different group, with a different language, a different culture and a new religion.

21.4.3 Conclusion transfer of children

L. I. has committed genocide by forcibly transferring the injured parties who were children of the Yazidi community to the group that sympathized with IS. In doing so, she has deliberately prevented them from growing up with the cultural identity, language, and traditions of the Yazidi community.

21.5 Conclusion of genocide

IS has committed genocide against the Yazidi population, which is a protected religious community, through extrajudicial killings, by subjecting them to severe suffering and by forcibly transferring children from the Yazidi group to the group affiliated to IS. The purpose of these acts has been to exterminate the Yazidi community completely or partially by physically destroying it and that the group would cease to exist from a social and cultural perspective.

L. I. has subjected the injured parties to severe suffering by enslaving and imprisoning them, while at the same time she has photographed them for further transfer and forced them to convert to Islam and prohibited them from practicing their religion or speaking their language.

L. I. has also forcibly transferred the injured parties who were children of the Yazidi community to the group that sympathized with IS. She intended that they should be brought up in a different group, with a different language, a different culture, and a new religion.

L. I. has shared the IS genocide aim. She has thus intended to destroy the Yazidi community completely or partially through enslavement, forced conversion and, as far as the children are concerned, that they would grow up within the group that sympathized with IS. L. I.'s actions thus form part of other similar acts committed in accordance with IS underlying strategy and ideology. The existence of the Yazidi community has been threatened by these

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actions.

L. I. has thus committed genocide by subjecting the injured parties to severe suffering and by forcibly transferring children from the Yazidi community to the group that sympathized with IS. She has accordingly committed genocide under Section 1, first paragraph, clauses 2 and 5 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes.

22 CRIMES AGAINST HUMANITY

22.1 Introduction

L. I. has been charged with crimes against humanity. The Prosecutor contends that, by the acts charged, she subjected the injured parties to severe suffering through torture or other inhuman treatment, as well as to slavery, imprisonment and persecution. The relevant provisions are therefore Section 2, first paragraph, clauses 2, 5, 7 and 8 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes.

Crimes against humanity, like genocide, are large-scale in nature. The crime is often committed by several perpetrators of one or more acts, each of which constitutes a crime of varying gravity and nature and which is directed against different persons. As stated in the general part, criminal liability for crimes against humanity requires that the criminal act constitutes or is part of a widespread or systematic attack directed against a group of civilians.

The District Court has found that IS has committed crimes against humanity against the Yazidi civilian population by subjecting them to executions, severe suffering, slavery, serious sexual abuse, forced displacement, imprisonment and persecution. The District Court has also found that IS actions have been extensive and constituted a systematic attack directed against the group of Yazidis who constitute civilians.

L. I.'s actions are directed against nine injured parties. All of them are Yazidis. L. I.'s individual acts cannot in themselves be regarded as satisfying the requirement of scale. In order for her to be convicted of crimes against humanity, the acts must therefore be part of IS attacks on the Yazidi civilian

population. The District Court shall begin by examining that question, and then examine the respective acts.

22.2 Widespread or systematic attacks on civilians

As found by the District Court, IS has subjected the Yazidi population to widespread and systematic attacks, which due to their cruelty and scale and the systematic and organized manner in which they have been carried out have caused extensive injury and violations to the Yazidi population.

Characteristic of IS actions has accordingly been the scale and systematics. A clear example is the slavery system administered by specially established ministries. There were also special regulations on the slave trade and on how to treat a slave. As there are examples in the investigation, an IS court could issue liberation agreements. The different markets that existed for the slave trade, both in place in Raqqa and online, also show how organized the business was. The injured parties' narratives of how they were transported to certain storage places after the August 2014 attack and how quickly the separation process of the Yazidi women and children based on age and gender began, also speak in favor of a well-organized operation. The injured parties came from different villages and the procedure has been similar, i.e. there was coordinated planning. Similarly, the enslavement and forced conversion of the Yazidis began, in principle, in direct connection with the attack.

The question is whether L. I.'s actions against the injured parties were part of the attack on the Yazidi population. As a preliminary point, it should be noted that it is not, in itself, necessary for L. I. to have been aware of all the circumstances surrounding the IS attack or to have realized that, in legal terms, it constituted an attack on civilians. However, she must have acted intentionally in relation to the actual circumstances constituting a criminal assault.

As the District Court found, L. I. shared with IS the genocide aim against the Yazidi community. Much of what has been said in that part is also relevant to the question of whether her actions have been part of the IS attack on the Yazidi civilian population. However, the District Court would like to highlight some circumstances in particular.

L. I. has stated that she was not aware of the attack on 3 August 2014. However, according to the District Court, it is irrelevant whether she knew the circumstances of that attack specifically. Crucially, she knew that IS exposed the Yazidi population to the kind of acts that could amount to crimes against humanity. L. I. herself has stated that she knew that IS had introduced a system of slavery. Her behavior towards the injured parties also confirms this, such as by receiving and participating in the transfer of the injured parties. She has also said that the Yazidis should belong to the true religion, Islam, and that IS should kill all infidels. It is accordingly clear that L. I.'s actions, both in character and in effect, are connected to the IS attacks on the Yazidi civilian population. In the light of the foregoing, it is also settled that she was aware of those circumstances.

It follows from the foregoing that L. I. 's actions against the injured party form part of a pattern of actions against the Yazidi civilian population which, taken together, constitute a widespread and systematic attack on a group of civilians.

22.3 Severe suffering through torture or other inhuman treatment

The prosecutor argues that, by the actions charged, L. I. has subjected the injured parties to severe suffering through torture or other inhuman treatment.

As the District Court found, L. I. has subjected the injured parties to severe suffering under the genocide provision. In that regard, it has been found that psychological suffering was of such a serious and lasting nature that it led to widespread and long-term difficulties in living a normal life.

That said, it should be clear that L. I., through the acts she has been found guilty of, is also to be regarded as having subjected the injured parties to severe suffering under the provision on crimes against humanity. Nevertheless, the District Court finds reasons to note the following. As the District Court found, L. I. has subjected the injured parties to severe suffering under the genocide provision. In that regard, it has been found that psychological suffering was of such a serious and lasting nature that it led to widespread and long-term difficulties in living a normal life.

Torture² as a crime against humanity means that someone is caused severe pain or physical or psychological suffering. Furthermore, the victim must be in the custody or under the control of the perpetrator. Inhuman treatment can be perpetrated through acts of various kinds. The crime is characterized by a serious violation of the fundamental respect for human dignity.

By way of introduction, it can be stated that the injured parties were enslaved and imprisoned by L. I. and thus in her custody. That condition for regarding the acts as torture is therefore fulfilled. In terms of what can constitute acts of torture, these are usually more serious forms of ill-treatment and sexual assaults. However, torture can also be committed by subjecting a person to severe psychological stresses, for example by depriving them of the opportunity to rest or sleep. Even inducing serious fear can amount to torture. There are also statements in practice to the effect that the dehumanization that enslavement entails, whether or not it also includes violence, can be characterized as torture and inhuman treatment. It should therefore be clear that what L. I. has exposed the injured parties to in combination, can be characterized as torture.

In any event, the fact that, while enslaved and deprived of liberty, the injured parties were compelled to carry out domestic work and to perform acts which were manifestly contrary to their religious and cultural beliefs amounts to such serious violations of fundamental respect for human dignity that they undoubtedly constitute inhuman treatment.

It follows from the foregoing that L. I. has committed crimes against humanity by subjecting the injured parties to severe suffering through, at least, inhumane treatment.

22.4 Slavery and deprivation of liberty

The prosecutor claims that L. I. subjected the injured parties to slavery and that

²The definition applies only to crimes against humanity and differs from what is prescribed for torture as a war crime and also in relation to what applies under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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she imprisoned them in breach of general international law. These are clearly two separate acts under the provision on crimes against humanity. In this case, however, they are so closely linked that the District Court presents a common conclusion.

Enslavement is a particular crime against humanity. It follows from that provision, inter alia, that any person who causes a member of the civil group to enter, in violation of general international law, forced labor or other such state of coercion must be convicted of crimes against humanity. As stated in the section on the meaning of enslavement of the injured parties, the decisive factor for criminal liability is that a person deprives someone else of his right to self-determination or, in any event, substantially restricts it. Even if a person receives good food and shelter and is otherwise treated ‘well’, it can be considered as enslaved if they are deprived of their freedom of action by coercion. Nor is it necessary for a person to be exploited through forced labor or otherwise. When it comes to slavery, the key point is that someone exercises a kind of ownership over a human.

As the District Court found, L. I. has enslaved all the injured parties. In addition, by means of psychological and physical abuse, she at least compelled Redacted A and Redacted D to carry out domestic work for her.

Imprisonment also constitutes a specific crime against humanity. It follows from the provision that anyone who, in violation of general international law, imprisons a member of a civilian group is convicted of crimes against humanity.

As we have seen, criminal liability for enslavement does not require that the enslaved be imprisoned. However, L. I. has also imprisoned the injured parties. They have actually been locked in the house or in the yard and in some cases in a bedroom. Their freedom of movement in the house has been significantly limited and completely dependent on what L. I. decided. According to the District Court, there is no doubt that the deprivation of liberty of the injured parties is in itself so serious and contrary to fundamental rights as formulated in international law that it constitutes a crime against humanity.

It follows that L. I. committed crimes against humanity by enslaving and imprisoning the injured parties.

22.5 Persecution

The prosecutor contends that, by the acts charged, L. I. persecuted the injured parties by depriving them, in breach of general international law, of fundamental rights based on cultural, religious, gender or other grounds prohibited by general international law, including age.

Persecution is a particular crime against humanity. It follows from that provision that any person who persecutes members of a civilian group by depriving them, in breach of general international law, of fundamental rights on the basis of political, racial, national, ethnic, cultural, religious, gender or other unlawful grounds under general international law must be convicted of crimes against humanity.

Criminal liability for persecution thus refers to acts that deprive a group of civilians of fundamental rights by subjecting them to discriminatory measures. The crime is therefore directed primarily at the group as such.

Through L. I.'s actions, she has deprived the injured parties of a number of fundamental rights. All the injured parties have been deprived of their liberty in contravention of general international law. They have also been deprived of their freedom of religion. As has been seen, not only have they been banned from practicing their Yazidi religion, but they have been forced to practice Islam. The four school-age children – who attended school before the IS attack – have been deprived of their right to attend school.

For the reasons set out, inter alia, in the section on L. I.'s genocide purpose, it is also established that L. I. committed the act with a discriminatory purpose. She has discriminated against the injured parties because of their religion and culture. Through the treatment of women, she has discriminated against them on the basis of gender. In this context, it can also be noted that L. I. treated Redacted A worse than Redacted D. For example, Redacted A faced stricter rules and was forced to wear the niqab. L. I. also made clear to Redacted A when she was resold that she would belong to a man. This approach is in line

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with how IS viewed women of different ages, which was expressed, for example, through the separation processes. In the first instance, younger women were chosen as sex slaves.

It follows from the foregoing that L. I. is guilty of seriously depriving a number of the injured parties of their fundamental rights. The gravity of this act is comparable to other crimes against humanity and it has been carried out with discriminatory motives. L. I. has thus also been guilty of crimes against humanity through persecution.

22.6 Conclusion crimes against humanity

IS has committed crimes against humanity against the Yazidi civilian population by subjecting them to executions, severe suffering, slavery, imprisonment and persecution. IS actions have been extensive and constitute a systematic attack against the Yazidi civilian population.

L. I. has subjected the injured parties to inhuman treatment and thereby caused them severe suffering.

L. I. has subjected the injured parties to slavery and, in violation of general international law, imprisoned them.

L. I. has been guilty of the serious deprivation of the fundamental rights of several of the injured parties. The act was carried out with discriminatory motives.

L. I.'s actions against the injured parties have formed part of a pattern of acts committed by IS and IS supporters against the Yazidi civilian population, which together constitute a widespread and systematic attack on a group of civilians.

L. I. has accordingly committed crimes against humanity by subjecting the injured parties to severe suffering through inhuman treatment, as well as to slavery, detention and persecution. She has thus committed crimes against humanity under Section 2(1), clauses 2, 5, 7 and 8 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes.

23 WAR CRIMES

23.1 Introduction

L. I. has been charged with a war crime against persons. The prosecutor claims that she has subjected the injured parties to severe suffering through torture or inhuman treatment and to humiliating or degrading treatment that was liable to seriously violate their personal dignity. The relevant provisions are therefore Section 3, first paragraph, clauses 2 and 7 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes.

A war crime constitutes a violation of certain gravity of international humanitarian law applicable to armed conflict and occupation.

Violations of humanitarian law can be committed by both military personnel and civilians.

It has been clarified that all the injured parties, as civilians, are protected persons under the provision on war crimes against persons.

For criminal liability for war crimes, the punishable act must be part of or otherwise related to an armed conflict or occupation. As the District Court noted in the general section, a non-international armed conflict was taking place in Syria during the period in question. IS was one of the armed groups involved in the fighting.

The District Court will begin by examining the question of the connection between the acts and the armed conflict and then examine the respective acts.

23.2 Connection with armed conflict

What distinguishes a war crime is the context in which a certain act is committed. As has been seen, some form of connection between the criminal offence and the armed conflict is required, first, by the fact that the offence is committed over a period of time and in a place where the conditions are such that humanitarian law is applicable and, second, by the fact that it has a certain connection with the conflict or occupation (so-called nexus).

The District Court has in the general part found that acts that IS committed

against the Yazidi population were closely connected with the armed conflict in progress. The actions are in line with IS ideology and politics. For example, IS ideology was based on a bipolar worldview, where different groups of people were discriminated against and IS committed widespread abuses against those groups, including the Yazidis, that they considered to be of lesser value.



With regard to L. I.'s actions, the implementation of such was entirely dependent on the ongoing armed conflict. Had it not been for IS participation in the fighting and attack on the Yazidis, L. I.'s actions would not have been possible. The conflict and the establishment of the caliphate by IS were also the main motives for her actions. There is, therefore, an obvious connection with the armed conflict.

It can also be stated that L. I. had insight into the facts that constituted the armed conflict and that she was aware that IS participated in it when both her husbands and sons fought for IS.

It follows from the above that L. I.'s actions were connected with the armed conflict that was ongoing in Syria.

23.3 The actions

23.3.1 Severe suffering

The prosecutor contends that, by the acts prosecuted, L. I. has subjected the injured parties to severe suffering through inhuman treatment³. As in the case of severe suffering as a crime against humanity, this concerns both physical and psychological suffering.

The District Court has found that L. I. has committed crimes against humanity by subjecting the injured parties to severe suffering through inhuman treatment. Even in this part, the District Court can state that the combined acts that L. I. exposed the injured parties to amounts to such serious violations of the fundamental respect for human dignity that they undoubtedly constitute inhuman treatment.

It follows from the above that L. I. has committed a war crime against a person by subjecting the injured parties to severe suffering through inhuman treatment.

23.3.2 Humiliating or degrading treatment

The prosecutor contends that L. I. has subjected the injured parties to humiliating or degrading treatment which has been intended to seriously violate

³The District Court has interpreted the description of the act as referring only to severe suffering through inhuman treatment and not also through torture, as it is not claimed that the act was carried out with such a special purpose as is required for war crimes.

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their personal dignity.

Criminal liability thus refers to anyone who humiliates, disparages or otherwise violates the personal dignity of a person to such an extent that it can generally be regarded as a desecration of personal dignity.

The actions covered can therefore be of various kinds. As the District Court has found, L. I. has subjected the injured parties to severe suffering through a large number of acts such as enslavement, deprivation of liberty, forced conversion, forced labor, assault and harassment. It is self-evident that, by their very nature, those acts always involve, in principle, in some respects, a serious violation of the personal dignity of the victim. It is also in the nature of the case that the provision to a large extent overlaps with other offences currently under investigation.

According to the District Court, it is more appropriate and consistent with the purpose of the provision to focus on the actions by L. I. that have typically been capable of seriously violating the personal dignity of the injured parties, taking into account their religious and cultural background.

That L. I. has called the injured parties sabaya or infidels are typically offensive remarks that have bearing on their identity or religion. The fact that she has repeatedly spat in the face of Redacted A is another example of a serious violation. Furthermore, given what the District Court has stated about the strong religious and cultural identity of the injured parties, it is obviously a serious violation of their personal dignity to be forced to practice Islam and participate in prayer sessions.

The District Court therefore considers that the acts referred to above, which have been committed repeatedly, have been particularly likely to seriously offend the personal dignity of the injured parties.

It follows from the foregoing that L. I. has committed a war crime against a person by subjecting the injured parties to humiliating and degrading treatment that has been liable to seriously violate their personal dignity.

23.4 Conclusion war crimes

IS has committed war crimes against the Yazidi population. IS actions had a strong connection with the ongoing armed conflict and were firmly in line with IS ideology and policies.

L. I.'s actions were entirely dependent on the armed conflict that was ongoing in Syria. The conflict and the establishment of the caliphate by IS were also the main motives for her actions. There was thus an obvious connection with the armed conflict.

L. I. has committed a war crime against a person by subjecting the injured parties to severe suffering through inhuman treatment.

L. I. has committed a war crime against a person by subjecting the injured parties to humiliating and degrading treatment that has been liable to seriously violate their personal dignity.

In view of the fact that L. I.'s actions were committed as part of the IS plan and policy towards the Yazidi population and that the injured parties, including several children, have been subjected to severe suffering, the war crime must be regarded as serious.

L. I. has thus committed a serious war crime against a person by subjecting the injured parties to severe suffering through inhuman treatment and to humiliating and degrading treatment. She has thus committed a serious war crime under Section 3, first paragraph, clauses 2 and 7 and Section 11 of the Act on Punishments for Genocide, Crimes against Humanity and War Crimes.

24 OVERLAPPING ISSUES

24.1 Legal starting points

The acts that are punishable under the Act on Punishments for Genocide, Crimes against Humanity and War Crimes can to a large extent also constitute crimes under the Penal Code. What is required for the law to be applicable is that the common, specific necessary conditions that apply to each type of crime are met. It is also through these elements that genocide, crimes against humanity and war crimes stand out in relation to national crimes and it is

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through them that the crimes acquire their international character. The Act thus constitutes a special regulation in relation to the usual criminal provisions. Therefore, where the conditions for prosecuting and adjudicating offences under that law exist, that law shall, in accordance with the normal rules of competition, take precedence over the general provisions.

The type of criminality regulated by the Act on Genocide, Crimes against Humanity or War Crimes is, as seen, large-scale in nature and often involves a large number of actions. As such, these acts can also form part of another act punishable under the same penal provision. An example of this is the act of inflicting serious pain or injury on a person or subjecting someone to severe suffering (cf. Sections 1, 2 and 4, first paragraph, clause 2, of the Act on Punishment for Genocide, Crimes against Humanity or War Crimes), which in itself may consist of underlying acts such as torture, rape, sexual abuse or inhuman treatment.⁴ The acts referred to above also constitute, in themselves, independent acts as a crime against humanity and a war crime, provided that the general constituent elements of those crimes are met (see, for example, Paragraph 2(1)(2) and (3) and Paragraph 4(1)(2) and (5) of that Act). Another example is the crime of slavery as a crime against humanity, which, as shown in the judgments of the District Court above, can also be considered part of severe suffering under all three forms of crime and also part of, for example, persecution, which in itself is a crime against humanity. Rape as a specific crime against humanity can also be considered torture. One and the same act can therefore form the basis for criminal liability for the same international crime, in different respects. This is also a generally accepted approach within the international tribunals and courts.⁵

Furthermore, an act can also be used to prove the contextual or general elements of, for example, a crime against humanity or genocide. A pattern of various acts can in itself support a widespread and systematic attack or an aim of genocide.⁶

⁴See, for example, ICC Elements of Crimes, concerning the act of genocide by causing serious physical or psychological harm, Article 6(b) of the ICC Statute.

⁵See ICC Elements of Crimes, paragraph 9, which states that certain conduct can constitute one or more offences.

⁶See, for example, the judgment of the ICC in *The Prosecutor v. Bosco Ntaganda* TJ, paras. 663-

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Overlapping issues can also arise under the Act on Punishments for Genocide, Crimes against Humanity and War Crimes. A certain act can constitute genocide, crimes against humanity and a war crime. This is especially true when there is an armed conflict. As a general principle of overlapping law tenets, a penal provision with a stricter range of punishment takes precedence over less serious offences. Among such crimes, genocide, through the requirement that such an act must have been committed for the purpose of the total or partial destruction of a population group, is, in international view, the most serious. It thus occupies a special position, even in relation to other offences under the Act. However, this does not mean that genocide constitutes a *lex specialis* in relation to the other crimes. Nor is genocide a more qualified form of, primarily, crimes against humanity for which the same range of punishment applies. For war crimes of the normal degree, however, a more limited penalty range applies. Such an offence is therefore to be regarded as less serious than the other offences. For the three offences, however, specific, different, conditions are laid down, which entails a special regulation of the respective offences in relation to the others. The specific conditions indicate that the provisions have partly different protective interests and criminal policy grounds. It can therefore be appropriate, depending on the circumstances of the case, to apply more than one criminal provision of the law to the same acts.

With regard to the question of overlapping actions, it can be noted that genocide and crimes against humanity are by their very nature large-scale and, as a starting point, affect many people, although it is often sufficient for criminal liability that an act is directed against a single person. Nor is the interest in protection primarily linked to the affected individuals, but to the ethnic group or group of civilians of which the individuals form part. This means that there can be reason to disregard the fact of how many injured parties the crime has targeted when assessing whether an act should be regarded as one or more crimes. Instead, criteria relating to time and space and the criminal activity as such can be decisive for the assessment of whether one or more crimes have been committed.

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L. I. is charged with genocide, crimes against humanity and serious war crimes that are overlapping. The District Court has found that there are conditions for convicting her for each of the crimes. When assessing whether she should be sentenced for all three offences, the District Court takes into account, among other things, the various protection interests of the provisions.

24.2 Assessment

As has been seen, the provision on genocide aims to protect the right to existence of certain specific population groups and the provision on crimes against humanity aims to protect civilian groups from widespread and systematic attacks. The provisions on war crimes shall ensure compliance with international humanitarian law.

In this case, the crime has targeted the right of Yazidis to exist as a group and aimed to annihilate the ethnic group as such. This purpose, and therefore the crime of genocide, is in a special position in relation to the other crimes and is also, in international view, the most serious. That L. I. should be convicted of genocide is accordingly clear.

In the case of crimes against humanity, special consideration should be given to the crime of slavery. As the District Court noted, a large part of the basis and prerequisite for the crime was the legal system introduced by IS that put people into slavery. L. I. actively participated in this order by maintaining and contributing to the enslavement of the injured parties. According to the District Court, enslavement itself should be regarded as such a qualified form of crime against humanity that there is reason to judge this as overlapping. L. I. should also be convicted of crimes against humanity.

Furthermore, IS actions are closely linked to the armed conflict in the area. The acts could not have been carried out if there had not been an armed conflict. The conflict and the establishment of the caliphate by IS were also the main motives for L. I.'s actions. For this reason, among others, L. I. should also be convicted of a serious war crime.

The District Court's conclusion is that L. I. should be sentenced for genocide, crimes against humanity and serious war crimes in competition. The fact that these are overlapping crimes and several injured parties is taken into account when assessing the criminal value of the crime.

25 SENTENCE AND DAMAGES

25.1 Sentence

25.1.1 The previous judgment

As the District Court stated in the introduction, L. I. was sentenced in March 2022 to six years imprisonment for aggravated crimes in Syria between 7 August 2013 and June 2014 and for aggravated war crimes between 1 July 2014 and 26 May 2016. The criminality consisted of L. I. failing to prevent her son J. from leaving home to carry out his duties as a child soldier. According to the judgment, it was only proven that L. I., once in Syria, had no real opportunity to prevent J. from being used as a child soldier. However, the District Court found that she herself had chosen to put herself in a situation where she must have been aware that she would lack such an opportunity. According to the judgment, L. I. could not, as guarantor, avoid criminal liability for failing to prevent something that she herself had knowingly and willingly ensured that she would not be able to prevent, and which she also did not wish to prevent herself.

25.1.2 Penal value

As the District Court found, L. I. should now be sentenced for genocide, crimes against humanity and serious war crimes. The prescribed penalty for each offence is imprisonment for a fixed term, a minimum of four and a maximum of eighteen years, or for life.

The District Court will present its assessment of the penal value of the actions in question below. Thereafter, the significance of the previous judgement and other circumstances affecting the overall penal value of the criminality will be presented. Finally, the value of the meting out of punishment and the choice of sentence are presented.

Penal value of the acts in question

Chapter 29, Section 1, first paragraph of the Penal Code states that, taking into account the interest in uniform application of the law, provisions within the parameters of the applicable range of punishment according to the crime or the penal value of the combined criminality. According to the second paragraph of the provision, the assessment of the penal value must take into account, *inter alia*, the injury, violation, or danger that the act has entailed, what the accused realized or should have realized about this and the intentions or motives that they had. In addition to the general provision, Sections 2 and 3 set out certain aggravating (Section 2) and mitigating (Section 3) circumstances that, in addition to what applies to the specific type of offence, must be taken into account when assessing the penal value.

Genocide is one of the most serious crimes. Such criminality is directed against a population group and often involves the killing of a very large number of people in their capacity as members of the population group, not infrequently in conjunction with other serious violations and severe stresses on the population group. Genocide is thus in most cases large-scale and systematic and is in principle always preceded by planning. In addition, the purpose of the crime is to destroy the population in whole or in part. This particular purpose has also given the crime its special status in international law. Crimes against humanity are also one of the most serious crimes. Criminal liability covers very serious acts. Common to the acts that may constitute crimes against humanity is that they are linked to a widespread or systematic attack on a civilian population. A serious war crime is also a serious crime.

When determining the sentence, the District Court must make an overall assessment of all the circumstances of the individual case. L. I.'s actions have a very high penal value. Such criminality is not only an extremely serious violation of the life and integrity of individuals, but also of basic human values and humanity. Exercising ownership over another person is a tremendous violation of that person's integrity when you take away that person's right to self-determination and human dignity. L. I. has been part of the systematized and large-scale enslavement system that IS introduced. She has acted independently in maintaining the enslavement and deprivation of liberty of the

injured parties and has assisted in the further transfer of some of them. L. I. has been very active and dedicated in the forced conversion of the injured parties and in that respect had a strong genocide purpose. There have been nine injured parties in total, including seven children, who L. I. has subjected to very serious violations and severe suffering that will affect them for the rest of their lives. Criminality that has continued for almost five months.

The prosecutor has petitioned that L. I. be sentenced to life imprisonment. That would be the normal punishment for genocide involving intentional killing. However, L. I. has neither been charged nor held liable for the death of anyone, which, according to the District Court, is of importance when assessing the penal value. Furthermore, there is no guiding practice where, like this case, physical suffering has not been as extensive as psychiatric suffering.

In view of the above considerations concerning the content and character of the acts, they are nevertheless of a very high penal value. There are no mitigating circumstances. However, several of the aggravating circumstances, for example in the case of children, have been taken into account when classifying the acts. As indicated in the section on overlapping issues, the fact that the three crimes are overlapping should be taken into account.

On an overall assessment of all the circumstances, the District Court concludes that the penal value of the acts corresponds to 16 years imprisonment.

25.1.3 Meting out punishment and choice of sentence

When a person who has been sentenced to imprisonment, a suspended sentence, probation, closed juvenile care, juvenile care or youth service, has committed another crime before that sentence and that crime comes to trial in a later judgment, the latter crime constitutes so-called newly discovered crime.

Under Chapter 34, Section 2 of the Penal Code, when the court determines the sentence for such crime, it must ensure that the sentences in total do not exceed what would have been imposed for the multiple criminality. Thus, if a custodial sentence is to be imposed, the court must take into account what the length of the sentence would have been if it had had to determine at once, in application of the aspiration principle, where the sentence for both offences tried in the

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case at issue and the crimes for which the individual has been convicted in the previous judgment or judgments to be taken into account.

When the aspiration principle is applied, the starting point for the assessment of the penal value is generally the most serious of the crimes to be assessed. To the penal value for this is added a gradually decreasing part of the penal value for each of the other crimes according to the gravity of the crimes. A general assessment is also made to ensure that a penal value calculated in this way does not appear to be disproportionate in relation to the type of crime in question.

Furthermore, in this case, L. I. has been detained with restrictions for just over ten months. This circumstance should be taken into account in the sentencing in such a way that the length of the sentence is reduced (cf. 'Remanded in custody restrictions' NJA 2015 p. 769 and 'The Grill NJA 2017 p. 814).

Application in this case

The crime for which L. I. is now convicted is newly discovered in relation to the previous sentence. The preliminary investigation into L. I. in respect of the acts at issue in the main proceedings was initiated after that judgment.

However, the duration of the crime is partly the same. However, the actions, the injured parties, and the protection of interests are completely different and

there is no question of overlapping acts. The previous judgment must nevertheless be taken into account in that the sentences together must not exceed what would have been imposed for the overall crime. As the District Court has stated above, the penal value for multiple crimes is usually determined using the so-called aspiration principle. There is no reason to give the principle of aspiration more impact than otherwise.

Taking into account the total penal value for the crime in question and the previous criminality and taking into account the time L. I. was remanded in custody with restrictions, the District Court considers that the total penal value now amounts to twelve years imprisonment. No sentence other than imprisonment may be imposed.

25.1.4 Conclusion sentence

The District Court has assessed that the penal value for the acts examined in this judgment amounts to imprisonment for sixteen years.

In view of the sentence previously imposed and the fact that L. I. has been remanded in custody with restrictions, the punishment meted out has been set at 12 years in prison.

L. I. is accordingly sentenced to 12 years in prison.

25.2 Damages

25.2.1 Introduction

The injured parties have claimed damages of SEK 150,000 each. In support of their claims, the facts set out in the prosecutor's description of the offence have been cited. According to the injured parties, those acts are tortious under Syrian law.

As stated in the introduction, L. I. has denied liability for damages as she has denied any criminality. She has not acknowledged any amount as reasonable in and of itself.

The Parties agree that Syrian law shall apply to the individual claims. The injured parties have relied on a legal opinion describing Syrian tort law. The statement was issued by Dr. A. M., a Syrian lawyer and director of the Legal Department at the Syrian Center for Media and Freedom of Expression.

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The District Court, when applying foreign law rules in this case as a starting point, must interpret and apply the rules in the same way as a court in Syria would have done. With regard to interest, however, Swedish law shall apply. However, if the content of the foreign law remains unknown, a Swedish court may assume that the foreign law corresponds to the Swedish law unless there is a specific reason against it. (See NJA 1969 p. 163 and NJA 2016 p. 288 p. 17-19.)

25.2.2 **Content of Syrian tort law**

Syria has ratified the 1949 Geneva Conventions and its first Additional Protocol of 1977, as well as the Genocide Convention. However, there are no provisions on international crimes such as genocide, crimes against humanity and war crimes in Syrian law. On the other hand, the acts as such are criminalized, such as murder, rape, assault, unlawful deprivation of liberty and trafficking in human beings.

Article 138 of the Syrian Penal Code states that any offence that causes harm, both moral and material, obliges the offender to pay compensation.

Article 132 of the same law refers, as regards damages and compensation, to the rules of the Syrian Civil Code.

As far as damages are concerned, it is primarily Article 164 of the Civil Code that is relevant. It follows that any unlawful act causing damage obliges the offender to pay compensation. In particular, Article 223 provides that compensation for moral prejudice, and injury, may also be awarded. Moral prejudice, and injury refers to injury which, without causing physical injury, affects the injured person and affects their rights, feelings, dignity, reputation, honor and respect.

As regards the determination of the amount of compensation, Article 171 of the Civil Code provides:

The judge estimates the extent of compensation for the damage suffered by the injured party in accordance with the provisions of articles 222 and 223 taking into account the circumstances and without being bound by any limit.

The assessment of the amount of compensation is therefore the judge's prerogative and, according to Dr A. M., it is therefore not possible to indicate

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any specific amount or method of calculating compensation for moral prejudice, and injury.

25.2.3 Assessment

During the trial, the District Court found that L. I. had subjected the injured parties to serious crime. According to the District Court, it is clear that under Swedish law the injured parties have been subjected to such a serious violation of their personal integrity that they would have been entitled to compensation. However, as we have seen, Syrian law must be applied in the first instance in the assessment of the injured parties' claims.

As a preliminary point, it should be noted that the acts for which L. I. has been found to be principally liable are punishable, and may also give rise to damages, under Syrian law. Furthermore, it is apparent from the investigation that the Syrian Civil Code provides for compensation for moral prejudice. There are no specific rules on the calculation of the amount of compensation, but it is up to the judge in the case to make a discretionary assessment in the light of the circumstances.

According to the District Court, what is classified under Syrian law as compensation for moral injury can be compared with compensation for violation of Swedish tort law. In the absence of Syrian case law and other information on the amount of compensation for moral prejudice under the Syrian Civil Code, the District Court takes guidance from Swedish case law. There is no applicable case law in relation to the crime in question. It is therefore most appropriate to compare it with claims for kidnapping, illegal deprivation of freedom and trafficking in human beings. There are examples of when victims of more serious forms of the said crimes have been awarded compensation between SEK 150,000 and 250,000 in damages.

Furthermore, according to the District Court, there is no reason to differentiate between the injured parties. They have certainly been detained and enslaved by L. I. for different lengths of time. Furthermore, Redacted A appears to have been treated worse than Redacted D. Most of them were children when they were enslaved. There are therefore different parameters for each injured party.

However, according to the District Court, these circumstances are not decisive. Instead, it is the serious violation of their human dignity by enslavement itself that constitutes the main violation.

In an overall assessment, the District Court considers that the claimed amount of SEK 150,000 to each injured party is reasonable. The claims shall therefore be upheld.

26 OTHER QUESTIONS

26.1 Legal costs

A public defender and a counsel for the injured party are entitled to reasonable compensation for the work, etc. required by the case. In the assessment of what is reasonable remuneration, the nature and scope of the case shall be taken into account. In addition, account must be taken of other circumstances such as the skill and care with which the work has been carried out and the time spent on this.

It can be noted that the case before the District Court has been extensive, concerned very serious crime and has been ongoing for a relatively long time. The case concerns an untried crime committed during an armed conflict abroad. The investigation may be considered to be of a particularly complex nature and the case includes a number of issues that have not previously been examined in Sweden. Both the defense counsel, M. W., and the counsel for the injured party, G. H. W., have carried out their respective assignments in a professional and meritorious manner in all respects.

M. W. and G. H. W. have submitted legal costs claims. The prosecutor has explained that she has no view on G. H. W.'s claim for costs, but she has raised certain objections to M. W.'s claim.

G. H. W. has claimed costs for 380 hours of work. She has acted as counsel for all the injured parties and has clearly and comprehensibly reported what measures have been taken. Of these, she has on a couple of occasions participated in on-site interviews abroad for an extended time. She has also welcomed the injured parties who came to Sweden for questioning during the

preliminary investigation. In addition, there has been the issue of one injured party who has been very traumatized and who has been in need of special support, partly with regard to information about the investigation and the Swedish legal process, and partly with regard to the appearance of the injured parties at the main hearing. Against this background and in view of the scope of the case, the District Court considers that the time spent on work is reasonable. Nor does the District Court have any concern for the claim for costs for the loss of time and expenses. G. H. W. shall therefore be awarded the costs sought.

M. W. has been counsel for the defense in the case since June 2022. He is claiming costs for 490 hours of work. He, too, has clearly and comprehensibly reported the measures taken. He has participated in several interviews with L. I. and had frequent meetings and other contacts with her. A large number of hours were spent examining the international reports referred to in the case and the interviews held with the injured parties during the preliminary investigation. As the prosecutor has put forward, M. W. has listed the review of reports concerning the same material under several cost items. However, given the scope of the reports and their significance for the case, the District Court does not consider it remarkable that he has reviewed all or part of the reports on several occasions. In an overall assessment, the District Court considers that the time spent on work is reasonable. Nor does the District Court have any concern of the claim for costs for the loss of time and expenses. M. W. shall therefore also be awarded the costs sought.

The costs of the defense and counsel for the injured parties shall remain with the State, taking into account the sentence imposed for the offences.

26.2 Custody, etc.

L. I. is currently serving a six-year prison sentence. According to the Swedish Prison and Probation Service's term of the sentence resolved, the earliest date for conditional release is 19 September 2025. The District Court has now sentenced L. I. to a long prison sentence and it may be considered that there is a risk of flight if L. I. is released from the prison sentence she is currently serving before this judgment gains legal effect. Against this background, the District Court considers that there are grounds for ordering a conditional pre-trial

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detention as set out in the operative part of the judgment.

L. I. shall pay a statutory fee to the Victims of Crime Fund.

26.3 Confidentiality

Most of the hearing took place in camera. Confidentiality has applied to information on the personal circumstances of individuals in accordance with Chapter 35, Section 12. Public Access to Information and Confidentiality Act concerning the injured parties and Redacted K and Redacted L.

The audio-visual hearings of the injured parties that have been played are also subject to confidentiality pursuant to Chapter 15, Section 1 and Chapter 18, Section 17a of the Public Access to Information and Confidentiality Act, when the hearings were held within the framework of cooperation with UNITAD and with Germany within the parameters of police cooperation under conditions of non-publication. The same confidentiality rules apply to the information from reports presented during the main hearing released by UNITAD and Germany within the parameters of police cooperation with the condition of non-publication.

In the light of the foregoing, it is appropriate to order confidentiality in accordance with the judicial decision.

27 APPENDIX HEARING TESTIMONIES

Introduction

In their hearings, the interviewees have often reported what ‘they’ have done. When asked who they mean by ‘they’, the interviewees have stated Daesh or IS. In order to make the report clearer, the District Court has, where appropriate, used the term ‘the IS man or the IS men’. Furthermore, as can be seen when assessing the reliability of the information provided by Redacted A and D in many cases named several IS men who had held them in captivity or with whom they had otherwise come into contact. In order to avoid providing details that could identify the injured parties more than necessary, the District Court, in particular where the names themselves had no meaning, omitted those names, and instead indicated the ‘IS man’ or similar. Similarly, the names of Yazidi fellow prisoners not relevant in the case have been omitted.

Redacted D

3 August 2014 and time thereafter

Redacted D lived and ran with her husband a farm in the village of Solagh. They have three children, a boy who at the time was 9 years old, a girl who was 8 years old and a girl who was 1 year old (Redacted E, F and G). The two oldest children went to school. The family were Yazidis and practiced their religion and participated in religious rituals and festivals. The children also participated according to their age.

Sometime before 3 August 2014, she had heard about IS advancing and that they had been killing children among other crimes. However, she did not believe that IS would do what later became the case against the Yazidis.

On the afternoon of 3 August 2014, IS arrived and captured her entire family and close relatives. The family was on their way to Mount Sinjar to escape, but they did not make it. The IS men were armed, had IS flags and black cars. When they arrived at the control station set up by IS, men and women were separated. The men were taken to a store and the women and children to other premises. The men were blindfolded and then taken to Mosul. Since that day, she has not seen her husband, her husband’s brother, and the brother’s sons.

Together with other women and children, she was taken by car to another house in Solagh. The IS men initially stated that they would be allowed to return home, but when they passed the road to her home, she understood that it would not be so. The house they were taken to had several floors. It was full of captured Yazidi women and children in both the house and out in the yard. The IS men took their phones and everything else of value, such as gold jewelry. She especially remembers an older lady who had a gold ring that she could not

remove from her finger, and that an IS man said he would cut her finger off if she did not get it off. They were allowed to stay in the house in Solagh for about two hours. All the prisoners were then loaded into trucks. At first, the truck stopped briefly in Tal Afar but then drove on to Mosul. The trip was terrible, they were crowded with the children in their laps and everyone was upset and worried. They got no food and no water, but the kids got some cookies.

In Mosul, they were unloaded at a building resembling a multistorey hotel. Everyone was scared. Both women and children were crying and screaming. She and her children were placed on the third floor. There they got some food and water. They were also filmed by IS men. They stayed in this building for three or four days. During this time, the IS men separated ‘girls’ – in this case unmarried women and women without children – from other women and children. From her room, the IS men selected five girls who were abducted. Among them were three sisters and Redacted D’s sister-in-law’s daughter.

Later, Redacted D and the others were taken to Galaxy Hall. It was a big hall, like a wedding hall. There were also women, children and girls who had been captured in Kocho. There were about 1,000 people in the Galaxy Hall and she was there for about 15 days. During this period, the IS men continued to differentiate and separate individuals within the Yazidi group. It happened daily and there were three categories that were abducted in different rounds. Girls, who were no longer children, were taken away on buses. Several of the girls she knew who were abducted are still missing. She especially remembers that they took a daughter of a woman sitting next to her in the room. The woman just cried and never slept. Old women and boys aged 10 and older were also picked out and abducted.

Redacted D and her children were brought together with a large number of other women with children to the school in Tal Afar. The trip took about two hours by bus. The school was full of captured Yazidis and no one was allowed to leave the school building. However, they had to walk between the rooms inside the school building. There were no mattresses to sleep on and there was hardly any food. After about 10-15 days, she and the children were taken along with other Yazidi women and children to the village of Qasr Mhrib. They filled several buses. They were placed in a room in a large building. There were several houses on the complex and IS had a control station behind the houses. She and the children stayed there for about two months. The IS men forced the Yazidi group to pray Muslim prayers. Some Yazidi boys and men were brought to the nearby mosque to learn to pray, and they were instructed to teach the women and children to pray. She and everyone else were terrified when the IS men entered the building because they did not know what was going to happen.

One day IS men came and said that she and the children as well as a large number of other Yazidi women and children would be taken to Syria. They had

to ride in minibuses to Raqqa. She has difficulty expressing how difficult it was to get to Syria. Everybody was crying. In Raqqa, they were placed on a farm outside the city. The IS men stayed downstairs and the Yazidis upstairs. The first morning there was a registration on the farm. All Yazidi families were registered with the number of family members, names and age. She had to state her name and how many children she had. She and the children were taken back upstairs. It was so hard it could not be described. She and the children were allowed to stay on the farm for four days after registration. Then the IS men read out her and her children's names and told them to come to a car and if they did not come voluntarily, they would be beaten. She herself was threatened with being thrown down the stairs if she and the children did not follow. They were then taken in a car with about 16 others to a house in Mayadeen.

In the house in Mayadeen there were already several Yazidi women and children. The women said that those who came there would be sold. She and her children were placed together with the other women downstairs in the house. The IS men who were guarding them were upstairs and in surrounding houses. At night, all the Yazidi women and children were told to stand and the IS men chose who they wanted to take with them. Those who did not volunteer were beaten. She herself was threatened by an IS man that if she and the children did not go with him, he would take only her and thus separate her from the children. The IS man ended up taking her, the children and another woman with children to a car and taking them to a house in Deir ez-Zur. She had been in the house in Mayadeen for three or four days.

The house in Deir ez-Zur was next to what Redacted D perceived as a military base for IS. She and the children were on the military base – which was moved at some point – for about three months. The following has essentially come to light from that time.

The IS man who took her to the military base said that the house she was placed in had belonged to some 'infidels' who had managed to escape. He said, 'we could not capture them but we captured you'. He also said that she was his 'sabaya' and that he would rape her. She resisted and said that as long as she was alive, she would not let him touch her. He also said that she would regret it and that he would give her to someone who would 'treat her worse than death'. He then handed her over to another IS man, who raped her and held her captive for about a month. He did not hit her, but the rapes were much worse. During that month, there were several new Yazidi women and children who were also slaves. When the IS men from the nearby IS base had taken new Yazidi women as slaves, the women were placed together. The door to the house was always locked and they were not allowed to go out. She could only see the sky. She was fed. In addition to being raped, she and the rest of the Yazidis were forced to read the Qur'an and to pray Muslim prayers. The rapes were the worst, she would have preferred death. One night she was summoned to a previously

unknown IS man at the base who said he would see if he liked her or not. According to the man, he had made an agreement with her owner. That situation was so painful that she fell to pieces.

After a while, the entire IS base and all the captured Yazidi women and children moved to a new base. This was also in Syria. The IS men were downstairs and the Yazidi women and children upstairs. She and the other women had to do all the household chores for the IS men, including washing clothes, cleaning and cooking. She continued to be raped by her 'owner'. She was in the house for about a month. Her 'owner' then handed her over to another IS man at the base.

The latter transfer began with her owner calling her when she was standing at the sink. When she disobeyed him, he came up and pulled her by the shoulder and threw her to some men at the door. The men took off her shawl. Her owner took her to another room and said he did not want her anymore and that he gave her to someone else. Her children were still in the other room and he locked them in and said that he had something for their mother and that they were not allowed to leave the room. At night, her new owner came to her room and raped her. She then spent a month with him before he said he was done with her and would sell her. In addition to regularly raping her, she and the other Yazidi women were forced to pray and read the Qur'an. At one point, a Yazidi woman refused to pray and said she was a Yazidi and her religion was Tawus Malak. Then an IS man came with a machine gun and threatened to kill her. Everyone started screaming and the children were crying. There were other IS men and the situation was interrupted. On another occasion, the same Yazidi woman became angry and spoke up when she found out that she was going to be sold. The woman's owner then came and beat her and kicked her son, who he kicked almost to death.

During the time at the base in Deir ez-Zor, the Yazidi children were also forced to participate in teaching about the Qur'an. It was the IS men who taught and demanded that the women and children learn the Qur'an and prayers by heart. It was especially difficult for the children and the IS men beat them if they did not know the prayers by heart. At one point, an IS man cocked the trigger on his weapon so that the "click" sound was heard as though he was going to kill a little boy, but the other IS men stopped him. This happened in front of many captured Yazidis who all became very frightened after that and were sure to memorize the teaching and obeyed all commands.

While in captivity at the military base, the IS men swapped women with each other every month. When women had their periods, there were always men who raped them. When a man came to Redacted D and raped her, she questioned this and said that no religion allowed woman to be treated in that way. The man then said he could kill her if it would make her feel more comfortable. She replied that the reason she was in his power was that she

could not kill herself because she needed to stay alive for her children.

She and the children were given very little food and water. She prioritized feeding the children and sometimes managed to smuggle leftovers from the dishes she was washing. The children were not allowed to play and had to help with household chores or were taught the Qur'an. They were only allowed to be in one room, which was locked, and as soon as they had free time, IS men came to teach or forced them to pray. They were not allowed to practice their Yazidi religion, nor did they engage in any cultural activities, such as music and singing.

When Redacted D and her children were to be sold on, a discussion arose with her owner which also led to him producing a machine gun. The owner said she could shoot herself. He ended up saying that she would be allowed to leave the base.

One night, another man came to pick her up and the children. She protested at first, but he then said he would hit her if she did not go with him. She and the children were taken to a waiting car where A. A. was sitting in the passenger seat. He did not show his face. They went to U. H.'s house.

Time in U.H.'s house

U. H.'s house was the first private house she came to in Raqqa. Before that, she had been at the military base. She came to U. H.'s house when it was cold outside and she thinks it was in January 2015. It was after December because Yazidi Fasting period is in December and there was a woman at the military base who said it had occurred when they were at the military base. She remained in the house of U. H. until summer and was subsequently freed in July 2015. During that time, in principle, all she could see was sky.

Description of U. H. and family

A. A. was the husband of U. H. and it was he who, along with another man, took Redacted D and the children from the military base to the house. In the house were also U. H.'s son and twin daughters. Redacted D can name the twins and has stated that they were around the age of 8. The son's name was H. and that's why his mother was called U. H. He was three years old. U. H.'s daughter-in-law with a baby was also in the house. U. H. had two older sons called A. Q. and A. Q. They were usually not at home and U. H. said they were jihadists. U. H. also said that she had a daughter who was married and lived in Iraq, who was coming to visit. But she never did. U. H. stated that A. A. was not the father of the children, but their father was a martyr. The children's father had been killed not so long ago and U. H. had had a period of mourning (Iddah period) of forty days when she did not remarry. Then A. A., who had been friends with the deceased man, told U. H.'s eldest son that he wanted to marry her. U. H. told Redacted D that

‘with us’ a woman cannot be without a husband.

U. H. was slim, had fair skin and shoulder-length black hair, and she said she had done beauty procedures. U. H. spoke Arabic but also knew Kurdish. She told Redacted D that she was originally a Christian but that she liked IS so she joined. U. H. said that she herself had previously belonged to the infidels but that she had now found Islam as the true religion. Redacted D, however, does not know if U. H. had any role within IS.

Deprivation of freedom and the role of U. H.

When she came to the house of U. H., she met U. H. and her children. A. A. and the other man went away again. She perceived U. H. as happy when she and the children came and did not feel that U. H. was forced to accept them. U. H. seemed pleased to have them in the house as servants. When they arrived, U. H. said that they would forget their relatives and their people and that now they only belonged to and would obey her religion. U. H. said that she would teach them the Qur’an and to pray, and that they would no longer be infidels. Redacted D was not allowed to have contact with her relatives, U. H. became angry when she asked about it once. She had a very difficult time in the house with U. H.

She believes the house had been owned by Syrians. U. H. said that A. A. and G. had taken over the house together. In addition to U. H.’s family, other Yazidi women and children lived in the house when she and the children arrived. Redacted A, Redacted B and Redacted C were with U. H. and lived in the same room as Redacted D and her children. In another part of the house Redacted H and Redacted I, who were owned by G. lived. U. H., however, was in charge of them when G. was gone. U. H. said that A. A. and G. were like brothers and that they worked together. U. H. and her children and her daughter-in-law and children had their own rooms in the house. She shared the kitchen with them but they had separate bathrooms.

U. H. was in charge of the house when A. A. was not at home. He was home very rarely and came home late at night. U. H. said that Redacted D and the children were not allowed to leave their room when A. A. was at home. He wore ‘Afghan attire’, with a hat with a piece of cloth hanging down his face. She never saw his face. U. H. said A. A. was important and respected within IS. A. A. did not abuse Redacted D or the children once they were in the house, all he did was bring them there against their will.

There was only one main entrance and it was always locked. She and the children were sometimes allowed outside of the house that was surrounded by a wall with barbed wire. But they were not allowed to move outside there. The room she and the children had indoors was about 12-15 square meters. Otherwise, they were not allowed to move freely in the house without U. H.’s permission. When the men were not at home, they were sometimes allowed to

go into the part of the house where Redacted H and Redacted I lived and watch TV. However, they were only allowed to watch programs about Islam and the Qur'an.

U. H. decided over all the women and children in the house, for example, about household chores, that they should pray and that they were not allowed to leave the house. She was also in charge of Redacted I and Redacted H when G. was not at home, such as when they should pray and read the Qur'an. Redacted I and H also ate with the women and children, including U. H. and Redacted D. U. H. moved freely in the house but went out very rarely and when she did, she locked the door and the main gate so that no one could get out.

When visitors arrived at U. H., Redacted D and the children were told to go into their room and stay there until the visitors had left. U. H. had a female friend who had daughters who came to visit. They wore veils and did not let her see them. A. A. sometimes had male visitors when he was home on Fridays. Even at these times, she and the children were confined to their room.

U. H. had both an explosive belt and a gun on her when she went out. The explosive belt was hidden under her clothes. U. H. explained that she would not turn herself in, but that if she were arrested, she would blow herself up and kill everyone nearby. She also said that if anyone tried to arrest her, she would blow up her explosive belt so that everyone would die. Even Redacted D's children saw that U. H. had an explosive belt and a gun. The explosive belt and gun were kept in a locked box in U. H.'s room. U. H. told Redacted D that she had been trained in the use of weapons and she could use them and fight like a man.

At one point, U. H. showed her a video on her phone where a boy, who was about seven years old, was given a gun by an IS man and then shot a handcuffed and bound man. U. H. asked Redacted D if she recognized the IS man and Redacted D did because he, with A.A., had brought her and the children to U. H.'s house. The reason she was shown the video, she thinks, may be that IS killed anyone who did not listen. U. H. showed those kinds of videos sometimes to show how IS worked. Another video that U. H. showed to Redacted D and Redacted H was very hard to watch. It showed a series of men lying down with their hands tied behind their backs, who were beheaded. The blood ran down to the ground and into a river so that the water turned red. U. H. said that IS believed that Yazidis were infidels and that IS would kill those men who do not become Muslims and that they will kill all infidels. U. H. also said that IS believes that there should only be one religion and that is Islam and that those who do not become Muslims and make a 'shahada' (confession of faith) 'we' will kill. U. H. also said that IS would turn the whole world into an Islamist state, and nothing else will remain.

Domestic work and food

Redacted D cooked and washed dishes several times a day. She also did all the laundry and cleaning. It was U. H. who said that it was her duty to do the household chores. When the men were not at home, they often ate meals with U. H. and her children. There was only a limited amount of food. U. H. and her children, however, also received other food between meals.

Language, religion, and clothing

U. H. saw it as her duty task to teach Redacted D and the other Yazidi women and children in the house about the Qur'an and to pray various prayers. U. H. gathered them all for teaching of the Qur'an twice a day and prayer five times a day. The children did not attend early morning prayers. U. H. saw herself as an Imam and dressed in special sharia clothing at prayers and religious lessons. She also forced all women and children to dress the same way. The clothes consisted of a long skirt and a hijab from the top of the head that covered all the way down to the hands, so only their fingers were visible. The clothes covered the whole body, including head and hair. However, the face was visible. U. H. told them that it was 'haram' if the hair was not fully covered. The girls were also allowed to wear these clothes, but the boys wore 'Afghan clothing'.

The Yazidi women and children had to attend the teachings and prayers. U. H. said they had to learn no matter how long it would take. Redacted D dared not say no because U. H. would have beaten her. Redacted D memorized long verses, and so did her children, but they found it hard. U. H. read a passage from the Qur'an, which they would then repeat.

She and the other Yazidi women were also forced to wear long black dresses and veils on other occasions. Even her eldest daughter had to wear 'IS clothing', which was a 'dishdasha' that sometimes covered her hair, but not her face. Similarly, her 1-year-old daughter had to wear a 'dishdasha'. When they arrived at U. H.'s house, they had to give up their other clothes. Her sons borrowed clothes from the children of U. H. and those too were 'Afghan clothing'. U. H. said that they had to wear these clothes 'because now you are not home anymore'.

However, there was a difference that U. H. did not allow G. to see the faces of U. H. and her daughters but said it did not matter if he saw the face of Redacted D because she was 'sabaya'.

U. H. often said that Redacted D and the other Yazidis were unfaithful. Sometimes U. H. also said that they (i.e. the Yazidis in her home) had previously been unfaithful but that they were no longer unfaithful as they were now with the right religion. U. H. sometimes called Redacted D 'Umm' followed by Redacted E's name, i.e. what women are called in Islam. She and the other Yazidis were not allowed to practice their religion, nor to celebrate Yazidi festive occasions, such as the Yazidi New Year. They were also not allowed to speak Kurmanji. U. H. became angry when she spoke Kurmanji

with the children and explicitly forbade her to do so. U. H. said they should speak Arabic and if Redacted D spoke Arabic to the children they would learn it. U. H. – who had previously been a teacher – also taught the children to read and write in Arabic. The children did not receive any other schooling. Redacted D knew a little Arabic before but her children did not.

Photographing

U. H. wanted to take pictures of Redacted D and the children for them to be sold. U. H. said it was because they could not afford to keep them anymore and that there was someone who wanted them. U. H. said that Redacted D and the children should sit down together to be photographed. Redacted D refused to do this, however. She cried and went on hunger strike for two days. U. H. even tried to get her daughters to photograph her and the children in secret. However, Redacted D found out about this. U. H. may also have given Redacted H the task of photographing her and the children. Redacted H photographed her and the children but said she would delete the photos.

She knows that a photograph was taken at U. H.'s house because when she was released, the smuggler showed her a photograph of her and her three children. It had been posted on a site. She got the photograph from the smuggler and it became a very important photograph for her because it was the only photograph she had of her two oldest children, who had been missing for many years. The photograph was taken in her room at U. H.'s house. She does not know who took the photograph. U. H. tried several times to take photographs of her and the children but she refused. It was very difficult – so difficult that it is impossible to put into words – when she found out that U. H. wanted to photograph them. She knew they were about to be sold and did not know what was going to happen. She'd rather have died than been photographed.

About the children in particular

U. H.'s children treated Redacted D's children badly. It was mainly the twin girls who beat Redacted D's children. U. H. told off her children sometimes, but that did not always help. U. H.'s children also said that Redacted D and her children were slaves and 'sabayas'. U. H.'s twin girls said that Redacted D's eldest son, Redacted E, would be taken to the military base because he was a boy and they did not want to live with him. Redacted D knew that boys who were taken away from their mothers never came back. She cried a lot and refused to eat for days. Then U. H. decided that Redacted E should remain in the house.

About Redacted A in particular

When she and the children came to U. H.'s house, they shared a room with Redacted A, Redacted B and Redacted C. It was in the middle of the night when she met Redacted A for the first time and they cried together because

they did not know what was awaiting them. They lived together for about a week before Redacted A, Redacted B and Redacted C were resold. Redacted D had forgotten Redacted A's name but recognized her in a news report when Redacted A was released. Redacted D has also recognized Redacted A in a photograph. They have had some contact via WhatsApp in recent years.

Redacted H explained that Redacted C was not Redacted A's son but a relative of her husband. Redacted B was only a few months old and cried a lot. It was cold and he was hungry. U. H. treated Redacted A very badly. Redacted A explained that U. H. beat her all the time, partly because Redacted B was crying. U. H. did not like small children crying and told Redacted A to keep Redacted B's mouth shut. U. H. had also kept Redacted B's mouth shut to make him stop screaming. Redacted A explained things had been worse before Redacted D had arrived.

Redacted A was also forced to participate in the teaching of the Qur'an and do household chores. She does not know if Redacted A was exposed to any sexual assaults at U. H.'s house. After she had been with Redacted A for about a week, U. H. said that Redacted A would be resold. Redacted A and the children were taken away after an incident when Redacted A had refused to wash the dishes when ordered. to by U. H. Redacted A said she was sick and that her baby was screaming. U. H. told Redacted A to get ready for some men who would come and get her. U. H. also told Redacted A that she would not be with them anymore. Later some IS men came and took Redacted A and the children away. Redacted D does not know where they were taken.

Redacted A had been photographed a few days before she was taken away. Redacted D was present when Redacted A was photographed together with Redacted B and Redacted C. Redacted A cried and did not want to be made up and photographed. Redacted H was to put make up on Redacted A. Redacted D does not know if the photographs were taken with U. H.'s or Redacted H's mobile phone.

About Redacted H and Redacted I in particular

Redacted D spent about five months in U. H.'s house along with Redacted H and Redacted I. They lived in a separate part with their own kitchen and bathroom. In their room there were two beds and a chest of drawers with a TV. Redacted H and Redacted I were owned by G. but when he was not at home they were under the control of U. H. G. was only home on Fridays. It was Redacted H who said that G. had taken her with him and that he slept with her every night. U. H. knew about this and U. H. always left Redacted H when G. came home.

U. H. moved throughout the house, even in the part where Redacted H and Redacted I were. Redacted D was sometimes allowed to go to Redacted H and watch TV. They saw each other during the day but in the evening they went to

their respective rooms. She thought that Redacted H and Redacted I could possibly go to Redacted D's room quite freely. However, they were not allowed to go out, neither by U. H. nor G.

At one point, Redacted H was upset and put on an explosive belt. Redacted D got the impression she was angry because G. or U. H. had said they would sell her.

Redacted I was often tired, she had been separated from her mother. U. H.'s children beat Redacted I. U.H. treated Redacted I in the same way that she treated Redacted D's children. Redacted H and Redacted I were also required to attend the Qur'an teachings and to pray. U. H. gathered everyone in her room and told them that they would now have the right religion and that they had to learn everything that had to do with Islam.

Redacted H explained that she had previously been beaten because IS men had found out that she had lied about Redacted I being her daughter and that they were in fact sisters. Someone had been gossiping. Redacted H also said that she had been beaten by IS men who forced her to put on make-up and take photographs.

Final days in the house of U. H. and liberation

U. H. said that Redacted D and the children would be sold because she could not take care of them anymore. Later, U. H. said they had found a new house that needed to be cleaned. It was an hour's drive to the new house. It took two days to clean the house and her children had to help. When they were finished and had returned to the old house, U. H. went back to the new house with her children and daughter-in-law. U. H. said A. A. would come and get Redacted D. U. H. locked the house and gate. She and the children waited in the house, but A. A. did not come.

Redacted H, Redacted I and G. were also still in the house. G. locked the door when he was on his way to work. After a few days, G. took them all to an apartment. G. told Redacted H that she should tell Redacted D to get herself and the children in order for them to go to another house. G. took them to clean a new house where they would then stay. One of the first days in the new house, Redacted D began planning to escape at night. Somehow G. found out about the escape plan and she then was not allowed to stay there with him anymore. G. drove away with her and the children in a car. It was dark outside. They reached a place where a man got out of a white car. He gave G. some money, they shook hands and laughed. The other man took her and the children with him and said that they now belonged to him. When she saw the money being handed over, she felt like she and the children were like cattle.

She and the children were taken to an apartment and the man said she would be a slave to his pregnant wife. The man came to her in the middle of the night and

touched her. She told his wife about this, who became angry. This ended with the man saying he would take her and the children somewhere else. He took her to another apartment in Raqqa. A man lived there who said they would be sold on. After a day or two, another man arrived and showed a photograph of a girl and said that she was a sex slave from Kocho, but that she was not working and therefore Redacted D and her children would come and work for him. The girl turned out to be a 16-year-old Yazidi girl that she got to know. The man was from Saudi Arabia and had a wife but no children. She was there for a month or two. He raped her regularly during this time. What was even worse was that he took her two eldest children, Redacted E and Redacted F, away from her. They were taken away. If his wife had wanted to, they would have even taken the then 2-year-old Redacted G. The husband was very fond of Redacted G but his wife did not want a child from an infidel. She does not know where Redacted E and Redacted F were taken. She went on hunger strike for several days after the children had disappeared.

She then got in touch with a smuggler. There was talk of her being ransomed for USD 20,000. However, she does not believe that any money was handed over. The smuggler told her to run away and go to a certain place with a white bag so they would recognize her. She took Redacted G and fled and was picked up by the smuggler's friends. Her last owner called her and said that if she came back with USD 20,000, he would free her. He had previously got a document from a court that was a release agreement. However, she did not go back to him.

Her smugglers helped her to a village in Syria where she was able to stay with a woman for a couple of days. She was then taken to a police station and reunited with parts of her family, including her brother and mother. Although she was free, it was a very difficult situation because two of her children were missing. She cried a lot because it was her that was free rather than her children.

Time after liberation

It was a very difficult time after she had been released because she did not know what had happened to her two eldest children. There was no information. It was later discovered that the siblings had been separated. Redacted E had been taken to a military base. He was liberated from Al-Hol camp in 2017. Redacted F was only released in autumn 2022, although she had been in Al-Hol camp lately. She was sold six times while in captivity. She is very ill and has received psychological help. However, she is still very traumatized. She has also had several surgeries for her injuries. She can no longer speak Kurmanji, only Arabic. But she'd rather not talk to anyone. Before captivity, her children were happy, but during captivity they were tortured and have since been afraid. The family house in Solagh is completely destroyed, it is not possible to return there. She and her family live in a camp. She herself has had both physical and mental problems after her time in captivity, including surgery for her physical

injuries.

Redacted A

3 August 2014 and the time that followed

She and her family are from the village of Tal Qasab in the Sinjar area. The family are Yazidis. In August 2014, she was 19 years old. She was pregnant and lived with her husband. She and her older siblings had not attended school, but her younger siblings attended school before the attack.

It was 8:30 in the morning when her village was attacked by IS. The villagers had heard that IS was on their way, but no one thought it would be as brutal as it turned out. Nobody thought that IS would attack populated areas. She and her husband were with her husband's family. They wanted to escape into the mountains. Because she was pregnant and could not walk so fast and so far, they went to another village to organize food. All of a sudden, however, IS had occupied the entire area and prevented anyone from leaving the villages. They were surrounded by IS. Then IS men arrived and captured them all. The men were taken away in handcuffs and with blindfolds. She has not seen her husband since. Women and children were taken to the village of Solagh, where she stayed for two or three hours before being taken to Tal Afar.

In Tal Afar, the IS men gathered the Yazidi women and children at a school. Redacted A was at that time with her mother-in-law and her sister-in-law and their children. Many other women and children from her village were also there in the school. There were so many Yazidi women and children who were captured that the school was not big enough to house everyone. Many people, including her and her family, lived outdoors in the schoolyard. There were many IS men guarding them, they came in groups and were rotated from time to time. They had long hair, beards and wore long shirts to below the knees and dark pants. They spoke Arabic. She understood a little Arabic.

The IS men separated the women and children on the basis of different criteria. They separated mothers from their children if the children were over 11-12 years old. The children were taken to Syria, the boys were to be soldiers and the girls were to be slaves. Older women were also separated and taken away. Younger women/girls between the age of 17-20 and unmarried were also taken to Syria. The process was carried out in such a way that all women/girls were lined up. They said 'you will come with us'. Some tried to resist but could not stop them. The IS men pulled their hair hard and led them off to waiting buses. The separation process took place continuously, usually daily. As she was married and pregnant, she was not separated. On several occasions, IS men came and wanted to take her, but she explained her condition, which was also evident by the time she was five months pregnant. So they left her alone. She stayed at the school in Tal Afar for about three months. She and the other

prisoners were terrified and had to do everything they were told. IS men did not view them as humans, but as cattle.

When it became too cold to live in the schoolyard, she and everyone else trapped at the school were taken on buses to a prison-like building in Badush. It was a large building, that had been partly burned, with small lattice windows. Many women and children were there. She was still in the company of her mother-in-law and her sister-in-law. There was no room for them inside, they were allowed to live outside. The IS men continued the separation process by picking out girls/young women, but now even married women without children were separated. The women were taken to IS men who would allocate them among themselves.

The conditions were very bad. All the prisoners were tired and faint because they were not fed. They usually only got one piece of bread every other day. The water they were given was dirty and full of insects. They had no choice but to drink it. The IS men who were guards went around terrorizing the captives. They kicked women and children and beat them with rubber hoses. She was both kicked and beaten. The IS men did not allow the prisoners to lie down, they kept shouting 'do not lie down, stand up and stand'. She believes that the reasons why they were not allowed to lie down were, on the one hand, that they were to be tortured and, on the other hand, that it was 'haram' for women to lie down in public places. Everyone was scared and the children could not sleep.

After seven days they were taken back to Tal Afar and stayed at a school there for about a week. Then they were put in abandoned houses in Tal Afar. The houses were empty because IS had forced the residents to leave their homes. She was placed in a house with her family and some other families. They lived there for about two months. They were incredibly difficult months. The house was dirty and full of snakes and insects. There were no mattresses, blankets or matches. At night, IS men came and searched the house to check that no one was planning to escape. They spread fear and made everyone scared.

Redacted A was nearing the term of her pregnancy and was tired and exhausted. She slept directly on the hard ground and could hardly move. She did not have access to medication. A week before she was due to give birth, an IS vehicle arrived in the middle of the night. IS men came into the house and shone flashlights in their eyes. They picked her out and took her out to the vehicle. Because she was pregnant, she could not get up and they dragged her out. While she was waiting in the car, the IS men got a call and after that they let her go back in. She thinks she was chosen because she looked the youngest of the women in the house. She then gave birth to her son in the house. Her mother-in-law helped her but there was no medical equipment and nothing for the newborn. Her mother-in-law made a blanket out of a piece of her dress.

Two weeks after giving birth, they were taken to Galaxy Hall in Mosul, that was a wedding hall. They were taken there at night on flatbed trucks. There

were already many Yazidi prisoners there and new groups of Yazidis kept arriving. Redacted A was there for 27 days before she was taken to Syria. It was a very difficult time. Her baby son was very ill. He had both eye and ear infections and did not sleep during the day or night when he was in pain and cried all the time. She did not think he would survive because it was so cold and he had severe infections. This made her completely focused on her son and did not care about herself.

Even in Galaxy Hall, the IS men continued to separate and remove older women and girls from the group. Now she was afraid to be separated as they had begun to select even young women with children. The IS men took her younger sister-in-law who was the same age as Redacted A. It was in the evening and there were several IS men who selected girls/women for themselves and then her sister-in-law was selected. She does not know how her sister-in-law was taken away because she was too scared to look. Those who made the decisions were called Emirs and they had lists of the prisoners and noted who was going to which IS man. Redacted A realized that her time would come and that she would be separated from her family.

After about 27 days, she, her son, and her older sister-in-law were separated with three children. They were taken to Raqqa, Syria. There were about 10 women on the bus and most had several children from newborns to 10 years old. Her son was about a month old. She remembers that it was cold outside and it was probably after the turn of the year to 2015. However, it is difficult for her to judge the season and weather because they sometimes shook with fear, not because they were freezing.

They were taken to a prison building in Raqqa. There were a large number of women and children there. Many children no longer had their mothers with them. All the women and children lived in two rooms and they were surrounded by guards. They were not allowed to go out and the conditions were terrible. There was no food and they slept on the ground.

The children were sick and there was no medication. During this time, she was reunited with Redacted C, who was then 7 years old. He is a second cousin to her husband. She hugged him and registered him as her son so they would not separate them. She took care of him until he was released. They remained in Raqqa prison for about eight days. She sat mostly crying and was worried about what would happen to her and if they would separate her from the children. They hardly got any food, sometimes the IS men threw in some pasta but it was not enough for all the captives. Even during this time, women were lined up and IS men chose who they wanted to take with them. It happened at least once a day. After eight or nine days, she was chosen and was to be taken away. She and some other women were taken to a room where they had to take off their veils and jackets. The IS men said they wanted to be able to see their faces. She had her son and Redacted C with her. An IS man claimed she lied when she

said they were her children. She breastfed Redacted B to prove she was a mother. The IS men discussed who they should take and who should be allowed to take their children with them. These were not the same men who had previously guarded them, but these IS men came from somewhere else. They came to choose women for themselves.

A man called G. took her. He was an Arab IS man. She was able to keep Redacted B and Redacted C, but she was separated from the other women, including her older sister-in-law. G. took her to a base where many IS men stayed. At the base, she lived with the children in a room. Both the door and the window were covered with blankets. They slept on the floor. She had no diapers for her son, so he was forever wet and cold. Every night IS men came and raped her. She tried to resist, but they tied her hands and covered her mouth so she would not scream. This happened several times a night, three or four different men came each night. The children usually stayed in the room but sometimes they took out Redacted C because he was older. However, he saw many times how they pushed her, handcuffed her and covered her mouth and then raped her. He was terrified and sat quietly in a corner of the room. It affected him a lot and he often could not talk for several hours afterwards. He was also very scared and woke up at night screaming horribly. She spoke to him and said that the IS men did this because they were the enemy. She remembers that he put his hand on her and said that he thought they would hurt him instead of her.

After about a week at the base, G. took her to a house that was also in Raqqa. The house was home to an Arab family. A woman who lived in the house was called U. H. She does not know what relationship U. H. had with G., but U. H.'s husband and G. fought together for IS. When she arrived at the house, another Yazidi woman and her sister were also there. Redacted A has named the sisters Redacted I, who was about 7, and Redacted H, who was older but still younger than Redacted A. Redacted A had nothing to do with G. in the house, as he had simply handed her over to U. H. to work for her. However, G. had raped her earlier when she was at the base. According to Redacted A, U. H. must have had something to do with IS or G. would not have taken her there and had U. H. supervise and control her.

Time in the U. H.'s house

Description of U. H. and family

U. H. spoke Arabic, but she was not from Syria; She did not say which country she came from. Redacted A believes U. H. was a Christian before joining IS. U. H. had pale skin and her eyes were more green or grey than dark brown. On her chin, U. H. had a blue dot that looked like a homemade tattoo. U. H. had twin daughters aged about 10, of whom she remembers the name of one. U. H. also had a son who lived with her. U. H.'s daughter-in-law also lived in the house

with a child. Redacted A met the husband of the daughter-in-law once but it was brief. His name was A. Q. U. H. had another son that was mentioned, but Redacted A did not meet that son. The reason U. H. was called U. H. was because her grandson, who was 2, was named H. Redacted A saw U. H.'s husband at one point. Neither he nor G. were at home during the day.

Captivity and U.H.'s Role

G. took Redacted A to U. H.'s house to work for U. H. and for Redacted A to learn about Islam. G. had taken Redacted H and Redacted I for himself. After Redacted A had been with U. H. for a while, another Yazidi woman came with three children. Redacted A has named these as Redacted D, E, F, and G. They came at night so Redacted A does not know who brought them there. She had to share a room with them.

It was a large house with many rooms and the doors were closed. She could see that U. H.'s family also lived there. Redacted H and Redacted I lived in a room with G. Initially, Redacted A shared a room with Redacted B and Redacted C. It was very cold in the room. Redacted B was affected by the cold as he constantly had ear infections. After a week, they received a blanket from U. H. Prior to that, Redacted A used her clothes as blankets for the children. In U. H.'s part of the house there was a kitchen and bathroom and an outer courtyard. The doors were locked and she was never allowed to go outside, so she does not know what the house looked like from the outside.

U. H. was in charge of the household. This was the case even when U. H.'s husband was at home. Redacted A was constantly under the control of U. H. It was a difficult time in the house. U. H. and her daughters were not pleasant to them. They supervised Redacted A and forced her to learn about Islam, to pray and to memorize verses. They also forced her to do housework.

It was U. H. who locked the door to their bedroom. Redacted A was not allowed to leave the room without permission. If the door was open, U. H. sat outside the door and watched. She was only allowed to come out if U. H. told her to come and do a chore. For example, she could go to the kitchen. Similarly, she and the children were only allowed to go to the bathroom when U. H. allowed it.

Redacted A was not allowed to go outside but she made several attempts to look out to see what it looked like outside. Once U. H. discovered that she was trying to look out into the backyard, U. H. tightened surveillance of her. U. H. probably thought she was planning to escape. There were machine guns hidden under the pillows in the room where she and the children slept. U. H. often checked that the weapons were still under the pillows. The older children, i.e. Redacted C, E and F, were afraid of the weapons. Redacted A never saw U. H. carrying a weapon or wearing an explosive belt.

U. H. was always angry with her and used harsh language. For example, U. H. became angry and raised her hand to beat her when she did not understand Arabic. Redacted A hardly knew any Arabic before she came to U. H.'s house but had to learn in order for her to understand anything that was being said. U. H. was very annoyed if she heard the Yazidis in the house speaking Kurmanji. The children were silent. U. H. became angry if the children cried. U. H. pulled her hair many times and it felt like U. H. hated her. U. H. also became angry if Redacted A did not work fast enough.

U. H. often pushed her and because U. H. was strong she fell to the floor and sometimes against the wall. In case Redacted A did not do the dishes right away, or did not work fast enough, when U. H. had told her, she was beaten and pushed. Once U. H. pushed her so hard that she fell to her knees and got bruised. U. H. told her to get up and do the dishes. U. H. hit her with an open hand in the face, which hurt because U. H. had long nails that scratched her face. At one point, U. H. had a glass in her hand and was upset because Redacted A did not understand anything. U. H. threw the glass at her that hit her in the breast. She fell to the ground in pain. U. H. then said that she had aimed at her face. Redacted A therefore got the impression that U. H. had wanted to hurt her even more.

U. H. spat at her on several occasions. This is culturally very disrespectful and humiliating. U. H. also regularly threatened to kill Redacted A. This was mainly when U. H. felt Redacted A was ignoring her. A typical situation could be that U. H. called her and if she did not answer, U. H. came and asked why she had not come. Then Redacted A said that she swore that she did not hear her, whereupon U. H. said, "you are ignoring me, I can kill you".

Most of the abuse took place before Redacted D came to the house. Redacted A felt that U. H. gave Redacted D and her children more freedom than she was given.

Housework and food

U. H. ordered Redacted A to perform various household chores on a daily basis. She was forced to clean the kitchen and bathroom and to do the dishes. However, she was not allowed to cook. Redacted A also washed clothes and polished shoes for U. H.'s family. At one point, Redacted B was sick and crying a lot. When U. H. told her to clean, she asked for a few minutes to take care of Redacted B. U. H. then became very angry, snatched Redacted B from her and put him on the mattress and said Redacted A should get to work. Redacted B then cried until she came back. Redacted A was afraid that U. H. would take the children away from her if she refused to work.

Redacted A was usually not allowed to eat with U. H.'s family because she was not a real Muslim as she had not learned all the Muslim verses and prayers. U. H. instead brought food to her room. However, there was far from enough food.

She let Redacted C eat first. U. H. said it was Redacted A's problem whether there was enough food or not. They were usually fed once a day and sometimes twice, but on some days, they were not fed at all.

Language, religion, and clothing

Redacted A was able to speak and understand a little Arabic. Redacted C could not speak Arabic and he was not allowed to speak Kurmanji by U. H. He was therefore unable to ask questions to Redacted A or talk to her in Kurmanji. He was so scared and became very quiet. She and the other Yazidi women tried to talk Kurmanji to each other but this made U. H. angry and told them to speak Arabic. U. H. said at some point that it was the last time Redacted A spoke Kurmanji.

Redacted A practiced the Yazidi religion before she was captured. In her religion, it is not allowed to use violence or abuse against anyone, killing someone is forbidden. It is also important to take care of children.

U. H. was deeply religious and believed that if she could get others to convert to Islam, she would be rewarded by God. U. H. knew that Redacted A and the children were Yazidis. U. H. said they were infidels and that the Yazidis were attacked because they were not Muslims.

U. H.'s intention was for the captured Yazidis to convert to Islam. Redacted A had to pray and to learn the Qur'an. Either U. H. or her twin daughters did the teaching. This was several times a day and they were forced to pray four times a day. It was difficult for her to take care of her baby at the same time. She would have been beaten if she had not participated. U. H. thought Redacted A was bad at learning the verses. U. H. also said that her twin daughters had complained that Redacted A was so bad at listening. Similarly, Redacted C had to partake in the teachings of the Qur'an, learn verses and pray. It was hard for him to learn the texts by heart.

Redacted A had to wear a black hijab and niqab. She had a hard time having the niqab over her face, and if she opened it to breathe, U. H. spat in her face and said she must not show her face. Her niqab had two layers, in one of them the eyes were visible. Sometimes U. H. gave her permission to have only one layer, but sometimes she had to wear both layers. The week before she was sold she would be completely covered but before that she had to show her face sometimes. U. H. said no one would see her face. It was 'haram'.

Photographing

Although Redacted A had terrible experiences in U. H.'s house, she did not want to be sold on. In U. H.'s house, she was not sexually abused, as she had been in previous places. Because she did not know what to expect if she was going to another place, she was terrified of being sold. She struggled with being

photographed because she knew it was to sell her.

U. H. said they were planning to sell Redacted A. U. H. had first sent Redacted H to photograph Redacted A and the children. She refused and then U. H. came and beat her and then photographed her by force. Redacted A wept and begged U. H. not to sell her. She said she would do anything to avoid being sold. When she resisted, U. H. grabbed her hair, pulled her and threw her to the floor. U. H. hit her on the right side of the head/temple on the floor three times. Then U. H. held her head, which was still pressed to the floor, and stood on the left side of her head. U. H. said she would not lift her foot until Redacted A agreed to be photographed. U. H. also said she could kill her if she refused to be photographed. Redacted A became completely dizzy and her head shook and trembled inside. She had a swelling on her forehead. She then said it was OK for them to take photographs of her and the children. Then U. H. photographed her. The photographing was done in her room. Redacted D was present for a while.

Redacted H was there the whole time. G. was also there, but she is sure that it was U. H. who mishandled and photographed her. If she said in a hearing that it was G. who photographed her, it is not true. A few days later, a man came to get her.

About the children in particular

Redacted A was most afraid for the children's sake and did not want them to be hurt. U. H. was not kind to Redacted B and Redacted C. They were not allowed to make any noise because then U. H. got angry. Redacted C was not allowed to leave the room without U. H.'s permission. U. H. was often angry at Redacted C and yelled at him. He was also often pushed by U. H., and sometimes by her children. At one point he spilled water on the floor and U. H. grabbed him by the neck and made him very scared. After that, he hardly dare touch food or drink because he was so afraid that he would spill something again. However, Redacted C was aware of the situation they were in and what the consequences might be. He was therefore careful to follow U. H.'s instructions and did not want to cause any problems.

When Redacted B cried because he was in pain somewhere or hungry, U. H. put her hand over his mouth to silence him. The kind of pressure she applied to Redacted B's mouth must have hurt him. This happened when U. H. thought he was crying too long and U. H. said, 'do not let the boy cry'. Redacted A was afraid that he would not get be able to breathe and so he would suffocate. She became very nervous when Redacted B cried and tried to get him to shut up as quickly as possible so that U. H. would not hear him. She was afraid that one day U. H. would suffocate him.

About Redacted D and her children in particular

After she had been in U. H.'s house for about 10-20 days, another Yazidi woman with three children came to her room. She can name these as Redacted D, E, F, and G. They came at night, so she does not know who brought them there. Redacted D and her children shared a room with her and her children. Redacted D and her children were not feeling well. They were very tired and scared. She was crying with them. They had a shared faith and destiny and did not know what would happen to them. However, they were not allowed to speak Kurmanji to each other.

Redacted D belonged to U. H. and performed housework for her. Redacted A believes, however, that U. H. was harder on her than on Redacted D. For example, she felt that Redacted D had more freedom to move outside their bedroom, although she was also not allowed to move freely. During the approximately ten days they were together in the house, she saw no violence being exercised against Redacted D. Sometimes Redacted D and her children were allowed to eat with U. H.'s family but Redacted A never was.

Redacted D and her children also had to pray several times a day and to participate in teaching about the Qur'an. Redacted D was also forced to wear a black hijab but Redacted D did not have to wear a niqab only a headscarf.

Redacted D understood that she was mistreated by U. H. and was upset. Redacted D said they were in the hands of their enemies. Redacted D was also very sad when Redacted A struggled to avoid being photographed.

About Redacted H and Redacted I in particular

When Redacted A arrived at U. H.'s house, another Yazidi woman and her sister were there. Redacted A has named them as Redacted I and Redacted H. Redacted I was about 7 and Redacted H was older, yet younger than Redacted A.

They lived with G. in a particular room or house. She was never there and did not know what it looked like. She does not know how long they had been there when she arrived, and they were still there when she left the house. She did not have much to do with Redacted H and I and they were only seen a couple of times. Redacted A had the impression that G. had taken them for himself, and not to U. H. as was the case with her and Redacted D. Redacted A does not know how U. H. treated Redacted I and Redacted H. U. H. knew, however, that Redacted H and Redacted I were in the house. The first time she met Redacted H was with U. H. Redacted H wore a black hijab.

Final days in the house of U. H. and liberation

She was in U. H.'s house for about a month. She did not want to be sold onwards and felt that she could endure almost anything in the house as long as she was not sold. Because she had been raped before, she knew that there was a

risk that she would be raped again in the next place. Shortly after she had been photographed, G. came with a man named S. to whom she and the children were handed over.

Redacted A is of the opinion that U. H. knew that Redacted A was at risk of rape when she was resold. U. H. said several times that Redacted A would be sold and become another man's woman. U. H. knew it was against the Yazidi religion. However, U. H. could not know that Redacted A would fight against being raped in the way she did, which resulted in her being tortured.

The new man's name was S., and she was imprisoned by him for about three months. First, he took her to an IS base with many other Yazidi women. She was tied up with her hands and legs and placed in a room. They took the children from her; she was not allowed to see the children for three days. Two other Yazidi girls came to the room. Then three men came and raped them.

Then S. took her to his house, which was next to the IS base. Many IS men had houses at the base to keep their female sex slaves close. S. wanted to have intercourse with her every night but she resisted and he gave her medications/drugs so that she would not be able to resist. The drugs made her dizzy and she felt intoxicated. She was also beaten and bound by her hands and legs when she resisted. On several occasions, S. became so angry when she resisted that he burned her with a piece of metal. He heated a piece of metal on the stove until it became red and burned her with it on her legs. She still has burn marks on her legs. S. said that if he requests something and she refuses to comply with his request, there would be consequences. She felt it was better to be tortured than raped, but in the end it was out of her control and she could no longer resist. Redacted B and C were in the same room sleeping. Redacted C asked about her burns. She tried to tell me it was nothing. But he saw that she had to bathe the wounds every day so they would not get infected and she thinks he understood. Redacted B was crying all the time because she could not feed him.

After a month or so, S. sold her to a man from Libya. That man took her to Tabqa. She stayed there for a month. The man was an agent smuggler from IS. He contacted Iraqi and Kurdish smugglers and talked about who he had in captivity and asked if there were relatives who wanted to buy back the prisoners. The man had several Yazidi women and children in captivity. After a sales process, she was able to reunite with her brother and other relatives who had paid USD 15,000. Redacted C was also released in this way.

Time after liberation

Redacted A has had a very difficult time after her time in captivity. She has felt bad both mentally and physically. She has problems with seizures as well as with memory and concentrating. She feels like something happened in her brain when U. H. hit her head when she was forced to be photographed. She

regularly has seizures and finds it difficult to predict them. She becomes faint and her memory and concentration lapse afterwards. It is also very difficult as she has been raped and it is against the Yazidi belief to have sexual relations outside marriage. Redacted B has a problem with speech. She does not know if it has anything to do with U. H. holding his mouth closed when he was a baby.

Redacted C

Redacted C was only six years old at the time in question and therefore has vague memories. He has mainly said the following.

3 August 2014 and the time that followed

He and his family are Yazidis. When he was little, they lived in a village in the Sinjar area. The first contact he had with IS was when IS men arrived in cars and captured him and his family. They were in his uncle's house. They had put a white flag on the house but the IS men came anyway. He and his family were taken to a building with a large hall that was cool. The IS men then took away his father and other men, while women and children remained in the hall. He has not seen his father or the other men who were taken away since then.

In the large hall were many women and children. There were IS men who stood on – as he experienced it – some kind of stage and talked. Then the IS men took all their gold and their phones. The women and children were taken to a farm. At that time, he was still with his family. On the farm there were many Yazidis. His older brother was taken away by IS fighters. He and his brother had tried to hide under pillows but the IS men found them, fired their weapons and then took his brother with them. Everyone slept on the floor and there was not much to eat. At one point the IS men told them to come and get some chocolate and then they were photographed. They were guarded by IS men and were not allowed to leave the farm.

Imprisonment with Redacted A

He thinks he was on the farm for a couple of months. At some point he was brought together with Redacted A, who was a relative of his. She was alone and he pretended to be her son. He remained in captivity with Redacted A until he was released and reunited with his mother. He has memories of Redacted A being pregnant and thinks she gave birth to a boy. However, he does not remember anything more about this or that there was a baby in captivity. His mother and siblings had been taken to another place.

He and Redacted A were taken to a room where they were left alone. A man came and gave them water, and then another man came and took them with him. They had to go home to the man's house, where his wife also lived. He felt the wife as quite strong but the man was tall and thin. They were in their 40s. They had no children but they had small rabbits in the garden that he

played with. Both the man and the woman spoke Arabic. He went to an Arabic school where he learned Arabic. It was just him and two other children in the school and the teaching was only in Arabic. He does not know if the other children were Yazidis or Arabic. The man also took him to a mosque where he was taught to pray. He also had to pray at home. His view is that they wanted him to become a Muslim and that they thought he was a devil worshiper. The man also took him to a candy store. The man had weapons at home and he taught Redacted C how to handle guns. Redacted C was also allowed to wear body armor but it was heavy.

Redacted A was at home when he was at school. She wore a headscarf and a black cape. He and Redacted A slept on the floor on mattresses. He could not escape because he was so small. He remembers playing football with two boys he thinks lived in the neighborhood. He has no memory of talking to the wife. Redacted A and the wife cooked. He thinks Redacted A cleaned up because they were prisoners. After about two weeks, he and Redacted A moved together with the husband and wife to another house. The house was bigger and had a garage. The rabbits did not go with them to the new house. The man had become angrier in the new house. The man was away during the day and came home only at night and was then angry. Once, the man came home one night with a knife covered in blood and asked Redacted C to clean it. Redacted A said she should not do it and so the man slapped her. There were no other Yazidis in the house either.

After about two weeks, he and Redacted A were sold to another man. That man did not have a wife. Redacted C did not go to school and did not have to pray either. The man had a garden where he had many bombs that he told us were intended for the enemy. Redacted C understood that the man meant that the enemy was the Yazidis. Redacted C no longer had the feeling that he was Yazidi, but it felt like he was almost Muslim. After about two and a half weeks, he and Redacted A were freed by a Yazidi man. This man handed over the money to the other man and then they got into the Yazidi man's car.

Neither the name U. H. nor Redacted D's name mean anything to him. He also does not remember if he met any twins while in captivity. He reacted to the name O., that maybe was a boy he played football with. He does not remember any other names that could be associated with U. H.'s family.

Redacted I

3 August 2014 and the time that followed

She was born in Kocho, Iraq. When IS attacked her village, she was seven years old. She lived in a big house with her parents, siblings, and other relatives. The family ran a farm. She went to school, in first grade. In her free time, she was out playing. She and her family, as well as the other inhabitants

of Kocho, were Yazidis. They celebrated Yazidi festive times.

All this stopped when IS attacked the village. It was the middle of the day when IS men came and ordered the children and women to go to the school. The IS men took their cars. The Yazidi men were taken to another location. At the school, the IS men came with large bags in which they had to put all their gold and valuables. When they were in the school, they heard gunshots but did not know what was going on.

After a while, they were moved by car to another building. They were placed in a large hall. There were a lot of people there looking for their families. After a few days they were transferred to another village, where they were also placed in a school building. She thought she stayed there for about 10 days. She had bread and an egg. After a while, IS men came and picked boys, including her brothers, who were taken away. Everybody was crying. Her brothers came back later and told her that they had been forced to read the Qur'an and pray.

Imprisonment together with Redacted H

After a while, they were taken to another school building and placed in different houses. She thinks she stayed there for about two months. There were huge numbers of people – all Yazidis – both from her village and from other villages. They slept on the floor and were only fed occasionally. Most of it was not edible, for example, there were pieces of glass in the rice. At regular intervals, all prisoners and IS men gathered hand-picked the pretty girls, about 16-18 years old. One day a man with a long beard came and picked out her big sister, Redacted H. They chose Redacted H because she was a young woman. Their mother told them to pretend that Redacted I was Redacted H's daughter so they would not separate them from the rest of the family. She and her sister were taken away in a car to an IS headquarters with many IS men. Her mother and other family members tried to keep them, but the IS men tore them loose and they were thrown into the car. They were very scared and did not know what was going to happen. In the cars were other girls of Redacted H's age.

At the IS headquarters there were many IS men who spoke Arabic. She was not very good at Arabic, but she understood a lot. They were placed in a multi-story building. There IS men came and picked out girls that they bought and took with them. She and her sister were there a few days before they were taken away in a car. An IS man came and bought them. She does not remember his name.

The IS man took them away to a place similar to a hotel. It was in a city with many buildings. They were there for 2-3 days. There they were fed. There was another girl there who was with another IS man. The man then sold them on to another IS man who took them to another residence. It was a big house with a lot of toys but she did not see any children. There was a large living room and three additional rooms and a small kitchen. It was only the man and a woman

who lived in the house that she remembers. She Lived With Redacted H in a room. The woman was not kind to Redacted H when she ordered her sister to work on household chores. The house was very dirty and she helped her sister with the cleaning. They were also not allowed to go out or move freely. She does not remember how the man treated them. They were given food sometimes, and it was mainly rice. The woman called them by their real names. She does not remember the woman's name or what they called her. She and her sister tried to escape when the man and woman were not home. They went to another house but were denied help. She remembers that they tried to climb over a wall, but she fell and hit her head on a rock. She does not know how long they stayed there but would guess for about a month or longer.

Then she and her sister were moved to another place. There were not many people who were interested in them because they were two of them. But a man did buy them. He wanted them to dress a certain way and they would smile at a camera when photographed. The photograph was to be sent to their parents. She does not remember anything about that man except that he spoke Arabic. Then they came to a place where they were placed in a room. She did not leave that room. At night the man slept with her sister but he left again in the morning. She felt that the man had 'married' Redacted H. There were two beds and a table in the room. She was given sleeping pills to get her to sleep. She had not complained about sleep problems, but her interpretation is that the IS man did not want her to be awake while he was with her sister. Her sister did not want anything to do with the man, but she could not say no. He would have raped his sister no matter what. Nevertheless, she calls this man the 'good' IS man because he left them together, unlike the one who later separated them. On one occasion, he told them to 'pretty up' so that he would take a photograph to sell them to their family. They look happy in the picture because he told them to laugh.

She remembers that they were with a man and a woman when it was clear that Redacted H was pregnant. When confronted with information provided by Redacted D, Redacted I has stated that there may have been a woman living with children on the other side of the house.

She and her sister have also been in a house where there were more girls, including from their village. A woman from their village worked for IS and revealed to an IS man that they were sisters. This led to the IS man beating Redacted H with a wire. Redacted H was bruised all over her body and could not move. The abuse continued every night. They were then sold as sisters to two IS men. The man who had bought them together, however, later killed in an explosion. The other man split them and sold them separately. She was promised that she would be reunited with her sister within two weeks, but that was did not happen.

The time after captivity with Redacted H

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An IS man took her to his home. He had a wife and children. They lived on a farm with several houses where the man's family and brothers lived. She was not allowed outside the walls. She was with this family for about two years. They renamed her another name. She had to read the Qur'an and pray. The IS man wanted her to sleep with him when his wife was not home. But she said no. She slept with the IS man's parents. She does not remember the man's wife's name. There were two children her age and one child was 12 months old. She had to take care of the children and help out at home. She did not want to be there, but she did not know anything else, she had got the idea that it was her family. She did not think she'd see her real family again. She cried when she thought of her family and she felt that she was very lonely and did not have anyone. The family's children did not have to help as much as she had to.

She was not allowed to go to school. The wife of the house ordered her to go to special room where she would read the Qur'an. She was taught to learn texts by heart and so did she. In this family, she had to fast during Ramadan. She wore a long black dress and a shawl or hijab. She had to wear this. She was always afraid that the IS man would do something to her. He did not do anything in that house, it was later.

Redacted H knew the mother of the IS man Redacted I was with. Redacted H begged her to meet Redacted I. There was therefore a meeting between the siblings in Syria. She thought it had been a month since their separation but her sister said it had been three years. The sister lived with an IS man and a younger Yazidi girl. The IS man wanted her to leave after three days, but thanks to Redacted H crying, she had to stay for a whole week. Redacted H lived in a house with a yard of flowers. The house was large but the man lived there alone with Redacted H and the other Yazidi woman. There were children's clothes and Redacted H said that the clothes might belong to the man's children they assumed he had. The IS man was gone during the day. While she was there, Redacted H slept with her. So did the other Yazidi girl. She does not remember what Redacted H was wearing, but she believes that her sister had been convinced to believe in Islam. Redacted H, however, wanted to return home to their family.

Redacted I's IS man came and took her from her sister by force. This was the last time she saw Redacted H. Subsequently, the IS family she lived with moved away, but she and the IS man stayed together. During this time, the IS man took her to another residence and wanted to do something with her. But she was very small and crying. She then came to another residence where it was full of IS men sleeping in bunk beds. One of the IS men tried to do something with her in front of everyone. She does not know where 'her' IS man had gone. She was with the IS men for about a week before another, older, IS man bought her. She does not remember where the IS man came from, or what his name was. That man took her to his family who lived in a house. The man had a wife and several children, who were her age. The farm was bare. She

does not remember what happened or if she had to do anything special there. She was dressed in a black dress and hijab, but she does not remember if she had to read the Qur'an. She now understands in retrospect that she was brainwashed when she got the idea that it was right.

At that time you could not go out because there was a risk that you would be shot at. After a month, she fled with her family because of the shootings. The family handed over to H. A-S., who understood that she was not their daughter. She did not answer H. A-S.'s questions because she thought it was another group that would take her. Then it was made public that she was found and after a few days her cousin came and picked her up. She became calm only when she saw her cousin. She went with him to Kurdistan.

She did not realize at the time that she was being sold, but her sister and others around her talked about it. But she herself knew that they were in different places all the time and that it was against their will and out of their control. She recognizes the name G.

Redacted J

3 August 2014 and the time in captivity

She lived with her family in Kocho. They were a big family and they also lived with some relatives. She has six children. In addition to Redacted H, who was then 16, and Redacted I, who was then 7, she had a daughter of 12 and two sons, who were 11 and 14 years old respectively, plus a daughter who was 12 months old. They lived a good life. The children went to school and the adults worked.

At 11 o'clock in the morning of 3 August 2014, the village was surrounded by IS vehicles. There were many vehicles and a large number of IS men with weapons. They screamed that no one was allowed to leave the village. The IS men kicked in the doors of the houses and urged everyone to gather at the school.

At the school, women and children were placed upstairs and men downstairs. The men were then abducted, thrown into irrigation channels and then shot dead. Some 20 men had managed to escape and hide under a haystack, but the IS men found them and set the haystack on fire. Between 11 a.m. and 4 p.m., 450 men were executed in the village.

Redacted J was with her children as well as her sisters-in-law and their children. They were later taken to a school together with other women and children from the village. At school, IS men began separating girls/younger women from women with children. Redacted I looked older than her age and they therefore tried to cover her with a shawl. At this separation, all her daughters survived but the IS men took her two sons, along with other boys who were over 10 years old.

The next day, IS abducted about 80 older women, i.e. those who were over 50-60 years old. The IS men stated that the older women would be taken to a place where there were fans, but instead they were buried alive in a pond. The women were thrown into a pond and then the pond was covered with soil. A friend of hers told me about it. The bodies of the women were later found and taken to Baghdad.

Later, Redacted J and the daughters were brought to Tal Afar. They were placed in buildings along with a total of about 10,000 other Yazidi men, women and children. They were there for 15 days but were given sleeping pills or drugs which made them sleep almost all the time. They could not sit up and were always weak and dizzy. They got very limited food, only a little rice on the bottom of the cup and there were lice in the rice.

The situation was terrible. She felt like she was dead. IS had already taken her sons and she was terrified that they would take even her daughters. IS men came every day and picked out new girls and women. She and her daughters were terrified. There is nothing worse than knowing that at any moment someone can take the children away from you.

After about 15 days, they were moved to another village along with other women who had children. She and her family tried to escape twice during this time but were captured again. As punishment, they were locked in a room without food for seven days. Every afternoon, the IS men came and separated out girls they liked. They shone on them with flashlights to see what they looked like and who they wanted. It was mainly younger unmarried women without children who were picked out. In order to prevent Redacted H from being selected, they pretended that Redacted H was the mother of Redacted I. So far, IS had only taken away young unmarried women, i.e. those who were virgins. At one point, however, Redacted H and Redacted I were selected. They sat down but were ordered to get up and go to a car and started crying and screaming. Redacted J's sister-in-law shouted that Redacted H was her daughter-in-law so the IS men would think Redacted H was married. When the IS men chose to bring both girls, Redacted J shouted that Redacted I was her daughter in an attempt to prevent them taking her too. But it did not help. The IS men carried out Redacted I who screamed and fought and they dragged Redacted H who also wept and tried to resist. Redacted J and the sisters-in-law tried to hold the girls and tried to pull them back. In the end, the IS men started shooting at them and then they had to let go. The IS men also had guns pointed at the girls' heads and threatened to kill them. She saw that the girls went away but did not find out where they were taken. This was in October 2014 and it was the last time she saw Redacted H. Redacted I she only met just over three years later when Redacted I was released. It is terrible to separate children from their parents.

During this time, her sons returned. They told me that they had been beaten by the IS men and that they had been forced to read the Qur'an and to pray. They

had also received weapons training. A lot of boys told me that.

Redacted J, the sons and the two remaining daughters were taken to Syria. They were placed in a large house that she believes was located in Raqqa. There were a very large number of Yazidis who were captured in a large building with balconies. They called for help from the balconies but they did not get any help. The separation of women continued throughout. An IS man selected her, her children and a few more women and children from her home village. They were taken to an IS base. They were given different clothes and told to wash themselves. It was like a cattle market. The Yazidi women gathered and the IS men chose who they wanted. They selected her 12-year-old daughter who was abducted, for example.

That same evening, she and her sons were taken to a couple of other places in Raqqa. They ended up on an IS base where there were a large number of IS men with long hair. IS men could come at any time and look inside, to see if they wanted to buy a woman. There were buyers all the time looking at them. Redacted J and the children stayed there for five days. They were so scared that they did not dare to sleep or lie down. They sat down and stayed awake for five days because they were so terrified. Then a man came and took them to a farm. Her children were terrified, they were like the living dead. In the evening, some IS men said they would take her sons away from her the next day. She would see them once a week. Redacted J thought then that IS had already taken three daughters from her and she would never get over losing her sons as well. Her life would no longer be worth living. She was preparing her boys to run away. When her sons were in a special place performing prayers, they found out that the IS man who owned them had gone to town. Then she made up her mind and took her daughter on her back and her sons in her hands and fled. They climbed over a wall and ended up in a deep valley with very difficult terrain. It was dark and raining and they walked for hours. Then they met an Arab shepherd, who took care of them and they were allowed to come to his home.

However, the IS men at the base had discovered that they were on the run and started chasing them. Some shots hit electrical wires that fell on the shepherd's tent, which caught fire. The shepherd managed to hide them until morning. Then the shepherd had contacted a Kurd to whom they were allowed to go home and they stayed there for five days. The Kurdish man then took them on a motorcycle across the border to Turkey. They passed through seven different IS control stations. The reason they could pass was that IS did not search women and that the Kurdish man showed his family book containing pictures of his children, who were the same age as Redacted J's children. They therefore managed to get to Turkey, and this was in November 2014.

Contact with Redacted H and Redacted I in particular

At the end of 2014, a woman came with a photograph of Redacted H and

Redacted I and said that these two girls were for sale. The family was given two days to raise EUR 20,000. However, they did not have any money at all, so it was not possible. Redacted H and Redacted I are wearing makeup in the photographs. They had never used makeup before and she knows they had to do it. Redacted I wore a t-shirt and Redacted H a necklace they did not wear before. She is therefore certain that the photograph was taken when they were in captivity.

A woman who had had contact with Redacted H said that IS men had told Redacted H that her parents did not want her. It feels terrible if Redacted H would have received that information. The same woman gave her letters that it is alleged Redacted H had written. However, she does not know if it was Redacted H who wrote the letters, or if someone forced her to write them. From the letters it seems that Redacted H had converted to Islam. Redacted J, however, does not believe this to be true. If Redacted H was supposed to have slept with an Arab man, it would have been terrible for her. Redacted H was Yazidi before captivity.

After about three years, Redacted I was liberated by Iraqi forces. Before her captivity, Redacted I could not speak a word of Arabic, but when she was freed, she spoke only Arabic and no Kurdish at all. She also knew nothing about the Yazidi religion when she came back. Redacted I told us that she had been forced into religious education and that she had had to get up early to pray. Redacted I told us that Redacted H was beaten several times and especially when the IS men found out that they were not mother and daughter, but sisters. Redacted J does not know if Redacted H is alive. She has been told that Redacted H should have been seen with an IS family in a market and that there was an airstrike.

As for Redacted I, she has not wanted to ask for details. She did not want to reopen her wounds. But she notices that Redacted I feels bad about this and would need psychological support. Even Redacted J would need more support from a psychologist than she has received so far.

L. I.

Growing up and the time before moving to Syria

Growing up and time in Sweden

L. I. came with her family from Iraq to Sweden in 1973. They settled in Halmstad where L. I. attended school. In the early 90's she took a nursing degree and worked for some time at the children's hospital in Halmstad. L. I. and her family were Christians. When she was young, she became interested in Islam. She met her future husband J., who was a Muslim. She converted and went deeper into Islam. She absorbed a lot of what J. told her but studied for herself also when she had learned Arabic. As she was relatively ignorant when

she converted, she adopted rigid rules of conduct, such as wearing a veil, fasting and praying. This led to her being ostracized in the hospital where she worked. Even her friends in Halmstad began to turn their backs on her.

She married J. in 1997. That same year, their first child, a daughter, was born. Two years later, in 1999, their second child, O., was born. When she was pregnant with their third child, J., who was born in 2001, the family moved to Lund in Sweden. She socialized with other women who had converted. Many used face coverings. She felt alone there and was completely ruled by J.'s associations. The women also talked a lot about what their husbands had told them about Islam. In hindsight, she understood that her social circle in Lund had an extreme interpretation of Islam. For example, there was a strong control between them and they were valued based on who was most faithful to Islam. It was a completely different view to what she then experienced in the United Arab Emirates. J. also changed during his time in Lund. He was more absent from home and it was revealed that he had begun to meet other women. L. I. therefore filed for divorce and moved back to Halmstad. However, she had trouble finding work because she wore a veil. She had heard about others who moved abroad in order to live more according to Islam. J. had contacts in the UAE who helped her arrange housing there. She and the children moved there.

Time in the United Arab Emirates and England

L.I. and the children lived, with a short break, in the United Arab Emirates between 2002 and 2009. There she experienced that there was a broader view of Islam and the Muslim community. It was accepted to be a Muslim in many different ways, and society was not as racist as Sweden. L. I. knew both English and Arabic and worked as a teacher at a school. The children went to preschool/school. She had contact with other women who had moved there from different countries. In the mosque there were activities for women and children.

When the family went to Sweden in the summer of 2005 to visit J., it turned out that he had matured. She forgave him and they were reunited. She got pregnant. J. wanted her to have an abortion, but she refused. She went back to the UAE and worked another semester. It turned out she was pregnant with twins. She realized that she needed help from J. and therefore went back to Sweden and gave birth to twin girls in March 2006.

It emerged that J. had started a mosque in Halmstad but this was nothing she knew about or was involved in. She remained in Sweden until 2007, when she returned to the UAE. She got a job at a kindergarten. In 2009 she moved back to Sweden for financial reasons. It would have been expensive to live in the United Arab Emirates. J. only sent money sporadically.

L. I. still did not manage to get a job in Sweden because she wore a veil. Through contacts she had made in the United Arab Emirates, she was able to

arrange work at a Muslim school in Birmingham, England. She also arranged housing and school for the children. The family lived there for two years. Things started to get difficult with O. because he ended up in bad company. She asked J. for help to keep track of O. because he answered when J. called but not when she called.

J. did not get a visa to England and he wanted the family to be reunited in Egypt. She was keen that the twin girls would learn Arabic and that O. would have better contact with his father. She agreed to move her children to Egypt.

The time in Egypt and the decision to move from there

L.I. lived in Egypt in 2012. J. convinced her that they would be together again. She got pregnant. Due to visa issues, J. went back to Sweden. She and her children were due to move back to England after a year. The children therefore received home tuition from the English school. Both she and J. thought it was important that the children were educated. J. was supposed to come back for the winter school break, but he never did. Instead, he went to Turkey. In order for O., who was then 13 years old, to meet his father, O. also went to Turkey during the holidays. He did not come back, however.

Both O. and J. wanted O. to stay. J. then decided that the whole family should move. She spoke to J. four times between the turn of the year and the end of April 2013, when she and the other children also went to Turkey. J. had said she would bring everything she owned and withdraw all the as cash and change this into dollars. In total, she took out SEK 72,000 in cash during this time, but she also used some of this for living expenses. She did not know where to stay in Turkey, but she bought a plane ticket according to J.'s instructions. She also expected J. to arrange schools for the children in Turkey. At the time, she was pregnant and very tired. At the airport, J. did not come and pick them up as she thought he would. Instead, it was an acquaintance of J. who brought them; They drove for several hours in the car and she was convinced that they were in Turkey. She did not read road signs. Eventually they arrived at J. and it turned out that they were in Syria.

Time in Syria

The First Time in Syria

When they arrived at J. in Syria, they went to an accommodation high up in the mountains. She saw that J. had guns in the car. He said he was going to fight the Assad regime. J. also told that O. and J. (then 14 and 12 years old respectively) they would not live with L. I. but with the men. J. was not at home to any great extent either. She later gave birth to a son, H., in June 2013. At the beginning of August 2013, J. died in battle. It was shocking and she had to comfort the children. She also comforted J.'s other wife, who was completely devastated and who, after a few months, left Syria.

After J.'s death, the eldest son O. took over responsibility for the family. O. decided to move. O. and J. refused to leave Syria, they were determined to stay. She did not want to leave her sons and therefore stayed with her other children. L. I.'s situation was therefore different from C. O.'s, whose sons were with her when they left. O. was clear that it was he who decided. She was only allowed to decide in the household.

The initial time in Raqqa

L. I. heard that IS had declared a caliphate. The family moved to Raqqa in the summer of 2014. She did not know, however, that Raqqa was the capital of IS. The children did not go to school in Raqqa. Both J. and O. carried weapons and participated in the fighting. O. started fighting for IS in 2015, she does not know who he fought for until then. J. suffered shrapnel injuries in his leg at the end of summer 2014. She took care of him at home for two months. O. had married a Syrian woman and his wife gave birth to a daughter in early 2015.

L. I. had money in an English account. Through a contact in England, she was able to get money out via Moneytransfer. She also got help to buy clothes for herself and the children through a contact in Sweden.

In the autumn of 2014, O. began saying that L. I. must remarry. She finally felt she had no choice but to marry the man O. proposed. It was an Iraqi man named A. A. He was an IS fighter and also had another family. They married at the end of November 2014. He was very kind to the children. However, he was only home a couple of times a week and then he came in the evening and left again after breakfast. She never got to know him.

A. A. said that he had arranged a house for them to live in. When she accompanied him to look at the house, she found that there was food in the fridge and laundry in the bathroom, i.e. it was obvious that someone was living there. She was told that it was an acquaintance of A. A. who had the house. A. A. said they could borrow a room. It was also arranged with an extra kitchen and bathroom adjacent to the courtyard. It was G. who lived in the house. He came there with his wife and children. The wife, however, stayed in her side of the house and then went away with the children. L. I. has never met G. but only heard his voice. From it, she assumes that he was a grown man.

About the time in the house with the injured parties in particular

One morning, in January 2015, her twin girls heard noises from G.'s part of the house. L. I. thought at first that it was G.'s wife and children who had come back. However, it turned out that it was Redacted H and Redacted I. She figured that Redacted H was about 18-20 and Redacted I the same age as her twin daughters. Her daughters started playing with Redacted I. After a few more weeks, the twin girls said that there was a woman with two children in 'uncle's' living room. It turned out to be Redacted A with the children

Redacted B and Redacted C. She figured Redacted A was about 20 and Redacted C was 5-6. Redacted B was a baby. A week later Redacted D, with the children Redacted E, F and G. also arrived. Redacted D was around the same age as L. I. and the older children were the same age as the twins. The youngest child was more like the same age as H.

L. I. had heard that IS had begun to enslave people and that they were called Yazidis. However, she had not heard anything about the attack in August 2014. She had heard her father talk about Yazidis when she was little, but otherwise she did not know anything about them. It was one of her sons who told her about enslavement. The son said that IS believed that this was allowed in the past and that it was now being reintroduced. It was G. who had taken all the injured parties to the house. It was only when Redacted A had come to the house that L. I. understood that G. was keeping slaves. A. A. wanted nothing to do with the Yazidi women in the house. L. I. was also completely against slavery and did not want to live that way. Her children would not grow up seeing slaves. She therefore urged A. A. to work harder to find another house for them. However, it was difficult because they were a large family.

Sometime in March 2015, she went to see her daughter-in-law and granddaughter. She was gone for about seven days. When she returned, Redacted A and her children were no longer there. She also found out that G.'s wife had been in the house while she was away. Redacted D and Redacted H complained that G.'s wife was mean and had treated them badly. G.'s wife was also unhappy as she was jealous.

L. I. has understood that the Yazidi women were slaves and that G. owned them. Her husband told her about it. However, neither he nor her older sons had any contact with the women as they respected G.'s private affairs. Furthermore, all the doors were unlocked and the gate was opened from the inside so everyone could go out if they wanted to. L. I. has treated all the injured parties as she treats other people, i.e. she has been friendly and generous. She invited those who lived in the house to eat when she had cooked. They lived in the same house and then she wanted to be generous and hospitable. When A. A. was at home, she instead made sure that the Yazidi women and children were fed in the rooms. She was very hospitable and answered their questions. As for housework, they washed together in a washing machine because there was limited electricity. Everyone in the house cleaned up after themselves. She did not see the injured parties cleaning, except Redacted H who at some point scrubbed the floor.

Redacted H was very interested in Islam. L. I. thought Redacted H was a convert. Both Redacted H and Redacted D sometimes sat with her when she recited the Qur'an. She left the door open and they were curious. Redacted H asked many questions and could interpret for Redacted D who did not know much Arabic. Both Redacted D and Redacted H were present a couple of times

at prayers. The children were in the room sometimes but did other things. She prayed five times a day. L. I., however, has not said anything about the Yazidi religion. She also had no views on them speaking Kurdish. She has not put her hand over the mouth of Redacted B. She has worked with children and would never do that because a baby was crying. She has hardly met Redacted C and has absolutely not hit or pushed him.

It must be another woman the injured parties described. They have been to many other places, and also, for example, met G.'s wife, whom they described as mean. She has understood that they were G.'s slaves, but she has not had control over them in any way. It is not true that Redacted A would have been treated worse than Redacted D. Redacted A was mostly in G.'s room and L. I. barely spoke to her. Redacted A and Redacted D used G.'s kitchen. Redacted H slept in the same room as G. but there were mattresses on the floor so she does not know if they slept in the same bed. She understood that Redacted H had converted and that they might have married. When it comes to clothing, the Yazidi women, like herself, had to wear a full veil when they were out. The children borrowed clothes from their children. She has not photographed the Yazidi women. There was also no discussion about photography. At some point, her children asked her to photograph them with the Yazidi children. In the house in Raqqa there have been weapons and O. had his father's explosive belt. They were stored high up in the closet. She has never seen or shown videos with IS propaganda, she did not have a phone.

L. I. has not abused any person in the house or otherwise been mean or made offensive statements. She also did not say that the Yazidi women would be sold. However, she may have informed them that she and her family would move, which they also did in early May 2015 when A. A. had found another residence.

The time that followed

L. I. and her family lived in other residences in Raqqa until autumn 2016. O. died in battle at the end of 2016. J. and A. A. died in 2017. Her son H. also died in 2017. That same year, L. I. gave birth to a daughter. Since both her husband and sons had now died, it was instead her son-in-law, i.e. her eldest daughter's husband, who was the head of the family. Under his leadership, the family fled and eventually ended up in Baghuz, which was still in IS-controlled territory. Later, they surrendered to Kurdish forces and ended up in Al-Hol camp. She wanted to avoid ending up in the so-called I camp as it was considered a prison camp. She registered with a typical Syrian name. Since it would take too long to get to Sweden via the formal route, she did not state that she was a Swedish citizen. Through a neighbor, they managed to smuggle themselves into Turkey. She, her youngest daughter and one of her twin daughters were put in a Turkish refugee camp. They were then brought to Sweden at the end of 2020. Her eldest daughter and a twin daughter are still in Syria.

Religion and ideology in particular

L. I. is pious but she is totally against violent Islamism. She strongly rejects IS and did so during her time in Syria, for example during talks with her sons. She tried to reverse their convictions. However, within IS there is an informer culture, and it was important to be careful. Some IS men could even betray their wives. O. had never accepted that she would marry anyone but an IS man. She could never have escaped without a husband. Because she did not want to leave her sons, she remained in Syria.

While in England, she followed news of the Arab Spring and that the Assad regime was repressing protesters. However, she was not very interested as she was busy with work and taking care of the children. She knew that J. had a website before he went to Syria, but she has not taken note of the content as she was busy with the children in England.

As for the chats O. has had with his grandmother, he has conveyed pure IS propaganda. He wanted to be rebellious against his grandmother. What he said was not based on actual events. The same thing happened when he wrote about spoils of war and slaves. That he wrote that L. I. did not want to leave Syria was because she did not want to as long as her sons refused to leave. Generally speaking, the children's grandmother had a very hostile attitude towards L. I., as shown in the chats she had with different people.

When it comes to the chats she's had with her brother, she differentiates between Muslims and IS members when she talks about the piece of earth that's left for them. Otherwise, she would not admit to her brother that she wanted to come home because they did not have that contact. That she expressed that she was happy for O.'s sake that he died as a martyr, was because O. had that desire. It was a way for her to deal with O.'s death.

28 THE COURT

District Court Judge M. U. K. and District Court Judge K. F. and Lay Judges
M. A., J. H., K. M. and A. R.

The court is unanimous.

Digitally signed by District Court Judge M. U. K. and Lay Judge K. F.



29 HOW TO APPEAL

How to appeal

Any appeal must reach Stockholm District Court no later than **4 March 2025**. The appeal shall be in writing. Stockholm District Court shall forward this to Svea Court of Appeal.

Appeal following an appeal by the opposing party

If one party has appealed in due time, the other party also has the right to appeal, even if the time has expired. It is called a cross-appeal.

A party may lodge a cross-appeal within one additional week of the date of expiry for lodging an appeal. A cross-appeal must therefore be lodged within 4 weeks of the date of the judgment.

A cross-appeal shall lapse if the first appeal is withdrawn or does not proceed for any other reason.

How to do it

1. Enter Stockholm District Court and the case number.
2. Explain why you think the judgment should be changed. Set out what change you want and why you think the Court of Appeal should consider your appeal (read more about leave to appeal below).
3. Set out what evidence you wish to refer to. Explain what you want to show with each piece of evidence. Submit written evidence that has not already been presented in the case. If you wish to have a new hearing with someone who has already been heard or a new inspection (for example, a visit to a place), you should explain this and say why. Also say if you wish the injured party to attend in person a main hearing.
4. Please enter your name and civil registration number or company identity number. Please provide up-to-date and complete information on where the court can reach you: postal addresses, email addresses and telephone numbers. If you have a representative, please also provide contact details of your representative.
5. Sign the appeal in person or let your representative do this.

6. Send or submit the appeal to Stockholm District Court. Ensure it is sent in good time taking into account the postal service.

What happens next?

Stockholm District Court will ascertain that the appeal has been received in time. If it is too late, the court will dismiss the appeal. This means that the judgment shall apply.

If the appeal has been received in time, the court will send the appeal and all documents in the case to Svea Court of Appeal.

If you have previously received a letter through simplified service, Svea Court of Appeal can also send letters in this way.

Leave to appeal before the Court of Appeal

When the appeal is received by Svea Court of Appeal, the court first decides whether the case should be considered admissible. If you *do not* receive leave to appeal, the judgment under appeal will apply. Therefore, it is important to include everything you wish to put forward in the appeal.

When is leave to appeal required?

Criminal case part

In the criminal case part, leave to appeal is required in two different cases:

- The defendant was sentenced to a fine only.
- The accused has been acquitted of a crime subject to not more than 6 months imprisonment in the range of punishment.

Damages part

Leave to appeal is required for the Court of Appeal to consider a claim for damages. Exceptions may apply when a judgment is appealed in the criminal case part and it is linked to a claim for damages for the crime. In this case, leave to appeal is not required if:

- leave to appeal is not required in the criminal case part; or
- The Court of Appeal grants leave to appeal in the criminal case part.

Decisions on other matters

In cases where leave to appeal is required in the criminal case part (see above), leave to appeal is also required for such decisions that may only be appealed when the judgment is appealed. Decisions that can be appealed specifically do not require leave to appeal.

When will I be granted leave to appeal?

The Court of Appeal grants leave to appeal in four different cases:

1. The Court of Appeal considers that there is reason to doubt that the District Court has ruled correctly.
2. The Court of Appeal considers that it is not possible to assess whether the District Court has ruled correctly without taking up the case.
3. The Court of Appeal needs to address the case in order to provide other courts with guidance in the application of the law.
4. The Court of Appeal considers that there are exceptional grounds for taking up the case for some other reason.

Wish to know more?

More information can be found at www.domstolen.se. Contact Stockholm District Court or Svea Court of Appeal if you have questions.

¹ Mainly taken from the Swedish Agency for Support to Faith Communities, SST's publication series No 7 'Religious Minorities from the Middle East', 2017, pp. 54 et seq.