

“Jihadi Layeha” - A Comment

There has recently appeared on the internet a document allegedly published by the Taliban entitled “*Jihadi Layeha*”, or “Regulations for Jihad”. The document, apparently aimed at the regulation of discipline among its members and their treatment of the public, government organs and international forces, is 15 pages long and contains 30 clauses. It appears to have been written by high-ranking Taliban officials as a rule book to be followed by Taliban members – referred to in the document as the ‘Mujahideen’. The publication of the *layeha* is clearly intended to announce the active presence of the Taliban inside Afghanistan.

Its 30 clauses address 3 main areas of concern to its writers: behaviour towards Taliban members and their followers; ways of dealing with the public, primarily government employees and those working for international organizations; and finally, the Taliban’s financial affairs. Regulations are worded such that they are both encouraging and threatening. Some, for example, appear to be encouraging people to join the ranks of the Taliban, while others threaten those connected with the government and international forces with punishment.

In its first section, the *layeha* proscribes jihad against international forces and the government of Afghanistan as equivalent to prayer and the performance of religious duty, and claims jihad as required and justified by Quranic and Islamic edicts. Clauses 1 and 2 sanction every ‘responsible person’, ie, Talib, to invite anyone from the ranks of the ‘infidels’, ie, opponent of the Taliban, to turn to Islam and join their forces. Anyone thus joining the *tahrik* (meaning group, and here referring to the Taliban) will be guaranteed safety for his life and property, although the clause does not give immunity against individual action against a reformed ‘infidel’.

According to Clause 5, any Mujahid causing harm or death to an individual no longer enjoys protection by the *tahrik*, and will be dealt with in accordance with shari’a. In addition, Clause 16 states clearly that it is absolutely forbidden for any Mujahid to confiscate weapons or money from the homes of individuals without direct orders from those in authority in the *tahrik*. According to Clause 17, the Mujahideen do not have the right to confiscate people’s private property or money.

On a different note, Clause 21 equates working for the government with committing murder and the corruption of Muslims, and forbids anyone perpetrating such a crime, ie, government employee, from joining the Mujahideen. Such a ‘criminal’ may be forgiven by the senior Mujahid leaders, but cannot participate in the jihad and will not be allowed to leave his home. This clause, meant as a direct threat to government employees is further complemented by Clause 24, which states: “Any employment carried out in the name of the aforementioned organs (ie, government) is outlawed, including teaching”. All such activity is seen as strengthening the government of the infidels, and so the public is directed to: “employ appropriate teachers themselves, to teach in the mosque or some other suitable location (left unspecified), to teach their children in accordance with the curriculum designed by the Mujahideen, and not the curriculum of the infidel

government. Anyone, teacher or mulla, working for the aforementioned organ must be forbidden from teaching, or subject to physical punishment. If any teacher or mulla is found to be teaching against Islam, he will be sentenced to death, following investigations by the local or council” (appointed by the Taliban).

This last clause, a direct threat to teachers, once again confirms the Taliban’s previous attitude to education and the acquiring of knowledge, and runs contrary to the obligation placed on every Muslim man and woman by the prophet. Not only does the clause attest to the Taliban’s unchanged previous objection to education and science, but appears to more strongly approve it. This objection, in itself, will bring to the minds of many Afghans the intolerance of the Taliban and their hatred of it. The clause also highlights the clear absence of any acceptable juridical process amongst the Taliban for the determination of the crimes and punishment of their so-called opponents. This too will immediately recall for many Afghans the summary executions of the dark days of the previous Taliban administration.

Clause 26 addresses the reconstruction of Afghanistan by international organizations: “Since we are under occupation by the infidels, all activities carried out by organizations in the name of development are in fact corrupting Islam, and are forbidden, be they the construction of roads, bridges, clinics or schools, etc. When it is deemed necessary to burn down a school, care must be taken to remove and respect all religious books”. The clause clearly reflects the Taliban’s contempt and disregard for Afghanistan’s reconstruction, and their support instead for the aims and policies of those defending Pakistan’s long-term political strategies.

A number of the *layeha*’s clauses forbid the Taliban themselves from certain activities. Clause 7, for example, forbids the exchange of captured Taliban in return for money or captives, without the direct permission of *tahrik* senior officials. Clause 8 forbids financial gain made from arrangements with the enemy. Clauses 18 and 19 forbid smoking by Mujahid fighters, as well as the recruitment of youngsters to the front or political groups. The existence of the clauses, of course, confirms that the Taliban did, in the past, recruit youngsters to fight.

Clauses 14 and 27 deal with the correct way of treating spies: “If a Mujahid makes contact with a government organization in the process of carrying out his duties, his superiors must be informed; he must not be killed. Anyone killing him will himself be punished in accordance with shari’a. Likewise, anyone spying for the government cannot be punished by his seniors - his guilt must be proved by the local elder and council. The accused will be warned against re-committing the offence; should he repeat the offence he is to be beaten, and if he still does not refrain, he must be executed”. These clauses not only once again demonstrate the total lack of the rule of law and judiciary process among the Taliban, but also deviation from shari’a. The law is based on suspicion, thereby totally contradicting Islamic edicts on the punishment of criminals and wrong-doers, which emphasize the necessity of the absence of all suspicion in the proof of a crime before punishment is carried out.

Another section of the *layeha* deals with the regulation of financial matters in a few short clauses relating to property owned by the Taliban, and the claiming and fair division of booty. According to Clause 9: “Personal gain from jihadi property is forbidden”, while Clause 10 allows for the settling of accounts”. According to Clause 11, Mujahideen fighters are not allowed to sell jihadi property without the permission of provincial authorities. In addition, Clause 12 forbids the invitation into their group by Mujahid members of fighters from other groups. Should such an invitation be considered necessary permission must be sought from group seniors with the submission of convincing reasons. According to Clause 13, property and weapons taken from the infidels constitute booty, according to shari’a, and must be divided between the Mujahideen. This clause, which sanctions jihad against other Muslims and the confiscation of their property, is in direct contradiction to Islamic edicts according to which anyone attesting to Allah is considered to be a Muslims and must be treated as one. The contents of this clause not only contravene sharia and the moral values expounded by Islam, and serve instead to divide and marginalize Muslims.

Finally, Clause 23 states that should any point have been overlooked by the *layeha*, decision on it must be reached by the local council of elders. This contradicts the legitimacy of the *layeha* from a legal point of view, clearly highlighting its shortcomings.

A review of the *layeha* reveals the following. Firstly, with the publication of this *layeha*, the Taliban have clarified their position on several important issues. *Tahrik* members, for example, are in effect forbidden from leaving once they join – they will be regarded as infidels if they do and are subject to the same punishment. This is contrary to modern rules of party membership in most other countries, where the views of individual members are respected. In addition, while political parties generally try to move with the times in order to increase their relevance and appeal to the wider public, in particular if they aim to offer an alternative to the ruling regime, the Taliban move in the opposite direction, rejecting prospects for development and offering instead backwardness and reaction, whose effects the people of Afghanistan have already experienced.

Second, science and humanity are the foundation stones of development in every society. We live in a world based on knowledge, which totally rejects ignorance. In addition, every new scientific discovery strengthens religious belief – science and religion together are the key to further future human development. One of the Quran’s miracles is the inability of humans to comprehend the many truths revealed in it about our world. It is in order to be able to comprehend these truths that the Quran obliges all Muslims to seek knowledge. The Taliban, who claim to be an Islamic movement, instead proscribe against education. Do they not see how far science has progressed in revealing the world? Surely they do, but seem to believe the people of Afghanistan do not deserve to benefit from it, or be able to choose freely whether to do so. Pakistan has tried in the past to destroy culture and humanity in Afghanistan, but failed. With the resurrection of the Taliban and the killing of our teachers it is once again attempting to do so.

The *layeha* repeatedly refers to the presence of sin and infidels in Afghanistan in previous decades. Was not the previous regime of the Mujahideen, who also used this terminology

to address the Khalqi and Parchami factions of the PDPA, itself Islamic? When did they become infidels? Do we not currently have an Islamic state and government in Afghanistan? Is it that every government loses its Islamic credentials once in power, or is this terminology used as a political tool for those seeking power themselves?

The writers of the *jihadi layeha* underestimate the political and religious awareness of the people of Afghanistan and believe they can proscribe their former reactionary edicts. But our people have long since woken up to the reality of such empty and backward political games, and are no longer willing to allow their country and culture to be once again destroyed by the ignorance of the enemies of science and religion.