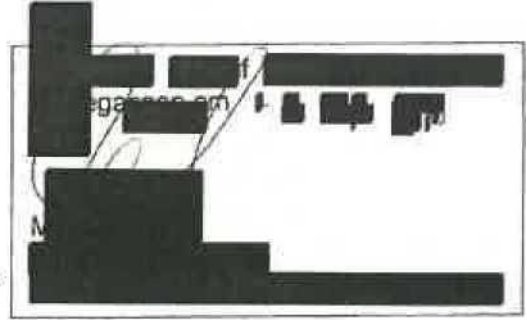


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Stuttgart Higher Regional Court
5th CRIMINAL CHAMBER

In the name of the people
Judgment

In the criminal case against



Defendant:



The 5th Criminal Chamber of the Stuttgart Higher Regional Court, in the main proceedings conducted between 3 May 2019 and 5 July 2019 in which the following participated:

Presiding Judge at the Higher Regional Court

- *as the presiding judge* -

Judge at the Higher Regional Court

Judge at the Higher Regional Court

- *as associate judges* -



Senior Public Prosecutor at the Federal Court of Justice

Public Prosecutor at the Federal Court of Justice

Public Prosecutor

- *as representatives of the Federal Public Prosecutor General* -



Lawyer

- *for the defendant* -



Superintendent
Court Clerk
Senior Court Secretary
Senior Court Secretary
- as Court Registrars -



on 5 July 2019

rules as follows:

The defendant is guilty of the war crime against property in concurrence with participation as a member in a foreign terrorist organisation on two counts, of participation as a member in a foreign terrorist organisation in concurrence with two concomitant counts of intentional exercise of actual power over a weapon of war and in concurrence with two concomitant counts of intentional unlawful possession of a semi-automatic handgun and participation as a member in a foreign terrorist organisation.

The defendant is sentenced to a

total term of imprisonment of 5 years.

The deprivation of liberty incurred by the defendant in Iraq between 23 September 2017 and 26 April 2018 is to be credited against the aggregate prison sentence at a ratio of 1:3.

The defendant shall bear the costs of the proceedings.

Provisions applied:

Section 129a(1), subparagraph 1 and Section 129b(1), first and second sentences of the StGB (German Criminal Code), Section 9(1), variant 3 of the VStGB (Code of Crimes Against International Law), Section 22a(1), subparagraph 6 of the War Weapons Control Act (*Gesetz über die Kontrolle von Kriegswaffen*), Section 52(1), subparagraph 2, letter b, Section 1(2) and (4) and Section 2(2) WaffG (Weapons Act), Section 25(2), Section 51(3) and Section 51(4), second sentence and Sections 52 and 53 StGB

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A. Preliminary note

- 1 The defendant left Germany for Syria in early December 2013 and, on the very day she arrived, entered into an Islamic-faith marriage with a man hitherto unknown to her, a senior fighter in the foreign terrorist organisation 'Islamic State' (IS). In January 2014 at the latest, the defendant also joined IS.

Until her escape in August 2017, the defendant stayed at various locations in IS territory in Syria and Iraq. While there, she resided with her 'husband' in Manbij and Raqqa, in each case in accommodation provided for her by the organisation after the owners had left them when fleeing from IS. In addition to looking after the two children she had given birth to during her stay there and managing the shared household, the defendant was actively involved in propaganda for IS. She ran two German-language public blogs consecutively, in which she glorified life with IS and recommended emigrating and joining IS. During her stay, she also had at her disposal two firearms and two weapons of war, at times simultaneously, so as to fend off enemy attackers. She ultimately attended 10 executions as an IS representative.

- 2 The Federal Public Prosecutor General waived criminal prosecution pursuant to Section 154 and Section 154a(1), first sentence, subparagraph 1 StPO (German Code of Criminal Procedure) as regards the taking possession of further houses and dwellings by the defendant and as regards the possession and carrying of a weapon during her escape in August 2017.
- 3 The judgment is not based on a negotiated agreement as defined in Section 257c StPO.

B. Findings relating to the defendant's personal circumstances

I. Personal history



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II. Previous convictions

The defendant has no previous convictions.

III. Details of detention

On the basis of the arrest warrant of the 3rd Criminal Chamber of the Federal Court of Justice of 28 June 2018, the defendant was arrested on 26 July 2018 and brought before the investigating judge of the Federal Court of Justice that same day. She has been in continuous custody in [...] Prison awaiting trial since then.

Since the beginning of her incarceration in the prison, she has been subject to restrictions due to the reasons for her arrest; visits [...] take place through a glass partition.

On 28 March 2019, the Chamber issued a new arrest warrant. By order of 10 April 2019, the Chamber set aside the arrest warrant of the Federal Court of Justice of 28 June 2018 and enforced the Chamber's arrest warrant of 28 March 2019.

C. Findings relating to the offence

I. Case history

Religious development

The defendant's parents were both of Catholic faith and the defendant was baptised Catholic [...]. However, religion played no part in the family's everyday life, so the defendant did not have a strict religious upbringing.

During the visit of [...] in Berlin from June 2007, the defendant made the acquaintance of a fellow pupil by the name of [...], whom she befriended. [...] was a Muslim who had converted from Christianity to Islam at 18 years of age, and had since then called herself [...]. In discussions with [...], the defendant became increasingly interested in Islam. She researched on the internet, read the Koran, and frequently obtained information from the sister-in-law of [...], who was a devout Muslim. The defendant became increasingly fascinated by Islam and found it and its precepts of mercy to be more and more in line with her own world view. On 15 August 2008, together with her boyfriend, [...], his brother and his wife, she visited the IZDB mosque on Osloer Straße in the Wedding district of Berlin, as a sheikh from Egypt was present. This sheikh accepted the defendant's profession of faith. Since the time of her conversion, the defendant has called herself [...].

In early 2009, the defendant joined the Islamic Salafi online forum 'Kalima4Allah', through which she informed herself in terms of religion from this point on. There, she became acquainted with a new friend, [...], who was also converted and had previously gone by the name of [...].

Together with this friend, who also lived in Berlin, the defendant attended the Bilal mosque in Berlin-Wedding from summer 2009 onwards. At this point, she also began to wear a headscarf. From 2010, she then attended the al-Nur mosque, where for about a year, [...] regularly took part in the instruction of Abdul Adhim Kamouss. At the time, the al-Nur mosque was regarded as Salafist, i.e. an institution that regards the actions and views of the Prophet Muhammad as an example and one guided by the values of Sharia. Kamouss, who was the imam in the mosque,

was at the time one of Germany's best-known political Salafi preachers who sought to spread the Salafist ideology through intensive propaganda activities. A woman by the name of [...], who also attended the al-Nur mosque and wore a face veil, invited the defendant at this time to a private 'sisters' meeting' (*Schwesterntreff*), in which the defendant then regularly participated thereafter. Salafi books were read and discussed together there.

Due to her visits to the al-Nur mosque and her contacts with the Salafi circles gained as a result, the defendant became ever stricter in her religious orientation. She increasingly followed Salafist rules in her actions. Therefore, the defendant agreed less and less with the lifestyle of her boyfriend at the time, [...], which she saw as not religious enough. For instance, [...] did not pray, only attended the mosque occasionally, and drank alcohol regularly. The separation that ensued was also due to this development on the part of the defendant.

It was therefore the consistent intention of the defendant to enter into a marriage with a strictly devout Muslim so that she could live according to her beliefs, which now included wearing a face veil. She could also envisage living in an Islamic country. She was therefore glad to accept the suggestion of her friend [...] to become acquainted with her husband's friend, [...], a devout Muslim.

After the defendant and [...] had met four times, they entered into an Islamic-faith marriage in March 2010. [...]

From the day of her marriage onwards, the defendant voluntarily wore a face veil outside the flat and did not remove it, even in the presence of her immediate biological family members.

As the defendant, on instruction from [...], was only very rarely allowed to leave the house after the wedding, she spent her most of her free time on the 'Kalima4Allah' forum, through which her knowledge and ideas regarding Islam were shaped and where after a very short time she rose to administrator for the section 'Women and family in Islam'. Also, at the beginning of their relationship, [...] frequently took the defendant with him to lectures of the Salafi preacher group 'Tablighi'. The defendant became increasingly convinced that she wanted to adopt the Sharia in its entirety, as a result of which she increasingly disliked living in a western democracy and a non-Islamic country.

Even as [...] in the relationship [...], due to her religious conviction she accepted the instruction of her guardian, the 'husband' of the witness at her wedding, [...] that she belonged to her 'husband'

and had her duties, and ultimately gave up on the idea of a separation.

The concrete idea of leaving Germany and living in an Islamic country developed in the defendant after the family's first holiday [...] and their return to Germany in autumn 2011. Feeling increasingly under attack in Germany due to her religion and the wearing of a face veil, which for her were inextricably linked, she hoped for a life there in line with her religious beliefs. Her desire to leave the country focussed on [...], which she expressed to [...]. However, the latter had no interest in leaving Germany and refused her request. As the desire to emigrate persisted and, influenced by her contacts in Salafi circles, she found it increasingly incompatible with her religion to live in a country of unbelievers, at the end of 2012 the defendant contacted two female German converts in Egypt via the 'Kalima4Allah' forum, and they offered the defendant support. Both contacts agreed that the defendant could initially live with them. But [...] was not in agreement with this, and told the defendant that while she could emigrate, she had to leave the children behind with him. Consequently, as she did not dare to leave alone at this point, she abandoned this plan, even though her desire to leave the country remained strong.

The defendant then decided to report on her desire to emigrate, which still very much preoccupied her, on the internet. On Blogspot, a server via which internet blogs can be published, she set up a publicly accessible blog under the address '<http://www.hijrah-fisabilillah.blogspot.com>' with the title 'Hijra fisabilillah – Mein Start in ein neues Leben' [The start of my new life]. On this blog 'Hijra fisabilillah' (which translates as 'emigration because of Allah') and using the pseudonym 'Zunayra', she published various entries in German on the subject 'Ausreise in islamisches Land' [Emigrating to an Islamic country] from at least 30 March 2013 until 24 November 2013. She reported on her motives for relocating to an Islamic country and the relevant status of her emigration plans. She also published legal opinions from Islamic scholars that emigration to an Islamic country was the duty of a Muslim, and called for her readers to leave Germany as well.

In the spring of 2013, her friend [...] and the latter's 'husband' decided to emigrate to Syria. There, they wanted to join the armed fight against the enemies of Islam in Syria, and told this to the defendant and [...]. At that time, the defendant's desire to emigrate to an Islamic country had further intensified. Influenced by her contacts in the forum and her friend [...], she longed to live in an Islamic state of God in accordance with Sharia law. In view of the changing political circumstances and what, in her opinion, was too modern an interpretation of Islam, she now

perceived moving away to [...] as less and less attractive.

[...] repeatedly showed the defendant propaganda videos from jihadist-oriented factions about events locally in Syria, or sent her links to such videos on the internet, which the defendant then looked at. Djenna, for example, showed her a video of a poison gas attack by the Syrian Government near Damascus, where dying children could be seen. The defendant also saw propaganda videos of Jabhat al-Nusra on the internet, which showed attacks against Syrian Government supporters.

On the one hand, the defendant was horrified by the brutality of the jihadist groups in Syria, in particular by Jabhat al-Nusra, shown in the videos. On the other hand, as a devout Muslim and impressed by the Salafist ideology conveyed in the al-Nur mosque, she perceived it as a duty to support her fellow brothers and sisters in faith in Syria in their struggle for a life in a community based solely on the rules of Islam. She therefore decided to travel to Syria to join the fight of jihadist-oriented groups against the Assad regime and to participate in expanding a religious-fundamentalist state according to Sharia law.

She expressed her new desire to emigrate to Syria to [...], who categorically refused to emigrate to Syria. There ensued many disputes between the defendant and [...], who tried to explain to the defendant the riskiness of her desire to move to a civil-war zone with the children, but failed to dissuade her from her plan. As he feared that the defendant would leave for Syria with the children on her own initiative, he obtained an order from the Local Court [...] prohibiting the defendant from taking the children outside the borders of the Federal Republic of Germany.

When the defendant learned of the emigration ban for her children, she tried again many times to persuade [...] and [...] to allow her to leave with the children, but without success. Since her desire to support her brothers and sisters in faith in the armed fight for a life in a state of God in accordance with Sharia law had now become completely overpowering for her, she decided to travel together with Djenna and her 'husband' to Syria and to leave her children behind with [...].

On 14 August 2013, the defendant flew together with [...] and the latter's husband from Berlin to Hatay in Turkey. At Hatay Airport they were collected by a smuggler, who took them by car to an uninhabited house approximately 15 minutes away, and from there they were to be taken to Syria. While waiting, the defendant became concerned because, in her view, it was not correct from a

religious perspective to leave her husband without a divorce, and she likewise feared not being able to remarry in Syria because she had not been divorced. She therefore decided to return to Germany and to ask [...] for a divorce according to Islamic tradition. At the same time, it was her intention to leave Germany again after the 3-month waiting period following pronouncement of the divorce had elapsed, as prescribed by Islam, and to emigrate to Syria. In a text message, the defendant asked [...] to book her a return flight, which [...] did. At her request, the following day the defendant was taken by the smuggler back to the airport, from where she flew back to Berlin the same day.

The defendant returned to the marital home, but at the same time asked [...] for the divorce to be granted, which the he did in September 2013. In the following 3 months, she lived with [...] while preparing for her departure to Syria. The defendant initially intended to live with her friend [...] and her husband in Syria; the couple already lived in Syria near Idlib. During the waiting period, she visited the ar-Rahman mosque in Berlin and a forum for Muslim women. At the same time, she made contact online with a woman called [...] who had already stayed in Syria several times and was also staying in Berlin in autumn 2013. [...] also intended to travel back to Syria.

As [...] and her husband had unexpectedly returned to Germany in autumn 2013, the defendant's initial plan to live with them was shattered. However, as she still desperately wanted to emigrate to Syria and join the fight against the Assad regime and for the expansion of a religious-fundamentalist state following Sharia law, she sought new contact opportunities in Syria and reported on her emigration plans in the 'Kalima4Allah' forum. A woman named [...], who lived in Syria and was looking for a wife for a man, contacted the defendant. As the defendant was in the process of divorce and therefore was not allowed to remarry yet, they both agreed that [...] would contact her again at the beginning of December. The defendant told her friend [...] of the contact with [...] and her proposed suitor [...] then suggested that the defendant could actually marry her own husband (as a co-wife). However, the defendant rejected this proposal. The defendant was instead planning to leave for Syria together with [...] when the waiting period was over at the beginning of December, and to meet [...] and her marriage suitor immediately upon her arrival there.

The defendant also published several entries on her blog 'Hijra fisabilillah – Mein Start in ein neues Leben', in which she addressed this issue.

On 14 September 2013, she published the following poem:

'I tried, didn't dare, You called me, Oh Shahada [confession of faith], I will come to you. I yearn for the mountains, the stones, the places of jihad [struggle], I tried, waited, You called me, Oh Shahada, I will come to you... I said "You are my love" when the dagger sank into my heart, "You are my love" the whole world shall hear, My love is martyrdom. You want a discussion about the word "love"? There is only one word in my dictionary. I am a devotee of jihad, in love with martyrdom. From the mountains, the call comes to me. You called me, O Shahada, I will come to you...'

On 23 September 2013, she made the following entry:

'(..) Allah opened up a different way for me to achieve hijra [emigration] (...) And a potential spouse can already be seen on the horizon (...) There are many religious and personal reasons why it is not possible for me to live here and also why I won't marry here first and then do hijra with the "husband". I know far too many sisters who agreed that with their "husband" for marriage and are still stuck here – for years. I want to and have to go now (..).'

On 7 November 2013, in her blog she wrote the following entry, entitled 'Die Sehnsucht wird größer' [The longing grows stronger]:

'(..) We should turn away from bad people. And that is what we have done. And in sha'Allah [hopefully], it won't be much longer before I am gone from this un-Islamic, hypocritical and disgusting region. Here you just deteriorate, you get sick. I trust in Allah and hope to be healed in an Islamic country. In the land where I will travel (...)'

In November 2013, the defendant said goodbye to [...] and her other relatives. [...], who wanted to emigrate to Syria, contacted her husband in Syria, who told her that both were to fly together to Turkey on 3 December 2013. As the defendant's divorce waiting period ended on exactly that date and therefore, from an Islamic point of view, she was free for a new 'husband', she booked a flight to Hatay for 3 December 2013 for EUR 100 at the travel agency.

On 2 December 2013, the defendant learned from her internet acquaintance [...] via the WhatsApp messaging service that she had a man from Azerbaijan for her; the acquaintance told the defendant how old this man was.

On the morning of 3 December 2013, the defendant said goodbye to [...]. She left [...], whom she handed over [...] with the request [...]. There, she stated, *inter alia*:

[REDACTED]

She then went to meet her friend [...], with whom she travelled to the airport and boarded an aeroplane destined for Hatay. There, as agreed with [...], she was to be picked up by a smuggler and taken to Syria.

Emigration to Syria

The aeroplane landed in Istanbul for a stopover, which the defendant used to put on the face veil in the toilet. The defendant landed in Hatay at around 10 p.m. She was waiting in front of the airport with [...] when a red car stopped in front of them and the driver said [...]. They were then taken to the house of a Turkish woman in Reyhanlı, where they met two other women from the United Kingdom who also wanted to travel to Syria.

The next morning, [...] left the group because her husband had arranged for her to be collected. On the morning of 5 December 2013, a driver appeared with a minibus to pick up the defendant and the two British women and take them across the border to Syria. They were instructed not to speak English while crossing the border. Once at the border, they were allowed to cross into Syria after their bags had been searched.

In Syria, the group first reached a camp for refugees in Adana. There, they were taken to a family who were friends with the two British women. The defendant spent just a few hours in the family's house until she was picked up by an armed man in military uniform and his wife. The man introduced himself as [...] and his wife as [...]. [...] was also called [...] and was a member of IS. The defendant learned that both converts were from the Frankfurt area and had married in Syria, but had not known each other before the wedding. It cannot be established with certainty that the defendant was aware at that time of [...]’s membership of IS or that she had recognised this fact from the uniform he wore.

[...] and [...] then went together with the defendant to a residential settlement in Darat Izza.

II. Offence

1. Islamic State

The so-called 'Islamic State' (hereinafter 'IS') was and is an organisation with militant fundamentalist Islamist leanings whose goal was to topple the Shiite-dominated government in Iraq and the Assad regime in Syria, even at the expense of civilian casualties, and to establish a state of God in accordance with Sharia law encompassing at least the area of present-day Iraq and the historical region of 'al-Sham' (Syria, Lebanon, Jordan and Palestine) and based on its ideology.

a. Civil war in Syria

The protests against the Bashar al-Assad government in Syria, which had been smouldering since early February 2011, escalated from 15 March 2011 due to violent crackdowns on protesters and opposition figures by Syrian security forces, militias and army. The demonstrations – starting from the city of Daraa – were initially mainly located in rural areas and small towns in the predominantly Sunni-populated central, northern and eastern parts of the country. In the following weeks and months, the opposition's predominantly peaceful actions against the regime increased, to which the government response was increasingly repressive and violent. This in turn led to the protest movement becoming militarised. By the end of 2011, the protests had evolved into an armed uprising. Its promoters organised themselves into local groups that were not subject to any central control. The rebellion spread to the two major cities of Hama and Homs. By the spring of 2012, Homs had become the first stronghold of the uprising. At the beginning of 2012, the uprising had covered large sections of the country and expanded into a large-scale civil war. In the summer of 2012, the fight for the city of Aleppo in the north-east of the country broke out, with government forces managing to halt the rebels' advance in Aleppo at the end of 2012.

Among the main protagonists of the insurgents was the Free Syrian Army (FSA), which came into existence in July 2011 as an umbrella organisation for the resistance groups, and which, apart from the objective of toppling the Assad regime, did not have a distinctive ideological profile. In addition, there were Islamist-influenced groups whose aim was to found an Islamic state. These coalitions included IS, which at the time still described itself as an Islamic State in Iraq and Greater

Syria (hereinafter 'ISIS'), Jabhat al-Nusra, Ahrar al-Sham, Suqour al-Sham and Junud al-Sham. As a result of the increasing radicalisation of the insurgents, from 2013 onwards the FSA was driven out of large sections of the areas it had previously controlled by the now dominant Islamist militias.

At the end of November 2013, parts of the insurgent groups had large regions under military control, in particular in the north and north-east of Syria, as well as neighbouring northern Iraq. The Syrian Government was unable to exercise official authority in the insurgent-occupied governorates, nor any sentencing powers in the absence of a judicial system.

b. 'Islamic State' organisation

The IS terrorist organisation can be traced back to a group founded in 2003 by the Jordanian Abu Musab al-Zarqawi under the name at-Tauhid, which was renamed 'al-Qaida in Iraq' in 2004 after al-Zarqawi swore his allegiance to Osama Bin Laden, the leader of al-Qaida at the time. From October 2006 onwards, it operated as 'Islamic State in Iraq' (hereinafter 'ISI') with the aim of building a separate Sunni state in Iraq. In order to achieve this goal, numerous attacks were carried out against politicians, the security forces and the Shiite civilian population. Although the group came increasingly under pressure from 2007 onwards as a result of the involvement of US military forces, it was able to hold its ground until the withdrawal of US troops at the end of 2011.

Abu Bakr al-Baghdadi (hereinafter 'al-Baghdadi') was appointed as the organisation's new commander (emir) in April 2010. He saw the beginning of the civil war in Syria as an opportunity to extend ISI's influence beyond Iraq to Syria, and sent individual fighters to Syria to explore the possibilities of joining in the civil war. Following the withdrawal of the American troops, ISI succeeded in recovering in Iraq, with the result that Syrian ISI members, headed by Abu Mohammad al-Julani (hereinafter: 'Al-Julani'), established Jabhat al-Nusra li-Ahl al-Sham, which became one of the key players in the Syrian civil war.

Following increasing tension between al-Baghdadi and al-Julani over the claim to leadership of Jabhat al-Nusra and/or the relationship between ISI and Jabhat al-Nusra, on 8 April 2013 al-Baghdadi proclaimed the 'Islamic State in Iraq and Greater Syria'¹ (hereinafter 'ISIS'), hence an

Iraqi-Syrian organisation made up of ISI and Jabhat al-Nusra. However, Al-Julani publicly refused to put Jabhat al-Nusra under the command of al-Baghdadi and sought support from Ayman al-Zawahiri, who had assumed leadership of al-Qaida following the killing of Bin Laden, by swearing allegiance to him. In the effort to resolve the conflict, Ayman al-Zawahiri disseminated a statement that both organisations should operate independently of each other in their respective home countries. Al-Baghdadi, however, insisted on the continuation of ISIS in both countries.

ISIS was subsequently able to gain a further foothold in Syria. Al-Baghdadi also took action against Jabhat al-Nusra, gradually taking over their bases in the east and north of the country. From the second half of 2013, significant tension and armed conflicts ensued between ISIS and the other groups. In July 2013, members of ISIS assassinated a prominent FSA commander followed by other important commanders of non-jihadist organisations.

Many foreign fighters joined ISIS, including those from the Jaish al-Muhajirin wal-Ansar ('Brigade of Emigrants and Helpers', hereinafter 'JAMWA'). JAMWA is a jihadist group of Chechen fighters founded in the summer of 2012, under the leadership of Abu Omar al-Shishani, (hereinafter 'al-Shishani'). JAMWA regarded armed struggle as a core religious duty. On 21 November 2013, al-Shishani declared that JAMWA was joining ISIS.

In December 2013, the murder of an Ahrar al-Sham commander prompted open military conflict between ISIS and the 'Islamic Front', which was created in November 2013. This conflict involved, among others, Ahrar al-Sham and a number of FSA factions. Conflicts also intensified at the beginning of 2014 between ISIS, which insisted on maintaining its own presence in Syria, and Jabhat al-Nusra, with the result that in January 2014, Ayman al-Zawahiri proclaimed ISIS's exclusion from al-Qaida. From March 2014 onwards, this ultimately led to armed conflicts between Jabhat Al-Nusra and ISIS.

On 29 June 2014, after ISIS had succeeded in making major territorial gains in Iraq and taking Mosul, Iraq's second-largest city, at the beginning of June 2014, al-Baghdadi proclaimed the so-called 'caliphate' and renamed ISIS 'Islamic State' (IS).

Subsequently, in Syria, IS succeeded in driving Jabhat al-Nusra out from its last strongholds in the east of the country, whereupon from July 2014, IS controlled the contiguous regions of eastern

Syria and north-western Iraq. At that time, the Iraqi Government was also unable to exercise official authority in the governorates occupied by the insurgents, nor any sentencing powers, in the absence of a judicial system.

As a result of air strikes on IS territory by the US and its allies, IS came under growing military pressure in Iraq from August 2014 and in Syria from September 2014, resulting in it being pushed further and further back from 2015 onwards. Iraqi troops were able to recapture a number of cities in Iraq, including Tikrit in March 2015, Ramadi between December 2015 and January 2016, and Fallujah on 17 June 2016. In Syria, the Government succeeded in recapturing areas of the country with military support from the Russian Federation and the Islamic Republic of Iran. In early March 2017, al-Baghdadi proclaimed IS's defeat in north-western Iraq and ordered his fighters to withdraw into the Syrian and Iraqi mountains. In July 2017, the city of Mosul was finally recaptured by Iraqi troops, with the city of Tal Afar following in September 2017. IS was driven out of its Syrian stronghold in Raqqa on 17 October 2017. By the end of 2017, IS's last places of refuge were taken, predominantly by Syrian government troops.

c. Organisational and leadership structure

The organisation is headed by the Iraqi Abu Bakr al-Baghdadi as the 'Commander of the Faithful', who has led IS as a caliph since June 2014. He is assisted by a large and a small shura (council) as an advisory body. The large shura is composed of tribal representatives and experts from different areas, whereas the small shura, which is responsible for urgent decisions, is composed of five members. Below the shura, there is a 'cabinet' of several ministers, including a prime minister and a war minister, as well as the position of a spokesperson, which was occupied by Abu Muhammad al-Adnani from August 2011 to August 2016. Important field commanders, who are also emirs of the individual governorates, answer to the cabinet. The function of the emir in northern Syria was held by al-Shishani, the former leader of JAMWA.

In addition to the emirs, IS set up a rudimentary administration in each governorate and city. This included at least a Sharia officer or a Sharia committee, responsible for interpreting and applying Islamic law in accordance with IS ideology. For this purpose, Sharia courts were installed, where religious scholars of IS administer justice. A religious police force, the 'Hisbah', was set up parallel to this; it punishes violations of the Salafist rules of conduct with heavy penalties.

At the lowest level of the hierarchy are the IS fighters, who each belong to a brigade headed by a leader with local competence. At the time of the offence, foreign volunteers made up a not insignificant proportion of the fighters, several thousand of whom came predominantly from Saudi Arabia, Morocco, Tunisia and Europe. IS's uncompromising ideological and strategic orientation made it seem particularly attractive to foreign fighters, especially because since 2014 they were able to live in an Islamic state with a Salafist character, exactly as the Salafists imagine life in Mecca and Medina in the 7th century. The volunteers were able to travel relatively easily to Turkey, and from there to reach Syria, either using the official border crossings or illegally with the help of smugglers.

At the time of the offence, wives of IS fighters were used by IS for a wide variety of tasks. On the one hand, and in line with the traditional understanding of the role, they took care of housekeeping and childcare, and looked after their husbands. They provided logistical and mental support in the spirit of IS, which was very important to win over fighters and to keep up morale. This job was well rewarded by the organisation. On the other hand, however, women were also increasingly involved in military and/or operational activities. They were deliberately used in situations where a body search was to be avoided. Women carrying explosives or weapons usually had greater opportunities than men to move about undetected, as they were perceived as less of a threat or there were no female inspection personnel, so they were also used as suicide bombers. In Raqqa, IS also founded the al-Khansaa Brigade, an all-woman brigade functioning as a female morality police unit to monitor the strict observance of the rules of conduct as regards women's clothing and gender segregation. The women serving there were experienced in handling weapons and had undergone military training.

IS also used women specifically for propaganda purposes, in particular with the aim of recruiting other women for IS and persuading them to move to the caliphate. IS women who had links to the West were particularly used to recruit women from these countries. The women were able to make use of the communication opportunities offered by the internet for this. It was only after mid-2015 that Islamic State started to restrict private internet access and increasingly set up internet cafés for using the internet. These cafés were strictly regulated and monitored.

Acknowledgements of attacks or statements regarding operations in Syria and Iraq were and are the responsibility of the 'Ministry of Information' and are produced and disseminated by IS's own

media outlets. The visual symbol of IS is a logo that, with or without the name of the organisation, shows the 'Seal of the Prophet' (a white oval with the Islamic confession of faith).

From 2013 to 2015, IS financed itself through the sale of oil, the majority of which came from IS-controlled fields in eastern Syria, as well as through the collection of local taxes, protection money, customs duties, ransoms and donations. These substantial funds allowed IS to pay its fighters in Syria and Iraq a monthly salary of at least USD 100.

d. Objective and *modus operandi*

The objective of IS is to establish an Islamic caliphate. As Iraq had been at the forefront of activities in the first few years after 2003, from 2013 onwards the focus was directed towards the establishment of an Islamic state in Iraq and the adjacent parts of eastern and northern Syria, by which means the existing borders of the nation states in eastern Arabia were to be overcome. As a short-term objective, this was ultimately to serve as the conquest of Palestine, the 'liberation' of Jerusalem and ultimately the creation of a global caliphate.

At the time of the offence, IS strategy aimed at weakening the Iraqi and Syrian states through terrorist attacks to swell their own ranks, so as ultimately to seize power in both states through the use of force and to become the sole legitimate representatives of the Sunni people in both countries. A difference between the Iraqi and Syrian strategies was that IS was already the most important insurgent group in Iraq, whereas in Syria it first had to try to eliminate its competitors among the rebels, in particular the FSA.

In Iraq, ISIS initially typically chose car bombs to carry out terrorist attacks, where a suicide bomber takes a car or truck loaded with explosives as close as possible to the pre-selected target, and once there, detonates it. Since 2003, IS has been responsible for hundreds of these attacks, which were primarily directed at the Iraqi Government, the security forces and the Shiite civilian population. From 2009 onwards, the organisation has also successfully perpetrated more complex attacks combining various practices, such as suicide and car bomb attacks, with the result that there has been a marked increase in casualties since then. On 19 August 2009, attacks were perpetrated against government institutions in Baghdad, killing at least 95 people and injuring over 400; on 25 October 2009, killing 132 and injuring more than 600; and on 8 December

2009, killing more than 100. International hotels in Baghdad, such as the Babylon Oberoi, the Hamra and the Palestine, were the targets of coordinated attacks of 25 January 2010. Attacks on the embassies of Iran, Germany and Egypt in Baghdad on 4 April 2010 killed 50 people and injured around 200. Around 20 January 2011, attacks were perpetrated on the Shiite civilian population in the pilgrimage city of Kerbala, killing 30 pilgrims. On 13 June 2012 and 20 May 2013, 70 and 95 people died respectively and 200 were injured in further series of attacks in Baghdad and other cities. On 21 July 2013, ISIS attacked Abu Ghraib prison. More than 100 people were killed in the detonation of two explosive devices during a funeral ceremony in Baghdad on 21 September 2013. Between January 2013 and mid-February 2014, there were more than 50 attacks in Baghdad, Kirkuk and other towns in Iraq, leaving many dead and injured. At the beginning of August 2014, members of IS surrounded the settlement area around the Sinjar mountains in north-western Iraq, mainly populated by Yazidis, and occupied the localities there. Tens of thousands of Yazidis were forcibly displaced. The men who were unable to flee were forced to convert or killed; women were abducted, enslaved and raped as spoils of war.

In Syria, units attempted to take over territorial sovereignty, especially in the north and east of the country where they attacked Syrian government facilities and troops and as opposing rebel groups. In the areas controlled by IS, its followers used extreme brutality against enemy combatants and the civilians. Violations of Islamic law, as interpreted by IS, were punishable by draconian penalties, such as the severing of extremities or flogging. Public executions have taken place repeatedly since autumn 2013. Executions and acts of abuse were documented using video footage and photographs and published on the internet. Decapitated heads, often impaled on nails or sticks, were put on public display.

In 2013, a number of geographical core areas had emerged in which IS developed terrorist activities in Syria. ISIS took part in a major offensive by a number of insurgent groups against Alawite villages in the Syrian governorate of Latakia in August 2013, perpetrating a massacre of the population in which more than 150 civilians were killed. Since July 2013, there have been numerous clashes with government forces in the area around the Syrian capital Damascus. On 20 November 2013, ISIS carried out a suicide attack on a checkpoint set up by government soldiers in the city of al-Nabek. IS also operated in the Homs and Hama region in central Syria. At least three people were killed in a car bomb attack in al-Sabboura on 1 July 2013. As many

as 1 000 ISIS fighters took part in a major operation in the eastern part of Hama. In Idlib, on 13 October 2013, members of ISIS kidnapped six employees of the International Red Cross. In capturing the city of Raqqa on 29 April 2014, members of ISIS publicly executed seven men and boys.

Aleppo Governorate in northern Syria, situated on the border with Turkey, was a focal point of ISIS's military activities. After fighting the Kurdish YPG, the Syrian military and rival terrorist groups, ISIS succeeded in controlling parts of the cities of Aleppo and al-Bab. ISIS repeatedly abducted and executed members of other groups. On 17 January 2014, more than 30 people, the majority of them women and children, died in an ISIS car bomb attack in Jarabulus. A further car bomb attack on 1 February 2014 killed 26 people. On 2 February 2014, an ISIS suicide bomber blew himself up, killing 16 people, at the headquarters of a rival rebel group in Aleppo.

ISIS carried out attacks killing a number of people on 25 October 2013, 2 January 2014 and 17 January 2014 in Lebanon, which IS considers to belong to Greater Syria.

Shortly after the American air strikes on Iraq's territory began in August 2014, IS murdered the American journalist James Wright Foley, who had been abducted in November 2012. This was followed by similar staged executions of American, British, Syrian and Jordanian military personnel, in each case filmed and publicly distributed.

In addition to military operations and attacks in Iraq and Syria, IS carried out attacks in Europe. On 13 November 2015, nine IS members carried out attacks in five different locations in Paris, killing a total of 130 people and injuring 352. On 22 March 2016, 35 people died and more than 300 were injured in suicide bombings by members of IS at Brussels Airport and in central Brussels. On 19 December 2016, 11 people were killed and 55 injured in an IS attack on the Berlin Christmas market at the Memorial Church on Breitscheidplatz in the Charlottenburg district.

2. The defendant's participation as a member of Islamic State

The defendant's marriage and residence in the settlement of Darat Izza from 5 December 2013 until late December 2013

The town of Darat Izza, to where the defendant had been brought by [...] and [...], is located close

to the 'Sheikh Suleiman' training camp.

The 'Sheikh Suleiman' training camp, as the defendant quickly learned, is a former military base of the Syrian regime west of Aleppo. The base had already been captured by Syrian rebel groups in December 2012 and was subsequently used by various groups to train new fighters. The camp was divided into two sections. One section was used by the Arab groups, and the other by the Chechen groups.

Upon arrival in Darat Izza, the defendant was taken to the home of [...]. The latter's 'husband', as the defendant learned locally, had died 2 weeks earlier. [...] cannot be established with certainty that at that time the defendant was already aware of this or had recognised it from the overall circumstances. [...] stated that the next day, [...], known as [...], the suitor already proposed to the defendant back in Germany by [...], would be coming to meet the defendant.

[...] was an Azerbaijani national who presumably had initially been a JAMWA member under the leadership of al-Shishani in Syria. [...], who was personally well acquainted with al-Shishani, had presumably assumed a leadership role within JAMWA. Upon JAMWA's affiliation with IS, which was declared by al-Shishani on 21 November 2013, [...] had become a member of IS (still known as ISIS at the time) at this point at the latest.

When she met [...], the defendant was aware that [...] had been involved as a jihadist fighter in the military conflict against the Syrian Government with the objective of establishing an Islamic 'state of God' in accordance with Sharia law in Syria, but it cannot be established with certainty that at that time, the defendant already knew or had recognised from the circumstances that [...] was a member of IS (ISIG).

On the evening of 6 December 2013 at the home of [...], the defendant and was therefore met [...] He spoke of his ideas regarding a marriage with the defendant As [...] spoke neither German nor English, unable to communicate verbally with the defendant, [...] had to translate between the two of them. The defendant learned at this meeting that [...] already had a first wife, who lived not far away in Anadan. the defendant agreed to enter into marriage with [...]. The marriage was performed at the residence by an imam according to Islamic tradition.

Following the wedding, they both went in the car of [...] to his home, which was in the same

settlement. The defendant occupied the three-room flat and subsequently took care of household duties. During the day, she occupied herself with studying the Koran and frequently received visits from [...]. In the mornings and evenings, she prepared meals for her 'husband'.

In the first week of her stay, [...] brought a Beretta type 92 F or FS pistol home and claimed it was a 'gift'. He showed the defendant how to take the 9 mm x 19 calibre pistol apart, clean it and put it back together.

On another evening in December 2013, [...] brought home a Czech-made machine pistol, later described by the defendant as an Uzi. This was either a 'model 25' 9 mm x 19 calibre or a 'model 26' 7.62 mm x 25 calibre. Which model this was cannot be determined. [...] stored both weapons, the pistol and the Uzi, on top of the cupboard in the bedroom. From that point on, the defendant had unrestricted access to the weapons.

In late December 2013, [...] decided to move to Haritan, about half an hour away from Darat Izza. [...] and [...] were to accompany the pair.

January 2014 stay in Haritan and joining IS

The defendant moved with her 'husband' into their own flat in a residential building used, among other things, as a women's residence. The bedroom of the flat was already furnished. The building had four floors, with each floor accommodating three flats with four to five rooms each. The defendant and her 'husband' lived in the basement. Their immediate neighbours were [...] and [...].

A few days after arriving, the defendant heard aircraft and the launching of missiles [...] told her that the Assad regime had bombed Anadan. By this point at the latest, it was clear to the defendant that [...] was a member of 'Islamic State in Iraq and Greater Syria' and, after it [...] was renamed in June 2014.

She learned that [...] and herself were financed by ISIC by around USD 100 per month together, and that ISIS would pay a supplement of USD 35 for each child. In addition, as she now knew, ISIS regularly supplied them with food packages and occasionally with clothing. She realised that ISIS was providing them with free accommodation, including the flat where she now lived. When the defendant wanted to furnish this apartment further, [...] told that he would not spend any

money on that, and that she should use her 'ghanima' [spoils of war]. The defendant had already learned previously from Umm Furkan that the word 'ghanima' meant 'spoils of war'. [...] went on to explain to her that the work of ISIS fighters was the jihad [struggle] and that the wage would include, *inter alia*, objects looted by ISIS during combat operations. She was to express her wishes to [...], who would procure the items for her. The defendant did so. She now knew that she was pregnant, and furnished the apartment with looted furnishings as she saw fit.

The defendant, who was desperate to live in an Islamic state following Sharia law, therefore decided also to join ISIS at this point at the latest, and to support her husband as a fighter in all respects. Having already identified with the ideology, actions and objectives of a jihadist organisation in Germany, at this stage at the latest endorsing the organisation's practices, with which she was familiar at this time, she integrated permanently into the day-to-day life of the organisation, subordinated herself to the will of the organisation in agreement with those responsible for it, and agreed to promote their terrorist objectives.

[...] also told defendant at this point at the latest that if she wanted to leave the apartment, she should always arm herself so that she could defend herself against enemy fighters. For this purpose, she should carry the Uzi or the Beretta with her, which had been in the household since late December.

The defendant was fully aware that the weapons originated from ISIS and took both the Beretta and Uzi, in the knowledge that she had no weapons permit, a requirement even under Syrian and later Iraqi law. She kept the Uzi and the Beretta on the cupboard in the bedroom in her flat, and also took them with her when the couple moved or when she stayed in a women's residence, thereby complying with the instructions of [...].

She carried at least the Uzi with her when outside the flat, in order to be able to defend herself against attackers.

The defendant was instructed on how to use the machine pistol, which was constantly loaded with a magazine, by her neighbour, [...], who also possessed one. Once she understood how the Uzi worked, at this point at the latest she recklessly disregarded the fact that the weapon was a weapon of war. The defendant had not been granted a licence to possess this weapon under the War Weapons Control Act; no notification relating to possession of the weapons had

been made to any authority, either by the defendant or by anyone else. The defendant was aware of this lack of notification.

One afternoon in the first week of January 2014, [...] taught the defendant how to handle weapons. In so doing, his intention – which the defendant was aware of and approved – was to enable her to fight opponents of ISIS in the event of an unexpected appearance. He went with her to the nearby former military base ‘Sheikh Suleiman’, which, as the defendant now knew, was being used by ISIS to train fighters. [...] had told her in advance to take the Uzi – which she now knew came from an ISIS arsenal – to the former military base, which she did. [...] took four other weapons from an ISIS storage facility at ‘Sheikh Suleiman’, to which he had free access. The defendant observed this. Among these weapons was assault rifle described by him as a Kalashnikov. He explained the individual weapons to her and how to operate them, in particular how to disengage the safety catch. The defendant herself practised shooting with her Uzi, the Kalashnikov and two other weapons.

Not until 9 September 2014 did [...] return the Uzi to the ISIS arms cache, after a shot had gone off unintentionally in the hands of the wife of another IS fighter, who had also used a weapon of this type, as [...] described. The defendant had the Beretta at her sole disposal until at least 2 June 2016. Whether the weapon was returned by [...] to the arms cache or was otherwise lost cannot be determined.

When, in mid-January 2014, fighting also erupted in Haritan between ISIS and opposing factions, including the FSA, the city was surrounded by opposing factions. The residents of the women’s residence where the defendant’s flat was also located were given 2 days to leave the building.

The emir of the women’s residence then led the women, including the defendant, into the cellar of the building. The defendant knew that all ISIS women’s residences were managed by their own ‘house emirs’. They were responsible for ensuring the women’s safety and, at the same time, the women had to comply with the instructions of the respective emir in their husbands’ absence. The defendant accepted this and, during this and future stays in women’s residences, deferred to the authority of the relevant emir.

The emir now instructed the women, including the defendant, to detonate three explosive belts worn by the three Caucasian women if the house was captured by enemy fighters. However,

before detonating, they should wait until the opponents had entered the cellar so that the women did not kill themselves in vain, but would at least take a few enemies with them. It cannot be determined whether the defendant herself was wearing an explosive belt. However, the ISIS fighters managed to repulse the adversaries, so the women, including the defendant, were allowed to return to their homes.

When the fighting escalated after 2 days, Haritan was bombarded multiple times and an increasing number of women were being lodged in the women's residence by ISIS, the women, including the defendant, were forced to leave the town on al-Shishani's orders.

On 23 to 24 January 2014, the women were taken out of the house by ISIS fighters and taken by bus to Raqqa via al-Bab, where they spent two nights. The bus had been disguised as a Jabhat al-Nusra coach for this purpose, so as to be able to leave Haritan unchallenged. Meanwhile, [...] remained in Haritan because of continued skirmishes.

Stay in Raqqa from February to early March 2014

In Raqqa, the defendant was initially housed by ISIS with more than 40 women and their children in a luxurious villa that was being used as a women's residence, some distance outside the city.

There, she met three other German women, [...] and [...]. After 2 weeks, she was relocated with all the women from the Chechen community to another women's residence in the city centre. Under the supervision of the house emir, the defendant was allowed to shop in the bazaar with other women and visit an internet café, which the defendant used to maintain contact with her family.

On 2 March 2014, the defendant's 'husband', who was previously still deployed in the fighting in Haritan, also arrived in Raqqa. Initially for 5 days, they both lived in a flat that had been set up by ISIS so that fighters could spend a few days together with their wives. During this time, [...] told her that they would be moving to Manbij. During the fighting in Haritan, he had been promoted within ISIS and was now a military emir. They set out together in the car of [...]. They were accompanied by two ISIS fighters who now escorted [...] at all times for his protection, which the defendant noticed.

Stay in Manbij from March to June/July 2014

Upon arrival in Manbij, [...] met the local emir responsible for ISIS's property management to view flats with him. The defendant had learned earlier that ISIS had placed under its administration the houses and flats whose owners had previously fled from ISIS, and had them managed locally by an emir who leased the properties to ISIS members rent-free. The defendant knew that this also applied to the flats to be viewed in Manbij.

The emir accompanied [...] and the defendant in his own vehicle to various flats and houses, which he showed to [...]. [...], who due to his high-ranking position in ISIS was allowed to choose between the properties, selected a luxurious villa in the countryside with a veranda and surrounding rooftop terrace. The house, surrounded by fields and olive trees, was empty, the owners having only left the bedroom furniture when they fled. To furnish the house, the defendant chose, among other things, brand-new household appliances from the spoils of war, namely a refrigerator, a washing machine, a vacuum cleaner, a microwave and a gas cooker with an oven. The defendant and [...] then moved in mid-March 2014 into the villa, complete with the new furnishings. The defendant knew that she and her husband did not need to pay rent for this property.

The use of the house served not only for living comfortably, but also the objective pursued by the defendant, namely to reside on a permanent basis as an ISIS member in the city controlled by the organisation; to intensify the expulsion of the original owners, who in her view were infidels as they had fled; and, as a member of the organisation, to consolidate ISIS's claim to power by taking possession of the property, and to make it more difficult for opposing military organisations to recapture the region.

In Manbij too, the defendant managed the household, took care of [...]s laundry and prepared his meals. She had regular contact locally with two women who spoke German, [...] and [...], as [...] was often absent for days due to his activity as a military emir. Whenever he was in Manbij, he went shopping with the defendant and they went out for walks. On these outings, she noticed that ISIS was strengthening its control locally. For example, multiple buildings were painted completely black with the symbol of the 'Seal of the Prophet' used by ISIS, and the Sharia was being implemented step by step. The defendant welcomed this warmly, as it was in line with her

philosophy and her long-cherished desire.

While out for a drive with [...], he stopped near a large car park where the defendant saw a large gathering of people. They got out and went up to the crowd. The crowd, which included civilians, uniformed ISIS fighters and women wearing full veils, was standing in front of an elevated podium. The crowd made way for [...], who because of his elevated position in ISIS, was well-known in the city, not only to the fighters present but also the civilians. [...] led the defendant through the crowd to the other women, where they went to a square where she could observe the event easily. The defendant observed a masked man, dressed entirely in black, standing on a podium making a speech in Arabic. Shortly afterwards, two other masked men came into the square, each with a prisoner who was blindfolded and whose hands were tied. The prisoners had to get down on their knees. When the man had finished his speech, the two men aimed their weapons at the prisoners, shouted 'Allahu akbar' [Allah is almighty], and shot them in the head. The executed prisoners were then taken away and the crowd dispersed. When the defendant, alarmed at first by what she had seen, asked [...] what the men had done, [...] stated that they were spies who had to be killed. The defendant then recognised and accepted *per se* that punishments such as flogging, stoning and execution were part of Islam, hence they were part of the Sharia in whose purview she desperately wanted to live.

This was the first execution by ISIS in which the defendant had participated. On a separate occasion shortly after this, the defendant passed through the square again when she was on her way to the IS (ISIS) court with Umm Dujana. She realised from the crowd of people and the erected podium that another execution was taking place. As she now endorsed executions, she decided to attend this one and demonstrate her stance publicly by her presence. She observed that a speech was being made behind the crowd, and upon the declaration 'Allahu akbar', a young man was killed with a sword. The victim was then tied to a tree and a note stuck to his chest. The defendant then took a photo of the dead man with her smartphone. After the event, the defendant heard rumours that the young man had been accused of raping a woman, but that the rape had been fabricated.

In mid-April 2014, the defendant found that she was pregnant again, after having previously had a miscarriage. She felt increasingly insecure in the remotely situated house because of her husband's absence, often for several days; at the same time, she feared that in the event of [...]s death, IS (ISIS) would forget her in the villa. Therefore, at her request, they had themselves

allocated a two-room flat in the centre of Manbij by the emir responsible for allocating properties, then moved into it. They took with them the household effects they had been allocated from the spoils of war. Following the repairs that the defendant had carried out, the villa that she had occupied was left in a better condition than when she and [...] had taken it over.

2 weeks after the move to the centre of Manbij, Al-Adnani, as spokesman for IS (ISIS), announced, as the defendant also learned, that [...] had been appointed as emir of a special unit in Raqqa by order of al-Baghdadi, so they left Manbij.

Return to Raqqa in May 2014

In Raqqa, the defendant stayed the first 2 weeks with [...], whom she knew from her previous stay in Raqqa, while [...] looked for somewhere to live.

[...] and the defendant were then allocated a flat in the city centre by the emir of IS (ISIS) responsible for property administration. The flat had three rooms, a modern toilet, a shower, a living room with air conditioning, and an attractive fitted kitchen. [...] and the defendant moved into the flat in mid-May 2014 and set it up with the furniture they had taken with them from Manbij. They remained in the flat for about 2 months. Due to the repairs the defendant had undertaken, when she moved out she left the flat in a better condition than when she and [...] had taken it over.

Again, the defendant knew that the flat's owners had fled from IS (ISIS) when the flat had been allocated to [...] and her by IS (ISIS), and that she did not have to pay any rent for the flat. The use of the flat and furnishings again served the defendant's purpose of staying permanently as an IS (ISIS) member in the city controlled by the organisation, to intensify the expulsion of the original owners, and to make it more difficult or impossible for enemy groups to recapture the city in the long term.

Near the flat, there was an internet café, from where [...] and the defendant obtained an internet connection for their apartment. She then told [...] of her internet blog 'The start of my new life' that she had run in Germany.

As IS (ISIS) used women specifically for propaganda purposes, in particular with the aim of recruiting other women for IS (ISIS), who would in turn marry and support the men fighting locally, [...] reacted enthusiastically to the defendant's anecdote about her blog. They therefore jointly decided that the defendant would continue her blog using her publications to persuade Muslims,

particularly German-speaking women, to emigrate and come to the region controlled by IS (ISIS), and thus increase its fighting capability with a view to ultimately helping to achieve IS's (ISIS) objectives.

From 12 June 2014 until at least 13 November 2014, the defendant continued to run her blog under the address <http://www.hijrah-fisailillah.blogspot.com> entitled 'Mein Leben in Syrien' [My life in Syria] and using the pseudonym [...].

In addition to reports on her experience as a woman in IS (ISIS), in her blogs she posted entries in which she advertised and justified the way of life, rules and objectives of the organisation and the use of force to enforce these. She also published photos of her life in Syria. She took photographs of the furnishings of the flats she had been provided with and posted them on her blog. The defendant also published everyday images, such as the offer of goods in supermarkets and meals in restaurants. She was careful to select the images that portrayed life with IS (ISIS) to be as comfortable as possible, even though she knew that this was often inconsistent with the actual conditions. The defendant therefore showed only the best accommodation and its furnishings on her blog. At the same time, she also published pictures with which she wanted to show the consequences of war, such as damaged homes, with the aim of demonstrating to German-speaking Muslim women the importance of joining IS (ISIS) and its struggle.

In her blogs, she gave advice on exactly how to emigrate and come to IS (ISIS), and invited readers who were interested in leaving the country to contact her for further advice via her private account, which was also used in individual cases. The defendant replied to questions posed by people interested in emigrating, with the aim of persuading them to leave and come to the caliphate. The defendant also had a Facebook page, on which she made her membership of IS (ISIS) manifestly clear through the design of her page, such as the use of the symbol of the 'Seal of the Prophet' used by IS, and the content of her writings. She also campaigned for emigrating and joining IS (ISIS) on these pages. Her pages were linked to one another so that her publications could be disseminated as broadly as possible. As Facebook usually blocked her pages after about 1 month each time, the defendant was repeatedly forced to create a new Facebook page. Whilst living in Syria, she maintained the Facebook pages one after the other. [...]

At the start of the defendant's activity, [...] had her postings shown to him prior to publication and

checked the content with the assistance of German-speaking fighters. Eventually, [...] gave the defendant free rein, trusting in her conviction in line with IS (ISIS) ideology, so she could publish entries independently even during his absence, especially since, as was the case with IS (ISIS), her internet postings were all followed by other members, and to a certain extent also monitored.

The defendant initially published entries that she had already posted on her blog 'The start of my new life', which was still operated in Germany. For example, on 12 June 2014, she repeated the poem that she had already published on her previous blog on 14 September 2013.

On 13 June 2014, she campaigned for joining IS (ISIS) under the heading 'Der Islamische Staat ist absolut gegen Teilung...' [The Islamic State is totally against division...] stating, *inter alia*:

'but for the unity of Muslims under the flag of Islam, the flag of the Tauhid [monotheism]. This applies to both Iraq and Syria, and obviously the Islamic State, which represents a clear Aqidah [doctrine] and is known for its uncompromising politics, whose ONLY aim is to attain the pleasure of Allah and expects the other small(er) groups to join it. That is the most correct thing. Muslims are outnumbered, less well-equipped than their enemies. If you do not unite when you become one body, victory is very unlikely. It is counterproductive for the jihad [struggle] / Ummah [community of believers] if the Muslims and countless leaders gather together, even in one place. (...) Unlike other organisations, Islamic State has many years of experience and is tightly organised. The leaders of Islamic State have proved in the past that they are tactically astute and do not make amateur mistakes. (...) Anyone who jeopardises the unity of the mujahideen [fighters] and disapproves of the mujahideen uniting under the flag of the Tauhid, damages the jihad [struggle], the Ummah, and should fear Allah! (...)'

On 16 June 2014, she added under 'Immer diese Helis...' [Always these helicopters]:

'(...) Recently Dawla [the state] already had its first air strike, thus taking a major step forward. We are conquering more and more territory, getting bigger and stronger (...)'

In mid-June 2014, [...] drove with the defendant to a large, remote lake near Manbij so that she could be trained again in the use of weapons and to conduct target practice. The defendant practised shooting there. She trained once again with the Kalashnikov that [...] carried, as well as with a weapon described by [...] as a Makarov, which the latter had left her in Raqqa shortly before

for her own benefit and use. This refers to a Russian pistol model 'Makarov PM' or a licence manufacture with a 9.2 mm x 18 calibre.

Again, the defendant knew that this weapon also came from the IS (ISIS) arsenal. She took this weapon too, knowing that she had no weapons permit, a requirement even under Syrian law, thus complying with [...]’s request. The firearms training was once again intended, as the defendant knew and condoned, to enable her to defend herself against enemies of IS (ISIS) with the use of weapons. The defendant had the Makarov for her own use until at least 2 June 2016. Whether the weapon was lost or was returned by [...] to the IS arsenal cannot be determined.

In a blog entry of 20 June 2014, the defendant reported on this firearms training, just as she also described in detail her possession of weapons in various other blog entries. With this, she sought to portray herself as a strong woman in order to portray emigration as beneficial for personal development to interested parties.

During her stay in Raqqa, the defendant was also present at other public executions by IS (ISIS), attending 10 executions in total during her stay in the territory. At the executions, just as at the first execution, her 'husband' cleared a path for her because of his prominent position with IS (ISIS) so that she could have a good view of the events. Her role, as communicated to her by her 'husband' and IS (ISIS) and which she consciously and willingly accepted, was to be recognised as a female IS member by the local civilian population and for the execution to be perceived as approved.

At the same time, the defendant addressed the issue of executions by IS (ISIs) in her blog, justifying them on the grounds that they were necessary to achieve IS’s (ISIS) objectives of establishing a state of God. For example, on her internet blog 'My Life in Syria', on 18 June 2014 she published a photograph of an execution with the title 'Haddstrafe für Vergewaltiger' [Hudud (punishment mandated by God) for rapists] and on 20 June 2014 three photographs of executions under the heading 'Haddstrafe für Murtadeen' [Hudud for murtadeen (apostates)]. The series of photographs uploaded on 20 June 2014 was supplemented by a photograph of a poster, which the defendant entitled 'Eines der coolen Bilder in Bab' [One of the cool pictures in Bab].

On 21 June 2014, she wrote, *inter alia*, under the title 'ISIS = Verräter?' [ISIS = traitor?]:

‘(...) I always like to say that people who are far away from the battlefield talk most about it and then in the worst way, by spreading lies and stories without checking their veracity(...) Be careful

what you spread subhanallah [praise be to Allah]. There is talk of so many brothers having left ISIS to go and join JN or something. But no one mentions that a great many from JN and AS and FSA have joined ISIS and sworn the bay'ah [oath of allegiance] to Abu Bakr al-Baghdadi (...) All the good deeds of ISIS are concealed. Then, just like the three monkeys, they 'see nothing, hear nothing, say nothing(...)'

When the caliphate was proclaimed by al-Baghdadi on 29 June 2014, the defendant was enthusiastic and on that same day wrote on her internet blog:

'Khalifa [succession in the rule of a caliph]!!!: 'Alahu akbar [Allah is almighty]! The caliphate [rule of a caliph] is re-established. 1st day of Ramadan [month of fasting] 1435 29 June 2014 It is a duty to know that the highest authority (caliphate) over the people is one of the most important obligations in religion. In fact, without it there is no foundation. This (opinion) is the opinion of Al-Fudayl ibn 'Iyad, Ahmad ibn Hanbal and the Salaf (Imam ibn Taymiyyah).'

On 30 June 2014, she added the following comment to her entry:

'The people in Raqqa are celebrating'.

On 1 July 2014, she published the following entry under the heading 'Und täglich grüßt das...' [And every day is greeted]:

'(...) Now on the one hand, I love it when I witness the jihad [struggle]. But as we are not living on the frontline, it is something of a rarity. And then when something happens, it is like a thrill. At the same time, there is also a queasy feeling. When my best friend told me about Syria, she said, "I have never loved a country so much and feared it at the same time". And these words describe this feeling perfectly. You love it and you fear it. But love prevails. (...) I love it because of Sharia [Islamic law]. I love it because Allah's will is being fought for here. I love it because of the nine khalifa [succession in the rule of a caliph]. I love this country. And inshallah [hopefully] we will still achieve a great deal here (...)'.

On 2 July 2014, XXXXXX

'The address of our caliph Abu Bakr al-Baghdadi

can be found [here](#)!'

and provided a relevant link.

At the beginning of August 2014, [...] informed the defendant that he had been appointed by al-Shishani as the new emir of Homs. As a result, the latter now largely resided there. However, the defendant had to stay in Raqqa the constant bombings in Homs would have made it too dangerous for her there. Consequently, [...] visited the defendant only once a week. During her husband's absence, the defendant lived in part temporarily with [...] and his wife, who were converts from the [...] area. The defendant was also able to leave the flat independently during this period. She went shopping, visited 'sisters' and regularly visited an internet café. There, she was given an identification key and a code to use the internet, which she could use in the apartment of [...], so she was able to maintain her blog even during her husband's absence.

In an entry entitled 'Weine nicht um mich, Mama!' [Don't cry for me, Mum], the defendant published the following comment dated 7 August 2014:

'(...) Mum, cry for the little 9-year-old Muslim girl who was kidnapped by 12 of Bashar al-Assad's militias. They raped her for hours. Mum, twelve grown men, again and again – not once each. Again and again. (...) There are so many more terrible stories like that. (...) We are fighting against these lousy pigs and we are retaliating for the families! When we catch the ones who committed crimes like this, they will be killed. All over the world, in the TV news, on the radio, in the newspapers, they only ever write how inhumane we are, how we murder them in cold blood! But look what they have done! (...)'.

On 8 August 2014, the defendant wrote the following under the heading 'Das Köpfchen ab' [Off with his head]:

'Yesterday my husband and I took a trip through the city again in the evening (...). At the roundabout, many Syrian people and a few mujahideen [fighters] were standing at a corner of the fence. You could see a headless body and 6 or 7 heads hanging on the fence. The youngsters and children standing in front of it looked at it as if it was nothing special.... But the older people held their hands in front of their faces. When one of the older people noticed that my husband and I were there (in the car), he asked another passer-by loudly: "Lesh [why]? Lesh? (Why? Why?)" The other person replied: "(...) Assad regime".'

Likewise, on 8 August 2014, she uploaded a photograph to her blog with the heading 'Meine drei

Babies' [My three babies]. The photograph shows three weapons lying on a tiled floor. The photograph is captioned with the words 'Left: Kalashnikov, centre: Uzi, right: Makarov'.

The Kalashnikov was a version of the basic model Kalashnikov AK 47 with a 7.62 mm x 39 calibre. This weapon had previously been carried and used by [...]. This Kalashnikov, complete with magazine, had been given to her by [...] for her own use no later than 8 August 2014. Since she had already practised shooting with the Kalashnikov many times, the defendant was familiar with how this weapon worked and, upon taking receipt of it, acted with reckless disregard that the weapon was a weapon of war. The defendant had not been granted a licence to possess this weapon under the War Weapons Control Act; no notification relating to possession of the weapons had been made to any authority, either by the defendant or by anyone else. The defendant was also aware of this lack of notification. The defendant also knew that this weapon came from the IS arsenal. She took possession of this weapon too, knowing that she had no weapons permit, a requirement even under Syrian law, thereby complying with the request of [...]. The purpose of the firearms training was, as the defendant knew and condoned, to enable her to defend herself against enemies of IS. The defendant had the Kalashnikov for her own use until at least 2 June 2016. It is not possible to determine whether the weapon was lost or whether it had been returned to the IS arsenal by [...].

Thus, at least in the period from 8 August 2014 to 9 September 2014, the defendant had all four weapons – namely the Beretta, the Uzi, the Makarov and the Kalashnikov – in her possession for her own use at the same time.

On 9 September 2014, the defendant posted the following entry on her blog under the title 'Der Obama, der Obama' [Obama, Obama]:

'I hope he died yesterday of a heart attack or something else... But I much prefer the idea that he will be the next of the slaughter videos by Dawla [state, abbreviated form for Islamic State]. Journalist after journalist and then to cap it all, Obama (...).'

In an entry dated 14 September 2014 entitled '10 Heirats'Fakten aus dem Islamischen Staat' [10 'marriage' facts from Islamic State], the defendant gave her readers details of marriage with an IS fighter, pointing out, *inter alia*, that 'Dawla' [state] would give money or gifts upon each new

marriage and that every newly-wed 'mujahid' [fighter] would be given 7 days' leave. In addition, one was free to choose one's 'mahr' [wedding gift], but women here would not ask for jewellery; they wanted a 'Kalash'.

Also on 14 September 2014, she posted an entry entitled '10 Ermahnungen für jeden, der Hijra machen möchte' [10 warnings for anyone who wants hegira (emigration)], in which, among other things, she warned about discussing emigration on the internet or with friends and relatives, and urged readers to delete pro-materials. She also urged haste, as the borders would soon close.

On 16 September 2014, in an entry entitled 'Das Leben in Syrien' [Life in Syria], the defendant wrote about her own experience with various issues, including the housing situation, everyday life with IS, and the financial support provided by the organisation. Among other things, she stated: 'the fact that you do not always have ghanima [spoils of war] available and often have to buy things yourself if they are not already present in the house is a disadvantage'. She also gave advice on what things readers should take with them when emigrating from Germany to Syria, for instance maternity wear, and what could be acquired locally. She also commented on the question of whether you could live with IS as a widow who did not wish to marry. Finally, she asked her readers to write to her using her Google account in the event of further questions. She attached articles to her discussions entitled 'Top 10 einer Schwester' [A sister's top 10] and 'Tipps eines Bruders' [Tips from a brother], which also gave advice on emigrating to join IS and living in its territory.

However, the defendant wanted to leave Raqqa when bombings by opposing groups further intensified. [...] decided to move to Al-Rai, as there was a women's residence there for Azerbaijani women. The defendant then left Raqqa in late September 2014.

Stay in Al-Rai from September 2014 to early November 2014

The defendant used her own vehicle to move to Al-Rai, following the vehicle of her 'husband'. They arrived in Al-Rai after a 3-hour journey. The defendant initially stayed overnight in an IS women's residence where the wives of Azerbaijani fighters were accommodated. However, she did not feel comfortable there, in particular because of the language barrier.

The defendant moved into a three-room flat in a single-family dwelling, again provided for use by IS, once her husband had had it refurbished for her. She lived on the upper floor, while the ground floor flat was occupied by a Syrian fighter and his wife. In this period, the defendant only saw [...] on every 2 weeks on average. In his absence, she maintained contact with German wives of IS fighters, such as [...] and [...].

At the beginning of November, the defendant decided to go back to Raqqa to give birth at the hospital there.

Brief stay in Raqqa in November 2014

On 5 November 2014, the defendant was taken by car to Raqqa by a German IS fighter and his wife. Again she occupied the flat where she had lived before moving to Al-Rai.

As the defendant hardly had any personal contacts any more in Raqqa, she spent her leisure time walking and shopping at the bazaar. She also still had a good internet connection in her flat, so she continued her blog.

On 8 November 2014, under the title 'Sehnsucht und Einsamkeit' [Nostalgia and loneliness], she wrote:

'(...) I am happy, to cut a long story short. Now I have a husband who leaves the house early in the morning, but not just to do any old thing, rather to lay down his life for Allah's sake. (...) But he is doing it for Allah and I have also decided to offer a sacrifice for Allah (...).'

On 9 November 2014, under the heading 'Die Fitna geht weiter..' [The fitna [dissent] goes on], she posted the following on her blog:

'(...) And there are also those living here, and this includes everyone (Christians, Jews, "Muslims") who do not want to leave the city, but still do what they want anyway. The so-called 'troublemakers' and instigators of fitna [dissent]. The women who think their duty is fulfilled by covering their faces with a scarf. Even if the scarf is so transparent that their whole face can still be seen, or they have such a huge opening so most of their nose is still visible and even the made-up eyes and plucked eyebrows, or even their abaya [traditional dress] is so close-fitting that you might think it belongs at home in the bedroom, or they always hold the right side of the abaya just enough for it to ride up and you can see their wonderful shoes and trendy tight skinny trousers. You name it, we have it.

(...) Sometimes people also think they can celebrate haram [prohibited, non-Shariah-compliant] festivals without being disturbed. Obviously, locals tend not to cater for other locals. A real rarity, even if they are Dawla [=abbreviation for Islamic State] devotees. But if you have drawn the lot and a mujahid [fighter] lives nearby with his family and is close to losing his mind because they are still really putting the festival on public display: music, women whooping, and genders mixing and enjoying the dance. It is all over. They'll be condemned before Dawla, who soon arrive by bus. Brothers with whips who first punish, then everybody has to get on the bus and off they go to prison. Alhamdulillah [thanks be to Allah] that we live in the Islamic State. In his time as caliph, Umar ibn al-Khattab ran through the streets every day holding a whip. And for every sin he saw, he used the whip. (...) We need an Umar ibn al-Khattab here too. He runs through the streets with his whip. It may displease many, but that is Islam. (...)'

In August 2014, the defendant got into an argument over this with [...], a female German convert whom she had met during a visit to her friend [...], and who had been following the defendant's blog. [...] reproached the defendant for making critical remarks about IS in her blog. Because of this criticism, [...] was as he reported to her, called before an Islamic IS court and questioned about his wife's blog posts. [...] was very angry with the defendant; however, the latter was able to convince him that she designed her blog exclusively in the spirit of IS, after which he permitted her to continue operating her blog.

In response to this event, on 13 November 2014 the defendant published an 'Absichtsklarstellung zu meinem Blog' [Declaration of intent regarding my blog]:

'(...) The intention of this blog is exclusively to write about what my life in Syria is like, in the Islamic State. I simply want to limit myself to my experiences as a muhajira [emigrant female] and as a simple housewife of a muhajid [emigrant male]. Sometimes, however, I post statements or texts from other parties in which brothers and sisters talk about the fitna [dissent] and the lies, etc. But these are not my views (...) May Allah Azza wa jall [glorified and sublime be He] help us all to succeed. May Allah Azza wa jall unite all Muslims and lead them together to victory. Amen.'

As [...] the defendant [...] did not cease her criticism, however, the defendant ceased activity on her blog at first. In late November 2014, she returned to Al-Rai.

Stay in Al-Rai from late November 2014 to late January 2015

Upon arrival in Al-Rai, the defendant again occupied her former flat and resumed her contacts with German women.

In late [...] had relocated him to Iraq informed the defendant that al-Shishani [...]. He said that he initially had to travel alone, but promised to [...] her 'husband' departed; on gave birth to [...] would fetch her shortly. On

In late [...] sent [...] an Azerbaijani IS fighter by the name of [...] and his wife [...] the defendant to take her and her daughter to Iraq. The defendant was accompanied by [...] and [...]. After spending a night in Tal Afar, they arrived in Mosul the next day.

Stay in Mosul, Iraq from January 2015 to March 2016

The defendant occupied a two-storey house on the outskirts of the city, which again had been provided for her use free of charge by IS. The house had previously been used by IS as accommodation for men. [...] and [...] house next door. [...] who, as the defendant learned, had been appointed military emir of Tal Afar, was often absent. She saw her 'husband' only once a week for one or two nights.

The defendant again managed the household, did the shopping and took care [...]. She had access to the internet via an internet café. However, before she could send messages in the local internet café, they were – in this respect the situation had changed – checked and censored by IS members. The defendant mainly maintained contact locally with [...] and [...]. Other families from the Caucasus lived in the immediate vicinity. [...], the wife of an IS fighter, came from Russia and spoke German, so the defendant became friendly with her.

As the group of Caucasians preferred to live in Tal Afar, and [...] was already staying there, in April 2015 the defendant moved to Tal Afar.

Stay in Tal Afar from April 2015 to October 2015, brief stay in Mosul

In Tal Afar, the defendant lived some way away on the outskirts of the city, again in accommodation provided by IS. However, when staying in Tal Afar became increasingly dangerous due to approaching Peshmerga troops, the families were returned to Mosul in October.

However, the houses that the Caucasian families had occupied in Mosul had meanwhile been allocated to other families. The defendant then shared accommodation with [...] until the latter returned to Syria with her husband at the end of October, when the defendant moved back to Tal Afar.

In Tal Afar, [...] took the defendant's friend, [...], whose husband had died in meantime, as a co-wife. The defendant knew nothing of this at first.

In March 2016, [...] was appointed military emir for Mosul and subsequently responsible for conducting the IS military operations, as he explained to the defendant. The family then moved to Mosul.

Stay in Mosul from March 2016 to January 2017

In Mosul, the defendant and her family also occupied a house that was provided rent-free by IS. There she gave birth to [...].

As, from May 2016 onwards, the defendant again had an internet connection in her house and knew from other IS members that her publications from Syria had been read by a large audience, she decided, with the consent of [...] to resume her internet blog in order to persuade would-be emigrants to join IS as she had done previously. She again published her entries from 2 May 2016 to 19 June 2016 on Blogspot at the address 'http://www.bashira-is.blogspot.bg' and the name 'bashira-is - Dies ist eine Seite einer Muhajira im islamischen Staat' [This is a page of a muhajira [female emigrant] in Islamic State]. Here, she designed her blog using the 'Seal of the Prophet' symbol used by IS to express her membership of IS.

The defendant once again maintained a Facebook page under the pseudonym '[...] (Umm Shahid)' where, through the design of her page, such as the use of the 'Seal of the Prophet', the symbol used by IS, and the content of her publications, she made her affiliation to IS abundantly clear. On this page, she also campaigned for emigration and joining IS and created a link from her Facebook account to her internet blog. At the same time, the defendant now maintained a Telegram channel 'bashiraIS', which she referred to in her blog. Her aim was for her publications to achieve the widest dissemination possible, and by this means to be able to persuade many of those interested to emigrate and come to the caliphate.

Again, in her blog the defendant campaigned for leaving one's home country for IS and living in its territory. Once again, she uploaded pictures purporting to show the amenities of her life in IS, even though she knew that the supply situation had deteriorated and that the representations were inconsistent with the facts.

For example, in an entry 'Ad-Dawlatul-Islmiya – der beste Staat der zur Zeit existiert' [Ad-Dawah al-Islamiyah [name for Islamic State] – the best state currently in existence!] (by Ni-Welt), on 28 May 2016 the defendant praised IS as follows:

'(...) A state that prefers to endure a hail of bombs rather than accept compromises in the deen [Islam as the religion] and become a puppet of Western states. (...) a state where the Muslims live in the shadow of Shariah [Islamic law] and the kafir [unbelievers] are shown brute force or humiliated into paying the jizyah [per capita tax on non-Muslims]. (...) A state where all DVDs, CDs, films and other media containing corrupt material (whether video or music) are destroyed. no child in Darul-Islam [territory of Islam] will grow up with this trash from the Western world! (...) A state in which the hijab shari [veiling in accordance with Islamic law] is prescribed by the state! (...) A state that makes the USA and all its allies laughing stock. And in fact because, after 12 months of constant bombardment on the Islamic State using high-tech fighter jets, the flag of the Thaid [probably Tawhid: monotheism] is still raised on high, fluttering in the wind, despite all the mushrikin [infidels]. Who can claim that there is a better state nowadays? Anyone who claims this is a liar! In the sight of Allah, he is a liar! Which state should be better than Dawlatul-Islamiya [Islamic State], which is the only state that applies Shariah in its entirety? (...)'

On 6 June 2016, the defendant justified IS beheadings by making reference to examples from the time of the prophet. Here, under the title 'Der ISIS handelt nicht nach dem Islam [ISIS is not acting in accordance with Islam], she stated:

'What we often see in discussions is that people reject pictures of beheadings, but the question that should be asked is: Was something like this not also done by the prophet (...)? Here are a few examples of beheadings in the time of the prophet (...) You see, beheading definitely comes from Islam. Jews and Christians were also beheaded at that time too. Why? Because they were offered three things: jizyah [per capita tax on non-Muslims], Islam or the sword! Anyone not wanting 1 and 2 was antagonised until they accepted 1 or 2 or died (...) And that is how it is today too. (...) Anyone who opposes Islamic State, deceives, betrays or does anything else against it to harm it will be

executed. Sorted!

Also, on 7 June 2016, she posted a link with the note 'On this page there is a blog where you can find collections of messages, PDFs, photos and videos from Islamic State.'

On 10 June 2016, the defendant then wrote an entry entitled 'The danger of leaving Dar-al-Islam [the territory of Islam] (Dabiq [Islamic State's online magazine] No. 11)', about such an act and its consequences. She stated:

'(...) Hijrah [emigration] is an obligation of Dar-ul-Kufr [domain of disbelief] to Dar-al-Islam [territory of Islam], (...) Therefore, it should be known that leaving Dar-al-Islam willingly for Dar-ul-Kufr is a great and dangerous sin, as it is the passage to kufr [disbelief] and a gateway for someone's children or grandchildren to leave Islam for Christianity, atheism or liberalism. If someone's children and grandchildren do not fall into the kufr, they are constantly at risk of fornication, sodomy, and drugs and alcohol. (...)'

On 19 June, she posted an entry 'Why I am starting a blog again', referring to her earlier blog 'My life in Syria', where she stated:

I found many readers in a short space of time, Mashallah [as God willed it]. My intention at that time was to support those who wanted to undertake hijrah [emigration], to acquaint them with what awaits them or could await them (...)

In October 2016, the defendant had to move on the instruction of [...] to a different house. With the bombings on Mosul constantly intensifying, in early November 2016 the defendant moved with her children to a women's residence in the old part of Mosul.

On 26 November 2016, she was collected by [...] from the women's residence. Meanwhile, as he informed her, he had been promoted to deputy emir of all Iraq. Then, together with [...], whom she had met in the women's residence and whose 'husband', [...], worked with [...], she occupied a house in the New Mosul district.

[...] died on 7 December 2016. Two male members of IS informed the defendant of his death on 8 December 2016. They told her that [...] had been staying on a hospital site when it was bombed.

IS subsequently housed the defendant and her children in a women's residence, and a week later

she had to move again to a women's residence especially for widows. The defendant now learned that [...] had also married [...]. She then contacted [...], now residing in Tal Afar, by letter, who suggested that the defendant move in with her in Tal Afar. At the defendant's request, the house emir responsible for taking care of widows, and whom she had told it had been the wish of [...] that she live with [...] in Tal Afar, personally approved the move to Tal Afar and took her there at the end of December.

Further stay in Tal Afar from January to August 2017

In Tal Afar, the defendant moved into her previous flat with her children, in which Jamila already lived with her children.

She was then assigned by IS to 'Katiba Azeri'. Each 'katiba' was managed by an emir, who took care of his members by allocating them homes, paying them money and buying things. 'Katiba Azeri' was one such group for Azerbaijani nationals, which the defendant was classed as due to her to marriage to [...]. At the same time, the emir of 'Katiba Azeri' urged the defendant to remarry. When the defendant refused to do so, the care she received from IS became poorer and poorer. She consequently joined 'Katiba Ghuraba', which was responsible for another residential district in Tal Afar, because she had heard that widows received better care there.

At the beginning of January 2017, IS eventually stopped making payments to the defendant. She was informed that IS would not have the financial resources to do so. In August 2017, after supply conditions had become increasingly worse throughout the year and bombings had continued to increase, IS moved the defendant and her children to Hayadiya, together with some other women, to give them a chance to escape to Syria or Turkey.

The defendant's escape

Upon arrival in Hayadiya, the defendant was initially placed by IS in a house together with some other women. When Hayadiya was also attacked 4 days later, traffickers agreed to help the women escape abroad. They also equipped the women with firearms. After several unsuccessful attempts to escape on foot, which were abandoned by the traffickers, IS decided to escape across the border in cars. It thus formed a motorcade of 15 vehicles of which, as the defendant was able to observe, three cars were equipped for carrying out suicide attacks. This escape attempt was also unsuccessful, however, so the women were brought back to Hayadiya.

After several more days, during which time Hayadiya was bombed again, IS members declared that the military units of the autonomous region of Iraqi Kurdistan, the Peshmerga, would take them in. Those who wanted to escape there could go. The defendant decided to escape, took her children and set off, together with some other women. The group were shot at from helicopters as they walked. After several hours, they reached a Peshmerga border crossing. There, around 300 women and their children were gathered in front of an empty school building. Upon entering the accommodation, one of the women pulled on her explosive belt, which then exploded. There were several deaths and injuries, but the defendant and her children were not injured. Next morning, the defendant and her children, together with some other women, were taken by coach to a location near Mosul. There, they were handed over to the Shiite Hashid militia, which operated a camp for IS members there in a place called Bashiqa. As the defendant had heard that the Hashid militia were going to sell women as slaves in Iran, she decided to flee. Together with her children, [...], who she had met during the escape, and her children, she managed to get out of the accommodation through an open window. After walking for several hours they reached a settlement, where they declared themselves as refugees. They were picked up by members of Asayish, the domestic intelligence agency of the autonomous region of Iraqi Kurdistan, and transferred to Erbil on 23 September 2017.

III. Events following the offences

1. Detention in Erbil and return to Germany

After being taken to Erbil by members of the domestic intelligence agency of the autonomous region of Iraqi Kurdistan, the defendant was questioned by a judge. As the defendant was married to a high-ranking IS fighter and was therefore classed as part of IS, the authorities of the autonomous region of Iraqi Kurdistan ordered the imprisonment of the defendant on the grounds of affiliation with IS. On 23 September 2017, she was taken together with her children to the women's prison in Erbil, where she remained until she was repatriated to Germany on 26 April 2018.

In the prison, the defendant and her then [...] young children were initially placed in a room with around 60 women and their children. Each woman was given a blanket, which she could lay on

the ground for her and her children to sleep on. There were no mattresses. The unventilated detention area was very smoky and the lights were switched on 24 hours a day. There was one washroom with one toilet for all the inmates in the room, in which showers had to be taken, dishes washed and laundry done, all with cold water. The three daily meals, most of which were insufficient for all the inmates and rarely contained fruit, were distributed by hand. For 1 hour a day, the defendant and her children were permitted to exercise in the inner courtyard, where waste containers were stored and exposed cables were laid and where waste water had also gathered in a small pool, meaning that the defendant had to supervise her children constantly.

As the detention area was unheated, the defendant was allowed, following multiple requests, to change to a different detention area with her children at the end of November 2017. She moved into a room in which 35 women and their children were accommodated. It had an air-conditioning system, which also provided heating, and hot water was available in the bathing area. The conditions in this cell were otherwise the same as in the first cell. However, other inmates in the new cell found the defendant's children to be a disturbance, hitting them on several occasions. Attempts by the prison management to stop this at the defendant's request were unsuccessful.

Medical care in the prison was also insufficient. [...] was able to consult a doctor, but the defendant only after several days, and at the defendant's repeated insistence received a monthly visit from [...] and the German Red Cross. She was given money, letters and photographs of her family.

On 26 April 2018, the defendant and her children were flown from Erbil to Frankfurt am Main. A previous attempt to repatriate the defendant failed because international air traffic at Erbil Airport was suspended from 29 September 2017 to 14 March 2018. [...]

2. Stay in Germany after her return

Following her return to Germany on 26 April 2018, the defendant lived with her children [...] in [...].

Having been affected by her experiences of escape and detention in Erbil, the defendant distanced herself from the 'Islamic State' organisation and the ideas associated with it following her return to Germany. She intends to take part in an exit programme provided by the [...] and has already completed an initial consultation in prison.

D. Assessment of evidence

I. The defendant's submission

At the beginning of the main proceedings, the defendant made comprehensive statements regarding both herself personally and the case itself, and she admitted to the alleged crimes almost in their entirety.

In her submission, the defendant confirmed that during her stay in Syria and Iraq, she knowingly and willingly became part of 'Islamic State' and its hierarchy of command – with knowledge of its goals and methodology – and, at the same time, submitted to the will of its leaders. In particular, the defendant admitted that she ran the internet blogs 'My Life in Syria' and 'bashira-is – This is a page of a muhajira in Islamic State' during her stay with IS in Syria and Iraq in order to encourage would-be emigrants to join IS, and also that she wrote and posted the relevant entries on these blogs herself. During her stay, she also lived rent-free in houses and apartments allocated to her and [...] by IS. She attended executions carried out by IS. She also received a weapon of war, which she referred to as an Uzi, from IS and then carried it with her to enable her to defend herself against enemy fighters.

Insofar as the statements made by the defendant differ from the findings under point C (see above) or require a special mention in the course of assessing the evidence, the defendant stated the following in particular:

1. Emigration and joining of IS by the defendant

The defendant stated that, shortly after her conversion, she began to feel the desire to emigrate to an Islamic country because she had been treated with hostility in Berlin due to her faith on multiple occasions. After her 'husband', [...], asked her to cover her face with a veil and she, with a growing willingness, complied with this request, the hostile treatment she received in public, and therefore her desire to leave, increased. After two visits to [...], her initial desire was to leave for [...]. [...] refused to do so, however; although she could have left, she

would have had to leave the children with him, which she was unwilling to do at first. In the spring of 2013, her then best friend, [...], who, back in 2011 – according to the statement given by the husband of [...] – already firmly held the conviction that enemies of Islam must be combatted through jihad, showed her two videos depicting the suffering of Muslims in Syria, and her desire to go and help these people on the ground grew. She did not yet have any specific plans to emigrate, however. However, [...], who was aware of [...]’s husband’s views, feared that she would follow [...], and in August 2013 he obtained an order preventing the children from being taken out of the country. [...], who, together with her husband, had now made a specific plan to leave for Syria, therefore suggested to her that she follow them and see the situation in Syria for herself, so that she could then decide if she wanted to stay. After [...] once more refused to emigrate to [...], she agreed with him that [...] as stated by [...]. Because she knew that her children would be safe with [...], she flew to Turkey on 14 August 2013, with the intention of travelling to Syria. After arriving in Turkey, she began to miss her children and, in particular, she felt that it had been wrong to leave [...] without obtaining a divorce, so she decided to return to Germany, but with the clear intention to then leave again. In Germany, she asked [...] for a divorce, which he granted in September 2013. She had then planned to join [...] in Syria once the 3-month divorce period had ended; however, she unexpectedly returned to Germany. After she was approached in the ‘Kalima4Allah’ forum by a woman called [...], who claimed that she had contacts in Syria and would be able to find her a husband, she began to see this contact as a new way of travelling to Syria, even though the subject of marriage was initially rather secondary to her.

At that time her attitude was Salafist, but not jihadist. In the Salafist circles in which she was moving at that time, the war in Syria was regarded as the perpetuation of a prophecy. Those who took part in this war could expect great honour in the next life. The idea of being in this sacred country and making a contribution in the form of humanitarian aid pleased her. Her friends had told her that there were different groups in Syria but that all of them lived peacefully together. She knew at the time that the jihadist groups Jabhat al-Nusra, Ahrar al-Sham and ISIS were active in Syria, and she had seen several videos showing that their actions were sometimes brutal. She was not interested in any further details.

On the morning of 3 December 2013, she bade farewell to [...] and told him that she would

return before her Turkish visa expired. In, she stated that she. In [...], she stated that she wanted to help others and believed that if you lived in Syria and were killed by an attack, you would be considered a martyr. She did not want to join the armed conflict.

Having arrived in Syria, she did not ask [...] or [...] which group they belonged to; this was not important to her at the time. It was only during her stay in Haritan that, after she heard about fighting between the groups, she learned that he was a member of IS (at that time known as ISIS). As a result of her marriage, she was also forced to identify with the goals of IS and to join the organisation. She therefore initially became a member of IS partly out of love for [...] and partly in order to survive, but the organisation soon began to appeal to her. Finally, she was now able to live in a Muslim society and, as a result of her husband's position in IS, she enjoyed certain privileges too. She considered herself to be part of a fair movement in the fight against the oppressors of Islam. In light of this, the atrocities committed by IS, which inside she found abhorrent, seemed to her to be legitimate acts of defence. She therefore had no qualms about and, in actual fact, considered it justified due to the purpose of her work to write about IS and her life with IS on her internet blogs and to glorify the living conditions to encourage other would-be emigrants to join IS. and was not shared with her either. There were many different groups living peacefully together in Darat Izza; she would not have been able to attribute the uniforms worn by the men to any specific organisation. She agreed to meet [...]. Since he appeared nice to her, she decided to marry. She did not pursue her original plan to help local orphans any further because [...] did not support this idea. Both at the time of the marriage and during the rest of her stay in Darat Izza, she did not know which group [...] belonged to.

It was only during her stay in Haritan that, after she heard about fighting between the groups, she was told by [...] in January 2014 that he was a member of IS, then ISIG. As a result of her marriage, she was also forced to identify with the goals of IS and to join the organisation. She therefore initially became a member of IS partly out of love for [...] and partly in order to survive, but the organisation soon began to appeal to her. Finally, she was now able to live in a Muslim community and, as a result of her husband's position in IS, she enjoyed certain privileges too. She considered herself to be part of a fair movement in the fight against the oppressors of Islam. In light of this, the atrocities committed by IS, which inside she found abhorrent, seemed

to her to be legitimate acts of defence. She therefore had no qualms about and, in actual fact, considered it justified due to the purpose of her work to write about IS and her life with IS on her Internet blogs and to glorify the living conditions to encourage other would-be emigrants to join IS.

Executions

In her submission, the defendant stated that during her stay in IS territory, she participated in a total of two executions in Manbij. She described the first execution, which she attended together with [...], and the second execution, which she watched with [...].

After she found out that the victim of the second execution had been wrongly accused, she did not want to participate in any more executions and, at her request, [...] did not take her to any more executions.

Weapons

The defendant admitted to the possession of the weapon of war that she referred to as an Uzi; she denied possessing any further weapons, however. The Beretta, the Kalashnikov and the Makarov were said to have belonged to [...] alone.

In particular, she made the following remarks in this regard:

In the first week of her stay in Darat Izza, her husband brought her a small weapon and said that it was a gift. This was the Beretta. He took it apart, cleaned it and put it back together in front of her. She herself did not do anything. The following day, he took the weapon away and she never saw it again.

Additionally, in December 2013, still during her stay in Darat Izza, [...] brought home a machine pistol that he called an Uzi, and placed it onto the cupboard in the bedroom. He later told her that when she was leaving the flat, she must take the Uzi with her so that she could defend herself again spies. She knew that the weapon came from a cache belonging to IS. [...] did not

show her how the weapon was used, however, although [...] also had such a weapon, and he showed her how to take the safety catch off and explained how to work it. To begin with, she took the Uzi, which was always loaded, with her when leaving the house for the purpose of self-defence. She only intended to use the weapon in an absolute emergency, however. In Haritan, [...] once drove her to the Sheikh Suleiman training camp and told her to take her Uzi with her. He took four other weapons of war from a cache, placed the weapons in front of him and took photographs. He offered her the opportunity to fire them herself, but she refused. During her husband's firing practice, she had seen the recoil of the weapons and it had left her afraid to fire them. During her stay in Manbij, [...] again told her to use her Uzi to defend herself in the event of an attack when he was not there.

During her stay in Raqqa, she once drove to a large lake in Manbij with [...]. He wanted her to shoot his Kalashnikov, but she refused to do so. He then offered her his Makarov, which she also refused. Due to her refusal, [...] became angry, released the safety catch on the Makarov, pushed it into her hand and pointed it at a stone. She then fired the Makarov once. She was so frightened by the recoil that she gave the weapon back to him and ran to the car. This was the only time that she fired a weapon.

On 9 September 2014, [...] took the Uzi away. He explained that a shot had been fired accidentally in another family that also had an Uzi. [...], who had unlimited access to the IS weapons cache, continued to repeatedly bring weapons home, including his Kalashnikov and his Makarov. She herself was not given any further weapons by him, however, and she did not possess any up to the point at which she fled.

Internet blogs

The defendant admitted that she ran the internet blogs 'The start of my new life', 'My life in Syria' and 'bashira-is – This is the page of a muhajira in Islamic State'.

She already ran the blog 'The start of my new life' in Germany. She ran the internet blogs 'My Life in Syria' and 'bashira-is – This is a page of a muhajira in Islamic State' during her stay in Syria and Iraq to encourage would-be emigrants to join IS. She developed the idea for this with [...] during her stay in Raqqa in May 2014.

She also wrote all the entries in these blogs herself. She sometimes copied posts by other authors but she then made this clear by providing a link in each case. She produced the individual entries independently and on her own authority; [...] did encourage her to write some entries, however. In many posts, she glorified the situation in the territory, for example as regards supply conditions, in order to best achieve the goal of the blog, which was to encourage would-be emigrants to join IS.

She was only allowed to published individual posts following approval by [...], however. She sent the text she had drafted to his smartphone using WhatsApp. He then had the text translated by a German-speaking 'brother' before allowing her to publish it.

Occupation of flats and houses

the defendant admitted that during her stay in Syria and Iraq, she, together with [...], occupied flats and houses that had been provided to them by IS rent-free, including the properties in Manbij and Raqqa, on which the charge is based.

She knew that IS seized houses and flats whose inhabitants had fled the organisation, and then provided the properties to members of IS rent-free for them to use. This was also true of the properties that she occupied. If the owners who had fled then returned, however, she and [...] would have had to clear out the relevant property for them and move to temporary accommodation. At least, she assumed that this was the case.

Additionally, she herself always treated the properties with care and left them in a better condition than she found them in; this meant that she carried out many repairs.

Explosive belts

With regard to the incident in Haritan in mid-January 2014, when the defendant and other residents of the women's residence had to take to the cellar when it was surrounded by enemy groups, the defendant stated that all the women were taken down to the cellar by the emir. The emir instructed the women to detonate the three explosive belts that three Caucasian women were wearing if the enemy fighters captured the house. She herself never wore an explosive belt, however, neither at that time nor at a later date.

Departure from IS

The defendant claimed that the events of her escape and her time in prison in Erbil de-radicalised her. She is still a practising Muslim but has now realised that IS perverts the message of Islam, which is why she is now expressly distancing herself from IS and the ideas associated with it.

The defendant admitted that after her return, she subscribed to a number of IS channels via the messaging service Telegram on the smartphone that her mother had given her. However, she did so only because she was interested in what was happening there because she had lived with IS for several years and knew women who still lived there . At no point after her return did she sympathise with IS. Insofar as IS propaganda videos were found on the smartphone, she claimed that these were automatic downloads as part of the subscription to the channel. She claimed that she did not deliberately download the videos or even notice them, otherwise she would have immediately deleted them.

[...] got to know [...] on Facebook in a group [...]. However, they did not get deep into discussion about religion [...].

II. The defendant as a person

The findings relating to the defendant's personal history, particularly her family relationships, education and financial circumstances, are based on the credible statements made by her, which she made in the main proceedings in accordance with the findings under point B.

In accordance with the statements made by the defendant, [...] The accuracy of these statements, particularly those regarding the relationship with [...], As confirmed by his submission in the main proceedings, which the Chamber finds to be completely comprehensible and credible. For example,

The findings relating to the defendant's conversion and subsequent radicalisation are also based on the statements she made. These are also supported by the credible statements made by [...], who described the defendant's religious development from when their

relationship began until she left for Syria, as well as her contacts in Salafist circles. This testimony is largely in line with the defendant's statements. Additionally, the defendant's religious development is confirmed by several entries on the internet blogs she ran, 'The start of my new life', 'My life in Syria' and 'bashira-is – This is a page of a muhajira in Islamic State', whose authorship the defendant admitted. She refers back to her religious development in several entries in these blogs. The findings relating to the mosques visited by the defendant and her activities in the 'Kalima4Allah' Forum are also based on the credible statements made by the defendant, which were convincingly confirmed by the witness and expert [...] in respect of the findings relating to the al-Nur mosque and to Abdul Adhim Kamouss personally.

III. Initial situation in Syria and Iraq

The Chamber bases the findings relating to the initial situation in Syria and Iraq and to Islamic State on the statements made by the expert [...], with whom the Chamber has become familiar through a number of proceedings. He drew up and monitored the formation, development, structure and goals of 'Islamic State' against the background of the progress of the civil war in Syria and presented it to the Chamber in detail, also going here into great detail about the role of 'JAMWA'. Further information on the role of women in IS was provided by the witness and expert [...] and the witness [...]; the latter also reported on the use of the internet in IS territory.

The expert [...] has appeared before the higher regional courts and provided opinions on, State and Ahrar al-Sham. He bases his findings on public sources such as international specialist press, scientific publications, his own contacts, and press and internet statements by militant groups. The Chamber has no reason to doubt the specialist knowledge that the witness [...] has in relation to Islam or [...] either generally or in respect of his statements in the present proceedings. His remarks were characterised by great expertise and were sophisticated, understandable and convincing. The Chamber upholds them in their entirety.

Also completely credible was the information provided by the witness [...], who also comprehensibly reported in detail on the findings of [...], and whose statements align well with the remarks made by the expert [...].

IV. Offence

The findings relating to the offence correspond to the defendant's submission, insofar as she admitted the offence credibly and consistently with the entries she published on her internet blogs 'The start of my new life', 'My life in Syria' and 'bashira-is – This is a page of a muhajira in Islamic State', in which she reported intensively on her stay with IS.

The accuracy of her statements is confirmed by the remarks made by the expert [...], who found the defendant's descriptions of the places where she stayed, the conditions there and her relocations in Syria and Iraq, necessitated by local power relations, to be plausible and

consistent with historical events. Insofar as he considers the defendant's statements regarding her role as a woman in IS to be coherent, his remarks are verified by the witness [...] in this regard.

[...] based on the credible statements made by the defendant in the main proceedings, which are consistent with the statements she made regarding [...] in her internet blogs 'My life in Syria' and 'bashira-is – This is a page of a muhajira in Islamic State'. The accuracy of these statements is also confirmed by the statements made by the expert [...], according to which the defendant's descriptions are coherent and that, in particular, the Azerbaijani nationality of [...] and his personal contact with al-Shishani, which the defendant credibly described in detail, suggest prior membership of JAMWA. The contact [...] with al-Shishani and al-Adnani, the IS spokesman, as repeatedly described by the defendant in detail, indicates (compellingly, according to the expert) that [...] held a high rank in IS.

Insofar as the Chamber has made findings that differ from the defendant's submission or the findings require special explanation, these are based on the following:

1. The defendant's departure

The findings relating to the external circumstances of the defendant's departure from Germany on 5 December 2013 are based on the statements she made, which are coherent and credible in this respect. These are supported by the internet entries she published in her blog 'The start of my new life' in Germany and in her blog 'My life in Syria', in which she deals with her departure and the external circumstances thereof, as well as by the statements made by the witness [...], who described the objective circumstances of her departure in line with her statements.

The findings relating to the intentions of the defendant when leaving Germany that she wanted to join the jihadist groups' fight against the Assad regime and participate in the propagation of a religious-fundamentalist state in accordance with Sharia law, are based on the statements made by the defendant, insofar as they can be relied upon, those of her [...], the credible statements made by the witness [...], and the objective circumstances of her departure from Germany and entry into Syria.

- a. The accuracy of the defendant's statements that she reportedly wanted to travel to Syria in order to provide humanitarian assistance – particularly to care for orphaned children, but not to join the armed conflict – does not correspond to the objective circumstances of her departure for Syria. As the defendant herself admitted, she was seeking a candidate for marriage while still in Germany and, on the day after she arrived, she immediately married a fighter who was previously personally unknown to her and with whom she could not verbally communicate. She stated that, as [...] would not give his consent, she did not continue to attempt to provide care for orphaned children or to provide humanitarian assistance at any time.

In particular, for the purpose of her departure, the defendant [...] at that time. This in itself indicates a high level of motivation to leave that is difficult to explain by a desire to care for other children. Her submission that she [...] seems, in view of the fact that [...], as she herself credibly demonstrated in the main proceedings, to be a mere untenable attempt at protecting herself.

By contrast, the fact that she had made her first attempt at leaving together with her friend [...] in the summer and, after her return, again initially planned to travel to Syria together with her, indicates that the purpose of the defendant's departure was to support jihad. With regard to her friend [...], however, the defendant credibly stated in the main proceedings that from as early as 2011 – in line with the position of [...]s 'husband' – this friend held the conviction that enemies must be combatted through jihad.

- b. The defendant's intention to join the jihadist groups in their fight against the Assad regime following her departure is also [...] as admitted by the defendant. [...]

The defendant's submission that she [...] assumed that you were already considered a martyr if you lived in Syria and were killed in an attack [...]. She thereby also contradicts her submission according to which, at the time of her departure, she believed that in Syria she would live in an area in which she was not involved in the war at all, which is why, with, she [...].

- c. The credible statements made by the witness in the main proceedings also cast doubt on the accuracy of the statements made by the [...] her motivation for defendant concerning [...].

The witness [...] explained that, at the beginning of their relationship, the defendant had

already been devoutly religious and had insisted on wearing a face veil. [...] She expressed her desire to live in an Islamic country at a very early stage. Even then, he [...] in travelling to [...]. As the defendant's travel plans increasingly focused on Syria, he discussed her desire and the risks of being in a country that is at civil war with her on numerous occasions. He was unable to talk her out of her travel plans, however. [...] She, however, had complete conviction in her travel plans and was absolutely certain that she wanted to go, so he [...]. He learnt from the 'husband' of [...] that they wanted to join Jabhat al-Nusra. He himself, according to [...]. After the defendant's travel plans became known, in September 2013 she [...] He assumed that the defendant wanted to live in Syria permanently and that he would not see her again; at no point had she spoken of possibly returning.

The Chamber is in no doubt that the witness [...] appears to the Chamber to be coherent. [...] has provided truthful information. The statements made by [...] and credible, particularly as it is consistent with the statements made during his questioning by the police on 19 April 2018, as the questioning police officer coherently [...] reported in the main proceedings. If nothing else, the credibility of the [...] made by the witness [...] is he [...].

His credible statements disprove the defendant's submission that she assumed that in Syria she would live in an area unaffected by the impact of the war and that he, together with the children, would follow her. The witness's statements also confirm that the defendant had already decided to remarry in Syria during her short stay in Turkey in August 2013. While the witness explained that the defendant [...].

- d. Finally, the defendant's intention at the time of her departure is also explained in her entries in the blog she published on the internet, 'The start of my new life', which she posted from 30 March 2013 to 24 November 2013 in Germany.

For example, the defendant, who confirmed that she wrote all of the published posts, wrote on 14 September 2013: 'I yearn for the mountains, the stones, the places of jihad, I tried, waited, You called me, O Shahada [profession of faith] I will come to You' and 'I am a devotee of jihad, in love with martyrdom'. This in turn proves that the travel plans were based on supporting the armed conflict in Syria. Her post on 23 September 2013, in which she wrote 'Allah opened up a different way for me to achieve hijrah [emigration]' and 'A potential spouse can already be seen on the horizon', substantiates the assumption that she had already been planning to marry in Syria while in Germany.

In her blog 'My life in Syria', which she went on to run from Syria, she wrote an entry on 27 August 2014 looking back at the time of her conversion, with the title 'Old memories', mentioning that 'although my path was moving towards jihad and Darul-Islam, I was still occupied with Egypt until spring 2013', which in turn demonstrates her jihadist intentions at the time of her departure.

- e. In consideration of the circumstances set out above, the Chamber is satisfied that the defendant's explanation that she travelled to Syria on humanitarian grounds should be considered an attempt at protecting herself, which, based on the result of examination of the evidence, is refuted. Therefore, at the time of her departure, the defendant was so firmly anchored in her Salafist ideology that she harboured a deep desire to live in a religious-fundamentalist state and, in order to achieve this goal, had consciously decided to join the jihadist groups' fight against the Assad regime in Syria.

Even at the beginning of her marriage to [...], the defendant was focused on leading a strict religious life, as stated in the submission made by the defendant herself, according to which she ended her relationship with her boyfriend at the time, [...] among others, because he [...] was not religious enough, and she began to consciously seek a religious husband, whom she married shortly after meeting. This is also substantiated by the statement made by the witness [...] that the defendant insisted on wearing a face veil, even at the beginning of the marriage. With the explanation that she had had this desire for a long time but did not have a husband, the witness's testimony seems to the Chamber to be particularly experience-based and credible. The Chamber considers this to be substantiated by the fact that the defendant [...] her in

During her relationship with [...], the defendant managed to gain recognition in Salafist circles, which is proven by the fact that she became the administrator for the 'Women and family in Islam' section of the Salafist internet forum 'Kalima4Allah', which she credibly stated herself. By the same token, she gained recognition and affirmation by publicly reporting on her travel plans in her internet blog 'The start of my new life',¹¹ as she stated to the Chamber.

Her conviction, her inner stance and her conscious decision to join the jihadist conflict are also proven by the consistent implementation of her travel plans. After her first plan to travel to Syria with [...], due to his credibly and coherently reported refusal, she began to focus on travelling with [...]. After this plan ultimately failed too because she returned to Germany, the defendant decided to search the 'Kalima4Allah' forum for other opportunities to travel, which she once again credibly reported in her submission, as substantiated by her posts. All this convincingly demonstrates the defendant's deliberate and independent [...] on her internet blog 'The start of my new life'. To then enable her to fulfil these plans, negative experiences in her relationship with [...] she was not just willing, in spite, to marry an unknown man.

All this convincingly demonstrates the defendant's deliberate and independent decision to travel to Syria to join the jihadist groups' fight against the Assad regime in Syria.

The Chamber considers the fact that the defendant admitted the acts of which she was accused entirely, but insisted on a desire to leave the country on humanitarian grounds, to be due to the way in which she wishes her actions to be viewed. During the main proceedings, the defendant was anxious to portray herself to the public, and therefore also to her family, as a victim of her circumstances, and that she simply fell into becoming a member of IS as a result of her ambition to do good. Such an image is inconsistent with her departure to support the armed conflict in Syria, however, which is why, the Chamber believes, the defendant opted to portray herself differently.

2. Joining IS

The finding that the defendant joined IS in Haritan in January 2014 is based on her statements, the credible statements made by the witness [...], and the convincing accounts provided by the expert [...].

The defendant's statements that she only joined IS in Haritan in January 2014 were not refuted in the main proceedings, and therefore the Chamber based the findings on this submission.

The expert explained convincingly that in view of the tensions between ISIS and the other

groups since the second half of 2013, the circumstances of living peacefully together in Darat Izza in December 2013 as described by the defendant would be unexpected; he could not completely rule out the possibility of such peaceful coexistence for December 2013, however.

The fact that [...] and her 'husband', [...], as credibly reported, wanted to join Jabhat al-Nusra in summer 2013, also supports the assumption that the defendant only began to focus on IS following her marriage to [...].

For the reasons set out above, the Chamber therefore came to the conclusion that the defendant did indeed travel to Syria with the general aim of joining the jihadist groups' fight against the Assad regime in Syria, but that the defendant actually only joined IS following communication by [...] of his membership of IS in January 2014, when the two could also communicate better.

Insofar as the defendant reported that she initially joined IS solely on the basis of love and in order to survive and that it only later began to appeal to her personally is considered by the Chamber to again be an attempt at protecting herself. Her conviction, her inner stance and her conscious decision to join the jihadist fight upon arrival leads the Chamber to the conclusion that when she joined IS in January 2014, this reflected her inner beliefs.

Executions

In respect of the defendant's participation in two executions in Manbij in the period from March to June/July 2014, which she admitted, the Chamber based its findings relating to these two executions on the defendant's extensive, graphic and credible comments in this regard.

By way of deviation from the defendant's submission, however, the Chamber came to the conclusion that during her time in IS territory, the defendant participated in a number of executions, namely a total of ten, mostly with her husband and therefore, equally, by order of IS. This finding is based on the defendant's statements, which she made during her questioning by [...], as well as on entries by the defendant in her internet blog 'My life in Syria' and 'bashira-is – This is a page of a muhajira in Islamic State'.

a. The defendant's presence at a total of ten executions is substantiated by her statements

concerning [...].

[...] stated as a witness that she and other police officers of [...] had questioned [...] that the defendant stated that she had witnessed public executions. She was not forced to take part in these. Her husband explicitly accompanied her to such executions, however. Her husband specifically carved a way through the crowd for her so that she was right in the middle of it. He was proud to be there with his wife. She definitely witnessed ten executions.

In principle, the defendant admitted in the main proceedings that these statements [...]. The claim that that she 'definitely witnessed ten executions' does not stem from her, however. She may have been misunderstood here. She can imagine having said that she had 'definitely seen ten executed people'. [...]

The Chamber is therefore satisfied that, during her questioning by [...], the defendant stated that she had participated in ten executions and that, as she described, she took on a representative role on behalf of IS. The Chamber cannot identify any indications that the defendant did not tell the truth in her questioning, particularly as the defendant seriously incriminated herself with this statement.

- b. The assumption that the defendant participated in ten executions in a representative role for IS is also substantiated by the statements made by the defendant, that she [...].

[...] the defendant told [...] that she had published photographs of executions on her internet blog. She herself was also present at these documented executions. However, her husband took the photographs.

On her internet blog 'My life in Syria', the defendant published on 18 June 2014 the photograph of an execution under the heading 'Hudud [punishment mandated by God] for rapists', and on 20 June 2014 three photographs of executions under the heading 'Hudud for murtadeen [apostates]'. At least three different locations can be identified from the four photographs, meaning that, according to the statements made by the defendant to the witness [...], the images published are from at least three executions, presumably with [...], because he was said to have taken the photographs.

The Chamber is satisfied that the defendant also made these statements to the witness [...]. The witness credibly stated that [...]. The Chamber cannot identify any [...] the

defendant did not tell [...] the truth here.

- c. Finally, the variety of the posts published by the defendant on her blogs 'My life in Syria' and 'bashira-is – This is a page of a muhajira in Islamic State' during her stay in Syria and Iraq in particular are proof of her participation in further executions. In these, she does not only describe the process of executions with a degree of detachment that results from being accustomed to such events. She publishes several images of executions and, on 8 August 2014, drily titles executions 'Off with his head'. In a post dated 9 September 2014, she also calls for the execution of the then US president Barack Obama, as well as the execution of journalists, writing under the title 'Obama, Obama': 'But I much prefer the idea that he will be the next of the slaughter videos by Dawla. Journalist after journalist and then to cap it all, Obama.' In another post dated 6 June 2016, she justifies executions by IS, citing examples from the time of the prophet. Her claim here that 'anyone who opposes Islamic State, deceives, betrays or does anything else against it to harm it will be executed. Sorted!' demonstrates her favourable opinion of religiously motivated executions.
- d. Following an overall assessment of all the available evidence, the Chamber is therefore satisfied that the defendant did participate in a total of ten executions. Based on the overall circumstances – particularly her statements that she attended these together with [...], who, as the defendant credibly stated in her submission, was well-known locally due to his position in IS, including among the civilian population – the Chamber concludes that the defendant participated in each of the executions in order to represent the organisation, to reaffirm its claim to power and the justness of the actions of IS, and to further intimidate the local civilian population.

The Chamber considers the fact that the defendant admits participating in two executions, but has strongly denied participation in other executions, to again be due to her desire to be seen as a victim of her circumstances and to omit the parts that clearly contradict this.

The defendant attempted to justify her participation in the first execution by stating that she was taken to it by [...] without knowing what was happening. She also attempted to explain, and therefore justify, her participation in the second execution by stating

that she happened upon it by accident. Her participation in a total of ten executions, as determined by the Chamber, could not be explained by her victim status, however. On the contrary, it testifies to her favourable opinion of IS executions at that time, which she, the Chamber believes, then sought to hide in public and from her family.

Weapons

The findings relating to the defendant's possession of weapons are based, insofar as they relate to the Uzi machine pistol, on the defendant's confession in this regard and on the posts and photographs she published on her internet blog 'My life in Syria'. With regard to the possession of other weapons – the Beretta, the Makarov and the Kalashnikov – the findings are based in addition to the defendant's statements, in particular on the posts and photographs she published on her internet blogs 'My life in Syria' and 'bashira-is – This is a page of a muhajira in Islamic State', as well as on the credible statements made by [...]. The classification of the weapons is based on the photographs of the weapons published by the defendant on her internet blog and on the report by the Forensic Institute of the State Criminal Police Office of [...] 9 November 2018.

- a. The defendant admitted in detail that, during her stay in Syria, a machine pistol referred to as an Uzi was obtained from IS for her own use and that she then carried it with her when outside the home for the purpose of defending herself against enemy fighters. These remarks correspond to the posts published by the defendant on her blog 'My life in Syria', whose authorship she fully admitted. At regular intervals, she writes there about 'my Uzi' and states that she was allowed to 'shoot with my own Uzi' and to have marched through the settlement 'armed with my Uzi', and therefore the Chamber considers this submission to be credible.
- b. Insofar as the defendant contested the possession of the other weapons besides this (the Beretta, the Makarov and the Kalashnikov), the Chamber did not consider her statements to be credible in that regard. Her submission contradicts posts on her internet blogs 'My life in Syria' and 'bashira-is – This is a page of a muhajira in Islamic State', in which she repeatedly describes the possession of these weapons.

The defendant, who admitted the authorship of these posts, wrote in her blog on 20 June 2014, for example: 'The first time my husband taught me how to use a weapon was when we lived in Haritan. At that time, I had been in Syria for about 4 weeks. We went to Sheikh Suleyman to see Muasker, and there I was allowed to shoot my own Uzi, my husband's Kalash and two other weapons. The second time, I shot my Makarov (which my husband gave to me as a gift in Raqqa after our long-awaited reunion) and my husband's Kalash, which he had also given to me as a gift in the meantime, in Manbij, a little further out, at a huge lake.' She also repeatedly published photographs of weapons. For example, in Syria on 8 August 2014, she posted on her blog a photograph showing three weapons laid on the floor, with the photograph captioned 'My three babies'. She posted this image again on her new internet blog in Iraq on 2 June 2016 and wrote, 'I don't have the Uzi anymore (that's the one in the middle). On the left my Kalash and on the right my Makarov'. On 2 June 2016, she posted the photograph of a handgun laid on the floor and wrote about it. 'This was my husband's first gift. He showed me how to take it apart, clean it and put it back together.' In her blog entry in Syria on 24 September 2016, which is embedded in a longer post looking back over events that have happened in the meantime and covering the fear of approaching US forces during her stay in the women's residence, she says: 'I wonder how true this information is and hope that I have my Kalashnikov magazine, which I handed over to the makhar [women's residence], back soon, in case they catch us unexpectedly.'

The Chamber is satisfied that the defendant reported the possession of weapons on her internet blogs truthfully and based on experience. Not only did she describe the circumstances of the acquisition and possession of the individual weapons in great detail and with great nuance, but she also reported on such possession in different contexts and on numerous occasions. The defendant reported the possession of the respective weapons on both internet blogs, with a break of almost 2 years and without any discrepancies. Furthermore, the statements made on the internet blog correspond to her submission in parts. For example, her post on 2 June 2016, in which, next to a photograph she had posted of a handgun, she wrote 'This was my husband's first gift. He showed me how to take it apart, clean it and put it back together' corresponds to her statement in the main proceedings that [...] brought the Beretta home at the beginning of their marriage

and took it apart, cleaned it and put it back together in front of the defendant.

Insofar as the defendant, when confronted with the internet posts in the main proceedings, stated that she was not telling the truth in these posts because, in agreement with [...], she wanted to present herself as a strong woman on her blog, this seems to the Chamber to be a mere attempt at protecting herself, in view of the wealth of detail and the repeated and consistent accounts on her blog – over a period of almost 2 years.

This is particularly true of her post dated 24 September 2016, in which she speaks of 'my magazine' from the Kalashnikov, which she had forgotten. In that regard, the defendant stated that the magazine belonged to her husband. He reportedly left her his belt with the magazine for his Kalashnikov as she was supposed to be taking care of it. He took the Kalashnikov itself with him, however. She then forgot this, her husband's magazine, and left it in the women's residence. This submission itself contradicts the wording of her post. Furthermore, it is completely incomprehensible why [...], a high-ranking IS emir, would give his wife the magazine from his Kalashnikov while taking the Kalashnikov itself with him. The submission also contradicts the context of her stay in the women's residence, in which she speaks in detail on her internet blog about the feared attack by US troops against which she wanted to defend herself in an emergency, which is why she hopes that her magazine will be given back to her.

The context of each of her posts also contradicts her statement that she lied on the internet about possessing weapons to portray herself as a strong woman. The posts on her internet blog regarding weapons are descriptions within a factual context, which also indicates that they are true. For example, on 20 June 2014, when the defendant speaks about the firing practice she had done and mentions being in possession of the Uzi, the Makarov and the Kalashnikov, she also mentions the air attacks on IS territory, which caused her stress.

Furthermore, the defendant's submission that she no longer had any weapons as of 9 September 2014 contradicts her statement in the main proceedings that, during their marriage, [...] insisted that she arm herself when leaving the house and defend herself with weapons against attackers in the home. According to her submission, [...] left the defendant unarmed up until he died, so for a total period of 2 years, although as he

advanced within IS he was absent increasingly often. In view of the defendant's description of the previous instruction to arm herself, this seems to the Chamber to be neither consistent nor comprehensible.

The assumption of the possession of other weapons in addition to the Uzi is also [...] stated comprehensibly and credibly in the main proceedings that, besides going on walks with her Uzi, she also reported possessing her own small handgun, which her husband had shown her how to unlock. The Chamber is satisfied that the defendant made this statement to the witness [...]. The witness credibly stated that [...].

Following an assessment of all the available evidence, the Chamber therefore reaches the conclusion that, during her stay in Syria, the defendant was given control by IS of the Uzi and the Kalashnikov, the Makarov and the Beretta, and that the weapons then remained in her possession for an extended period of time.

c. With regard to the periods of possession of each of the weapons, the Chamber bases its findings on the statements made by the defendant in the main proceedings and those in the posts she published on her internet blogs 'My life in Syria' and 'bashira-is – This is the page of a muhajira in Islamic State'. The finding that the defendant possessed the model 25 or 26 machine pistol from January 2014 to 9 September 2014 is based on the statements made by the defendant, who credibly admitted possession of this weapon in this regard. With regard to the Kalashnikov, the finding that it was acquired at the latest on 8 August 2014 is based on the publication of an image of the weapon by the defendant on that date under the heading 'My three babies'. As she republished this image on her internet blog on 2 June 2016 and – unlike the Uzi – did not add that she no longer had this weapon, the Chamber assumes that she continued to have the weapon at least until this date. The Chamber bases the finding that the defendant had the Makarov handgun in her possession from at least mid-June 2014 to 2 June 2016 on her blog entry of 20 June 2014, in which she describes that her husband recently gave her the Makarov as a gift, and on the blog entry of 2 June 2016, in which she re-publishes an image of the Makarov on her internet blog and, unlike the Uzi, does not add that she no longer has this weapon. With regard to the Beretta, the finding relating to its acquisition in January 2014 is based on the defendant's statements that, after he brought the weapon home as a 'gift', [...] demanded in January 2014 that she use the weapons to defend

herself. The Chamber assumes that she possessed the Beretta until at least 2 June 2016, because on this date she published an image of the weapon on the internet with the words 'This was my first gift from my husband. He showed me how to take it apart, clean it and put it back together again', without mentioning that this weapon – unlike the Uzi – was no longer in her possession.

- d. Based on the statements made by the defendant in the main proceedings, the posts she published on her internet blogs regarding the firing practice carried out using the weapons, and an overall assessment of all circumstances, the Chamber reached the conclusion that all four weapons were in working order too.

The defendant herself admitted in her submission that she had had firing practice with the Makarov and that she had watched [...] as he had firing practice with the Uzi and the Kalashnikov. Furthermore, the defendant reported her own firing practice with the Uzi, the Kalashnikov and the Makarov in her blog entries. Due to the wealth of detail, the Chamber considers these statements on her internet blogs – like the statements regarding the possession of weapons – to be experience-based and credible. There was no evidence that the Beretta was the only weapon not in working order, especially as [...] reportedly took this weapon apart, cleaned it and put it back together again, as the defendant consistently and credibly reported in the main proceedings and on her internet blog on 2 June 2016; the Chamber therefore reached the conclusion that this weapon was also in working order.

- e. The finding that the defendant's weapons were provided by IS and intended for defence against enemy fighters in the event of an attack is based on the statements made by the defendant and those in the posts she published on her internet blogs.

The defendant has comprehensibly and convincingly stated that, as a high-ranking IS member, [...] had unlimited access to the IS weapons cache and gave her the Uzi to enable her defend herself against enemy spies. With regard to the Beretta, the defendant admitted that [...] gave it to her as a 'gift'. The Chamber deduces that this is also true of the other weapons from the defendant's posts on her internet blogs, according to which each of the weapons was given to her by [...], which, in view of the wealth of detail and the repeated and consistent accounts on her blog, the Chamber also considers to be

substantively correct.

- f. The findings that the 'Uzi' is a model 25 or 26 machine pistol, the Beretta is a semi-automatic handgun of the Beretta brand, the Makarov is a semi-automatic handgun of the Makarov brand and the Kalashnikov is an assault rifle of the Kalashnikov AK 47 brand, are based on the statements made by the defendant, the photographs and posts published by the defendant on her internet blogs 'My life in Syria' and 'bashira-is – This is a page of a muhajira in Islamic State' and on the expert report.

The defendant herself stated in her submission that [...] possessed one weapon he called a 'Makarov' and one he called a 'Kalashnikov'. Furthermore, as she admitted in the main proceedings, the defendant published images of all four weapons on her internet blog, repeatedly referring to these weapons on her blog as an 'Uzi', a 'Makarov' and a 'Kalashnikov'.

[...] explained in his report dated 9 November 2018 that on the basis of the photographs published in her blogs, the weapon described as a Kalashnikov could be an assault rifle of the Kalashnikov AK 47 brand, the weapon described as a Makarov could be a semi-automatic handgun of the Makarov brand and the Uzi could be a model 25 or 26 machine pistol, and the weapon published in the photograph on 2 June 2016 could be a semi-automatic handgun of the Beretta brand. The remarks made in the report are comprehensible and convincing, especially as they are graphically supported by images of such weapons. As the remarks made in the report are consistent with the terms that the defendant used for the weapons in her blog and in her submission – corresponding to the terms that [...] had chosen for the weapons – the Chamber based its findings on these designations. The findings regarding the features of the weapons are based on the related convincing remarks made in the report by [...].

- g. Insofar as the defendant admits possessing the Uzi in her submission but expressly denies possessing the other weapons, the Chamber once again considers the defendant's denial to be due to her desired personal public image. This means that although she admitted possessing the Uzi in her submission, she claims that she only carried it with her reluctantly and, following one shot, never used it again. The Chamber is convinced that by making this statement, she wanted to convey the image of a woman who hated weapons. However, this

image is inconsistent with possessing a total of four weapons and having firing practice several times, which the Chamber considers to be the cause of her denial.

Internet blogs

The findings relating to the internet blogs run by the defendant, 'The start of my new life', 'My life in Syria' and 'bashira-is – This is a page of a muhajira in Islamic State', the purpose of each internet blog and the individual posts published on the blogs are based on the statements made by the defendant, which are credible in this respect, and the content of the individual posts.

Insofar as the defendant used Arabic terms in her blog, the Chamber's findings in this regard are based on the convincing comments made by the language expert [...], with whose specialist knowledge as an experienced translator for the Arabic language the Chamber has become familiar through other proceedings and who translated each of the individual Arabic terms comprehensibly and convincingly in the context in which they were used.

However, the Chamber does not consider the defendant's submission that she was not allowed to publish the internet posts independently but only following approval by [...], to whom she sent the posts via WhatsApp beforehand, to be credible.

The Chamber believes it would be difficult in terms of practicality to send the posts, which often extended to several pages, via WhatsApp, due to their length. The Chamber also finds it difficult to comprehend the account that [...], who had no command of the German language, obtained a translation of the each of the texts from a German-speaking 'brother'. In view of the fact that [...] held a leading role within IS and was often absent for several days, or sometimes several weeks, and was frequently involved in fighting during his absence, as the defendant consistently and comprehensibly stated in the main proceedings and in her blog posts, this seems unlikely.

The posts on her internet blogs 'My life in Syria' and 'bashira-is – This is a page of a muhajira by in Islamic State', in which she writes, for example, 'now it is just 14 days until my husband returns inshallah and this time again we have had no contact' and 'and today I can now say that it is now only 9 days inshallah until my husband returns inshallah' prove, however, that

she also ran her blog during [...]’s longer absences and when she had no way of contacting him. This assessment also corresponds seamlessly to the defendant’s submission that [...] once had to go before an Islamic court because of her blog and he had been ‘extremely angry’ with her as a result of this, which would not have made any sense if [...] had approved all the posts first. Furthermore, it was not necessary for [...] to carry out any checks because her posts were followed all other German-speaking IS members, and were therefore ultimately monitored in their entirety by these members as to whether they adhered to IS principles, as the defendant reported comprehensibly and credibly.

Following an overall assessment of the above circumstances, the Chamber therefore came to the conclusion that the defendant did not only write the posts on her blogs independently, but also published them on her own authority.

That the defendant could not bring this notion of a person with decision-making power into line with the image she portrayed in the main proceedings of a woman under the control of another person is once again considered by the Chamber to be the reason for her differing statement.

Occupation of flats and houses

The findings relating to the occupation of flats and houses in Syria and Iraq are also based on the credible confession made by the defendant. In this regard, the defendant’s statements are confirmed by her description in her internet blogs ‘My life in Syria’ and ‘bashira-is – This is a page of a muhajira in Islamic State’, in which she described the duration of her stay in each respective property and its furnishings. On her blogs, she also explained to interested readers the system by which IS managed and allocated homes to encourage them to join IS, as she credibly confirmed.

The Chamber considers her submission that she and [...] would have had to and would have wanted to clear out the home had the owners who had fled returned, to be a mere attempt at protecting herself. It seems unrealistic that a high-level member of IS would leave the home he had personally chosen for the benefit of an owner fleeing from IS upon their return. The fact that the defendant was also aware of this is demonstrated by the posts on her internet blogs, which proves that she was fully aware of the practices of IS, particularly what IS did with the spoils the war. For example, in a post dated 28 May 2016 on the blog ‘bashira-is – This is a

page of a muhajira in Islamic State', she describes how non-believers were dealt with, saying that 'they are shown brute force or humiliated into paying jizyah [per capita tax for non-Muslims].

Explosive belts

The findings relating to the incident in Haritan in January 2014, when IS called on the inhabitants of the women's residence to detonate explosive belts in the event of an attack by enemy fighters, are based on the defendant's credible statements.

In line with her post of 17 June 2014 on her blog 'My life in Syria', the defendant recalled the incident in the main proceedings and stressed that she did not wear an explosive belt herself.

This submission by the defendant was not refuted. It is true that the defendant mentions in her blog entry that 'we use our explosive belts', 'we had three'. Although this wording does indeed identify the defendant as being one of the women who was part of the event, it cannot necessarily be deduced from this that the defendant personally wore an explosive belt. As the defendant also stressed [...] that she did not wear an explosive belt herself, as the witness [...] credibly reported, and her statements are therefore consistent, the Chamber based its findings in this regard on the statements made by the defendant.

Death of [...]

The finding that [...] was killed in December 2016 in Mosul, presumably by a bomb attack, is based on the credible statements made by the defendant that she was informed of this by two members of IS.

The expert [...] did in fact testify that some IS members were executed by IS because they were what are known as 'takfiris [exaggerators] – that is, IS members deemed too radical in religious terms, even for IS – after they turned against al-Baghdadi. However, the Chamber could not identify any indications that this applied to [...], especially since, as credibly reported by the defendant, he was promoted by IS to the role of emir of the whole of Iraq in November 2016.

V. Events following the offences

The findings relating to the events following the offences are once again based on the credible submission by the defendant in this respect. The accuracy of her statements is confirmed by the statements made by the witnesses, particularly [...]

The statements made by the defendant regarding her escape were considered comprehensible by the expert [...]. He also considered her statement regarding her detention to be convincingly consistent.

1. Detention in Erbil

The findings relating to the reasons for and the conditions of the defendant's detention are based on the credible statements made by the defendant, the accuracy of which was confirmed when taking evidence.

- a. The findings relating to the reason for detention are based on the defendant's credible statements that, at the beginning of the detention, she was heard by a judge who questioned her on her membership of IS. During this, she acknowledged that [...] was a high-ranking member of IS. Subsequently, she was informed in [...] prison that she was detained because she had been married to an IS member and was therefore associated with IS. She did not receive an arrest warrant or similar at any point.

The accuracy of the defendant's statements is confirmed by [...]. According to this, [...]. The facts were reported credibly and are consistent [...]

- b. The defendant described the conditions of the prison so coherently and comprehensibly that they form the basis of the findings of the judgment. In that regard, the credibility of the defendant's statements is supported in particular by the fact that she stated on several occasions that the prison management had attempted to improve conditions in the prison, [...] and that she had been able to change to a different detention area as a result of her efforts.

The Chamber therefore reached the conclusion that the circumstances of the defendant's detention as described by her were credible, and it based its findings on this.

- c. The findings relating to the defendant's return to Germany are based on her credible statements [...]

2. Departure from IS

The findings relating to the events following the defendant's return to Germany are based on her credible statements and on the statements made by the witness [...], as well as on the statements made by the investigating police officers.

The defendant's assertions that, having been affected by her experiences of escape and detention in Erbil, she had distanced herself from IS, were not refuted.

- a. Although, as comprehensibly described by the witness, Detective Superintendent [...], numerous image files and two video files with a clear reference to IS were found on the smartphone used by the defendant following her return to Germany, for example, IS fighters were shown and executions were documented. [...] the defendant, as both police officers consistently stated, did not compose any messages or provide any material on any of the channels herself. The subscription to these channels alone did not appear to the Chamber to be sufficient to refute the defendant's submission, especially because she justified the subscription to the channels with an interest – which is not completely unreasonable – in further events there.
- b. The defendant's statements that she did not know about [...]’s spheres of interest were not refuted either.

The finding that [...] is attributed to the Salafist scene is based on the credible statements made by the witness [...], who provided comprehensible proof of association with several events that were described in detail.

Nonetheless, the Chamber did not come to the conclusion that the defendant knew this or deduced it from the overall circumstances.

[...], as a witness, described their relationship credibly and in line with the defendant's statements, stating that religious beliefs played no role in their growing relationship and that, after getting to know her personally and during their marriage under Islamic law at the same time, which was necessary in order to be able to have personal contact, he immediately separated from the defendant. This information is confirmed by the statements made by the witness [...] in the main proceedings, whereby [...] that relevant factual issues were not discussed, however.

VI. Criminal liability for possession of weapons in Syria and Iraq

The findings relating to criminal liability for the possession of weapons by the defendant in Syria and Iraq are based on the translated provisions of the Syrian Criminal Code and the Iraqi Weapons Act.

E. Legal assessment

I. Applicability of German criminal law, power to prosecute

1. German criminal law is applicable. This follows for membership of a foreign terrorist organisation from Section 129b(1), sentence 2, variants 2 and 4 StGB (Federal Court of Justice, decision of 15 May 2019 – case 22/19, juris). For the war crime against property and other rights, this follows from Section 1, sentence 1 VStGB.

With regard to the exercise of actual power over a weapon of war without authorisation and the possession of a semi-automatic handgun, the application of German criminal law arises in two respects from Section 7(2), subparagraph 1 StGB. The offence was committed by the defendant, who was and is a German citizen, during her stay in IS territory in Syria and Iraq. As a result of the fighting in Syria and Iraq, the Syrian and Iraqi governments were unable to exercise official authority or power of sentence in the provinces located in northern Syria and Iraq that were formally subject to Syrian and Iraqi jurisdiction, with the result that the locations where the defendant resided during the period of the offence were not subject to any effective state powers. In addition, such an act was also punishable in Syria pursuant to Articles 314 and 315 of the Syrian Criminal Code and Articles 1 and 41 of Legislative Decree No. 51 of 24 September 2014, and in Iraq pursuant to Section 4(1) of CPA Order No 3 of 31 December 2003 and Article 27 of the Weapons Act No 13/1992.

2. The authority required in accordance with Section 129b(1), sentence 2 StGB to prosecute criminal acts associated with the terrorist organisation Islamic State, formerly the

Islamic State in Iraq and Greater Syria, was granted by the German Federal Ministry of Justice and Consumer Protection on 6 January 2014 and redrafted on 13 October 2015.



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II. Criminal offences

According to the facts established, the defendant rendered herself liable to prosecution for the war crime against property in concurrence with participation as a member in a foreign terrorist organisation on two counts (offences 1 and 2), participation as a member in a foreign terrorist organisation in concurrence with two concomitant counts of intentional exercise of actual power over a weapon of war and in concurrence with two concomitant counts of intentional unlawful possession of a semi-automatic handgun (offence 3), as well as participation as a member in a foreign terrorist organisation (offence 4) in accordance with Section 129a(1), subparagraph 1, Section 129b(1), sentences 1 and 2 StGB, Section 9(1), variant 3 VStGB, Section 22a(1), subparagraph 6 of the War Weapons Control Act, Section 52(1), subparagraph 2, letter b, Section 1(2) and (4) and Section 2(2) WaffG, and Section 25(2), Section 51(3), Section 51(4), sentence 2 and Sections 52 and 53 StGB.

1. Criminal liability on the grounds of participation as a member in IS in accordance with Sections 129a(1), subparagraph 1 and Section 129b(1) sentence 1 StGB

The defendant participated in a foreign terrorist organisation as a member from January 2014 to August 2017.

- a. The organisation 'Islamic State' is a foreign terrorist organisation whose objectives and activities are aimed at waging a holy war against enemies of Islam through murder or homicide, pursuant to Sections 129a and 129b StGB.
- b. The defendant participated in the terrorist organisation 'Islamic State' as a member.

Participation in an organisation as a member requires that the perpetrator submit to the will of the organisation through integration into it and engage in an activity aimed at furthering the criminal objectives of the organisation. In order to do so, it is necessary to continuously participate in the life of the organisation, or at least for a lengthy period of time (Federal Court of Justice, judgment of 14 August 2009 – 3 StR 552/08, BGHSt 54, 69 et seqq.). The perpetrator must support the organisation from within, not just externally. A formal

declaration of membership is not actually required, but the perpetrator must occupy within the organisation a role that identifies them as one of its members and distinguishes them from non-members. Activity for the organisation, even if it is particularly intensive, is not sufficient in this regard, because an outsider does not become a member of the organisation simply by supporting it. The approval of the organisation is therefore required, meaning that membership ultimately constitutes a mutual desire for continued participation in organisation life (Federal Court of Justice, decision of 22 March 2018 – StB 32/17, NStZ-RR 2018, 206).

In accordance with these criteria, the defendant's conduct as determined by the Chamber fulfils the requirements for participation as a member in the terrorist organisation Islamic State.

The defendant joined IS (ISIS) in Syria in January 2014. This is because it was at this point in time at the latest that she began to identify with its ideology, actions and goals and submitted to its will through agreement with those acting on its behalf. She therefore complied with the instructions given by her 'husband', who had power of command within IS, but also those given by other commanders, such as the emirs responsible for the IS women's houses or for the 'katibas' during her respective stays in the institutions and communities there. She took care of the household and looked after the children they shared so that her husband remained available to IS for military activities at all times, thus demonstrating behaviour typical of the organisation on a continuous basis. She received cash benefits paid by authority-like IS organisations, which were intended not just for her 'husband' but also as remuneration for her activity (Federal Court of Justice, decision of 4 April 2019 – case 22/19, juris).

The defendant lived with her 'husband' solely in towns that were controlled by IS, in homes and with furnishings that it had seized and given to her and her 'husband'. The use of the seized homes served the interests of IS in reinforcing its claim to power and making it more difficult or impossible for the territory to be recaptured by opposing military forces (Federal Court of Justice, decision of 15 May 2019 – case 22/19, juris).

Furthermore, through her two internet blogs, the defendant spent several months working in a propagandist way by publicly encouraging like-minded individuals in German-speaking countries to emigrate to IS territory and join IS. In doing so, she assumed a role that was of fundamental importance to the continued existence of the organisation. Her posts were followed by other IS members and sometimes intensively discussed. Attracting women who were willing to marry IS fighters strengthened the organisation because fighters joined IS in the knowledge they would also find a wife there.

By appearing at public executions carried out by IS, at which she was identified as a member of IS as she was accompanied by her 'husband', she assumed representative duties for the organisation in order to thereby strongly reinforce IS's claim to power locally and to intimidate the local civil population.

She underwent training in the use of firearms and, during the period of the offence, had four weapons, each of which had been given by her 'husband' from the IS cache. The defendant's 'husband' ordered her to arm herself outside the home to enable her to effectively fight enemy fighters, whereupon she frequently went out armed and sometimes also took the weapons with her for self-defence when staying in women's residences.

War crimes against property pursuant to Section 9(1), variant 3 VStGB

By occupying with her 'husband' the house in Manbij provided by IS in mid-March 2014 (offence 1) and the apartment in Raqqa provided by IS in mid-May 2014 (offence 2), including each of their furnishings, the defendant rendered herself liable to prosecution on two counts of a war crime against property pursuant to Section 9(1), variant 3 VStGB in conjunction with Section 25(2) StGB and Section 2 VStGB (Federal Court of Justice, decision of 4 April 2019 – case 12/19, and decision of 15 May 2019 – case 22/19, both juris).

In particular, by taking possession of the house and the flat, together with the furnishings, the defendant appropriated items on a significant scale, whereas the four household appliances that the defendant and her 'husband' were given upon moving into the house allocated to them

in Manbij in order to furnish it neither had a high economic value nor affected the existential livelihood of those concerned, and therefore did not have any serious consequences for them (Federal Court of Justice, *ibid*).

Violation of the War Weapons Control Act and the Weapons Act

Finally, by possessing and using a semi-automatic handgun, the Beretta, from at least January 2014 to 2 June 2016, a model 25 or 26 machine pistol from at least January 2014 to 9 September 2014, a semi-automatic handgun, the Makarov, from at least mid-June 2014 to 2 June 2016, and an assault rifle, the Kalashnikov AK 47, from at least 8 August 2014 to 2 June 2016, the defendant is guilty in two concomitant cases of the intentional exercise of actual power over a weapon of war without permission in concurrence with two concomitant cases of the intentional unlawful possession of a semi-automatic handgun (offence 3).

In relation to the model 25 or 26 machine pistol and the Kalashnikov AK 47 assault rifle, the defendant's conduct constitutes the offence of intentional unlawful exercise of actual power over a weapon of war following unauthorised derivate acquisition pursuant to Section 22a (1), subparagraph 6, letter a) of the War Weapons Control Act. In the case of the model 25 or 26 machine pistol and the Kalashnikov AK 47 assault rifle, each is considered a weapon of war within the meaning of Section 1(1) of the War Weapons Control Act in conjunction with Part B, Section V, subparagraph 29, letter c of the Annex (List of Weapons of War).

In respect of the Beretta semi-automatic handgun and the Makarov semi-automatic handgun, the defendant has committed the offence of intentional unlawful possession of a semi-automatic handgun pursuant to Section 52(1), subparagraph 2, letter b WaffG. Both weapons are guns within the meaning of Section 1(2), subparagraph 1 and Section 1(4) WaffG in conjunction with Annex 1, Section 1(1), subparagraph 1.1 WaffG, and firearms as semi-automatic handguns in accordance with Annex 1, Section 1(1), subparagraphs 2.1, 2.2 and 2.5 WaffG. Use of such weapons requires a licence in accordance with Section 2(2) in conjunction with Annex 2, Section 2(1) WaffG.

As the defendant was given the weapons by [...] and took them with her when moving house

and sometimes when leaving the home until they were returned by her 'husband' or lost, the defendant exercised actual power over these four weapons in the specified time periods, and thereby violated Syrian and Iraqi law.

Concurrent offences

The violations of the War Weapons Control Act and the Weapons Act are concurrent. The defendant sometimes exercised actual power over the four different weapons at the same time. These offences therefore constitute one concurrent continuous offence under weapons law, the link between which is the possession of the four weapons at the same time. The fact that two of the four weapons are weapons of war is irrelevant, since the question regarding concurrent offences must be answered separately from the classification of individual weapons under weapons law (Federal Court of Justice, decision of 14 January 2003 – 1 StR 457/02, juris).

By comparison, the war crimes against property each constitute a separate act in the legal sense because the defendant committed them only occasionally in the course of the continuing offence under weapons law, without the use of the weapons (Federal Court of Justice, decision of 11 August 2000 – 3 StR 235/00, juris).

Since both the legally concurrent violations of the War Weapons Control Act and the Weapons Act, with the performance of firing practice and armed outings for the purpose of defence against enemy fighters, and war crimes against property, with the intention of reinforcement of the territories occupied by IS, each served to further the objectives of IS, each of these three substantive offences constitutes participation as a member in this organisation concurrently in terms of ideology (Federal Court of Justice, judgment of 10 August 2017 – cases 35/17 and 36/17, decision of 15 May 2019, case 22/19, both juris).

However, the organisational offence under Section 129a(1), subparagraph 1 and Section 129b(1), sentence 1 StGB does not cover these offences (Federal Court of Justice, decision of 9 July 2015, – 3 StR 537/14, juris). On the contrary, they are concurrent both to

each other and to the other membership-related acts that the defendant committed prior to possession or following loss of the weapons or occasionally during possession of them, therefore constituting the remaining unity of action (Federal Court of Justice, decision of 10 August 2017, – cases 35/17 and 36/17, juris).



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F. Determination of penalty

I. Choice of sentencing range

The criminal offences on which the conviction is based provide for the following sentencing range: 1 to 10 years' imprisonment for membership of a terrorist organisation, pursuant to Section 129a(1) StGB. This also applies for a war crime against property pursuant to Section 9(1) VStGB. The provision laid down in Section 22a(1) of the War Weapons Control Act provides for a sentencing range of 1 to 5 years' imprisonment for the unauthorised acquisition of a weapon of war. Pursuant to Section 52(1) WaffG, the legislator provides for a custodial sentence of 6 months to 5 years for the unlawful possession of a semi-automatic handgun.

1 When determining the penalty, the Chamber took as its starting point the sentencing range provided for by Section 129a(1) StGB, which – like the rule in Section 9(1) VStGB – provides for the most severe penalty of between 1 and 10 years' imprisonment.

a. The Chamber first examined whether the sentencing range should be reduced by Section 129b(1), sentence 1 and Section 129a(6) in conjunction with Section 49(2) StGB. In that regard, the Chamber was guided by the following considerations:

In mitigation, the Chamber took the view that she had no previous convictions and that she would be highly sensitive to imprisonment. She has not been in prison before and her detention awaiting trial has already and will span a period of almost 12 months under the stricter conditions of proceedings for the protection of the state; in particular, visits had and must continue to take place with a glass partition. [...]

It was also in the defendant's favour that she predominantly confessed to the matter. As early as the first day of the trial, she gave a comprehensive statement about herself personally and the alleged crimes, in which she also described the core part of her life. In doing so, she answered the Chamber's questions and those of the parties to the proceedings in full. Her

submission, which was predominantly confessional, significantly reduced the length of the proceedings.

Furthermore, the Chamber has taken into consideration the fact that the defendant [...] disclosed information about her personal life and the circumstances of the offences. [...] With these actions, she seriously incriminated herself.

The defendant ultimately distanced herself from the Islamic State organisation, thereby exposing herself to hostility both from IS and its sympathisers and from its opponents, which also had a mitigating effect. The defendant has also shown that she is willing to take part in Islamism exit counselling and, in response to her express desire, has undergone a preparatory counselling interview in prison.

However, as regards aggravating factors, the Chamber found in particular that the defendant was affiliated with the 'Islamic State' organisation for a period of almost 3 and a half years, namely from January 2014 to August 2017. This is an organisation that has carried out acts of the most extreme brutality against both opponents and uninvolved third parties and is responsible for numerous attacks and fatalities, including many civilians.

It was also considered an aggravating factor that, while the defendant was a member of IS, she carried out not only one but several specific acts of participation. In particular, she engaged in large-scale propagandist activity for IS by running an internet blog for a period of 5 months in 2014 and a period of 5 weeks in 2016, thereby actively encouraging others to join IS. In doing so, she also continued to glorify life with IS in 2016, although she knew that the situation for IS on the ground, in particular the supply conditions of its members, had deteriorated dramatically. Through her posts, she called upon a variety of individuals who, in some cases, also approached her regarding emigration-related issues through social networking services such as Facebook. She also participated in a total of 10 executions, mostly in her role as the wife of an increasingly important military leader of IS, and thus as a representative of IS.

A summary of these factors, the defendant herself and all the objective and subjective circumstances of the offence showed that the defendant's guilt was not at the lower end of the

scale within the meaning of Section 129a(6) StGB.

Nor was her participation in IS of secondary importance. Over a period of almost 3 and a half years, she participated in the organisation and repeatedly engaged in propagandist activity through her internet blogs. As a German native speaker, she reached the entire German-speaking region through her internet blogs and there, in some cases, deliberately and intensively encouraged others to become comrades of IS under the pretence of false information and by embellishing the living conditions locally. However, in her favour, the Chamber does not disregard the fact that she definitely reported on the negative sides of life in a war zone too. Her propaganda activities and the associated intended recruitment of members were of fundamental importance to the continued existence of the organisation, with the result that she could not be seen as a mere follower within the organisation's hierarchy.

- b. In the present case, there is no case of active repentance within the meaning of Section 129a(7) and Section 129(6) StGB either. Under these provisions, the penalty may be reduced or waived if the offender voluntarily and seriously attempts to hinder the continued existence of the organisation or the commission of one of its offences, or voluntarily shares their knowledge in enough time to enable planned offences to be prevented. The fact that the defendant did not just relinquish her membership of IS but also distanced herself from the association does not fulfil these requirements.

The sentence to be handed down was thus derived from the standard sentencing range laid down in Section 129a(1) StGB.

II. Determination of the penalty in the strict sense

When determining the individual penalties within this penalty framework, the Chamber once again weighed up all the aforementioned circumstances against each other.

With regard to the defendant's power of disposition over two weapons of war and two semi-automatic handguns, the Chamber took into account, as an aggravating factor, the fact that in addition to being a member of IS, she concurrently violated the War Weapons Control Act and the Weapons Act, having a total of four weapons available to her.

With regard to her occupation of the house in Manbij and the flat in Raqqa, the Chamber took into account, as an aggravating factor, the fact that in addition to being a member of a terrorist organisation, the defendant concurrently committed war crimes against property. The Chamber also took into account here that the properties in Syria were of comparatively high quality, although the Chamber did note that the defendant left the properties in a better condition than she had found them in.

After again considering all the above circumstances, the defendant herself and the disvalue of her actions, the Chamber considered the following individual sentences to be proportionate to the nature and severity of the offence.

Offence 1

a custodial sentence of **2 years and 6 months**

Offence 2

a custodial sentence of **2 years and 6 months**

Offence 3

a custodial sentence of **2 years**

Offence 4

a custodial sentence of **3 years and 6 months**

III. Overall sentence

Pursuant to Section 54(1), sentence 2 and Section 54(2), sentence 1 StGB, the individual sentences established were combined into one overall sentence. When doing so, the Chamber again has considered all the circumstances of the offence and the culpability as described above, the defendant herself, and the relationship between the individual offences, particularly their close temporal, geographical and material-criminological connection.

In the light of the foregoing, the Chamber

Sentences the defendant to a total of 5 years' imprisonment.

IV. Offsetting of the period of imprisonment in Iraq

The offsetting of the defendant's period of imprisonment in Erbil between 23 September 2017 and 26 April 2018 is based on Section 51(1) and Section 51(3), sentence 2 StGB.

In Kurdistan region of Iraq, the defendant was also held in detention in respect of the same acts forming the subject matter of the present proceedings, that is to say, solely on the grounds of membership of the foreign terrorist organisation 'Islamic State' in Syria and Iraq, which was also reported to the German authorities in the same way. It is irrelevant here that the authorities of Iraqi Kurdistan themselves ultimately refrained from prosecution [...] because, in accordance with the legal concepts of Section 51(1), sentence 1 StGB, any form of deprivation of liberty in the form of justice, regardless of whether the detention is of a criminal, pre-trial or extradition nature, is eligible to be offset (Federal Court of Justice, judgment of 5 November 2014 – 1 StR 299/14, BeckRS 2014, 23680). The defendant's conduct following the offence did not give rise to any


reason to refrain from offsetting the period of imprisonment in Erbil pursuant to Section 51(1), sentence 2 StGB either.


To determine the scale of such offsetting pursuant to Section 51(4), sentence 2 StGB and to exercise the power of discretion that this provides, the Chamber took the specific circumstances of this imprisonment as identified based on the evidence gathered as its basis. Given the confined spaces, the inadequate food supply, the horrendous hygiene conditions and the poor medical care, the Chamber believes that, in consideration of the fact that the defendant [...]. It is necessary to offset the period of imprisonment in Erbil at a ratio of 1:3 (Federal Court of Justice, judgment of 5 November 2014 – 1 StR 299/14, BeckRS 2014, 23680), whereby the fact that, was imprisoned under the extremely adverse conditions, the defendant continuously [...] was decisive. The Chamber did not make any distinction between the two detention areas, since the conditions in the second area were only marginally better and did not alter the fundamental effect of the defendant's imprisonment [...] under horrendous hygiene conditions and with poor amenities.


G. Decision as to costs

The decision as to costs is based on Section 465(1), sentence 1 StPO.


Vors. Richter am OLG


Richter am OLG


Richterin am OLG


Ausgefertigt:
Stuttgart, 8. Sep. 2019
Unkundsbeamtin der Geschäftsstelle
des Oberlandesgerichts
