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SECTION 1 OF 2

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SERIAL: (U) IIR (b)(3):10 USC 424

/***** THIS IS A COMBINED MESSAGE *****/

BODY

PASS: (U) JIOC-A FOR

(b)(3):10 USC 424

FOR

COUNTRY: (U) AFGHANISTAN (AFG).

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(b)(3):10 USC 424

SUBJ: (b)(3):10 USC 424 **TALIBAN SHADOW JUDICIAL SYSTEM -**
IMPLEMENTATION AND PUBLIC PERCEPTION (S) (b)(3):50 USC 403-1(i)

WARNING: (U) THIS IS AN INFORMATION REPORT, NOT FINALLY
EVALUATED INTELLIGENCE. REPORT CLASSIFIED

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(b)(1), (b)(3):10 USC 424, 1.4 (c)

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(b)(1), 1.4 (c)

-----BEGIN TEARLINE S (b)(3):10 USC 424 -----

SUMMARY: (U) SEE EXECUTIVE SUMMARY, TEXT PARAGRAPH 1, BELOW.

TEXT: 1. (S) (b)(3):10 USC 424 EXECUTIVE SUMMARY. THE TALIBAN SHADOW JUDICIAL SYSTEM IS PREVALENT THROUGHOUT VILLAGES, DISTRICTS AND PROVINCES IN AFGHANISTAN. THEIR SYSTEM MAKES DECISIONS ON THE BASIS OF SHARIA LAW. TALIBAN REPRESENTATIVES IN THEIR RESPECTIVE LOCATIONS LISTEN TO THE RESIDENTS' DISPUTES, MAKE PERSONAL INQUIRES OF THE VALIDITY OF THE DISPUTE, BEFORE MAKING THEIR FINAL RULING. EVEN THOUGH RESIDENTS ARE UNHAPPY WITH HAVING TO GO TO THE TALIBAN FOR RESOLUTION OF ISSUES, RESOLVING THESE SAME ISSUES THROUGH THE LEGITIMATE GOVERNMENT JUDICIAL SYSTEM TAKES LONGER AND REQUIRES LARGE AMOUNTS OF MONEY FOR BRIBES.

2. (S) (b)(3):10 USC 424 THE TALIBAN SHADOW JUDICIAL SYSTEM IS PREVALENT THROUGHOUT VILLAGES, DISTRICTS AND PROVINCES IN AFGHANISTAN. THEIR SYSTEM MAKES DECISIONS ON THE BASIS OF SHARIA LAW. TALIBAN REPRESENTATIVES IN THEIR RESPECTIVE LOCATIONS LISTEN TO THE RESIDENTS' DISPUTES, MAKE PERSONAL INQUIRES OF THE VALIDITY OF THE DISPUTE, BEFORE MAKING THEIR FINAL RULING.

(b)(1), 1.4 (c)

3. (S) (b)(3):10 USC 424 FOR EXAMPLE, IN FARYAB PROVINCE, GHORMASH DISTRICT TWO TRIBES INVOLVED IN A LAND DISPUTE REQUESTED THE LOCAL TALIBAN JUDICIAL AUTHORITY TO RESOLVE THE ISSUE. THE LOCAL TALIBAN JUDGE, MULLAH IBRAHIM, AFTER MAKING HIS OWN INQUIRIES (ASKING OTHER LOCAL RESIDENTS ABOUT THE ISSUE) DETERMINED THAT THE CASE WOULD BE BETTER HANDLED BY A HIGHER JUDICIAL AUTHORITY. THE CASE WAS REFERRED TO TALIBAN COMMANDER MULLAH ABDUL RAHMAN FROM BADGHIS PROVINCE.

(b)(1), 1.4 (c)

4. (S) (b)(3):10 USC 424 EVEN THOUGH IN FARYAB PROVINCE, THE LOCAL TALIBAN COMMANDER IS RESPONSIBLE FOR HANDLING ALL LEGAL DISPUTES, IN OTHER PROVINCES SUCH AS SAR-E POL, THE LOCAL TALIBAN REPRESENTATIVE IS USED AS A CONDUIT TO REFER LEGAL DISPUTES TO TALIBAN JUDGES AND OTHER TALIBAN JUDICIAL AUTHORITIES.

5. (S) (b)(3):10 USC 424 ALSO IN FARYAB PROVINCE, GHORMASH

DISTRICT, THE RESIDENTS INVOLVED IN ANY DISPUTE ARE REQUIRED TO SUBMIT AN APPLICATION THROUGH THEIR LOCAL TALIBAN JUDGE FOR RESOLUTION. UPON RECEIPT OF THE APPLICATION, THE LOCAL JUDGE INVESTIGATES AND ISSUES SUBPOENAS TO THE PARTIES INVOLVED. IN THESE SUBPOENAS, THE PARTIES INVOLVED ARE REQUESTED TO BRING ALL DOCUMENTATION THEY HAVE AVAILABLE. AFTER BOTH SIDES HAVE SUBMITTED THE REQUESTED DOCUMENTATION, THE TALIBAN JUDGE ISSUES HIS ORDERS. TALIBAN JUDGES AND TALIBAN JUDICIAL AUTHORITIES ARE WIDELY KNOWN IN THEIR COMMUNITIES AS THE TALIBAN CONDUCTS FORMAL INTRODUCTIONS TO THE LOCAL RESIDENTS UPON APPOINTMENT.

6. ~~(S)~~ (b)(3):10 USC 424 [REDACTED] EVEN THOUGH RESIDENTS ARE UNHAPPY WITH HAVING TO GO TO THE TALIBAN FOR RESOLUTION OF ISSUES, RESOLVING THESE SAME ISSUES THROUGH THE LEGITIMATE GOVERNMENT JUDICIAL SYSTEM TAKES LONGER AND REQUIRES LARGE AMOUNTS OF MONEY FOR BRIBES. [REDACTED]

(b)(1), 1.4 (c)

[REDACTED] ALSO, IN MANY CASES THE RESIDENTS HAVE NO CHOICE BUT TO ACCEPT THE TALIBAN SYSTEM. FOR EXAMPLE, IN WARDAK PROVINCE, NIRK DISTRICT, A RESIDENT APPROACHED THE LOCAL TALIBAN JUDGE TO RESOLVE A DOMESTIC DISPUTE INVOLVING HIS DAUGHTER AND A LOCAL BOY WHO SHE HAD RUN AWAY WITH. THE TALIBAN JUDGE, WITHIN 20 DAYS OF THE ISSUE BEING PRESENTED AND UNABLE TO FIND THE BOY, ARRESTED AND TORTURED THE BOY'S BROTHER AND FORCED HIS FAMILY TO TRANSFER OWNERSHIP OF THEIR LAND TO THE GIRL'S FATHER. SINCE THE TALIBAN JUDGE DID NOT HAVE ANY OFFICIAL DOCUMENTATION TO TRANSFER THE LAND, THEY FORCED THE BOY'S FAMILY TO GO TO THE AFGHAN GOVERNMENT LAND OFFICE AND OFFICIALLY TRANSFER THE LAND.

7. ~~(S)~~ (b)(3):10 USC 424 [REDACTED] IN WARDAK AND KAPISA PROVINCES, THE TALIBAN JUDICIAL SYSTEM IS ENFORCED THROUGH INTIMIDATION OF THE POPULATION. HOWEVER, DESPITE THE RUTHLESSNESS OF THE TALIBAN, RESIDENTS RECOGNIZED ADVANTAGES AND DISADVANTAGES OF THE TALIBAN SYSTEM. SOME OF THE ADVANTAGES OF THE TALIBAN SYSTEM ARE; NO BRIBES, LESS TIME FOR RESOLUTION AND EASY TO IMPLEMENT. THE DISADVANTAGES ARE; NO LEGAL DOCUMENTS, LACK OF LEGAL ATTORNEYS AND JURORS AND THE OVERALL WEAKENING OF THE AFGHAN GOVERNMENT SYSTEM. TALIBAN JUDICIAL SYSTEM IS NOT SUSCEPTIBLE TO BRIBES AS THE REPUTATION AND HONOR OF THEIR JUDGES ARE AT STAKE. [REDACTED]

(b)(1), (b)(3):50 USC 403-1(i), 1.4 (c)

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(b)(1), (b)(3):50 USC 403-1(i), 1.4 (c)

2. (U) ALL TRANSLATIONS AND NAMES WERE ACQUIRED THROUGH AN INTERPRETER AND SPELLED PHONETICALLY. OFFICIAL TITLES AND NAMES ARE SUBJECT TO VARIATION.

(b)(3):10 USC 424

-----END TEARLINE-----

4. ~~(S)~~ (b)(3):10 USC 424 TO AID COLLECTION EFFORTS, RESPECTFULLY REQUEST EVALUATIONS AND SOURCE DIRECTED REQUIREMENTS BE SUBMITTED USING THE APPROPRIATE ONLINE PROCESS. FOR FOREIGN RELEASE OR DISSEMINATION OF INFORMATION CONTAINED IN THIS REPORT, SEND AN EMAIL TO (b)(3):50 USC 403-1(i) CONTACT THE APPROPRIATE FOREIGN DISCLOSURE OFFICE.

5. ~~(S)~~ (b)(3):10 USC 424 THIS INFORMATION WAS OBTAINED WITH THE USE OF AN INTERPRETER AND THE TRANSLATION SUPPORT PROVIDED BY NMEC.

6. (U) FOR THOSE UNITS WITHOUT (b)(3):50 USC 403- ACCESS, PLEASE USE THE FOLLOWING LINK FOR DOING IIR EVALUATIONS:

(b)(3):10 USC 424, (b)(3):50 USC 403-1(i)

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