SVEA COURT OF APPEAL
Division 08
Section 0801

JUDGMENT

11.11.2025
Stockholm

Case No
B 2104-25

DECISION UNDER APPEAL
Judgment of Stockholm District Court of 11 February 2025 in case No 3210-23; see Annex A

PARTIES (number of defendants: 1)

Appellant and counterparty

(Prosecutor)
[REDACTED], Senior Public
Prosecutor, Swedish Prosecution
Authority
National Unit for Combating International and Organised Crime

Counterparties (claimants)
1. Anonymous claimant A; see Annex on confidentiality
2. Anonymous claimant B, see Annex on confidentiality
3. Anonymous claimant C, see Annex on confidentiality
4. Anonymous claimant D, see Annex on confidentiality
5. Anonymous claimant E, see Annex on confidentiality
6. Anonymous claimant F, see Annex on confidentiality
7. Anonymous claimant G, see Annex on confidentiality
8. Anonymous claimant I, see Annex on confidentiality

Representatives and counsel for 1-8: [REDACTED], lawyer,
[REDACTED]

Appellant and respondent (defendant)
L.I. [REDACTED]

Representation and public defence counsel: [REDACTED], lawyer,
[REDACTED]

SUBJECT MATTER OF THE PROCEEDINGS
Genocide, etc.

Judgment of the Court of Appeal, see next page.

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JUDGMENT OF THE COURT OF APPEAL

1. The Court of Appeal upholds the District Court's decision.

2. The District Court's decision on confidentiality shall remain in force.

3. The confidentiality provision in Chapter 35, Section 12 of the Public Access to Information and Secrecy Act (2009:400) shall continue to apply to information presented at the hearing in camera that could reveal the identity of claimants, and to the information in the annexes to this judgment. This includes identity details and other information that may lead to the disclosure of identities.

   The confidentiality provisions in Chapter 15, Section 1 and Chapter 18, Section 17a of the Public Access to Information and Secrecy Act (2009: 400) shall continue to apply to information presented at the hearing in camera arising from reports submitted by UNITAD and Germany within the scope of police cooperation under the condition that it is not to be published.

4. L.I. shall remain in detention until her prison sentence can be enforced.

5. [REDACTED] shall receive compensation from the state in the amount of SEK 179 558. Of this amount, SEK 136 396 relates to work, SEK 7 250 to time lost and SEK 35 912 to value added tax. This cost shall also ultimately be borne by the state.

6. [REDACTED] shall receive compensation from the state in the amount of SEK 105 865. Of this amount, SEK 74 542 relates to work, SEK 10 150 to time lost and SEK 21 173 to value added tax. This cost shall also ultimately be borne by the state.

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CLAIMS BEFORE THE COURT OF APPEAL

The prosecution has requested that the Court of Appeal increase the sentence, primarily by sentencing L.I. to life imprisonment. She has stated that she accepts the District Court's findings on the merits of the case.

L.I. has requested that the Court of Appeal acquit her of the charges and dismiss the claimants' claims for damages. She has also requested that the Court of Appeal mitigate the sentence and reduce the amount of damages. She has stated that, in the event that she is convicted in accordance with the District Court's judgment, she accepts the claims for damages as reasonable in themselves.

L.I. has essentially developed her pleas as follows. As she has told the District Court, she came into contact with the claimants during her time in Raqqa, Syria. However, the claimants have misunderstood her role as the perpetrator. She does not question the great suffering that the Yazidi ethnic group and the claimants in the case have been subjected to by IS, but wants the Court of Appeal to also examine whether IS had the intent of committing genocide as referred to in the provision on genocide and as found by the District Court. In any event, she herself had no such intent.

Each party has opposed the other party's motion for amendment.

GROUNDS OF THE JUDGMENT OF THE COURT OF APPEAL

The investigation in the Court of Appeal

The investigation in the Court of Appeal is essentially the same as in the District Court. In the Court of Appeal, the prosecutor has also referred to certain additional documentary evidence in the form of, inter alia, an NGO report and several scientific articles. At the prosecutor's request, the Court of Appeal has also held a supplementary viewing of a film.

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Introduction

About the Court of Appeal's review

By means of introduction, the Court of Appeal notes the following. This case primarily concerns acts that occurred in 2015 in Syria. In the charges, as clarified by the Court of Appeal, the prosecution alleged that L.I. had committed criminal acts against the claimants over a period of five months in 2015. The prosecution has structured its action in such a way that it concerns a number of criminal offences, alleging that L.I. committed the acts in question together and in concert with other perpetrators. The case therefore primarily concerns those acts committed by L.I., and not other acts committed by the Islamic State (IS) organisation or persons linked to IS.

In addition, there is reason to dwell briefly on the construction of the Swedish Act (2014: 406) on criminal responsibility for genocide, crimes against humanity and war crimes (now the Act on criminal responsibility for certain international crimes). The legislation criminalises a range of acts related to international law and international humanitarian law, including genocide, crimes against humanity and war crimes. The legislation is a consequence of Sweden's dualist legal tradition, which means, inter alia, that international law must, as a general rule, be transposed into Swedish law in order to be applicable.

Article 4 of the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms (the 'European Convention') states that it is prohibited to hold a person in slavery. In addition, the concept of slavery appears in Swedish law only in the form of the concept of sexual slavery in the provisions on crimes against humanity and war crimes. The acts that typically constitute slavery under international law are also criminalised in the form of prohibitions against forced labour or placing a person in another state of coercion in the same provisions, as well as in the provisions of the Swedish Criminal Code on trafficking in human beings and human exploitation (Chapter 4, Sections 1a and 1b of the Swedish Criminal Code). Another thing is that the provisions on crimes against humanity and war crimes must be seen in the light of, for example, Article 7 of the Rome Statute of the International Criminal Court and the 1926 Slavery Convention (Convention to Suppress the Slave

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Trade and Slavery); see judgment of the District Court, p. 54. However, it is Swedish law that is to be applied in this case and against which L.I.'s acts are to be examined. The District Court has outlined the applicable legislation on pages 45 to 62 of its judgment.

The Court of Appeal will first present its assessment of the overall allegations made by the prosecutor in the charges, then moving on to examine the acts with which L.I. is charged, before presenting its assessment of how the acts should be classified in legal terms. Finally, the Court of Appeal will deal with the penal value of the offence, the choice of sentence and the question of damages.

The overall sequence of events

On pages 30 to 31 and 63 to 76 of its judgment, the District Court has described the emergence of IS and how IS has acted in Syria and Iraq at a general level between 2011 and 2019.
The Court of Appeal agrees with the conclusions drawn by the District Court from the investigation in these parts.

The Court of Appeal further shares the District Court's assessment regarding the facts established about IS's attack on the Sinjar area in August 2014, the subsequent treatment of the Yazidi ethnic group, and the consequences this had for that ethnic group (District Court judgment, Section 9, pp. 68-77). It has been established in the case that all the claimants were captured by IS in connection with these attacks. The Court of Appeal furthermore does not come to a different assessment from that of the District Court as regards the definition of the Yazidi population as a religious ethnic group covered by the provision on genocide (District Court judgment, p. 77).

The Court of Appeal also largely agrees with the District Court's assessment of the armed conflict between the Syrian government and the Free Syrian Army (FSA). According to the Court of Appeal, the investigation in the case is in any event sufficient to establish that the conditions for classifying the conflict as a non-international armed conflict were met at some point during the first quarter of 2012.

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The investigation also shows that parts of the groupings that subsequently evolved into IS were involved in the conflict in Syria at an early stage (see pp. 82-83 of the District Court judgment).

This means that the Court of Appeal, in line with the prosecutor's argument, considers:

- that a non-international armed conflict has been ongoing in Syria between several armed groups, including the group that developed into IS, from the first quarter of 2012 onwards and for some time after the acts attributed to L.I.;
- that in August 2014, IS carried out an attack against, inter alia, the Yazidi population in the Sinjar area, which can be described as both extensive and systematic; and
- that a large number of Yazidi children and women, including the claimants, were detained by IS in connection with the attack.

The Court of Appeal will return below to the questions of whether L.I.'s actions constituted part of the attack against the Yazidi population and whether they were connected to the armed conflict in the manner required for those actions to be considered crimes against humanity and/or war crimes.

With regard to IS's attitude towards the Yazidi ethnic group and the question of whether IS as a group had genocidal intent, the Court of Appeal finds the following. The investigation shows that, in connection with the attack on the Sinjar area, IS immediately executed a large number of men and boys. It also emerges from the investigation that some older women were executed immediately. The investigation also clearly shows how IS viewed and treated so-called 'out-groups', i.e. groups that did not – in the strict sense – subscribe to IS's extreme and fundamentalist interpretation of Islam. These groups often faced discrimination and serious violence, rooted in this IS world view. It is also clear that IS regarded the Yazidi religion – and thus its followers – as impossible to incorporate into the caliphate that IS aimed to create, and that this differed from how IS treated certain Christian groups, for example, which were allowed to flee or, in certain circumstances, receive some protection. In light of the above, the Court of Appeal also agrees with the District Court's assessment that IS had the aim of physically exterminating the Yazidi ethnic

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group, at least within IS territory, i.e. to partially annihilate the Yazidi ethnic group. The fact that IS also destroyed religious and cultural symbols linked to Yazidism in connection with the attack on Sinjar points in the same direction. It may also be noted that the historical centre of the Yazidi ethnic group is located in the area, which is why the attack against this particular Yazidi group appears to be especially significant (see also the District Court judgment, pp. 68-76 and 78-80).

Finally, since the issue has arisen in this case, the following may be noted regarding the concept of genocidal intent in the genocide provision. The Swedish genocide provision requires, in accordance with the international law from which the provision derives, that the perpetrator had the intent to commit genocide. The question of whether the cultural and/or social extermination of an ethnic group may constitute genocide has been discussed in both practice and doctrine, particularly in an international context. The Swedish legal text does not in itself exclude an interpretation that includes a type of extermination other than physical extermination. The preparatory works of the Act may also give the impression that the legislator has imagined a broader application of the Swedish genocide provision than what is accepted internationally (see p. 232 of Government Bill 2013/14:146 in conjunction with, for example, pp. 575-580 of the Yugoslavia Tribunal's judgments in Prosecutor v. Krstić (IT-98-33-T) [see also the partially dissenting opinion of Judge Shahabuddeen of the Court of Appeal, IT-98-33-A pp. 48-53] and Prosecutor v. Blagojević and Jokić, IT-02-60-T pp. 657-666).

According to the Court of Appeal, a distinction must be made between acts that may ultimately lead to the physical extermination of a group and the genocidal intent (dolus specialis) that must be present in the perpetrator. In summary, according to the Court of Appeal, the perpetrator must have the intent to destroy an ethnic group in a physical sense, even if the acts constituting genocide do not involve physical killing. The fact that the perpetrator is de facto taking measures to eradicate cultural and religious expressions linked to an ethnic group may, with some force, indicate such a genocidal intent in a physical sense, which the Court of Appeal will return to. According to the Court of Appeal, giving the provision a broader interpretation than what is meant by the above would mean such a clear deviation from the way in which

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the term is formulated in international law that it cannot be accepted for reasons of legality.

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Overall assessment of the accounts given by the claimants and L.I.

The claimants

As regards the claimants' statements, the Court of Appeal essentially agrees with the District Court's assessment of their credibility and reliability (see pp. 113-126 of the District Court judgment). Like the District Court, the Court of Appeal considers anonymous claimant D's and anonymous claimant A's identification of L.I. as Umm [REDACTED] to be very convincing (pp. 141-145 of the District Court judgment). The fact that neither anonymous claimant A nor anonymous claimant D were able to point out L.I. during the photo array does not change this assessment. In this regard, the Court of Appeal notes that the photographs used in the photo array are cut down in a way that appears to make it more difficult to identify the persons in the images. In addition, it can be noted that L.I. herself has stated that she met the claimants during the period in question, albeit not to the extent described by anonymous claimants A and D, which shows that the fact that the claimants have actually met L.I. does not preclude them from nevertheless not being able to identify her in the photographic material.

As regards the issue of whether anonymous claimants A and D have confused L.I. with another person, such as the person whom L.I. herself spoke of and identified as [REDACTED]'s wife, it can also be noted that neither anonymous claimant A nor anonymous claimant D have made any observations about this person, or even spoken of anyone else in the dwelling, with whom it appears possible to confuse L.I. Nor did [REDACTED], [REDACTED], anonymous claimant K or anonymous claimant L, who visited the dwelling during the alleged period of the offence, speak of any such person. Overall, the Court of Appeal shares the District Court's assessment that it appears to be ruled out that anonymous claimants A and D have been mistaken about the identity of the person they describe as Umm [REDACTED].

As noted by the District Court, the claimants' statements are also strongly corroborated by each other and – in the parts concerning, for example, IS's treatment of the Yazidis – by the written evidence in the case. Although, in the Court of Appeal's view, it is difficult to draw any conclusions from the legal certificate submitted in the case as

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regards the events that allegedly occurred in L.I.'s home, it can be stated that the legal certificate provides some corroboration for anonymous claimant A's account insofar as it relates to the events after she left L.I.'s home.

Consequently, the Court of Appeal, like the District Court, considers that the claimants' statements can, in decisive parts, be used as a basis for the assessment in the case, insofar as they are not contradicted by the other evidence in the case.

L.I.'s account

As regards L.I.'s statements, the Court of Appeal finds that they appear, to a significant extent, to be inherently improbable, contradictory and strange. This applies, for example, to her claim that she had completely left it up to Jiro Mehho to decide on the family's relatively sudden move to Türkiye, and that she had not noticed that the family had entered Syria until she arrived at his location. It also seems strange that she would not have been able to leave Syria, at least in connection with Jiro Mehho's death, mainly due to pressure from her son Omar, who was 13 years old at the time. This is also in view of her statement that she did not wish to leave her sons in Syria. Furthermore, her account lacks the elements of personal reflection and consideration that typically characterise a first-hand account. This applies not least to her considerations regarding the Yazidi slaves who were in her home.

Furthermore, the Court of Appeal may note that the other evidence in the case speaks very strongly against the description of the sequence of events given by L.I. Initially, her account is very difficult to reconcile with the excerpts from chats presented by the prosecutor, in which, according to the Court of Appeal, L.I. clearly expresses her continued sympathy for IS. Excerpts from text chats between Omar and Jiro Mehho's mother also contradict L.I.'s statements that she neither had any insight into IS's actions in Syria and Iraq nor shared IS's ideological convictions during the period in question. According to the Court of Appeal, there is no reason whatsoever for Omar to give an inaccurate picture of L.I. in the text chats.

Similarly, L.I.'s description of her own role and ideological convictions is difficult to reconcile with the testimony given in the case against her by, inter alia, Iman Mahieu

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and anonymous claimant K. Iman Mahieu has stated that L.I. was highly authoritarian (even towards men) and enjoyed giving orders. According to Iman Mahieu, L.I. was deeply religious and strict in her beliefs. Iman Mahieu has also stated in police interviews that L.I. was, in her opinion, affiliated with IS and shared IS doctrine.

Anonymous claimant K has stated, among other things, that L.I. was in Syria for the sake of IS and that she wanted an Islamic life with Sharia law, and that Omar wanted L.I. to leave Syria at one point because of fighting, but that L.I. refused to do so. She has further stated that L.I. was extreme in the sense that she had very strong religious convictions and adhered to older religious doctrine. Anonymous claimant K has also stated that she herself wanted to leave Raqqa and felt that L.I. was a threat to this, and that L.I. believed that women should bear children for IS in order to populate the caliphate. Anonymous claimant K has also stated that her brothers informed her that L.I.'s new husband was a high-ranking individual – an emir – within IS. According to anonymous claimant K, L.I. was a somewhat hot-headed and interested in building up her status within IS. As the District Court has explained, the information provided by David Lundberg from Säpo also contradicts the picture that L.I. herself has painted of her insight into Jiro Mehho's activities and of her ideological convictions (see p. 207 of the District Court judgment).

More generally, it also appears difficult to reconcile the findings of the written inquiry into the role of women in IS with the image given by L.I. of her life in Raqqa. This is particularly relevant in light of what has emerged in the case concerning Jiro Mehho's, her sons' and her husband Abu Abdusalam's links to IS. The investigation shows, for example, that IS considered that the women fulfilled an important role in the organisation and that they were obliged to raise the children in a jihadist tradition.

In the opinion of the Court of Appeal, it is impossible to draw any other conclusion from the investigation than that L.I., as the prosecutor has claimed, travelled to Syria with the intention of joining the violent Salafi-jihadist movement that later developed into IS, and that she also shared IS ideology during her stay in Syria.

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In summary, this means that L.I.'s account must be considered to have low evidential value in many respects that are essential to the prosecution's case.

Overall assessment

In line with the above, the Court of Appeal therefore agrees in principle with the District Court's findings regarding what has been established in the case based on the claimants' accounts. Where the Court of Appeal has made any other assessment of the investigation, this will be set out below.

L.I.'s actions in Raqqa

In this section, the Court of Appeal will present its assessment of what has been established regarding the allegations that the prosecutor has attributed to L.I. under the heading 'L.I.'s liability' in the description of the offence.

The question as to whether L.I., together and in concert with other perpetrators, received/held captive the claimants, subjected them to severe suffering by treating them as slaves and deprived them of their liberty, etc. (first and second paragraphs (a and b) under the heading 'L.I.'s liability' in the prosecutor's description of the offence).

The District Court has rejected the allegation that L.I. purchased or acquired the claimants, but has found it proven that she received them and held them captive. The prosecutor has accepted this assessment. The District Court has found that L.I. treated the claimants as her property and slaves and that she deprived them of their liberty (see the District Court judgment, pp. 149-158).

With regard to the question as to whether L.I. received and held anonymous claimants A to G captive and treated them as slaves, the Court of Appeal makes no assessment other than that made by the District Court.

With regard to anonymous claimants H and I, the Court of Appeal has understood that the charges in this part should be understood in such a way that the claim 'received' also includes the fact that L.I. exercised de facto ownership rights over them, which the

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District Court has found to be proven. Nor does the Court of Appeal make any other assessment in this matter than that made by the District Court.

Like the District Court, the Court of Appeal also considers that L.I. must have been fully aware that the claimants were subject to IS's system of slavery. It is impossible to draw any other conclusion from the statements of anonymous claimants A and D than that L.I., in the manner found by the District Court, played an active role in implementing this system. In its assessment, the Court of Appeal has taken into account both the information that has emerged about L.I.'s ideological convictions and links to IS, and the information that has emerged from the claimants' statements about, inter alia, forced labour and religious coercion in L.I.'s household. The Court of Appeal will return to this below.

With regard to the more limited question of whether L.I. maintained the deprivation of the claimants' liberty, it is also clear from anonymous claimant A's and anonymous claimant D's statements that L.I. actively detained them by locking in, controlling and monitoring them, which the District Court has also found.

The Court of Appeal returns to the question of whether L.I.'s treatment of the claimants constituted severe suffering within the meaning of the provisions on genocide, crimes against humanity and war crimes.

The question as to whether L.I. forcibly separated child claimants B, C, E, F, G and I from one ethnic group and transferred them to another group (second paragraph, item (c), under the heading 'L.I.'s liability')

The Prosecutor submits that L.I., together and in concert with other perpetrators, separated anonymous claimants B, C, E, F, G and I from their religious ethnic group and transferred them to another group.

This element of the offence is based on the provision on genocide in Section 1(5) of the Act (2014:406) on criminal responsibility for genocide, crimes against humanity and war crimes.

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The purpose of the provision is to criminalise an act whereby a child is forcibly separated from their ethnic group with the aim of preventing them from, for example, learning the language of the ethnic group and participating in its culture, religion or traditions, which in the long run makes it impossible for the ethnic group to continue to exist (see Government Bill 2013/14:146, p. 238). It is in the nature of things that an act of this kind is regularly committed jointly by several perpetrators acting according to a common criminal plan and where the separation of children from one ethnic group of people for the purpose of transferring them to another is carried out in several stages and in different ways over a period of time. This means that even persons who play a more peripheral part in the act, or who act primarily in a manner that perpetuates the separation, may be punished under this provision. The punishable offence thus consists not only of the physical separation of the child from the original ethnic group, but also of the social and cultural separation over time, provided that it is done by coercion. In this sense, paragraph 5 of the genocide provision differs from the other paragraphs, which focus primarily on the physical extermination of an ethnic group. However, as the Court of Appeal reiterates, for the act to be punishable, the perpetrator must have had the intention of physically exterminating the ethnic group as a whole, as stated above.

The Court of Appeal also agrees with the District Court's assessment of this element of the offence, to the effect that the allegation has been proven (pp. 158-159 of the District Court judgment).

<u>The question as to whether L.I., in breach of general international law, forced anonymous claimants A and D to work or placed them in another state of coercion (second paragraph, item (d), under the heading 'L.I.'s liability')</u>

The District Court has found the element of the offence to be proven (pp. 159-161 of the District Court judgment). It should be noted that the provision in Section 2 of the Act on criminal responsibility for genocide, crimes against humanity and war crimes does not explicitly criminalise slavery other than sexual slavery. Instead, the legislator has chosen to criminalise the situation where a person is subjected to forced labour or other forms of coercion, which, as the District Court has noted, is likely to include many forms of slavery. However, the concept could be understood as being narrower

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than the concept of slavery as expressed, for example, in the 1926 Slavery Convention, which prohibits any form of authorisation that gives someone the power to exercise a form of ownership over a human being (see Government Bill 2013/14:146, pp. 111-112).

Notwithstanding this, the Court of Appeal shares the District Court's assessment that L.I. forced anonymous claimants A and D to work and placed them in a state of coercion as referred to in the provision. It is clear that forced labour has lacked support in general international law. The Court of Appeal will return below to the questions of whether the conduct caused severe suffering and/or constituted crimes against humanity.

The question as to whether L.I. was armed with an explosive belt/vest and had access to weapons and showed films of executions carried out by IS (second paragraph, item (e), under the heading 'L.I's liability')

The District Court has found it to be established that L.I. had access to weapons and that anonymous claimant A, anonymous claimant D and the older children were aware of this, but not that she was armed with an explosive belt/vest at the residence. The prosecution has accepted this assessment. The District Court has also found that L.I. showed films of executions to anonymous claimants D and H (pp. 161-164 of the District Court judgment).

The Court of Appeal does not make a different assessment from that made by the District Court. The Court of Appeal will return to the meaning of this element of the offence below.

The question as to whether L.I. beat anonymous claimants A, B and C and/or subjected them to ill-treatment (second paragraph, item (f), under the heading 'L.I.'s liability')

The Court of Appeal does not make any other assessment than that made by the District Court (see pp. 164-168 of the District Court judgment). The fact that anonymous claimant D has stated that she did not see any ill-treatment of anonymous claimant A, even though anonymous claimant A stated that anonymous claimant D

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was present at the time of the photographing when the ill-treatment allegedly took place, does not alter this assessment. The Court of Appeal notes in this regard that anonymous claimant A, regarding both the assault and the photographing, which are said to have occurred in the same context, has described a protracted and tumultuous sequence of events involving several people, in which anonymous claimant D, as the Court of Appeal has understood from the description, may very well have been present during parts of the sequence of events or been present in the dwelling without having observed the assault. Anonymous claimant D has also stated that although she did not see L.I. beat anonymous claimant A at any time, but that anonymous claimant A told her that L.I. often hit her, which in itself provides support for anonymous claimant A's account. As the Court of Appeal has noted above, although the legal certificate referred to in the case does not provide any clear support for anonymous claimant A's account in this regard, it does in some other respects.

The question as to whether L.I. forced anonymous claimants A, C, D, E, F, H and I to become practising Muslims and prevented all the claimants from using their own language, practising their religion, etc. (second paragraph, item (g), under the heading 'L.I.'s liability')

In this respect, the Court of Appeal does not make any other assessment than that made by the District Court (see pp. 168-173 of the District Court judgment). It is therefore established that L.I. forced anonymous claimants A, C, D, E, F, H and I to practice Islam by, among other things, forcing them to pray and to recite the Koran. It has also been shown that she prevented all the claimants from speaking their language and practising their religion and Yazidi customs. Even if it were the case, as L.I. stated, that anonymous claimant H had converted to Islam, given what has emerged about anonymous claimant H's original religious affiliation, this conversion cannot be assessed as anything other than involuntary. L.I. has thereby perpetuated and reinforced the forced conversion of anonymous claimant H and prevented her from practising her Yazidi faith.

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The question as to whether L.I. forced claimants A, C, D, E, F, H and I to wear a full veil or other items of clothing not related to their culture (second paragraph, item (h), under the heading 'L.I.'s liability')

The District Court has found that L.I. forced the female claimants to wear specific clothing that was religiously and culturally alien to them (District Court judgment, pp. 173-175). The District Court, on the other hand, has dismissed the allegation in relation to the male claimants, which the prosecution has accepted. The Court of Appeal does not make a different assessment from that made by the District Court.

The question as to whether L.I. referred to the claimants as 'slaves', 'sabaya', 'infidels' and 'kuffar' or other offensive terms with similar meanings, and ordered them to renounce their religion, their relatives and their former lives and instead to become Muslims within IS (second paragraph, item (i), under the heading 'L.I.'s liability')

The District Court has found that it has been established in the case that L.I. called anonymous claimants A and D infidels and referred to anonymous claimant D as a 'sabaya' (see District Court judgment, pp. 176-177). The District Court has further found that it has been shown that L.I., when in the house, referred to Yazidis in general as infidels. The Court of Appeal agrees with the District Court's assessment in these respects, but considers that it has not been proven that L.I.'s insults were directed at any claimants other than anonymous claimants A and D, which is relevant to the assessment of how this affected the claimants' suffering. With regard to L.I.'s statement that the claimants should forget their relatives and their former lives in order to obey Islam, the Court of Appeal considers that the statement has only been proven in relation to anonymous claimant D. The Court of Appeal will return to the significance of these assessments below.

The question as to whether L.I. attempted to forcibly photograph, photographed or had anonymous claimants A, B, C, D, E, F and G photographed on various occasions with a view to selling those claimants on the IS slave market for Yazidis (second paragraph, item (j), under the heading 'L.I.'s liability')

The District Court has found that L.I. attempted to photograph anonymous claimants D, E, F and G and that she participated in the photographing of anonymous

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claimants A, B and C (District Court judgment, pp. 177-182). The Court of Appeal does not make any other assessment. It is clear from the statements of anonymous claimants A and D that L.I.'s conduct caused them considerable fear. However, as in the point above, it is unclear how this conduct further affected anonymous claimants B, C, E, F and G, to which the Court of Appeal will return below.

The question as to whether L.I. allowed the claimants to live in poor conditions, including with insufficient food, heating and clothing (second paragraph, item (k), under the heading 'L.I.'s liability')

The District Court has considered it proven that L.I. treated anonymous claimants A to G differently, but not anonymous claimants H and I, in the manner alleged by the prosecution (District Court judgment, pp. 182-185). The prosecution has accepted the District Court's assessment. In the view of the Court of Appeal, the investigation shows that L.I. treated anonymous claimant A differently, which also affected anonymous claimants B and C. Anonymous claimant A has described, among other things, that she was not allowed to eat with the others in the house and that L.I. justified this by the fact that she was not a 'real Muslim'. With regard to anonymous claimants A, B and C, the Court of Appeal therefore makes no assessment other than that made by the District Court. To the contrary, with regard to anonymous claimant D, the Court of Appeal notes that she has described that she often ate with L.I.'s family, but that L.I.'s family sometimes received food at times other than during the common meals. She also said that they had access to blankets, mattresses and clothing, for example, even though they would never have worn such clothing under other circumstances. Overall, the Court of Appeal considers that anonymous claimant D's account does not provide sufficient support for the claim that L.I. treated her and her children differently from in the manner referred to in the allegation.

The question as to whether L.I., in breach of general international law, deprived the children of their right to education or of other rights and freedoms to which they were entitled (second paragraph, item (m), under the heading 'L.I.'s liability')

Like the District Court, the Court of Appeal considers that the investigation shows that L.I. contributed to anonymous child claimants C, E, F and I being deprived of

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their right to education through school attendance. All the children, i.e. also anonymous claimants B and G, were also deprived of other fundamental rights such as the right to freedom of religion and the right to liberty. Here too, therefore, the Court of Appeal makes the same assessment as the District Court (see pp. 187-188 of the District Court judgment). The fact that there were no schools in the Raqqa area does not alter this assessment, as the children were already deprived of their right to education by L.I.'s continuation of the deprivation of liberty that IS had previously initiated.

The question as to whether L.I. forcibly sold/provided/transferred anonymous claimants A to G to other persons within IS, etc. (second paragraph, item (n), under the heading 'L.I.'s liability')

The Court of Appeal finds, in agreement with the District Court, that in the case of anonymous claimant A, it has been established that L.I. participated in the photographing of her (see the sections above on the photographing and ill-treatment of anonymous claimant A). Anonymous claimant D has also described how L.I. told anonymous claimant A to prepare herself to be transferred to a new owner. As the District Court has found, L.I. exercised de facto ownership rights over all the claimants in multiple ways. At the same time, as the District Court also found, it was unclear in this case who formally owned the claimants. The investigation is even less clear about who sold claimants A to G on to their new owners.

The prosecutor's allegation is that L.I., together and in concert with other perpetrators, provided and transferred the claimants to other persons within IS. It is clear that L.I. took part in the ownership of the claimants in the manner found by the District Court, and that she in practice took part in the further transfer of claimants A to G. Similarly to the District Court and in line with what the Court of Appeal has stated above, the Court of Appeal considers that the investigation shows that L.I. was aware of and involved in this process by, inter alia, contributing to the photographing, instructing anonymous claimant A, and leaving anonymous claimant D and her children in the dwelling for [REDACTED]. She also clearly showed solidarity with the criminal plan, i.e. that the claimants would be sold on or transferred under the IS slavery system. L.I.'s actions were a clear part of the execution of this criminal plan, which means that

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she must be considered so involved in the transfers that she can be held responsible for them in the manner asserted by the prosecutor. The Court of Appeal thus concurs with the District Court's assessment in this regard as well. The Court of Appeal also shares the District Court's assessment of the insights that L.I. must have had in connection with further transfers (see pp. 190-193 of the District Court judgment).

The legal classification of L.I.'s actions

The question as to whether L.I., through the aforementioned actions, subjected the claimants to severe suffering, torture or other inhuman treatment

The prosecution alleged, inter alia, that L.I., as a result of her collective actions under the heading 'L.I.'s liability' and items (a) to (n), subjected the claimants to severe suffering, torture or other inhuman treatment. As the District Court has explained, the concept of severe suffering appears in all provisions of the Act on genocide, crimes against humanity and war crimes that are relevant to the case (Section 1(2), Section 2(2) and Section 4(2).

The meaning of the term is essentially the same in the three provisions, although they have in part different prerequisites in order for the infliction of severe suffering to constitute a criminal offence. The provisions on crimes against humanity and war crimes also require that the severe suffering be caused by torture or inhuman treatment.

With regard to the actions that are now under consideration, it should first be noted that the element of severe suffering constitutes what is known as an 'effect crime'. In this respect, the criminalisation in question differs from the definition of a slavery offence as set out by the District Court on pp. 201-204 of its judgment, which prohibits slavery regardless of whether the victim themselves understands that they are the subject of slavery.

However, as the District Court has noted, the fact that a person is enslaved has a number of significant consequences for the enslaved person, which in themselves may

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constitute severe suffering (see the District Court judgment, pp. 201-204 and pp. 210-221). With regard to anonymous claimants A, D and H, i.e. the older claimants, their captivity and participation in IS's slavery system undoubtedly caused them great suffering, not least through the violation of their human dignity that enslavement entails, which was also clear to each of them. This has been clearly expressed in the accounts of anonymous claimants A and D, but anonymous claimant I has also described how anonymous claimant H was affected by the enslavement.

As noted by the District Court, [REDACTED], for example, has also testified in the case about how IS enslavement affected the people who were subjected to it. His description strongly corresponds to the depictions of anonymous claimants A and D's experiences at the home of L.I., and supports the conclusion that all the claimants were subjected to great suffering through L.I.'s actions. Anonymous claimants C and I have also testified about their own experiences, and it is therefore clear that the older children could not fail to be aware that they had no power to decide on their life situation and fate throughout the time in which they were in enslavement (i.e. also during the time at L.I.'s home). In addition, anonymous claimants A and D's testimonies show how their behaviour also affected the children in different ways.

As the District Court has stated, all the claimants were denied fundamental rights such as the right to liberty and religion. As the District Court has found, the fact that L.I. did not allow the claimants to speak their own language also clearly exacerbated their suffering, both at the time and later in life. It is clear that this has also had a strong negative impact on the youngest children. In this context, it can be noted that the young claimants, precisely because they were children, found themselves in a particularly vulnerable situation in which they were separated from their families, relatives and natural environment as a result of their deprivation of liberty. It is also impossible to disregard the obvious conclusion that the great psychological pressure described by anonymous claimants A and D in particular must have affected all the children very negatively.

In addition, as stated above, anonymous L.I., and were treated tangibly differently as

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regards, for example, access to food. In any event, as stated above, the adult claimants and the older children lived in the dwelling knowing that L.I. had access to weapons. Anonymous claimants D and H have were also shown films of executions by L.I., while anonymous claimants A and D were also forced to work in L.I.'s home.

It is not of decisive importance in this regard that the young children may not have been able to comprehend, inter alia, the precise meaning of certain events described above, such as the photographing or the attempts at photographing. As stated above, the investigation also does not show that the children understood that L.I., for example, called the claimants 'infidels'. Therefore, no significance can be attached to this particular fact for them.

In conclusion, however, the Court of Appeal agrees with the District Court's assessment that all the claimants were exposed to severe suffering within the meaning of Sections 1, 2 and 4 of the Act on genocide, crimes against humanity and war crimes.

As regards the question of the serious suffering and whether the acts that caused it meet the definition of torture within the meaning of Sections 2 and 4 of the Act on genocide, crimes against humanity and war crimes, the Court of Appeal makes the following observations.

The difference between the concepts of *torture* and *other inhuman treatment* lies primarily in the fact that the definition of torture requires that the act reach a very serious and cruel level of suffering and, in the case of Section 4, that the act be committed for a specific purpose, such as to punish, extract a confession or similar, through the torture-like treatment. The requirement of qualified pain or suffering is characteristic of the offence of torture, and torture can thus be said to constitute an qualified form of inhuman treatment. Other inhuman treatment may refer to serious violations that constitute a general violation of personal dignity. Thus, for example, forcing a person to perform work in degrading and offensive conditions or to perform acts that are a flagrant contravention of a person's religious or cultural beliefs may constitute inhuman treatment. (See Government Bill 2013/14:146, pp. 244-245, with

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references.)

According to the Court of Appeal, the actions to which L.I. subjected the claimants can undoubtedly be characterised as other inhuman treatment. With regard to the assessment of the definition of torture, the Court of Appeal only has to evaluate the actions with which the prosecutor has charged L.I., and therefore cannot take into account other actions that persons affiliated with IS subjected them to. In this regard, the Court of Appeal notes that, insofar as is relevant here, the claimants were not subjected to any very serious violence during their time with L.I., and that her immediate purpose in committing the acts was not to cause the claimants severe suffering, but rather to convert them to Islam, force them to work, etc. Even though the acts are very serious, the Court of Appeal considers, on the basis of an overall assessment, that the severe suffering to which L.I. has subjected the claimants cannot, for this reason alone, be characterised as torture within the meaning of Sections 2 or 4.

The consequence of the above is that the Court of Appeal agrees with the District Court's assessment that the acts can be characterised as severe suffering due to inhuman treatment (see District Court judgment, pp. 234-235).

Has L.I. committed genocide?

As stated above, the Court of Appeal shares the District Court's assessment that L.I. caused all the claimants severe suffering within the meaning of Section 1(2) of the Act on genocide, crimes against humanity and war crimes. As stated above, she also transferred anonymous child claimants B, C, E, F, G and I from their religious ethnic group to another.

As stated above, the Court of Appeal further considers that the investigation strongly indicates that L.I. sympathised with IS's violent Salafi-jihadist ideology during the period in question. According to the Court of Appeal, it seems completely out of the question that she would have been unaware of IS attacks against the Yazidis. The claimants' description of how L.I. treated them also points in this direction. For example, anonymous claimant D

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has described how L.I. told her to forget her family and her former life. In addition, anonymous claimants A and D have described how L.I. called them 'infidels' – and in anonymous claimant D's case, also 'sabaya' – and how she tried to convert them to Islam. According to the Court of Appeal, L.I.'s actions are, in principle, entirely consistent with the written evidence regarding the role of IS women in relation to IS's systematic treatment of the Yazidi ethnic group.

In line with the District Court, the Court of Appeal considers that it has been proven that L.I. shared IS's genocidal intent in relation to the Yazidi religious ethnic group, even though her participation in the genocide mainly consisted of acts that did not aim at the immediate physical extermination of the group. However, her actions are such that they typically target an ethnic group's ability to reproduce in a physical sense, which was also clearly a means of realising IS's extermination of the Yazidi ethnic group, at least within IS territory.

In summary, the Court of Appeal therefore shares the District Court's assessment that L.I. has committed genocide.

Has L.I. committed crimes against humanity?

As stated above, L.I. subjected the claimants to treatment that in itself must be classified as severe suffering under the provision in Section 2(2) of the Act on genocide, crimes against humanity and war crimes. In addition, it has been shown that she deprived anonymous claimants A to I of their liberty and forced anonymous claimants A and D into a state of slavery (i.e. a form of coercion as referred to in the provision in Section 2(5) of the same Act) and forced labour. As stated above, the Court of Appeal, like the District Court, has also found that L.I. deprived all the claimants of their fundamental rights, including freedom of religion and, in the case of the children, the right to education. This was mainly due to the claimants' membership of the Yazidi religious ethnic group. She thereby also subjected all the claimants to persecution within the meaning of the provision on crimes against humanity.

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The acts in question were clearly linked to attacks by IS against the Yazidi population, which, as the District Court found, were both systematic and widespread. In the opinion of the Court of Appeal, L.I. must have understood the extent of IS's attacks on the Yazidi ethnic group, not least in light of the fact that she had taken in a large number of Yazidi women and children who had been subjected to IS's slave trade. In this respect, the Court of Appeal does not therefore make any other assessment than the one made by the District Court (see District Court judgment, pp. 225-227).

In summary, the Court of Appeal thus agrees with the District Court's assessment that the acts in question constitute crimes against humanity.

Serious war crime

As the Court of Appeal has found, L.I. subjected all the claimants to treatment that amounts to severe suffering. This also applies in the sense in which the term is used in the provision on war crimes (Section 4(2) of the Act on genocide, crimes against humanity and war crimes). Like the District Court, the Court of Appeal also considers that the treatment to which the claimants were subjected can be described as both humiliating and degrading and that it was likely to significantly and seriously violate the claimants' personal dignity (see pp. 234-237 of the District Court judgment). The acts committed by L.I. thus fall under both the second and seventh items of Section 4 of the Act on genocide, crimes against humanity and war crimes. However, the actual acts included under the criminal provisions are such that they overlap to a large extent.

The question therefore arises as to whether L.I., notwithstanding the issue of concurrence in relation to the other offences, should be convicted in accordance with both paragraphs of the war crimes provision or only one of them. In this regard, it should be noted that the provisions serve partially different purposes and protection interests. The severe suffering that L.I. inflicted on the claimants was mainly of a more tangible nature, involving physical and psychological suffering, albeit predominantly psychological, which typically falls under the provisions of Section 4(2) of the Act on genocide, crimes against humanity and war crimes.

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At the same time, the acts were both humiliating and degrading, primarily in the sense that the claimants were treated as slaves by L.I., which, in view of the deprivation of human dignity and the harm that this entails, appears to be a typical circumstance covered by the provision in Section 4(7) of the same Act. However, this circumstance is not necessary or characteristic in order for paragraph 2 to apply.

In its overall assessment, the Court of Appeal considers that L.I. should therefore, in line with the District Court's findings, be convicted in accordance with both paragraphs of the provision (see Werle and Jeßberger, *Principles of International Criminal Law*, 4th ed., pp. 326-327 and 497).

With regard to the question of whether L.I.'s actions have a sufficient connection or nexus to the armed conflict, the Court of Appeal agrees with the District Court's conclusion. The requirement that the act be related to the armed conflict is met if the crimes are committed as a result of the hostilities in question and with the aim of promoting or taking advantage of the situation created by them. The conflict must at least have played a significant role in the perpetrator's ability to commit the crime, their decision to commit it, the manner in which it was committed or the purpose for which it was committed (see the decisions of the International Criminal Tribunal for the former Yugoslavia in The Prosecutor v. Kunarac et al, IT-96-23-T and IT-96-23/1-T, p. 568 and IT-96-23-A and IT-96-23/1-A, p. 58).

L.I.'s actions appear to be an essential part of IS's attack on the Yazidi population and to have been directly and unambiguously facilitated by the attack. They therefore have a clear nexus to the armed conflict. It should be noted that several armed conflicts may well be ongoing in a region at the same time, and acts may therefore be linked to several different armed conflicts simultaneously. Overall, therefore, the Court of Appeal does not make a different assessment from that made by the District Court on the issue of a nexus between L.I.'s actions and the armed conflict in Syria.

In summary, the Court of Appeal does not make any other assessment than the District Court regarding whether L.I.'s actions are to be considered a serious war crime.

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Therefore, the Court of Appeal does not make any other assessment of the classification of the crime (see pp. 236-237 of the District Court judgment).

Regarding complicity and aiding and abetting

Like the District Court, the Court of Appeal considers that L.I.'s actions are such that she should be regarded as the perpetrator and not as an accessory. As stated above, the Court of Appeal has found that L.I. fully identified with the overall criminal plan of which she was a part, and her actions and crimes also constituted a clear part of the execution of the criminal plan.

The issue of concurrence

With regard to the question of whether L.I. should be convicted of all offences concurrently, the Court of Appeal makes no assessment other than that made by the District Court (see pp. 240–241 of the District Court judgment).

Regarding the question of whether there are grounds for exemption from liability

As stated above, the Court of Appeal has found that the investigation supports the fact that L.I. voluntarily joined IS and also shared its ideology. As the Court of Appeal has stated above, the investigation provides strong support for the conclusion that L.I. committed the acts she is charged with voluntarily as a result of her own strong convictions, which she shared with IS. L.I. has not claimed that she was in an emergency situation. The Court of Appeal nevertheless finds reason to briefly mention that the investigation supports the conclusion that she had opportunities to leave IS territory at least as late as 2014 but chose not to do so. The investigation described by the Court of Appeal above also gives the clear impression that L.I. sympathised with IS until the very end. No circumstances have therefore emerged in the case that could constitute grounds for exempting L.I. from liability or that could otherwise constitute mitigating circumstances in the sentencing.

Sentencing and choice of penalty

As the District Court has explained, the criminal offence involved here constitutes a so-called newly discovered offence in relation to the previous judgment in which L.I. was sentenced to six years' imprisonment for serious violations of international law

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and serious war crimes (Stockholm District Court judgment of 4 March 2022 in case No B 20218-20). When determining the sentence, the Court of Appeal shall therefore ensure that the combined penalties are no more severe than would have been the case if the offences had been assessed at the same time.

As regards the penal value of the offences involved, the Court of Appeal makes the following observations. Like the District Court, the Court of Appeal considers that the offence of genocide is the most serious offence. As stated above, the Court of Appeal, like the District Court, has found that L.I. shared IS's genocidal intent in relation to the Yazidi ethnic group, which is of course a prerequisite for her to be convicted of the crime of genocide in any manner. It is, of course, a highly aggravating factor that L.I.'s actions were directed against several children, even though this in itself has already influenced the classification of the war crime.

The acts directed against several of the claimants have also been particularly protracted. In other respects, the acts also include, as the District Court has found, many aggravating elements such as being part of systematic and organised crime targeting the lives, health and freedom of individuals.
As the District Court has noted, the consequences for the claimants are extremely far-reaching. There are no mitigating circumstances.

At the same time, it must be noted that the investigation does not show that L.I. has held any senior position in the IS hierarchy or participated in the planning of criminal activities. L.I. furthermore did not participate in any intentional killing or practice of sexual slavery.

The prosecution has argued that the crimes should have a higher combined penal value than that found by the District Court, i.e. 16 years' imprisonment. In the first instance, she has argued that the penal value should correspond to life imprisonment. As the District Court has explained, this would often be the presumed penalty when an act involves intentional killing. However, the acts typically covered by the provisions of the Act on genocide, crimes against humanity and war crimes are of such a serious nature that life imprisonment must be presumed to be possible even in

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the case of a multitude of other acts. According to the Court of Appeal, this may typically be the case, for example, in relation to serious forms of torture of a comprehensive nature.

According to the Court of Appeal, when determining the sentence, consideration must be given to the fact that the sentencing range for the offences in question is assumed to cover participation at various levels in very extensive and organised serious crime. At the same time, it is of course the case that, when it comes to such serious crimes as those in question here, the penal value is in some cases so high that it reaches the upper limit for fixed-term imprisonment. Further differentiation in relation to the seriousness of the crime may then take place within the scope of the review that is required to take place if the convicted person applies for conversion of a life sentence.

It is clear from the case-law that, in the case of similar offences, a life sentence has primarily been imposed on persons who have been deemed to be in a leading position or have participated as organisers in the commission of, inter alia, severe massacres that have resulted in a large number of deaths, or where the perpetrator has otherwise played a central role in the commission of widespread and organised violence against persons. The Court of Appeal has also taken into account the fact that the acts at issue in the present case appear to have a far higher penal value than acts that are regularly regarded as serious abductions and that can, in practice, result in penalties of between 5 and 10 years' imprisonment, even in the case of short-term deprivation of liberty. There is also reason to take into account sentencing practices in cases involving acts committed in Sweden where individuals are systematically exploited in slave-like conditions, such as in cases of human trafficking and human exploitation. It is clear that L.I.'s actions, even in relation to this crime, have a high penal value.

In light of the foregoing, the Court of Appeal agrees in summary with the District Court's considerations regarding the penal value of the offence (pp. 242-243 of the District Court), and thus, like the District Court, assesses that the crime has a total penal value corresponding to approximately 16 years' imprisonment. The Court of Appeal is of the opinion that if the offences had been assessed together with the

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previous criminal offences in Stockholm District Court case B 20218-20, the total criminality would have had a combined penal value slightly exceeding 18 years' imprisonment, but would still not have justified a life sentence.

Like the District Court, the Court of Appeal notes that L.I. has been deprived of liberty with restrictions for a certain period of time, which must be taken into account in the sentencing. Even taking this into account, however, the Court of Appeal considers that the sentence, where the sentencing is concurrent covering the offence in question and previous offences, would have been set at 18 years' imprisonment. Taking into account the sentence already imposed on L.I., the sentence in this case shall therefore be set at 12 years' imprisonment. The judgment of the District Court shall therefore also be upheld insofar as it concerns sentencing and the choice of penalty.

Detention

It is not obvious that there are no grounds for detention with regard to the risk that L.I. will abscond or evade prosecution. She should therefore remain in detention until the judgment becomes final regarding the degree of liability.

Damages

In view of the outcome of the case, the judgment of the District Court shall also be upheld with regard to damages.

Remuneration of the public counsel and the counsel for the claimants

The remuneration requested by [REDACTED] and [REDACTED] is reasonable and shall be granted to them. Given that L.I. has been sentenced to a long term of imprisonment, the costs shall be borne by the state.

HOW TO APPEAL, see Annex B

Appeal by 9 December 2025

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Appeal Judges [REDACTED] and [REDACTED], reporting judge, acting Associate Appeal Judge [REDACTED] and [REDACTED] and [REDACTED] took part in the ruling.

Settlement document, see Annex C

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