

Annex

This document is reproduced as a reference text to the article ‘The Layha for the Mujahideen: an analysis of the code of conduct for the Taliban fighters under Islamic Law’, by Muhammad Munir, published in this issue. Its publication does not mean that the International Review of the Red Cross endorses its content.

⋮⋮⋮⋮⋮

The Islamic Emirate of Afghanistan. The Layha [Code of Conduct] For Mujahids*

Translator’s Note

The Layha is the code of conduct (manual) and regulations of the Mujahids of the Islamic Emirate. The following document is the second edition of the Layha, published in 2010. It has been originally written in Pashto and translated into English for informational use by the International Committee of the Red Cross. This is not an official translation. Readers will find the original text on: http://alemarah-iaa.net/index.php?option=com_content&view=category&id=9&Itemid=24. The first Layha was published in 2006. This Code of Conduct replaces the 2009 version.

Our aim has been to preserve the spirit of the original Pashto text. Therefore, deviations from the original structure of the articles and paragraphs have been kept to a minimum and made only when necessary in preserving the sense. The translator’s clarifications are shown by square brackets [...], while explanations of some words or phrases are shown in parentheses (...). English equivalents of names, titles, epithets and notions in Islamic theology have been regularized. The meanings of most Islamic judicial notions referred to in the text are given in footnotes. We have followed the Pashto–Russian dictionary of M.G. Aslanov in the transliteration of Arabic and Pashto words.

⋮⋮⋮⋮⋮

In the name of God
(Who is) the most gracious and the most merciful,
We praise and pray for the glorious Messenger.

* Copyright: The Islamic Emirate of Afghanistan. Publisher: The Education Commission. Publication date: First edition – 1430 lunar year of the hejira system / Second edition – 1431 lunar year of the hejira system.

There after: Allah Almighty says [in the Holy Book]:

Allah doth command you to render back your Trusts to those to whom they are due; And when ye judge between man and man, that ye judge with justice: Verily how excellent is the teaching which He giveth you! For Allah is He Who heareth and seeth all things (58).

O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe in Allah and the Last Day: That is best, and most suitable for final determination (59).¹

Striving [*Jihad*] in the way of Almighty Allah is the highest worship and greatest duty through which the honour of the Islamic Ummah² and the sublimation of the expression of Allah Almighty takes place. *Jihad* is a fundamental tool for the success and magnificence of the Muslims through which the dignity and happiness of the Islamic Ummah can be secured. The nations who have carried out *Jihad* enjoy independence and free life. By contrast, the nations which have sheathed the sword and abandoned Jihad have not received any benefits apart from having been shackled to the neck by the chains of slavery and captivity. Today, while the Mujahids are giving their sacred blood for the prestige of Allah's word, for the honour of their own Muslim nation and the Islamic Ummah, in order to be able to organize *Jihad* affairs in the light of a comprehensive *Jihad* strategy and to guide Mujahids in terms of administrative, educational, judicial, moral and ethical aspects [of life] more than ever before, there is a need [for us] to have such a *Layha* [Code of Conduct], which will enable Mujahids to better clarify their aim; to identify the intentions of the enemies of Islam and their supporters; and to easily find a solution for the doubts and vagueness which they are facing in a *Jihad* environment. In accordance with the divine guidelines, the duties should be given to those God-fearing and brave [persons] who are not only capable of carrying out their duties in a good way, but also able to neutralize the enemy's conspiracy in time.

Thanks to the favour and support of God Almighty, the Leadership of the Islamic Emirate, in order to implement the demand of the moment, has been able to compile the *Layha* and the Regulations into 14 chapters and 85 articles in the light of Mohammedan Sharia and through the assistance and advice given by the prominent and erudite theologians [ulema], chief judges [muftis], specialists and knowledgeable persons of the country.

[The Leadership of the Islamic Emirate] based on the assistance of the mentioned persons and taking into account the current situation has added some issues to the second edition [The Code of Conduct and the Regulations] and has elaborated on some matters and introduced some clarifications.

1 Surah 4. An-Nisa' (Women), in *The Holy Quran*, Yusuf Ali Translation.

2 Religious community.

After the publication of the second edition, every person in charge and every Mujahid of the Islamic Emirate has a responsibility and duty in terms of obeying [the rules of] this *Layha* and its implementation.

All military and administrative authorities as well as ordinary Mujahids of the Islamic Emirate in matters of Jihad affairs are bound to all principles of this *Layha* and obliged to organise their daily *Jihad* activities in the light of the regulations of this Code of Conduct.

Vassalam³,

1431 lunar year of the Hegira system, 15 of Jumadi al Thani

2010.05.29

1389.03.08

.....

Introduction

1. In the *Layha* [Code of Conduct], *Imam* and *Najib Imam*⁴ refer to the Respected Amir ul Momineen⁵ Mullah Mohammad Omar (Mujahid) and his deputy, respectively.
2. In the text of the *Layha*, whenever [the situation of] giving punishment to somebody is mentioned it does not include the collection of money.
3. In the articles of the *Layha*, whenever the taking of guarantees is mentioned, it refers only to unmovable properties and persons. It does not refer to money or movable property.
4. The second edition of the *Layha* was published and went into affect on the 15th of Jumadi al Thani, 1431 lunar year of the Hegira system which corresponds to the 8th of Jauza, 1389 solar year of the Hegira system and to the 29th of May, 2010 year of Christian era. Mujahids and persons in charge of the Islamic Emirate are obliged to implement this Code of Conduct.

Chapter 1 – Issues related to the surrender of the oppositionists and giving them *dawat*⁶ [invitation]

1. Any Muslim can give a *dawat* [invitation] to the employees of the Kabul servant administration in order to encourage them to leave their duties in this corrupted administration and to sever their ties with it.
2. If somebody is leaving this corrupted administration because of somebody's *dawat*, or because of his own faith, then in the case of the ordinary person the

3 And that's all (Arabic).

4 Deputy.

5 Emir of the faithful.

6 To draw in, to attract to the right way.

district chief shall give a letter of permission to him, and in any case of a well-known person or a person who has inflicted harm on Muslims, the district chief shall provide such a letter after consultation with the governor and shall inform the Mujahids about the letter. If any Mujahid will kill the person or cause any harm to him, the person who committed this act shall be given punishment in the light of Islamic principles.

3. Regarding those persons who have surrendered and repented during their period in power (while working with Infidels or their slavery administration), if they harmed someone or caused harm to someone's property, then this person is obliged by Allah Almighty to make amends. If he does not, then he is [considered] guilty. Of course, the court or somebody else cannot receive a compensation or fine for the crime by force, nor can they punish him. If a person took some else's property and are still in possession of it, then the real owners of the property can take it back from this person, but if the property is no longer in their possession, then the real owners can not take compensation by force [from the person]. If a person during his period in power has accumulated debts or made deals such as purchasing and selling on good faith [of both parties concerned] and is still in debt [towards one of the parties concerned], then the debt can be recovered. If somebody asks for the court to be convened regarding such a personal matter, then the individual concerned should attend the court. Of course, if any thefts have taken place, or one tribe has attacked another tribe, village, household, shop, vehicle or anything else, or has committed murder or has taken a property, in this case a trial and compensation are applicable.⁷

4. If a person does not stand on his promise and carries out obvious treachery after accepting the *dawat* [invitation] or calling, the promise given to him is invalidated. In the case of a second surrender or repenting [of the person], if Mujahids are not sure of his sincerity, then a guarantee shall be asked from him.

5. If a person, having been linked to the current corrupted administration and accused of murdering Muslims, or that Muslims hate him and feel an aversion towards him, or is departing from the ranks of the opposite side, then the Mujahids shall ask this person for a guarantee that he will not change his mind and will not inflict harm on anybody. The person in question shall lead his ordinary life, but those responsible in the district are obliged to watch and follow up on him until gaining full trust and confidence in him.

In case an important operation is conducted and the person in question kills a foreign invader or a high ranking government official, or provides the Mujahids with the opportunity to catch them alive, he could be nominated to the leadership and may receive additional privileges.

6. As regards those persons who depart from the inferior administration and surrender to Mujahids, they should not be included into the Mujahid ranks without consultations among the Mujahids and until they gain full confidence in those

7 Al Hidayah, Vol. 2, p. 34; Fath Ul – Qdir, Vol. 5, p.34; Alamgiriya, Vol. 2, p. 284.

persons. After gaining such confidence, the permission shall be obtained from the person responsible for the province.

7. If any armed person from the opposite side leaves his unit and goes to a place where he cannot defend himself and the circumstances look like this person would like to surrender, any attempt to kill him would be unlawful until [the moment] it becomes clear that he does not have any intention of surrendering and will continue to attack and deceive.

8. If somebody from the opposite side contacts a Mujahid to say that he will be at the service of Mujahids inside the opposition's ranks, and that for this [service] he and his [military] squad⁸ or group of his Mujahids should not cause the person any troubles, in case of such a contact, Mujahids have permission to grant him this particular security. They should not give him general security guarantees though. In case of such a contact, the Mujahid should seek permission from the person responsible in the district who, in turn, should request permission from the governor. Given the fact that it will be personal security [guaranties] given to a particular person by a particular person or group, other Mujahids will not have any responsibility in case of any killing or harm done [to the security given to that particular person].

Chapter 2 – About prisoners

9. When an enemy, regardless of whether they are a local or a foreigner is captured, he will be handed over immediately to the person responsible in the province. After the handover it is at the discretion of the person responsible for the province whether to keep him [captive] with the particular Mujahids [those who captured him] or to hand him over to others.

10. If a local soldier, policeman, an official or other responsible person with affiliations to the slave administration has been captured, it is at the discretion of the governor to release them in the case of prisoners exchange, as part of a goodwill gesture or in exchange of solid guaranties. Receiving money for the prisoner's release is forbidden. Only *Imam*, *Najib Imam* and the provincial judge have the authority to execute or to punish. Nobody else has this authority. If a judge has not been appointed yet in a province it is up to the person responsible in the province to decide the fate [of a prisoner] with regard to their execution or punishment.

11. In case of the capture of contractors who transport and supply fuel, equipment or other materials for the infidels and their slave administration, as well as those who build military centres for them and those high- and low-ranking employees of security companies, interpreters of the infidels and drivers involved in enemy supply [business], if a judge proves the fact that the aforementioned persons are indeed involved in such activities, they should be punished by death. If the judge has not been appointed yet in a province it is up to the person responsible in the

8 'Dalgəj' in the original. Military squad or section.

province to decide the fate [of a person] with regard to the issues of proof and execution.

12. If a military infidel has been captured, his execution, release through prisoner exchange, intentional release or release upon payment in case the Muslims need money, is at the discretion of the *Imam* and *Najib Imam*. No one else has of the authority to make this decision. If the captive becomes Muslim, the *Imam* or *Najib Imam* has the authority to release him in a prisoner exchange, provided that there will be no danger of his becoming an infidel again.

13. If the Mujahids capture prisoners and, during transportation to their [Mujahids'] military centres, encounter a threat and are unable to take the captives to a safe place, and if the captives are people of the opposite side who have been captured during the war or who are officials of the opposite side, then the Mujahids present can kill them [the captives]. However, if they do not belong to these groups of people and there are doubts about the prisoners' status and they have not been identified yet or have been captured in relation to juridical [legal] issues, then the Mujahids are not authorized to kill them even if there is no option but to leave the captives at the scene.

14. If a policeman or soldier will surrender to the Mujahids and repent, the Mujahids are not allowed to kill him. If the policeman or soldier has a weapon with him, or if he had accomplished any great deeds, the Mujahids should express endearment towards him.

15. Mujahids should not expose those detained by them to starvation, thirst, cold or heat even if they deserve death. The Mujahids should punish the detained persons in accordance with the decision provided by Sharia concerning them, whether that would entail execution or any other type of punishment.

16. Apart from *the Imam*, *Najib Imam* and the judge nobody has the right to issue a *ta'zir*⁹ punishment. If a district judge, without the presence of the provincial judge, should issue the *ta'zir* execution punishment, the district judge should receive permission from the provincial judge. However, in those provinces where the provincial judge has not been appointed yet, any determination on execution and issues related to *ta'zir* punishment shall be at the discretion of the governor.

Chapter 3 – About spies

17. If evidence of espionage is found regarding a person he will be considered as a perpetrator of social destruction. The provincial judge and district judge and, in case of their absence the person responsible for the province, has the authority to issue the *ta'zir* punishment. The *Imam*, *Najib Imam*, provincial judge and – in case of the absence of the judge – the governor have the authority to execute [kill] the arrested spy. No one else can pass a decision to execute him.

9 'Ta'zir' – punishment not provided in the Sharia, but determined by the judge himself.

18. Whenever a person has been categorized as a perpetrator of social destruction it is obligatory that it be proven in accordance with the four points below.

- FIRST: the person willingly confesses his espionage, without any coercive force applied against him.
- SECOND: two witnesses give testimonies regarding the espionage and the testimonies given by them should be reliable before the judge.
- THIRD: circumstantial evidence (documents) raises strong suspicion, such as specific tools (equipment) used by spies for the purpose of spying and other such evidence.

Of course, not every one can assess the circumstantial evidence. If the court is available, the judge, and if it's not available, a specialist – an efficient and pious person – shall examine the strong and weak [aspects] of the circumstantial evidence. If the circumstantial evidence is [found] weak then the *ta'zir* punishment shall be reduced and if the circumstantial evidence is [found] strong then the punishment shall be strengthened. If the circumstantial evidence is strong enough for a firm conviction [unshakable confidence], and if the *Imam, Najib Imam* and judge have determined that execution [killing] is appropriate, then they can execute him.

- FOURTH: a person who is eligible to be a witness is someone who is very just [fair], without fanaticism [prejudice], who keeps himself far from *Kabair* [Grave sins] and never prolongs [when committed] the *Saghair* [Minor sins].

19. A confession obtained through [the means of] coercion, namely beating, threatening, suffering [torture] is not valid and cannot be used to prove the crime. The person who is taking a confession should be religious and bright [quick on the uptake] in order to prevent the use of coercion (force) when taking a confession because, in [accordance with] Sharia, a confession obtained though coercive force is untrustworthy and invalid. During confession, the Mujahids should not make promises to a prisoner, which they have no intention to fulfil.

However, it is not sufficient to merely take confessions or testimonies from a spy concerning other people. In this case those four points mentioned in article 18 shall be applicable and any actions shall be taken in light of them.

20. If Mujahids have concerns and doubts about a person suspected of spying and his crime has not been proven completely in accordance with the principles of the Sharia, the district chief in consultation with qualified people¹⁰ can exile the person from the area to a place where there will be no threat [to his life] and he will be safe. Another option would be taking from the suspect a solid guarantee. A solid guarantee means that trusted people from the respective area or who are sympathetic with the suspect will guarantee that the suspect will behave appropriately. Unmovable property might also be given as a guarantee such that, if the person

10 Those who have the right to cast their vote and express the opinion regarding sensitive issues.

starts spying again or commits another harmful act and escapes, he will not be able to use it.

21. If a criminal deserves death and an execution verdict has been issued against him in accordance with Sharia [by the court], he should be executed by gun, regardless of whether he is a spy or otherwise. Taking pictures of the executed person is prohibited.

22. Given the fact that many Sharia regulations are linked to the death of a human being, in case the Mujahids have executed a person sentenced to death without his relatives having been informed, the Mujahids should use to all possible means they consider appropriate in order to inform the heirs of the executed person about the date of execution.

Chapter 4 – Regarding those who carry out supply and construction activities for the enemy

23. It is lawful to burn private cars which transport materials or which carry out other services for the Infidels. However, trading cars for money or using them is prohibited.

24. Regarding drivers who are captured while transporting the Infidels' materials, if Mujahids are confident that [the drivers] were indeed transporting materials [goods] for the infidels and their slave administration, then the drivers should be killed and their means of transportation should be burned. In case a person is in captivity, and if the judge is convinced that these persons are indeed involved in this business [materials transportation for the infidels and their slave administration] then the judge should give them a death punishment. Of course, in case a province has not yet had its judge appointed, the matters related to proof and execution shall be transferred to the governor.

25. As far as these contractors (leaseholders) are concerned, those who are involved in activities such as construction of centres [bases] for the infidels and their slave administration as well as transportation of fuel or other materials for them, the Mujahids should burn down their transportation means and kill them [leaseholders, contractors].

In case such a person is in captivity, and if the judge is convinced that the person is indeed involved in such activities, then the judge should give them a death punishment. Of course, in case a province has not yet had its judge appointed, the matters related to proof and execution shall be transferred to the governor.

26. If it is clear that contractors are involved in the finding of labour workers and other workers for activities on behalf of the opposite side and they are doing their patronage as well, these contractors should be killed.

Chapter 5 – About spoils [trophy]

27. Spoils [trophy] refer to the goods that are captured during a fight with the combatant infidels. In Afghanistan, a one-fifth portion of the spoils will be

deposited with the person responsible in the province, who will use the spoils in the *Khums*¹¹ [fifth part] expenditures in accordance with instructions given by the leadership. Four parts of the spoils will belong to the Mujahids who were present at the scene or their commander if he was despatched somewhere to set the trap, for information gathering or other matters related to the particular fighting. Four parts of the spoils may also be distributed among those who meet the following two conditions:

- FIRST: those, who are close enough to the field of operation that in case of need they can go there and help.
- SECOND: those who are willing and ready to take part in the operation and are in contact with the fighting Mujahids. For example, thief a commander deploys him [or them] at a site close to the battlefield saying that if required he will call them to join the operation.

Those who do meet the above-mentioned criteria will not be entitled to the spoils.

28. The commanders of Mujahids should write down the names [and other Identity information] of the Mujahids in order to use this information while distributing the spoils and in case of capture or martyrdom of the Mujahids and for other needs.

29. If the Mujahids will fight [war] in a village and the villagers also take part in the fighting, then they are entitled to a share in the spoils, and if they do not participate, then they are not entitled.

30. If a Mujahid becomes a martyr before the end of the fighting then he is not entitled to a share in the spoils. Of course, the Mujahids should show kindness to him and give him a share. If he becomes a martyr on the battlefield or after the ending of the war then he is entitled to a share of the spoils and his part shall be given to his heirs.

31. The money or materials [goods and other valuables] taken from foreign invaders in the result of fighting [war] are considered as spoils. If they are taken by the Mujahids without any fighting, then they are considered as *Fay*¹², and go to the Public Treasury.¹³

32. If Mujahids seize materials from the slave administration as a result of fighting, then the leadership permits it to be divided as spoils. If the materials are taken without fighting, then they should be sent to the Public Treasury in order to be used for the general needs of the Mujahids.

33. Money which has been taken from a common treasury (a bank) and is in the possession of a reliable person who has not yet distributed it among labourers and employees, shall be divided as spoils if it was obtained through fighting [war]. If it was seized without fighting, then it shall be considered as

11 A kind of taxation in the light of Sharia law.

12 *Fay* in Islamic law is a definition of a booty or trophy which should never be divided among the participants of the war and should be given to the Public Treasury.

13 'Bajt-ul-mal' in the original.

Public Treasury. However, if the money has already been delivered to the employees and labourers, then these employees and labourers shall be considered as owners [of the money]. The *Imam*, judge and the person responsible in the province can issue a *ta'zir* punishment to these individuals but cannot take their money from them. The same applies for the wages received by the workers of organizations [NGOs].

Chapter 6 – Regarding organisational structure

34. The persons responsible in the provinces are obliged to create a commission at the provincial level comprised of qualified members. The members must not number less than five. The provincial commission, along with each district chief and with the agreement of the person responsible in the province, should organise such commissions at the district level. A maximum of three members of the district commission and a minimum three members of the provincial commission should be present in the field [area] of their activities. The leaders and members of both commissions should be those persons who will not have an excuse to leave the area of their activities.

35. In those districts where the activities of the Mujahids of the Islamic Emirate are obvious and visible, a person in charge should be appointed as a district chief. Following the agreement reached with the higher-ranking responsible persons, the district chief should appoint a person as a deputy for public¹⁴ affairs, who would not have much involvement in military affairs. This person should have a certain [level of] knowledge about public affairs and should be experienced with good manners and moral values, so that people can easily access him.

36. The creation of new groups and [military] squads is prohibited. In case of urgent need, the person responsible in the province can request the Leadership's permission, following an agreement of the organizing director¹⁵. Unofficial and self-organized [military] squads should join bigger groups through the governor. If they refuse to join and disobey, they should be disarmed.

37. The spokespersons of the Islamic Emirate are appointed by the Leadership, following suggestions from the relevant administration. They will be the representatives of the whole Islamic Emirate. No one else is allowed to talk with the media on behalf of provinces, groups or individuals. Obeying this rule will prevent disorder, confusion and disunity.

38. Each person responsible in the province should set up a Sharia court at the provincial level, comprising one judge and two prominent theologians who will solve complicated issues at the provincial level which seem to be difficult to solve for theologians and those responsible at the district and village levels. The governor

14 It also could be interpreted as civilian affairs.

15 'Tanzima rais' in the Pashto version is the person responsible for the coordination of the organizational and administrative activities in a given zone.

should present a proposition to the Leadership in order to receive an approval for the [proposed] judge and members of the court.

39. The organizing director can bring changes in the organisational structure of the province upon consultation with the governor. The governor can bring changes in the organisational structure of the district upon consultation with the district chief. However, if the governor and district chief cannot reach a common view after consultation, the governor will refer the issue to the organizing director. If the governor and the organizing director do not reach an agreement, the organizing director will present the issue to the Leadership. The provincial commission can change a district chief after [conducting] thorough investigation and receiving permission from the organizing director and the person responsible in the province.

Chapter 7 – Internal matters of Mujahids

40. It is compulsory for the Mujahids to obey their [military] squad leader; for the squad leader to obey the district leader; for the district leader to obey the provincial leader; for the provincial leader to obey the organizing director and for the organizing director to obey the *Imam and Najib Imam* as long as it is rightful under the Sharia.

41. Anyone who is appointed as a person with responsibility must have the following characteristics: Inventiveness, piety, courage, compassion, and generosity. If none [of the candidates] have all these characteristics, then at least inventiveness and piety are required.

42. The military commission, in order to secure progress in military affairs, has a duty to prepare plans [of action] taking into account the might [abilities] of the Mujahids of every area as well as the geography of the area, and to apply and share successful techniques and experiences with the Mujahids. In case of increasing enemy pressure in a province, the Military commission should prepare a programme for the Mujahids of neighbouring and other provinces in order to disperse the enemy's might and decrease the pressure in a particular area. The commission should present [such] programmes for consultation at the level of the Leadership, and after receiving the Leadership's approval should pass an order to the provinces to proceed [with the programme].

43. The military commission should be aware of the Mujahids' situation [conditions] in all provinces and should know capable and effective Mujahids in order to introduce them to the Leadership for a better supply or reward.

44. Given the fact that the majority of the members of the Military commission are military commanders, it will be difficult for them to assemble in one place. Therefore, in case of need, as many members [of the commission] as possible can assemble and continue their work. In addition, it is up to the commission responsible to organize the commission [internal activities] in a way that will prevent delays and problems in work.

45. The Military commission will ask the persons responsible in the provinces to present information about their procedures [performance] and activities and to send from time to time its delegations to the provinces in order to encourage the Mujahids, to ensure progress in military affairs, to strengthen [the situation] and to collect information.

46. In order to tackle public¹⁶ and judicial issues, article 62 of the *Layha* shall be applicable. In case of any matters arising between the common people¹⁷ and Mujahids, or between Mujahids themselves, the resolution of which is a prerogative of the provincial or district commission, the provincial commission should agree with the governor and the district commission should agree with the district chief or his deputy. The commissions should listen attentively to the explanations of the parties concerned and if the provincial commission is unable to resolve the matter, then it should be addressed to the military commission. The military commission should choose a peaceful resolution. If it still fails to resolve the matter, it should then present the issue to the Leadership. The Leadership shall resolve it through the respective structures [boards] or through [the assistance of] the theologians. If a commission¹⁸ has made a decision, then the announcement should be made in the presence of both parties concerned.

47. The provincial and district commissions, along with their other duties, should monitor [the situation] in order to prevent the infiltration of bad people into the ranks of Mujahids. If such persons are identified, they should be reported to the governor. The commissions shall do their best to resolve contradictions [disputes] between Mujahids and between common people and Mujahids. The commissions shall observe the implementation of all decrees and regulations of the Islamic Emirate. The commission shall do its best to draw attention of violators [to their mistakes] and to correct [their behaviour]. In case the behaviour goes uncorrected, those persons should be reported to the governor.

48. If common people or Mujahids have an issue with a member of the military commission or provincial or district commission or with his comrades and the resolution of the issue is entrusted to a commission of which the mentioned person is a member, then the person should not participate in the gatherings dedicated to the resolution of this particular issue.

49. The provincial commission is obliged to organize the members of the commission in a way that once per month they will guide the Mujahids in terms of obedience, piety and moral values and will monitor their conduct.

50. If a Mujahid has committed a crime or has violated the *Layha* repeatedly and the [military] squad leader or district chief decides to withdraw him from the ranks [of Mujahids] because of the committed crime, [in this situation] the leader should forward the case of the criminal to the provincial commission. The provincial commission should thoroughly investigate the issue and in case the crime indeed

16 Civilian or issues related to the common people.

17 Civilians.

18 Any mentioned commission.

deserves expulsion, the provincial commission shall make a decision after receiving an agreement from the governor. After this, nobody will have a right to arm and equip the expelled person. If the person has repented [of the committed crime], then he can be given a duty with the agreement of the provincial commission and the governor.

If the above-mentioned person is a leader of the [military] squad, district chief, district deputy chief or another responsible person, his case should be forward to the military commission via the governor or provincial commission. The Military commission has the authority to try to correct [the behavior of the person], to summoned him, to advise him and to warn him. If after all [the person] did not correct [his conduct], then the commission should introduce him to the Leadership in order to assess his disarming or expelling from the ranks [of Mujahids]. In case he repents, he can be given a duty again, but [in such situations] the approval of the Military commission or governor is required.

51. The persons responsible at the provincial and the district levels, depending on the conditions in the area, should hold consultations at an appropriate time with respective responsible [persons] about operations conducted, actions, achievements and shortcomings in order to be able to prepare more successful strategies in the future and to spare the Mujahids from [possible] harm.

52. If a [military] squad leader in one district or province wants to carry out *Jihad* in another province or district, he can do it. However, he needs permission from the [persons] responsible in the respective province or district. The persons responsible for the respective province or district will be his superior. He should be fully obedient to the person in charge [of the area].

53. If any governor or other leader already has an active group or [military] squad in another province, he should introduce the relevant squad and Mujahids to the person responsible for the relevant province. After this, they will be obedient to the governor of the relevant area and will follow his instructions [when executing their duties]. The person responsible in the province will provide them with logistic supplies as they do for the other Mujahids of the province. In the structure of the Islamic Emirate, united front lines are prohibited. These front lines, *Mahaz*, are not part of the organisational structure of the Emirate.

54. If a military squad leader from a particular province is giving his assistance to the persons responsible for another province with regard to *Jihad* affairs and afterwards wants to continue to carry out *Jihad* in that place, the person responsible in the province should seek accurate information and agreement from the person responsible in the province of origin [of the group leader] before accepting him and giving him a place. Moreover, [the person responsible in the province] should ask a newcomer about the reason behind his decision to leave the previous province and to come to a new one. If the reason does not contradict Sharia, then the person could be accepted.

55. A military squad leader who would like to increase the members of his squad or group cannot invite Mujahids who belong to another squad. Of course, if a Mujahid wants to join another responsible [group leader], he can do it. However,

Jihad tools given to him by the previous military squad leader in order to serve *Jihad*, or those tools which were seized by common effort and for which the squad's property right has been established, shall be returned to the previous squad leader. If an item was given to him as spoils or was obtained as a personal belonging, he can take it with him.

56. Those valiant warrior¹⁹ Mujahids who are entering the enemy centre in order to conduct a group armed attack should consider the following points:

1. These valiant warrior Mujahids should receive a good training and each of them should be given particular tasks.
2. These valiant warrior Mujahids should be very well supplied and equipped in order to be able to resist for a long time and inflict a lot of damage on the enemy.
3. The Mujahids and their leaders should receive in advance full information and understanding about the area they are going to attack.

57. Regarding martyrdom attacks, the four following points should be considered:

- FIRST: A martyr Mujahid should be well-trained prior to the attack.
- SECOND: A martyrdom attack should be used for important and high-value targets. The self-sacrificing heroes of the Islamic Ummah must not be used for low and worthless targets.
- THIRD: In martyrdom attacks, much more care should be taken to prevent the deaths and injuries of common people.
- FOURTH: Apart from those Mujahids who received an individual programme and permission from the Leadership, all other Mujahids must receive permission and instructions from the person responsible in the province before carrying out martyrdom attacks.

58. The general commissions of the Islamic Emirate shall hold from time to time consultative meetings in order to be more successful and advanced on matters under their responsibility.

Chapter 8 – Regarding education and training

59. The educational and training activities within the structure of the Islamic Emirate should be carried out according to the programme and regulations of the Education commission. The persons responsible in the provinces and districts shall conduct their educational efforts in accordance with the strategy of the above-mentioned commission.

¹⁹ 'Mubariz' in the Pashto version, this word could be also translated as a brave soldier, fighter for a cause (for instance, fighter for national liberation).

Chapter 9 – Regarding control and regulation of organizations [NGOs] and companies

60. The persons responsible in the provinces shall deal with organizations [NGOs] and companies in accordance with the instructions issued by the Commission for Control and Regulation of Organizations [NGOs] and Companies.

However, the commission is obliged to consult the relevant person responsible in the province. In case of disagreement between the two entities, instruction should be requested from those responsible in the Leadership. Provincial, district and military squads as well as provincial representatives of the mentioned commission are not authorized to make decisions on their own regarding organizations [NGOs] and companies' issues.

Chapter 10 – About health

61. The Health Commission of the Islamic Emirate has a special procedure in terms of arrangement of its activities. The treatment of the Mujahids shall take place in accordance with this procedure. The provincial health representatives are obliged to obey the regulations and implement the instructions of the Health commission.

Chapter 11 – Public affairs

62. Military squad leaders are not authorised to interfere with affairs of the common people, even if the local residents request the Mujahids to solve judicial issues or other matters. Only the provincial or district authority can examine the case of the applicant and through the relevant procedure, first, should try to resolve the issue via an intermediary and then by means of peaceful and lawful Jirga in a way that [the decision] will not contradict the holy Sharia. If a peaceful solution and reconciling Jirga is not possible then the parties should refer to the court. In case of the court absence, both parties should proceed on the basis of the view expressed by prominent theologians.

63. All decisions regarding issues and disputes made in a proper manner when the Islamic Emirate was in power cannot be reviewed or re-examined at this stage, even if one of the parties concerned is not satisfied [with the decision]. This is because in those days there were better conditions for justice than nowadays.

64. Persons responsible for Mujahids and persons affiliated with them should not interfere with common people's disputes nor should they take sides in a dispute or go to judges or courts as an intermediary or supporter.

65. The persons responsible in the provinces and districts, squad leaders and all other Mujahids should take maximum measures to avoid deaths and injuries among common people, as well as the loss of their vehicles and other properties. In case of carelessness, each one will be held responsible according to their acts and position, and will be punished depending on the nature of their misconduct.

66. If a responsible person or ordinary person harms common people in the name of the Mujahids, the superior [of the perpetrator] is obliged to correct this ordinary person or responsible person. In case the superior fails to correct [the perpetrator], they should report to the Leadership through the person responsible in the provinces. The Leadership will then punish the ordinary person or responsible one according to its judgement. The Leadership can expel [the perpetrator] from the rows of the Mujahids, if considered necessary.

Chapter 12 – About prohibitions

67. From the beginning of the Movement until now, weapons were collected on a huge scale. The collection conducted [by now] is enough and sufficient. From now on, no weapon shall be collected by force for the Public Treasury.

68. In line with the previous order, the Mujahids should strongly avoid smoking cigarettes.

69. Non-adults²⁰ (underage persons without beards) are forbidden to live in the Mujahids residential places and military centres.

70. In the light of Sharia, cutting off parts of the human body²¹ (ears, nose, and lips) is strictly prohibited. The Mujahids should strictly prevent such practices.

71. The Mujahids of the Islamic Emirate must not collect by force *'ushr, zakat and chanda*²². If they receive something through *ushr* and *zakat*, they should cover their Sharia expenditures from this income.

72. The Mujahids should not search people's houses. If a search was strictly necessary, then they will obtain permission from the person responsible for the district. The Imam of the mosque in the village and two village elders should accompany the Mujahids during the search.

73. Kidnapping people for money for any reason is prohibited. The persons responsible in the relevant area must firmly prevent this. If people commit this kind of act in the name of the Islamic Emirate, the provincial responsible person should disarm these criminals and give them a strong punishment, following the instructions given by the Leadership.

Chapter 13 – Recommendations

74. Every [military] squad leader is required to spare special time for *Jihadi* training, as well as religious and moral teachings and education of his colleagues. When they are not fighting or there is no emergency [situation], they should not be negligent about their training [and education].

20 'Lagharzani' in Pashto version.

21 'Musla' in the Pashto version.

22 Different kinds of Islamic taxation and donation system.

75. If there is no danger, Mujahids should worship in the mosque collectively. If going to the mosque is difficult, they should worship together in their places of residence.

Special care should be given to recite [read] the Koran²³ and praise God²⁴, because praising and recitation bring satisfaction and strength in the minds.

76. The Mujahid's strength of mind should be dedicated to military activity. They should keep themselves away from people's problems and local conflicts. On one hand, these problems cause extra work; on the other hand, it brings unnecessary conflict of interest among people and the Mujahids themselves. However if there is a case which the Mujahids cannot ignore, they should act in accordance with Article 62.

77. All staff of the Islamic Emirate should try their best to convince people who are deceived by the opposition to surrender and to put their weapons down. On one hand, the enemy ranks will be weakened, and on the other hand, the obstacles created by local people will decrease. Moreover, in some cases the Mujahids can obtain weapons and ammunitions [from the surrenders].

78. The Mujahids have the duty to behave well with people in accordance with Islamic ethic and moral values, and should try to win hearts and minds of ordinary Muslims. A Mujahid should represent the whole Islamic Emirate in a way that all fellow compatriots will welcome him, and be ready to assist and collaborate with him.

79. The Mujahids should keep themselves away from all sorts of ethnic, linguistic, and regional prejudices.

There is a narration from Hazrat Abu Horeira, may God be pleased with him, saying that the Prophet of God, may peace be upon him, had deigned to speak: 'When the one who is fighting under an unknown flag (referring to a person advancing with closed eyes; the good and bad of him cannot be determined), or the one who is angry (upset) due to ethnic prejudice (which is not the word of Allah), or who invites people to ethnocentrism (and not to Almighty Allah), or who assists someone for ethnic reasons (not for Almighty Allah) is killed, this person will die in ignorance and darkness (like during the period before Islam)'.

80. A superior responsible [person] should audit from time to time his subordinate regarding the Jihad's items and financial expenditures.

81. The Mujahids should adapt their physical appearance such as hairstyle, clothes, and shoes in the frame of Sharia and according to the common people of the area. On one hand, the Mujahids and local people will benefit from this in terms of security, and on another hand, will allow Mujahids to move easily in different directions.

23 'Talavat' in the original. Reading (usually of the Koran).

24 'Zikr' in the original. Repetition of the Divine Epithets.

Chapter 14 – About the *Layha*

82. An amendment in this *Layha* is the sole authority of the Islamic Emirate and Advisory Council²⁵ of the Islamic Emirate. If someone else dares to bring changes or violates its rules, his excuse will not be accepted.

83. The Military commission as well as the provincial and district commissions have a duty to keep the Mujahids informed about the provisions of this *Layha* and other decrees of the Islamic Emirate and to ensure its implementation.

84. In case of facing a situation that is not discussed in the booklet, Mujahids should take advice from the person responsible in their districts. In case of failure at this level, the issue must be referred to the person responsible in the province. If a solution is not found, the person responsible in the province should ask for instructions from the organizing director. In case of not finding a solution, the organizing director should ask for instructions from the Leadership.

85. It is compulsory for all the Mujahids to act upon and follow the articles [of the *Layha*]. The violator will be treated according to Islamic principles.

May Allah give us his favour
Honourable Mujahid brothers!

- All your intentions and conduct should be in accordance with divine directions and the doctrine of the Prophet.
- You should stand before the enemy as steel; events and propaganda should not shake your persistence.
- You should give a place in your hearts to your Mujahid brothers and to your people; keep strong links of brotherhood and loyalty with them in order to prevent the enemy being successful in his ill-fated aim of spreading disunity.
- Conduct all your Jihad activities and operations on the base of consultations, carefulness, inventiveness and rationality.
- Never act based on personal dislike, preferences, indifference and urgency when giving somebody a punishment.
- The protection of public properties as well as life and properties of common people is regarded as one of the basic responsibilities of Mujahids. Therefore, you should do your best in order to act in accordance with this responsibility and do not let ambition and indulgence in worldly pleasures arm persons to offend common people or to damage their property in order to get material wealth.

From the speeches of His High Excellency Amir ul Momineen.

25 'Rahbari Shura' in the original.