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FM (b)(3):10 USC 424 [REDACTED] DIA WASHINGTON DC//

(b)(3):50 USC
403-1(i)

TO RHEFDIA/DIA WASHINGTON DC

INFO RUZDHTR [REDACTED] WASHINGTON DC

(b)(3):50 USC 403-1(i)

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CONTROLS

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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//~~FOUO~~)

(b)(3):10 USC 424

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COUNTRY: (U) AFGHANISTAN (AFG).

(b)(3):10 USC
424

SUBJ: (b)(3):10 USC 424 TALIBAN SHADOW JUDICIAL SYSTEM IN FARYAB

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

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

ENCLOSURES

TEXT: 1. (b)(3):10 USC 424 EXECUTIVE SUMMARY. IN FARYAB PROVINCE, AFGHANISTAN, THE TALIBAN APPOINTED JUDGES AT THE PROVINCIAL LEVEL AS WELL AS TO SOME DISTRICTS. IN DISTRICTS WHERE THERE ARE NO APPOINTED JUDGE, THE TALIBAN COMMANDER OF THE DISTRICT FULFILLS THE ROLE OF JUDGE. THE TALIBAN JUDGE FOR GHORMACH DISTRICT IS MAULAWI SHARAFUDDIN. THE TALIBAN JUDGE FOR ANDKHOY DISTRICT IS MAULAWI AREF.

2. (b)(3):10 USC 424 TALIBAN JUDICIAL SYSTEM. IN FARYAB PROVINCE, THE TALIBAN SHADOW GOVERNMENT APPOINTED JUDGES AT THE PROVINCIAL LEVELS. THERE ARE FEW JUDGES AT THE DISTRICT LEVEL. IN DISTRICTS WHERE THERE ARE NO APPOINTED JUDGES, THE TALIBAN OVERALL COMMANDER OF THAT DISTRICT FULFILLS THE ROLE OF JUDGE. THE APPOINTED JUDGES ARE GRADUATES OF MADRASSAS IN PAKISTAN AND ADHERE TO THE HANAFI SCHOOL OF ISLAMIC JURISPRUDENCE. FOR INDIVIDUAL CIVIL DISPUTES, THE CASE IS OFTEN PRESENTED TO THE TALIBAN JUDGE IN THE

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PRESENCE OF THE TRIBAL ELDERS WHO ACT AS ADVISERS TO THE JUDGE. AFTER HEARING THE CASE IN THE PRESENCE OF THE TRIBAL ELDERS, THE TALIBAN JUDGE INSTRUCTS THE DISPUTED PARTIES TO GO HOME AND COME BACK ON A SET DATE. THE JUDGE THEN CONSULTED THE TRIBAL ELDERS BEFORE ARRIVING AT A DECISION. WHETHER THE JUDGE IS A CLERGY OR A MILITARY COMMANDER ACTING AS A JUDGE, THE DECISION IS FINAL AND THERE IS NO APPEAL PROCESS. TRIBAL DISPUTES COME BEFORE TALIBAN JUDGES ONLY IF THE TRIBES CANNOT COME TO AN AGREEMENT BETWEEN THEMSELVES. THE TALIBAN JUDGES DO NOT PARTICIPATE IN MEDIATION BETWEEN TRIBES.

3. ~~(S)~~ (b)(3):10 USC 424 [REDACTED] GHORMACH DISTRICT. IN GHORMACH DISTRICT, THE POPULATION HAS NO ALTERNATIVE OTHER THAN THE TALIBAN TO RESOLVE THEIR DIFFERENCE. GOVERNMENT CONTROL IS VERY WEAK AND, WITH THE EXCEPTION OF THE DISTRICT CENTER, MOST OF THE DISTRICT IS UNDER TALIBAN CONTROL. FURTHERMORE, THE TALIBAN INTIMIDATION CAMPAIGN HAS STRENGTHENED THE TALIBAN'S GRIP ON THE DISTRICT. GHORMACH RESIDENTS WHO HAVE SOUGHT SERVICES FROM THE AFGHAN GOVERNMENT JUDICIAL SYSTEM RECEIVED DEATH THREAT FROM THE TALIBAN. FURTHERMORE, THE AFGHAN GOVERNMENT SYSTEM IS REPUTED TO BE CORRUPTED AND BUREAUCRATIC. IN CONTRAST, THE TALIBAN SYSTEM IS REPUTED TO BE FREE FROM CORRUPTION AND THE DISPUTED PARTIES CAN EXPECT QUICK RESOLUTION. IN GHORMACH DISTRICT, MAULAWI SHARAFUDDIN, A RESIDENT OF QALA WALI VILLAGE //MGRSCoord: 41SNV6858959598//, FAIZULLAH REGION, GHORMACH DISTRICT, IS THE TALIBAN SHADOW JUDGE FOR THE DISTRICT. HE COMPLETED HIS RELIGIOUS TRAINING IN A MADRASSA IN QUETTA, PAKISTAN. MAULAWI SHARAFUDDIN WAS A JUDGE IN HERAT PROVINCE DURING THE TALIBAN REGIME. MAULAWI SHARAFUDDIN HOLDS COURT ON EVERY FRIDAY STARTING AT APPROXIMATELY 1630 HOURS AT THE LOCAL MOSQUE. MAULAWI SHARAFUDDIN IS APPROXIMATELY 56 YEARS OF AGE, AVERAGE HEIGHT, HEAVY BUILD, TAN COMPLEXION, AND SALT-AND-PEPPER BEARD. HE IS TYPICALLY OBSERVED WEARING A WHITE TURBAN.

(b)(1), 1.4 (c)

4. ~~(S)~~ (b)(3):10 USC 424 [REDACTED] ANDKHOY DISTRICT. ANDKHOY DISTRICT IS MORE SECURE THAN GHORMACH DISTRICT AND THE AFGHAN GOVERNMENT HAS A STRONG PRESENCE IN THE DISTRICT. MOST ANDKHOY RESIDENTS RELY ON THE AFGHAN GOVERNMENT JUDICIAL SYSTEM INSTEAD OF THE TALIBAN. HOWEVER, THE TALIBAN STILL APPOINTED MAULAWI AREF AS A JUDGE FOR THE DISTRICT. MAULAWI AREF, SON OF HAJI USMAN AND ETHNIC UZBEK, IS A RESIDENT OF YANGI TAGARMAN (CNA), ANDKHOY DISTRICT, FARYAB PROVINCE. HIS FAMILY, INCLUDING WIFE AND CHILDREN, ARE RESIDING IN ATAK, PESHAWAR, PK. MAULAWI AREF'S FATHER AND BROTHER ARE RESIDING IN YANGI TAGARMAN. MAULAWI AREF HAS A CLOSE AND CONTINUING RELATIONSHIP WITH MAULAWI

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NAJIBULLAH, THE TALIBAN SHADOW GOVERNOR AND CHAIRMAN OF THE COMMISSION OF FARYAB PROVINCE. THEIR TWO FAMILIES ARE CLOSELY CONNECTED. DURING THE CIVIL WAR, BOTH FAMILIES LIVED TOGETHER IN THE SAME REFUGEE CAMP IN PAKISTAN. MAULAWI AREF AND MAULAWI NAJIBULLAH ATTENDED THE SAME MADRASSAS TOGETHER.

(b)(1), 1.4 (c)

(b)(3):10 USC 424

2. ~~(S)~~ (b)(3):10 USC 424 ALL GEOCOORDINATES WERE OBTAINED VIA THE AGI/MASINT REPORTING AND DISSEMINATION SERVICE GAZETTEER LOCATED AT

(b)(3):50 USC 403-1(i)

3. ~~(U//FOUO)~~ FOR THOSE UNITS WITHOUT ACCESS, PLEASE USE THE FOLLOWING LINK FOR DOING IIR EVALUATIONS:

(b)(3):50 USC 403-1(i)

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

WARNING: (U) REPORT CLASSIFIED

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(b)(3):10 USC 424

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