

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1166
Land:	Afghanistan
Kilde:	Afghan Analyst Network (AAN)
Titel:	Living with the Taliban (2): Local experience in Nad Ali District, Helmand province
Udgivet:	18. januar 2021
Optaget på baggrundsmaterialet:	9. februar 2021

Document #2043818

AAN Guests (Author), published by AAN – Afghanistan Analysts Network

Living with the Taleban (2): Local experiences in Nad Ali district, Helmand province

Original link (please quote from the original source directly):

<https://www.afghanistan-analysts.org/en/reports/war-and-peace/living-with-the-taleban-2-local-experiences-in-nad-ali-district-helmand-province/>

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What is it like to live in an area controlled by the Taleban? How does their rule affect your life and can you influence what they do? To answer these questions, we embarked on a research project scrutinising three districts in depth, looking at the local dynamics of citizen/Taleban interactions, the structure of Taleban government and whether local people can affect policy or hold the Taleban to account in any way at all. This study is of Nad Ali, a district of Helmand which has been almost entirely overrun by the Taleban three times since 2011, most recently in October 2020. This resulted – until very recently – in the closure of all schools in the district due to the fighting. Guest author* Fairuz Khan Alikhel has spoken to residents of Nad Ali and found a district with a rudimentary governance system, including courts and taxation, indications of corruption – although still less than in the government institutions – and extremely limited means for the population to affect Taleban policy and decision-making.

The “Living with the Taleban” mini-series is a joint research project by the Afghanistan Analysts Network (AAN) and the United States Institute of Peace (USIP). The first study in the series dealt with Andar district in Ghazni and can be found [here](#). Nad Ali was also the subject of a previous joint [AAN-USIP in-depth study](#) on the provision of public services such as education, health, electricity and telecommunications in areas affected by the insurgency. The AAN series editor is Reza Kazemi.

Summary of findings

- The Taleban have established a rudimentary, parallel government system in Nad Ali in areas under their control, with various commissions that supervise education and health activities and enforce ‘public morality’; they have a rigorous system of tax collection and active courts.
- The Taleban have no fixed locations for offices or courts because of the threat of attack.
- In some areas under Taleban control, people are forced to provide the Taleban, especially ‘outsiders’, with food, while elsewhere where Taleban are local, this has stopped following complaints. The Taleban regularly use people’s houses and nearby farmland as ‘human shields’, breaching the Laws of War, ^[1]See the [International Committee of the Red Cross Customary International Humanitarian Law database](#) describes the use of human shields as ‘prohibited’. when attacking government forces in the hope this will discourage counter-attack.
- Although there are active attempts to mobilise support among the population and recruit young men to Taleban ranks, there is no conscription.
- The *ushr* tax on the harvest is systematically collected on poppy across the district, but more patchily on the less lucrative, non-poppy crops. Farmers sometimes request an exemption, for instance, when the harvest has been exceptionally bad.
- Taleban courts are active and are sometimes also used by people living in government-controlled areas frustrated by the slowness of the government system, or its inability to enforce rulings. Several case studies are discussed below. Although the court service is to some extent appreciated by the public, interviewees also cited instances of what they believe were intentional delays, nepotism and corruption. Many disputes are still resolved by tribal elders and the Taleban do not interfere in this.
- In the Dashti Simi area, which has been solidly controlled by the Taleban for the last 16 years, people are not allowed to own smartphones, or even simple phones just for communication, although the insurgents themselves do use smartphones.

Methodology

This study is one of three scrutinising how the Taleban govern in three districts under or largely under their control – Andar in Ghazni, already published, this research on Nad Ali in Helmand and Dasht-e Archi in Kunduz (forthcoming). By areas under Taleban control, we mean those areas totally in the hands of the Taleban, where the security forces of the Afghan government cannot travel and the government has no role except with the permission of the Taleban, for example, permission for government inspectors to visit schools.

AAN wanted to look at who the Taleban's decision makers are, at encounters between rulers and ruled, whether the Taleban respect the suggestions or complaints of the people and how they behave towards residents. The research looks in depth at two areas of governance: how Taleban judges deal with disputes between residents and how residents feel about being taxed by the Taleban. The Taleban 'justice' system and taxation, represent, to a great extent, a give and a take: people do not like being taxed, but one may say that to some extent the Taleban provide service delivery in terms of resolving disputes. The accountability of the Taleban to the people, in particular when it comes to taxation, is also discussed in this research. The questionnaire used in this research can be found in an annex to this report.

This research is based on semi-structured interviews with five key informants. All live in Nad Ali's government-controlled district centre, but have land and relatives in areas under Taleban control, visiting those areas and hosting relatives living there when they travel to the district centre. They were selected for their detailed political knowledge, their familiarity with the current situation and the fact that they had good information regarding both the Taleban and government. The five interviewees were: a public school teacher, a shopkeeper, a pharmacist, a journalist and a civil society activist. They were all men, and aged between 30 and 50. Additionally, the author interviewed two pro-Taleban mullahs (one based in Lashkargah city and the other in the Pakistani city of Quetta), one of the six current Helmand MPs, an agriculture department employee and a key official of the government's education department of Helmand province. This research was embedded in two years of observations, through regular visits by the author to the district. One issue which made this research tricky was the changing control of the district: this is looked at in more detail in the next section.

Nad Ali district: the context

Nad Ali is a large, populous, almost entirely Pashtun district. Located just to the west of Lashkargah, it is one of the 'gateways' to the provincial capital. It is largely agricultural and one of the top opium poppy-cultivating districts in the country. Much of the land is watered by the Boghra Canal and even the land in the canal-less, northern area known as Dashti Simi (literally, the desert areas), which makes up between a fifth and a quarter of the entire district area, has gradually been turned to crops since 2001, with people moving there as water for irrigation has become available from deep wells (*barma*) using solar energy. Poppy, and less often, maize and wheat are the main crops grown there.

Nad Ali suffered predatory rule by US-backed pro-government commanders after 2001 and, as a result, the insurgency swiftly gained ground from 2006 onwards. Dashti Simi has been in Taleban hands for the last 16 years, with the rest of the territory fought over, suffering continuing clashes over control of territory, population and roads and waves of conflict and loss and gain of territory.

The Taleban have never managed to take the district centre. They captured the rest of the district in 2011 and 2016, although were pushed back both times and with the government recapturing much of what had been lost; in our report on service delivery in the district published in June 2019, we estimated that the government then controlled about 45 per cent of the territory of the district. ^[2]In June 2019, we wrote: Nad Ali district is separated into two halves by the Boghra Canal, which, according to key informants, also roughly delineates the current power division between the ... Continue reading In October 2020, however, as part of an onslaught on government-held areas across Helmand province, the Taleban again attacked government-held security posts in Nad Ali. Their first assault, on 8 October, was initially pushed back. A second attack, launched three days later, met with little resistance. According to our interviewees, only one police post resisted, but not for long. In the end, the police left all their posts in Nad Ali district without much of a fight and fled to the district centre; the Taleban were able to overrun most of the government-held areas in two days. One interviewee who was in a village in the 31 Gharbi area, around 12 kilometres northwest of the district centre, said the Taleban came early in the morning and told residents to evacuate their homes and leave. A boy was told to fetch a pickaxe, the interviewee said, and then the Taleban started making holes in compound walls from where they fired at government forces.

The Taleban's latest offensive has left all of the district in insurgent hands, including the district town of Nad Ali, but not the district centre itself; it currently comprises little more than the district governor's compound and an ANA base. The Chanjir area, which, unlike 2016, now has an Afghan National Army battalion, also did not fall to the insurgents. The district centre was protected by another ANA battalion, along with police who had abandoned their security posts in other areas of the district and gathered in the provincial capital. The Taleban were also blocked from getting vehicle-borne bombs or other kind of explosives near enough to the district centre to attack it by

government forces on the roads surrounding the district centre and *zabur* (drainage ditches) in the fields. Preventing the Taliban's capture of the district centre and the Chanjir area was important to the government, as they lie on the 'doorstep' to Helmand's provincial capital, Lashkargah.

Our main interviews were conducted by telephone from mid-August to mid-September and concerned life under the Taliban in the area they then controlled, Dashti Simi and some areas close to Dashti Simi, like Shin Kalay (Shin village) and the Shawal area. After the Taliban's October offensive in Helmand and their takeover of most of Nad Ali, we conducted additional interviews. Where there are differences between Taliban rule in Dashti Simi and recently-captured areas, this is made clear in the text.

Newly-captured areas have not yet returned to 'normal'. Schools remained closed until recently, when, after mediation and struggle by tribal elders, as well as the education department, the Taliban agreed to their re-opening. In some areas, IDPs who fled the fighting have yet to return home. UNOCHA [documented](#) 13,970 IDPs from the whole of Helmand in the wake of the October offensive. Of the unknown number of IDPs from Nad Ali, AAN's interviewees said those who live far from where there is still fighting have mostly now gone home. The main exception is Chanjir: because of the presence of the ANA battalion there, it still sees occasional firefights.

The Taliban have established their own new 'district centre' centre in Zargun Kalay (Zargun village) which is just five kilometres to the northeast of the official district centre. Zargun Kalay occupies a vast area and has a small bazaar. The Taliban have taken over the two-storey high school building as their administrative centre.

The Taliban's local governance system in Nad Ali

Provincial-level organisation

The Taliban have established a fairly consistent system of parallel government in areas under their control across Afghanistan. At the top of local Taliban government is the provincial governor and his deputy. For Helmand, both the governor and his deputy tend to reside in Musa Qala district, the Taliban's provincial capital. The governor is nominated by the *rahbari shura* (Taliban leadership council based in Quetta) and approved by the supreme leader, Mullah Haibatullah Akhundzada. Officially, all other provincial military and civil officials of the Taliban are under his leadership. A *welayati kamisiun* (provincial commission) oversees the activities of the Taliban in the province. The provincial commission is appointed by the leadership council in Quetta and consists of six to ten members of the province's sectoral various commissions.

The Taliban also have a provincial military commander whom they refer to as the *nezami masul* (military head). Officially, the *nezami masul* is nominated to the *rahbari shura* and then has to be approved by three provincial commissions: the *nezami* (military), *welayati* (provincial) and *mulki* (civilian). All three commissions are appointed by the leadership council and then approved by the supreme leader. In practice, according to AAN's sources, in Helmand province, *nezami masuls* are usually proposed by the local military commanders, are rarely rejected by the leadership council of the Taliban and are then rubber stamped by the various commissions.

In Helmand, as elsewhere, the Taliban civilian administration has several commissions, most of which are very active but some, for example, the commission for power (electricity) distribution exist in name only. Active commissions include the information and culture commission, which runs a provincial branch of the Taliban radio station, Shariat Ghag (Voice of Sharia) and provides news broadcasts and propaganda videos for the various Taliban websites, including Al-Emarah website. The dawat aw ershad is tasked with persuading government and military officials to defect or at least return to civilian life, including through large gatherings with *ulema* (religious scholars) and tribal elders. In some areas, including in Helmand, when officials agree to leave their jobs, the Taliban give them an *aman* card (guarantee card), which can be shown in situations where the former officials encounter Taliban. This commission also enforces 'public morality'.

Finally, the Taliban run a court system in the province. The primary courts are located in the districts, while the secondary courts of the Taliban are in their provincial capital – Musa Qala – and the Supreme Court is in Quetta, in Pakistan. In Helmand province, none of the commissions or courts have fixed offices with a regular staff presence.

District-level organisation in Nad Ali

The Taliban's provincial government setup is roughly replicated in Nad Ali district. The district has an overall military commander and deputy. The district military commander, like the provincial one, is usually nominated by other military commanders in the district and then approved by the military and provincial commissions. Because the southern commanders, particularly those in Helmand province, are very powerful within the Taliban movement, their decisions are rarely overruled by Quetta. The 50 to 60 commanders in the district is each in charge of a *delgai* (unit of Taliban fighters), usually comprising seven to eleven fighters; a *delgai masher* (head of unit) is the other name

locally for a commander at this level. Heads of *delgais* are approved on the basis of their influence in the local area and their demonstrated bravery in fighting. Each answers only to the district military commander.

Nad Ali has a primary court whose judges are reportedly paid good salaries. The intelligence commission has personnel in both the Taleban-controlled and government areas, and according to interviewees, they are very active in terms of secretly supervising the public and the Taleban. This commission reports to the NGO, *dawat aw ershad*, tax and military commissions.

In Nad Ali, girls and boys study together up to grade six when the girls drop out. There is just one girls-only school operating in the district, catering again only up to grade six, in a Hazara village near the district centre, which was in government hands, but is now under Taleban control. Schools in the district were closed, including in the district centre, after the recent fighting, re-opening just over two weeks ago. In the recently-captured areas, interviewees reported that the Taleban had said closing the schools allowed them to focus on fighting. In many places, the Taleban have turned schools into security posts. In recent years when areas have come under Taleban control, government-run schools have continued to operate for both boys and girls (primary only). Dashti Simi has always operated a different system. There, boys and girls only have access to courses equivalent to grades one to three, held in mosques, in a programme established by the United Nation Children's Fund (UNICEF) and International Rescue Committee (IRC). An official in the Helmand education department said there are also 'linked' schools known as *ilhaqiyas*, set up for pupils who live far away from official government schools. Government inspectors have been allowed to visit all schools in Taleban-held areas, including the *ilhaqiyas*, in the past.

In 2016, when the Taleban controlled Nad Ali district, they imposed a tax on school teachers. This practice was stopped after mediation between the Taleban, government education department and an NGO.

The Taleban have no permanent offices in the district, but tend to use mosques and people's guestrooms (*melmano kotai*); residents who are pro-Taleban may voluntarily give food and shelter to the Taleban willingly, while others are forced to do so (more on this below). All of those interviewed said Taleban officials prefer to move around because they are afraid of government attacks or airstrikes. It was however noted that the airstrikes had decreased since the Doha talks started.

Although the Taleban have recently established their district centre in the high school in Zargun Kalay, there has been little or no engagement with the public in the areas newly under Taleban control. According to interviewees, people are unclear as to what to expect in terms of services. There are some government health facilities located in the areas recently captured, as well as in Dashti Simi, all run by the Bangladeshi NGO BRAC as the government's implementing partner. The Taleban have moved the central clinic from Nad Ali town to Zargun Kalay (both under their control). There, doctors and health workers have mainly been treating wounded Taleban fighters, as well as other people injured in the fighting.

The Taleban have shut down private phone companies operating in the district. The only mobile company still working in the province is the Salam mobile network, which is a government company. According to the interviewees, the Taleban have not stopped the people from using phones or smart phones as they do in Dashti Simi.

The rest of the report presents two case studies on areas of 'governance' important to Taleban rule, taxation and the court system, before looking at encounters between residents and officials and finally assessing whether people have any chance of trying to change policy, get accountability from their rulers or protest.

Case Study 1: taxation

The Taleban impose three types of tax in Nad Ali district: agricultural, development and income/business. The agricultural tax is levied on the harvest and is known as *ushr* – Arabic for a tenth, literally, a ten per cent tax, although in reality, the rate is always much lower. ^[3]Ushr is an Arabic word that means 'one tenth.' In Sunni Islamic jurisprudence, this term is used for a ten per cent tax on the produce of cultivated land. The proceeds should be given to ... Continue reading Poppy, wheat, maize and cotton are the four major local crops subject to *ushr*. Farmers have to give two *khords* (225 grams) of opium per *jerib* (2,000 square metres) of land growing poppy. The *ushr* tax for wheat, maize and cotton is 20 kilograms of the crop per *jerib* of cultivated land and this is typically paid in cash.

To calculate the tax owed, the Taleban usually ask farmers how much of each crop they planted on each *jerib* of land. Yet, interviewees said, is not only the rate of *ushr* that varies according to the crop grown, but also the enforcement of the *ushr* tax. With poppy, they said the Taleban are always very strict, assiduously collecting opium from each farmer, even those with the smallest plots of land. There are some exemptions for people who have family members in the Taleban or have lost family members fighting in the ranks of the Taleban are not required to pay this tax. Some of them,

particularly wealthier farmers, volunteer to make a contribution anyway, as a sign of their commitment to the cause. In addition, poor farmers who are able to demonstrate that they have not had a good harvest in a particular season may also be granted an exemption.

In reality of course, harvests do vary, both depending on the weather, pests and diseases, but also where the land is; yields are higher in the canal-irrigated areas and lower in the former desert lands of Dashti Simmi. (For more on yields in Helmand and how they differ by canal and desert see [here](#) and [here](#)). Despite this, the rate of taxation is still always calculated according to area of land cultivated, not the harvest. British drug expert David Mansfield has found that, because harvests vary, there is always some room for negotiation with Taleban tax collectors: "Farmers will use low yield to negotiate lower payment." Typically, this is done, he said, by farmers and those reporting land allocation agreeing to under-report the amount of land allocated to poppy. (See here for more [detail](#).)

In contrast, the Taleban's collection of *ushr* on non-poppy crops is haphazard and far less strict, according to an informed source, a government officer in Helmand's directorate of agriculture and a resident of Nad Ali district: "Sometimes they collect and sometimes they don't." Interviewees said that when the Taleban control of an area is not that strong, they sometimes do not collect the non-poppy crops *ushr* because of its relatively low value. Mansfield has found the taxing of wheat had been common in Nad Ali at least since 2011, but at least up till 2018 when his team last conducted mass household surveys in various parts of Helmand, there had not been tax on cotton and maize. For him, this raised questions: "If the Taliban are collecting taxes on such poor performing crops [cotton and maize], what are we to understand from this concerning Taliban influence over the area, its taxation system and its overall financial position?"

In practical terms, around 20 days before the harvest season, members of the Taleban financial commission record the poppy and non-poppy crops cultivated on the lands. They either ask the farmers or the *merab* (person responsible for water distribution) the number of *jeribs* of cultivated land. They give the landowners/farmers a small sheet of printed paper with the name of the Taleban's *dawat aw ershad* (outreach and guidance) commission and the logo of the Islamic Emirate of Afghanistan. Around three weeks later, the collectors return for the payment.

Coordinating the collection is the Taleban *dawat aw ershad* commission. Tax collectors are not armed, they said but are often accompanied by pro-Taleban villagers. There is a recording system for *ushr* collection, but it is not very systematic, especially with regard to non-poppy crops.

Some interviewees said there was corruption in the collection, with only part of the taxes going to the Taleban administration, and part kept by the *ushr* collectors. However, they may confuse this with the salary of the collectors, which is apparently ten percent of the takings.

As to *zakat*, or alms, which are treated as a tax in some Muslim states, the Taleban do not collect this systemically. However, they do tell some people they know to buy a motorbike or clothes for Taleban fighters as *zakat*. During the Taleban era, the Emirate did not tax people, according to one source for fear it would lead to state corruption and the further impoverishment of the poor. ^[4]During the Taleban regime in the 1990s, the Taleban did not collect *ushr* or *zakat* from the people, but they did have a department called *da ushr aw zakat tolawalo* ... Continue reading

The second tax is on development and construction projects in areas under their control, for example for a road construction project. The general measure is ten per cent of the project's total value, but interviewees said that NGOs often negotiate to give the Taleban less than ten per cent. In contrast with the *ushr* on agricultural crops that is not systematically recorded and managed, the collection of the development taxes seems to be better recorded by the Taleban. One reason may be that the collection of this tax does not need a lot of time and the amount is relatively high. Moreover, the non-poppy and poppy *ushr* takes place more than once a year, development and NGO taxes may be collected throughout the year, depending on the number of projects.

The third type of taxation is from shopkeepers, traders and property owners based on an assessment of their businesses and properties. There is no fixed rate; instead the Taleban usually ask owners the value of their businesses and are apparently open to bargaining. For property owners, the land is taxed at around 1,200 to 1,500 Pakistani rupees (USD 8-10) per *jerib* each year. ^[5]Mansfield said the land tax in Nad Ali and Marjah is based on 'formas', the original land allocations made when the area was first settled. They only apply to the irrigated area and not the ... Continue reading In the areas recently captured in Nad Ali, the Taleban have already collected taxes. Here the tax collectors were fully armed and interviewees said the collection was done in a hurry, with the Taleban keen to leave the area again and worried about government attack.

AAN asked interviewees whether women owning businesses or income-generating projects in the district were taxed, but they did not know of any such businesses and said that if women did have any income-generating activities in Nad Ali, they were likely to be home-based and hidden from public view. Some women, for example, did embroidery which was sold to shopkeepers in the district centre or in Lashkargah city. If so, the Taleban do not seem to have asked them to pay taxes. One interviewee, however, remarked that he did not think women would be exempt from paying tax,

if they earned money. He referred to the only girls school in Nad Ali district, located in the predominantly Hazara-inhabited village of Sayed Abad, where women work as teachers. When it was last under their control, the salaries of the female teachers were taxed:

The Taleban were deducting 500 Afs (around seven USD) from the salaries of both men and women teachers. They also took their share from the biscuits and edible oil that had been given to girl pupils by the World Food Programme.

The Sayed Abad area recently came under Taleban control again.

Although the Taleban tax on teachers' salaries was indeed a practice in 2016 and 2017, it was reportedly stopped after mediation between the government education department and the Taleban. The two sides agreed that education department employees would not be harmed or taxed in Taleban-controlled areas, provided that any government monitoring of schools was carried out only after securing the consent of Taleban. Both education department officials and the district governor said the problem of teachers being taxed had largely ceased after 2017. These were in the areas which the Taleban have recently controlled again, as well as in Dashti Simi.

While the Taleban gather substantial amounts of money in taxes, all of it appears to be used to finance their own organisation and operations, with little to nothing returning to the community in the form of social services. None of the AAN interviewees thought the Taleban spent any of the *ushr* collected from the district on the people of the district. As mentioned above, based on Islamic jurisprudence, *ushr* should be redistributed to specific vulnerable groups of people, such as the poor and seven other categories of people (see footnote 3). Other taxes, such as from shopkeepers or property owners, can, according to *sharia*, be spent on other purposes, which might include road construction, education, health and others. Yet the Taleban do not spend taxes on these needs either. Rather, they use the money to equip their fighters and pursue military campaigns. Even the few infrastructure projects they oversee, such as paving roads, are not funded or implemented by the Taleban. In one case, for instance, they made residents carry out a small road-paving project, as an interviewee described:

In an area of the Dashti Simi there was no road, so the Taleban collected tractors and labourers from among the residents to have the road paved. They paid nothing to the labourers and tractor owners. They didn't even pay for the fuel for their tractors.

The court system

Many residents in Taleban-controlled areas of Nad Ali district take their disputes or problems to the Taleban for resolution, since they have few alternatives. Some people who live in government-controlled areas also choose to use the Taleban courts, particularly if they lack government connections. Four of our five interviewees had legal cases that they had taken to the Taleban, even though all four of them lived in the government-controlled district centre. Their cases, which are presented below, illustrate how the Taleban courts work, as well as provide examples of where they sometimes fail and how corruption also seems to affect the provision of Taleban justice in Nad Ali. (The interviews were given on condition of anonymity, so alternative names are used).

Case one: Alleged land confiscation

Pamir had lost 15 *jeribs* of agricultural land in the Dashti Simi area. Since he no longer lived in the area, his land had not been cultivated for about seven years and had been claimed by a person who had bought 60 *jeribs* of land beside him nearly five years previously. Pamir took the case to the Taleban "court" in Dashti Simi in late 2018. He said:

I asked someone where the Taleban district governor's office was, so that I could submit my written complaint to him. He laughed and said the district governor has no office... He told me to go and ask the mullah of a nearby mosque. I went there and the mullah told me the judge was staying in the guest room of a tribal elder. When I went there, I found him and submitted my complaint to him.

The primary court judge ruled in Pamir's favour, but the defendant appealed. One week later, the defendant brought Pamir a letter from the Taleban, summoning him to a hearing at the secondary court in Musa Qala. The Taleban judge again decided in his favour, but the defendant again refused to accept the verdict and appealed to the supreme court in Quetta. Pamir said:

We went to Quetta. Both of us explained our case in front of the judges and showed the documents of the primary and secondary courts to them. They told us we should return home and they would send us the decision in a WhatsApp message.

After two weeks Pamir and the defendant were summoned to hear the decision of the supreme court. "I won the case and the other side [the defendant] accepted the decision," Pamir said. He added that, while the defendant was still insisting on his claim, he did indeed get back his land, since it "would be impossible for anyone to reject a [Taleban] supreme court decision."

Case two: A dispute over a land sale

Zalmai told AAN about a land dispute which he initially took to a government court, but that was in the end resolved by the Taleban's supreme court. He said he had bought a small piece of land in order to build a house, but his neighbour claimed the land was his. According to sharia law, a neighbour does have first claim to buy adjacent land when it is for sale. In Zalmai's case, however, Zalmai had documentation signed by the father of the man who made a claim against him, who had since died, confirming Zalmai's claim to the land.

Zalmai said that in the government courts, the case had gone through both the primary and secondary courts in Helmand, with both courts taking over a year. Both courts ruled in Zalmai's favour, but the claimant refused to accept the verdict, so the case was referred to Kabul. At this point, Zalmai decided to try the Taleban courts because he said he had heard how many cases in the government system were never resolved. The claimant also agreed to take the case to the Taleban, having already lost in two government courts. The first step, said Zalmai, was the primary court:

I had the documents with me and the Taleban asked me and the claimant to bring witnesses. I brought three witnesses, but the claimant couldn't bring any witnesses. The primary court decided in my favour, but the claimant didn't accept it and went to Musa Qala to appeal to the secondary court.

Zalmai went to Musa Qala and showed the court his documents, after which the Taleban told both parties to return in two weeks. The Taleban again decided in Zalmai's favour. The judge advised the claimant to accept the decision, according to *sharia*. The claimant agreed on the spot and signed the document. Zalmai said: "It's now 16 months since my case was referred to [the government court in] Kabul and I still haven't heard anything about it. But the Taleban resolved the case in around three months."

Case three: a dispute over land ownership

In contrast to the swift resolutions described above, Batur told AAN his case had gone nowhere in the Taleban's primary court. He had bought a piece of land on which he wanted to build a home in the Dashti Simi area, after which another villager claimed the land belonged to him. Batur said:

The Taleban were delaying the case from one Friday [when they hold their court hearings] to another. For three months, we didn't make any progress in our case. We became tired of going to the Taleban court every week without any progress. Finally, I and the other party took our dispute to the tribal elders, who solved it within a week.

Batur said the tribal elders already knew the basics of the case, including the strength of his claim. When they invited both parties to present their documents, his opponent had nothing to show, so they decided in Batur's favour. Batur said he thought the other party knew either the Taleban judge or someone else with in the movement and that he had asked them to make excuses to delay the case.

Case four: forced child marriage

A fourth interviewee told AAN about a relative's ten-year old daughter who had been married off to a 40-year old man. Apparently, the father was very poor and needed the bride price to feed his family. The interviewee said that after the girl's husband had stabbed her in the hand, she came back to her father's house. Her father went to the Taleban court several times to complain about how his daughter had been treated, but the Taleban would not accept his case. Her father wanted the husband to be punished, or at least warned against mistreating his daughter again. He received mixed messages. On one hand, the judge repeatedly told him that this was a family matter that should be resolved between the families and that they did not have the relevant laws for such family problems, but that if he wanted to approach their courts they would evaluate the case. At the same time, the judge told him the fault lay with him for marrying his underage daughter off to a 40-year old man. The interviewee said the girl was now back in her father's home and that her father had stopped raising his case in the court.

A brief analysis of how the courts work

The four case studies suggest that the Taleban's three-tier system of appeals seems to be working, at least in some cases. Claimants are able to appeal a decision by the primary court and even take cases to the supreme court. In two of the four cases, this happened at a more efficient pace than in the government courts.

In one of the cases, where the judge seemed to be intentionally delaying the proceedings, the tribal elders were better positioned to solve the case. Interviewees told AAN that the Taleban in Nad Ali usually respect the elders' decisions and sometimes encourage people who approach them with complaints to first try to solve them through the mediation of tribal elders. The Taleban primary court will also sometimes countersign the decision of the tribal elders, as in fact happened in the third case study.

However, there are also indications of flaws in the Taleban’s court system. In Nad Ali, the Taleban do not have a standard procedure for opening a case or recording the resolution of a dispute. A litigant can approach them with or without a written complaint or application. In the first case, the litigant did make a written complaint, but in the remaining three cases, not. Our interviewees were less bothered by this than the lack of a permanent location for the Taleban courts. Their officials, including the judges, move around to avoid targeting, which can make getting hold of them difficult. It also contributes to the Taleban’s inability to keep an archive of their rulings.

The interviewees told AAN that over time the provision of Taleban justice had begun to be affected by various problems, including corruption, and that the Taleban’s reputation of providing better and swifter justice than the government was gradually worsening. Three of the interviewees, spoke of delays which they suspected were intentional. For example, arriving for a hearing and being told by the mullah of the mosque in that area that the judge was not there and being asked to return in a week, they felt, was actually about bribery; the judge had expected a payment to hold the hearing as scheduled. One interviewee explained that the way to give money to a judge was not in the form of a direct bribe, but rather under the guise of *zakat*. He said this usually happened in the primary court. As a result, some litigants withdrew their cases, out of frustration at the long delays.

AAN’s interviewees all thought power, money and nepotism played a role in the Taleban courts, although still less so than in the government courts. A pro-Taleban mullah living in Helmand province, for example, told AAN that corruption existed, but that it was “by no means comparable with the government courts.” Another interviewee described a troubling rape case: “Two men raped a ten-year old girl in Nad Ali district around three years ago. The Taleban arrested and imprisoned them. After a few days, they were released because they knew or had some people in the Taleban.” The interviewee had direct knowledge of the case, which did not seem to be widely known; at least the AAN’s other interviewees were not aware of it.

The same interviewee described a case that suggested a lack of due process by Taleban judges. Around three years ago, he said, a boy was abducted by his mother’s brother-in-law in Kandahar. The abductor had taken the child to the home of a relative in Nad Ali district. When the Taleban found him, they arrested the abductor and publicly hanged him, apparently without any kind of trial or chance to defend himself. He was hanged in front of people in the Chanjir bazaar on the busiest day of the week. The interviewee said the Taleban had written on a crate of fruit: “Whoever abducts a child will face this kind of punishment.” The hanging, which was witnessed by a large number of people, was confirmed by multiple interviewees.

The pro-Taleban mullah, quoted above, told AAN that there were currently 13 people in Taleban prisons in Helmand province, including prisons in Nad Ali, who had been sentenced to death, for murder or kidnapping, and who were now “waiting for their turn.” Public executions are, however, not very common. The hanging of the child abductor, mentioned above, was according to sources the last public execution in the area. It took place in 2017 in Chanjir bazaar.

Afghan security force personnel who are captured by the Taleban are generally released on the condition that they promise not to return to their previous positions. One interviewee said that the promise to stay out of the army or police has to be guaranteed by tribal elders, and that the release comes with a threat that they will be killed if they return and fight the Taleban again.

Encounters between residents and the Taleban

There are a wide array of encounters between Taleban and residents in the parts of Nad Ali district that are under Taleban control. Contact over justice and taxation as described above stand as two clear, frequent examples. In this section, we focus on several other encounters: food, recruitment, public morality and in gatherings such as weddings and funerals.

In Dashti Simi, the Taleban continue to force people to feed them. They do not always ask in advance, but can turn up suddenly to someone’s house. If the household refuses to give them food, its members are often beaten, so people have learned not to say no. However, if the Taleban are local men themselves, they tend not to engage in this behaviour. One interviewee described how these Taleban live in their own villages during the day, but often spend the nights in other villages to avoid attacks by the government or airstrikes on their houses. He also said that, because they were locals and knew many of the other residents, they were often invited in for food.

In places, where people were forced to give fighters food and accommodation, interviews said there had been expressions of local frustration in late 2018:

One man in the Chanjir area... had asked people in the mosque why the Taleban were forcefully asking people to provide them food since this was against Islam. He said that in the era of the companions of the Prophet Muhammad, they never forced people to give them food and that it is haram. That man was beaten harshly by the Taleban; some people said he was killed.

In some cases, the Taliban have tried to respond to local complaints, as one interviewee described the experience in the Shawal area of the district two years ago:

The Taliban were asking people to provide them food and they did it by force. For example, the Taliban would ask people to feed them and whoever refused was beaten. No one was allowed to lock his guestroom or he would be beaten by the Taliban. When this practice kept going on, the residents went to the heads of the Taliban in Shin Kalay. The Taliban gave the residents their contact numbers and asked them to contact them if any of their members asked locals for food.

According to AAN's interviewees, this practice has stopped only in areas, like Shin Kalay where local residents were among the ranks of the Taliban themselves. However, in areas such as the Dasthi Simi where Taliban fighters are not locals, the practice of forcibly asking for food and shelter has continued.

The Taliban use residential areas or the places nearby for fighting or for shielding. As one of our primary interviews said, when the Taliban recently captured to 31 Gharbi villages of this district, they emptied homes of their occupants and used the houses as a place to fire from or shields for themselves.

During the Taliban regime in the 1990s, the Taliban forcibly conscripted young men. Any household with two or three men of fighting age had an obligation to give one to become a fighter with the Taliban. This forced conscription was for about three months a year. The author met many of those conscripts in Helmand, Shahjoy district of Zabul and Pakistan's Baluchistan province during the Taliban era. He also saw a number of youths fleeing to avoid conscription. In those days, the Taliban needed forced recruitment because when they captured a district or province they needed to physically occupy it and establish some form of government. For this they needed soldiers to fight, capture and then control territory. Now, they do not control provinces and they do not try to run their government and deliver services to the public in the same way, so they do not need more recruitment. As for fighting, they already have significant forces at their disposal. In the era of insurgency, the Taliban have not forced local men to fight. However, although they still occasionally encourage recruitment through the mosques or during large gatherings, such as weddings and funerals.

In areas under their control, the *dawat aw ershad* commission enforces what the Taliban think of as Islamic rules: men must pray in the mosque, grow their beards and not grow long hair. They have also banned people listening to music, watching television and using smartphones. In Dashti Simi, under Taliban control since 2004, they ban even the use of mobile phones for communication, although the Taliban themselves use smartphones to take videos and use the internet. Even so, our interviewees said, the Taliban are generally not as harsh as they were when they were in power in the late 1990s/early 2000s.

The Taliban do not allow music and dancing in any weddings, but some pro-Taliban residents have gone further, reciting poetry at their wedding parties, to which they invite Taliban and residents together. The Taliban present their poems and the mullahs give their sermons, harshly condemning all those working for the government are harshly condemned.

The Taliban also hold commemoration events for the families and relatives of their 'martyrs' – fighters who have been killed for the Taliban cause. Taliban and residents come to the house of the dead fighter, not for condolences, but congratulations. They congratulate his relatives and poets recite poetry extolling his bravery. The event tends to turn into an attempt to incite those gathered against the government and motivate other local youths to support and even join the Taliban. One informant described it as follows:

When somebody from the Taliban, for example a commander or a head of a group, is killed, the Taliban pass his duty on to his brother or someone else from his family. If he doesn't have a brother or close relative in his family who can fight in the Taliban's ranks, his duty is then given to his wider relatives. But when a government soldier is killed by the Taliban, people don't go to his funeral. Some people would not to attend a government soldiers' funeral anyway, but some are afraid to do so. The Taliban tell people not to attend those funerals, saying to do so is to support infidels.

Accountability and negotiation with the Taliban

The Taliban in Nad Ali are single-minded in their pursuit of military priorities. Their behaviour towards local residents has become less harsh than, say, in the early 2010s when they first returned to control large parts of Nad Ali. At that time, the Taliban ignored all requests or complaints from residents. They destroyed schools, closed health clinics and did not allow NGO or government projects. One interviewee said:

When the Taliban came [back] in 2011, they wanted to destroy a high school in Zargun Kalay. Around 800 families gathered and appealed to the Taliban not to destroy the school, but they didn't listen and completely destroyed the school.

This school was rebuilt by the government after 2011 and is the one which the Taliban captured during their recent offensive and are now using and is used as their district centre.

The Taliban's behaviour is considered to have softened from 2016 onwards when they were in charge of most of the district. For example, previously, when they found government or NGO employees, they usually killed them on the spot. From 2016 onwards, employees of the education department were able to monitor the areas under the Taliban control. Interviewees put the change of attitude to the influence of some indirect community pressure. One interviewee gave an example:

When the Taliban closed the clinics [in 2016], local people went to the Taliban and asked them to permit medical facilities. The Taliban told them the clinics didn't give medicines to patients and the doctors weren't working; they claimed the clinics were useless. However, people who were close to the Taliban insisted they had to be re-opened and eventually, the Taliban relented.

The Taliban still dictate how public services run and Taliban self-interest is clearly influential when it comes to service provision and access. As AAN's [previous report](#) on service delivery in Nad Ali explained, the Taliban benefit from the public health clinics by having their sick or injured fighters receive priority treatment and by calling doctors and medical equipment to their areas. The same goes for education. When the Taliban controlled the whole district, except the district centre, in 2017, they had their members employed as school staff and, as stated above, taxed teacher salaries. They also tax development projects, creating an incentive to allow them as well. One interviewee summed up this state of affairs: "In the Taliban-controlled areas, none of the NGOs can work, unless they receive the Taliban go-ahead and that will never take place unless they pay the Taliban tax."

Since 2016, the Taliban approach in Nad Ali seems to have been to ease the operation of public services, such as education and health, and allow development and other projects. This could be profit-driven, given the money from taxes they can collect from NGO implementers, or it could be a more populist move, with the Taliban wanting to avoid disaffection from frustrated locals. The Taliban may be sensitive to the risk that such disaffection could turn into local opposition.

Tribal elders still have some influence over the Nad Ali Taliban in certain areas. For example, elders have been effective in getting some captives released, depending on the gravity of their alleged crime, said one interviewee:

The Taliban release hostages and detainees held for petty crimes like [perpetrating] small local conflicts through the intervention of tribal elders. But political hostages, murderers and government soldiers can't be released by the intervention of any resident.

As for protesting Taliban actions, however, or trying to influence their military priorities, this remains extremely difficult for most local residents. The Taliban often just ride roughshod over community concerns. Locals are powerless to stop the Taliban attacking government forces from near their homes. If they ask the Taliban not to carry out attacks from their neighbourhoods, the Taliban sometimes beat them. So all that residents can do in such instances is leave their houses to seek refuge in safer areas. One interviewee described an incident told to him by his relative:

The Taliban were planting a landmine near a residential area in Shawal. One man from the area tried to stop them from planting the mine there. He told them, "If the mine detonates, the government forces will arrest me and will blame me for planting the mine." The Taliban didn't listen and when the man insisted, he was violently beaten.

Another example is the Taliban's destruction of parts of a road when they were pushed out of the Chanjir area by government forces in May 2019. The destruction caused public anger among the residents of the district, but they could not directly protest to the Taliban. As an interviewee told AAN, some young residents still found a way to make their feelings known:

When the Taliban destroyed almost three kilometres of asphalted road in the Chanjir area of Nad Ali district, which had been well asphalted when the Taliban were in control of the area, our youths strongly condemned this action on social media. Civil society activists also condemned it by talking to different radio and TV channels.

There was just one example interviewees could think of when there had been open protests, the [People's Peace Movement \(PPM\)](#), which formed after an explosion in a sports stadium in Lashkargah, in which 23 civilians were killed in 2018. Protests spread all over the country. However, it is only at the provincial level that people feel the freedom to engage even in peaceful protests against the conflict, which could also be interpreted as against the Taliban too. Most of our interviewees, while talking to us, were very careful and said that they were afraid of the Taliban; if someone who was pro-Taliban or from Taliban intelligence heard them speaking about the Taliban and their courts and government, they would definitely consider them to be spying for the government. One said:

It is impossible for the residents of the district to protest against the Taliban or any of the Taliban's commissions. When we [the residents] don't like some of their activities, we encourage the civil society activists in the provincial capital to raise their voices there, since they are in a comparatively safer situation

than us.

Conclusion

Where up until recently, only around 25 per cent of Nad Ali was under Taleban control, since October, the group controls most of the district. In the newly retaken areas, life has not yet returned to normal. It is not yet fully clear how the new Taleban expansion will affect interactions between the Taleban and Nad Ali’s residents in these areas.

There are indications that Taleban behaviour is likely to be less harsh than during the earlier periods when they captured most of the district, in 2016 and especially 2011. Although there are very few direct ways in which residents or elders can influence the Taleban in the district, let alone hold them to account, the Taleban do seem a little less intolerant – at least in some cases – to community concerns. Where in the past the Taleban destroyed schools, despite large numbers of people asking them not to do so, in 2016 the Taleban allowed schools to remain open and even paved the way for government monitors to visit schools in Taleban controlled areas. This may also be to do with wider trends in the movement, rather than the wishes of local commanders, and the way overall, [Taleban policy has changed towards service provision](#) and presenting themselves as a government. However, in terms of authoritarian behaviour – banning music, forcing public praying, enforcing dress codes – nothing appears to have changed.

The Taleban do not conscript young men into their ranks, partly because they have no shortage of recruits and partly because, unlike the late 1990s/early 2000s, they do not need to forcibly occupy areas. In some areas, residents have managed to push back against Taleban forcing them to provide food and shelter. However, elsewhere, especially where Taleban are not local, this practice continues. The Taleban continue to use people’s homes as shields, using them to attack government forces.

The Taleban pursue taxation with zeal, particularly on the lucrative poppy crop, but also in other areas of life; they moved quickly to tax people in the areas newly captured in October. There was no evidence of any of taxes being spent on public goods in the district. The Taleban provide no services to the public, apart from their courts. Even these are criticised for a gradual increase in delays, nepotism and corruption, while still generally considered better than the government courts.

Edited by Reza Kazemi, Rachel Reid, Martine van Bijlert and Kate Clark

**Fairuz Khan Alikhel is the pseudonym of a journalist from the south who has been writing on this region of Afghanistan since 2005.*

References[+]

- ^{↑1} See the [International Committee of the Red Cross Customary International Humanitarian Law database](#) describes the use of human shields as ‘prohibited’.

In June 2019, we wrote:

Nad Ali district is separated into two halves by the Boghra Canal, which, according to key informants, also roughly delineates the current power division between the Taleban and government: areas located towards the district Nad Ali district is separated into two halves by the Boghra Canal, which, according to key informants, also roughly delineates the current power division between the Taleban and government: areas located towards the district centre and to the south of the Boghra are largely with the government, while areas located to the north of the Boghra are largely under the control of the Taleban. This translates into most of Dashti Simi (the previously completely desert area) being under the control of the Taleban and most of the Shnai Simi area (the central, green area) being under the control of the government.

^{↑2}

The district governor of Nad Ali, Muhammad Gul Hashemi, claimed to AAN that the government-controlled 80 per cent of the district’s territory. Shnai Simi, however, makes up about half of the area of Nad Ali district. Interviewees said that Zarghun Kalay, Shin Kalay, Naqil Abad, Sayed Abad and Khushal Kalay of the Shnai Simi were under the control of the government, but also that some villages in Shnai Simi, for example, Abadallah Qulf, as well as three out of 13 villages in the 31 Gharbi area, are controlled by the Taleban. This suggests, contrary to the claim of the district governor, that the area under government control is about 45 per cent of Nad Ali’s territory. The government is currently largely in control of the roads, particularly the road leading from Lashkargah to Nad Ali’s district centre. However, the Taleban continue to attack government officials that travel on the roads. There was, for instance, a Taleban ambush on a government convoy on the Chanjir road that interlinks Lashkargah and Gereshk through Nad Ali, in May 2019.

Ushr is an Arabic word that means ‘one tenth.’ In Sunni Islamic jurisprudence, this term is used for a ten per cent tax on the produce of cultivated land. The proceeds should be given to eight categories of people: the destitute, the poor, *ushr* and *zakat* collectors, the ones who are enthusiastic for Islam, prisoners, the indebted, wayfarers and passengers who may be rich at home but needy away. Islamic jurisprudence also stipulates that *ushr* is not allowed to be spent on anything except these categories of people. This is detailed in *Ayah* (verse) 60 of *surah* (chapter) 9, “At-Tawbah” (“The Repentance”), of the Qur’an (original verse, English translation and interpretation [here](#)):

↑3 *The alms are meant only for the poor and the needy and those who are in charge thereof, those whose hearts are to be reconciled, and to free those in bondage, and to help those burdened with debt, and for expenditure in the Way of Allah and for the wayfarer. This is an obligation from Allah. Allah is All-Knowing, All-Wise.*

Despite *ushr* referring to one-tenth, actual payments in Afghanistan are considerably less than that, David Mansfield told AAN:

*With payment on poppy at 0.225kg (two khord) per jerib – that will typically produce up to 13.5 kg of opium – the tax is less than two per cent. Also, taxes on wheat are significantly less. Particularly important to mention, given that this misunderstanding and literal interpretation of *ushr* is fundamental to the narrative on the Taliban and its financial dependence on drugs that is littered through the literature – both official (UN sanctions report, etc), academic and media. The system of 2 khord per jerib has been documented in Helmand since at least 2011.*

During the Taleban regime in the 1990s, the Taleban did not collect *ushr* or *zakat* from the people, but they did have a department called *da ushr aw zakat tolawalo edara* (*ushr* and *zakat* collection department). A Quetta-based pro-Taleban mullah told AAN,

↑4 *I remember the broad discussion among mullahs regarding *ushr* and *zakat* collection in a madrassa in Kandahar city [at the time]. The majority of the mullahs were insisting on collecting *ushr* and *zakat* from the people, but two famous scholars, one from Zabul and the second from Kandahar, were not in favour of this position. Finally, it was decided that *ushr* and *zakat* would not be collected from the people.*

He said that although it was legal in Islam to collect *ushr* and *zakat*, it was considered that it would result in large-scale corruption and the poor people would be deprived of their right [in *ushr* and *zakat*] as the *ushr* and *zakat* are the rights of poor and poorer people along with six other categories of people mentioned in the verse. For that reason, it was decided that *ushr* and *zakat* would not be collected from the people.

↑5 Mansfield said the land tax in Nad Ali and Marjah is based on ‘*formas*’, the original land allocations made when the area was first settled. They only apply to the irrigated area and not the desert land. One *forma* can “range from six to 24, up to 30 jeribs depending on the year of settlement and the quality of land. Over the generations, these original land allocations have been divided up as they have been handed down the generations. The tax calculated at the *forma* level is then divided among those who have inherited the land.” For more on this see [here](#).

Endnotes:

Revisions:

This article was last updated on 18 Jan 2021

ecoi.net summary:



Article on living conditions in Nad Ali district, Helmand province, which has been under Taliban control since October 2020 and overrun by Taliban 3 times since 2011

Country:

Afghanistan

Sources:

AAN Guests (Author), published by
AAN – Afghanistan Analysts
Network

Original link:
<https://www.afghanistan-analysts.org/en/reports/war-and-peace/living-with-the-taleban-2-local-experiences-in-nad-ali-district-helmand-province/>

Document type:
Special or Analytical Report

Language:
English

Published:
18 January 2021

Document ID:
2043818

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

