

<b>NAME</b>	Nadine K.
<b>DATE OF BIRTH</b>	XX.XX.1985/86
<b>BIRTHPLACE</b>	Idar-Oberstein, Germany
<b>NATIONALITY</b>	German
<b>CURRENT STATUS</b>	N/A
<b>WARRANT OF ARREST</b>	Issued on July 9, 2020
<b>OPENING OF THE MAIN PROCEEDINGS</b>	January 4/11, 2023
<b>FIRST INSTANCE JUDGMENT OF JUNE 21, 2023</b>	Sentenced to 9 years and 3 months imprisonment for [N/A]

### Facts (brief summary):

Nadine K. traveled with her husband, a Syrian doctor, in December 2014 from Germany to an area in Iraq currently under IS control. She had previously converted to Islam and supported the ideology of the IS, in whose organization she also aligned herself. Her husband subsequently worked in IS facilities as a doctor, while the defendant performed the role as wife envisaged by the IS, for example by running the joint household and raising the joint children. Starting in the spring of 2015, they lived in a house that was most likely given to them by IS after the original occupants fled or were expelled. They also took in several women affiliated with the militia and living without husbands. In the residence, they kept a large number of weapons and explosives in the shared bedroom. With a *Glock*, the husband and wife and other roommates of the house took shooting practice. In the spring of 2016, Nadine K.'s husband brought a female Yezidi slave into the house, who had been "given" to him by IS. She was forced to perform household chores and care for the children free of charge. She was made to work from early in the morning until late at night. The husband also regularly forced the Yezidi woman to have vaginal intercourse, of which Nadine K. was also aware. The Yezidi woman was also not allowed to leave the

fenced property and was locked in a room when she was not working. Nadine K. maintained the predicament during the time when the husband was absent. Subsequently, Nadine K. lived with her husband, children, and slave girl in quite a few other IS-held locations in Syria. In early March 2019, she and the slave girl were finally picked up by members of the Syrian Democratic Forces and taken to a camp.

### Proceedings in the case of Nadine K.:

1. Federal Court of Justice (BGH) – Detention review of October 12, 2022 (AK 32/22)<sup>1</sup>
2. Higher Regional Court Koblenz (OLG Koblenz) – First-instance judgment of June 21, 2023 (N/A)<sup>2</sup>

### 1. Federal Court of Justice (BGH) - Detention review of October 12, 2022

The Federal Court of Justice ruled that the pre-trial detention shall continue.

Nadine K. was accused of having committed a criminal offense pursuant to Sec. 7 (1) Nos. 3 and 6, Sec. 9 (1) Alt. 3 of the German Code of Crimes against International Law (VStGB), Sec. 129a (1) No. 1, Sec. 129b (1) Sentences 1 and 2, Sec. 25 (2), Sec. 27 (1), Sec. 22a (1) No. 6 (a) and (b) of the German Weapons of War Control Act (KrWaffKontrG), Sec. 52 (1) No. 1, No. 2 (b), Sec. 2 (2) of the German Weapons Act (WaffG).

The **applicability of German law** was derived from Sec. 1 Sentence 1 VStGB for offenses under the VStGB, and from Sec. 7 (2) No. 1 of the German Criminal Code (StGB) for participation in a terrorist organization abroad and offenses under the KrWaffKontrG; the latter are punishable under Iraqi law pursuant to Art. 27 No. 3 of

<sup>1</sup> [Federal Court of Justice - Detention review in the case of Nadine K.](#)

<sup>2</sup> No full text available to date (as of December 19, 2023).

Law No. 13/1992 and, as of March 20, 2017, pursuant to Art. 24 No. 3 of Law No. 51/2017. Joining a terrorist organization is also punishable in Syria according to Art. 1 and 3 of the Syrian Anti-Terror Law No. 19 of June 28, 2012. Criminal liability also results from Iraqi Anti-Terrorism Law No. 13/2005. The authorization for prosecution required under Sec. 129b (1) Sentences 2 and 3 StGB existed with regard to the IS. The Federal Public Prosecutor's competence to prosecute at the BGH resulted from Sec. 142a (1), Sec. 120 (1) Nos. 6 and 8 of the German Code on the Order of Courts (GVG).

The **urgent suspicion** resulted from the following:

Nadine K. only commented on the alleged crime insofar as she had lived in the IS territory together with her husband and children during the period of the crime.

With regard to her integration into the structures of IS and her activities for the organization, her behavior toward the Yezidi woman and the appropriation of the house, as well as the exercise of actual violence via weapons of war, a suspicion of a crime arose on the basis of information provided by respondents, witness statements, telecommunications content and photographs, a statement made by the Yezidi woman to UNITAD, a note from the Federal Criminal Police Office regarding the statements made by a journalist in a background press interview, and the results of structural investigations. The findings on the civil war in Syria and Iraq and on IS and its actions against Yezidis were based on the results of structural investigations. For details regarding the suspicious circumstances, it is referred to the arrest warrant.

Nadine K. was strongly suspected of membership in a terrorist organization abroad pursuant to Secs. 129a (1) No. 1, 129b (1) Sentences 1 and 2 StGB. She very likely joined the IS and engaged in activities in its interest. The activities of Nadine K. in the IS dominion, in particular also the household management activities, constituted an active act of participation within the meaning of Sec. 129a (1) StGB. Since it was evident from the further circumstances that Nadine K. was involved in the IS, the

household management activities were not to be considered merely everyday activities without any connection to the organization.

Nadine K. was also strongly suspected of committing a crime against humanity by enslavement and of aiding and abetting a crime against humanity by sexual violence pursuant to **Sec. 7 (1) Nos. 3 and 6 VStGB**. With the systematic attack of the IS against the Kurdish civilian population of the Yezidi faith, the requirements for the overall offense pursuant to Sec. 7 (1) VStGB were met. Nadine K. and her husband carried out the following individual acts as part of this.

The offense of enslavement pursuant to **Sec. 7 (1) No. 3 VStGB** includes treatment comparable to the exercise of a usurped "right of ownership" over a human being, in which the perpetrator subjects a human being to his will and interests and denies him the freedom to act in a self-determined manner. The fact that Nadine K. and her husband forced the Yezidi woman to perform work in their house free of charge, determined her whereabouts and the husband used violence against her several times with the knowledge of Nadine K., provided essential indications - control of the victim's freedom of movement, her economic domination or exploitation, vulnerability and mistreatment - of enslavement. In this regard, Nadine K. participated as an **accomplice**.

Through the same actions, she also **aided and abetted the** rape committed by the husband pursuant to **Sec. 27 (1) StGB** in conjunction with **Sec. 7 (1) No. 6 Var. 2 VStGB**. **Nadine K. made** the required **contribution to the crime** pursuant to Sec. 27 (1) StGB in the form of aiding and abetting by deliberately maintaining the coercive situation of the Yezidi woman and thus enabling the repeated commission of the crime by her husband. The assistance does not have to have been causal for the occurrence of the concrete effect of the crime.

She was also very likely to have committed a war crime against property, **Sec. 9 (1) VStGB**. She and her husband appropriated a residential building from

members of the civilian population who fled because of the IS. In addition, violations of the KrWaffKontrG most likely occurred.

The **grounds for detention** were **serious crime** and **risk of absconding**. Nadine K. would have had to face a long-term prison sentence if convicted. She had no residence or job in Germany. There were no significant circumstances preventing her from fleeing. In addition, there was a risk that punishment for the crime could be thwarted without further detention of the defendant.

The conditions for the continuation of pre-trial detention pursuant to Sec. 121 (1) of the German Code of Criminal Procedure (stop) were met. A judgment could not yet be issued due to the particular scope and difficulty of the investigations (file inventory: 18 volumes of factual files and several special issues). The preliminary proceedings had also been conducted with due speed.

## **2. Higher Regional Court Koblenz (OLG Koblenz) - First-instance judgment of June 21, 2023**

*Note: A copy of the judgment has been requested as part of the research project but has not been sent to date.*