



# JUDGE, JURY AND EXECUTIONER

## THE ISIS BUREAU OF JUSTICE AND GRIEVANCES



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# Introduction

The Islamic State in Iraq and Syria (hereafter “ISIS”) is widely known for its brutality and archaic punishments which have been bolstered by media coverage and social media depictions of beheading, stoning, crucifixion, and amputation, amongst other punishments.<sup>1</sup> ISIS justified such brutality by its interpretation of Shari’a law and erected an authoritarian structure—including a judiciary—centered on legitimizing the imposition of such methods.<sup>2</sup>

Amidst ISIS’s professed bureaucratic structure, positioned below the Caliph and the Shura Council (Majlis-ash-Shura) and above the local courts and offices, sat one of fourteen bureaus comprising the ISIS administration: The Bureau of Justice and Grievances.

The stated role of the Bureau of Justice and Grievances was to hear complaints against ISIS public officials and fighters.<sup>3</sup> SJAC’s review of internal ISIS documents, however, indicates that the Bureau had a more central role in the governance of ISIS as it involved itself in all manner of decision-making involving administrative, civil, and criminal

matters. This included the regulation of communication technology and observance of religious holidays as well as the production of interrogation reports and the imposition of death sentences. Moreover, its hierarchical position above that of bodies such as the Islamic and Shari’a Courts indicates a broader jurisdiction than previously claimed by the group. In this regard, ISIS appears to have taken organizational cues from the Syrian Government which consolidated control within its security apparatus by extending tendrils into all areas of Syrian life.<sup>4</sup> These conclusions are important to understanding ISIS as a criminal organization and for attributing responsibility for international crimes committed by individual members of ISIS.

SJAC recommends that specialized war crimes units prioritize the investigation and prosecution of members of the Bureau of Justice & Grievances given the significant role they played in ISIS’s systems of abuse. In furtherance of this work, SJAC continues to assess its trove of ISIS documentation to compile and share with justice mechanisms the names of Bureau members found within these documents.

<sup>1</sup> See, e.g. Patrick Cockburn, Life Under ISIS: The Everyday Reality of Living in the Islamic <Caliphate> with its 7th Century Laws, Very Modern Methods and Merciless Violence, INDEPENDENT (March 15, 2015), <https://www.independent.co.uk/news/world/middle-east/life-under-isis-the-everyday-reality-of-living-in-the-islamic-caliphate-with-its-7th-century-laws-10109655.html>; see also MARA REVKIN, THE LEGAL FOUNDATIONS OF THE ISLAMIC STATE 5 (The Brookings Project on U.S. Relations with the Islamic World, July 2016), accessed at: [https://www.brookings.edu/wp-content/uploads/201607/Brookings-Analysis-Paper\\_Mara-Revkin\\_Web.pdf](https://www.brookings.edu/wp-content/uploads/201607/Brookings-Analysis-Paper_Mara-Revkin_Web.pdf).

<sup>2</sup> REVKIN, *supra* note 1, at 6.

<sup>3</sup> For sources that discuss the administrative structure and judiciary system of ISIS, see Aymenn, al-Tamimi, The Evolution in Islamic State Administration: The Documentary Evidence, 9 PERSPECTIVES ON TERRORISM 117, 12 (Aug. 2015); في: دأعش تنظيم “داعش” التي أعلنها تنظيم “داعش” في: 29 يونيو 2014 [Translation: Retired Major General Dr. Imad Alou, The Experience of Running the State of the Caliphate Announced by ISIS on June 29, 2014] (April 20, 2019), <https://www.europarabct.com/50923؟الإسلامية%D984%D8%A7%D981%D8%A9%D8%A7%D984%D982%D8%A7%D986%D9%88%D986-%D983%D8%A9%D81%D98%A%D8%B7%D8%A8%D982-%D8%AF%D8%A7%D8%B9%D8%B4-%D8%A7%D984%D8%AE%D984%D8%A7%D9%81%D8%A9%D8%A7%D984%D8%A5%D8%B3%D984%D8%A7%D985%D8%A9%D89%F> [hereinafter RAQEB Report]; Andrew F. March & Mara Revkin, Caliphate of Law: ISIS’ Ground Rules, FOREIGN AFFAIRS (April 15, 2015), [https://www.foreignaffairs.com/articles/syria/201515-04-/caliphate-law?cid=rss-rss\\_xml-caliphate\\_of\\_law-000000](https://www.foreignaffairs.com/articles/syria/201515-04-/caliphate-law?cid=rss-rss_xml-caliphate_of_law-000000) (Original English version of RAQEB article); Nour Ayoub, أخطأتم قراءتنا، هيكليّة “داعش” إلى العلن: كيف يطبق داعش الخلافة الإسلامية؟ [Translation: The Structure of ISIS Has Been Made Public], AL AKHBAR (July 9, 2016), <https://al-akhbar.com/Syria/216434>; Sarah Birke, How ISIS Rules, N.Y. Books (Feb 5, 2015), <https://www.nybooks.com/articles/201505/02/how-isis-rules/>; and MIKAEL EKMAN, RULE OF LAW ASSESSMENT REPORT: SYRIA 2017 13235- (International Legal Assistance Consortium, 2017), accessed at: <http://www.ilacnet.org/wp-content/uploads/201704/Syria2017.pdf>.

<sup>4</sup> See generally SYRIA JUSTICE & ACCOUNTABILITY CENTER, WALLS HAVE EARS: AN ANALYSIS OF CLASSIFIED SYRIAN SECURITY SECTOR DOCUMENTS (May 2019) [hereinafter WALLS HAVE EARS].

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# Methodology

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In May 2019, SJAC obtained from an independent activist, who was unaffiliated with any militant group, scanned copies of 277 internal ISIS documents, collected from abandoned ISIS administrative offices in Tabqa, Raqqah Governorate, within the seat of the Caliphate declared by ISIS. SJAC confirmed the identity of the activist as well as the fact that the individual had an opportunity to obtain the documents from former ISIS strongholds. The activist did not request or receive any payment from SJAC for the documents.

SJAC does not have access to the original documents. However, based upon the headings on the documents, the language used, the handwriting, as well as comparisons with other original ISIS documents in the custody of partner organizations, SJAC has verified that the documents are authentic and unaltered originals. SJAC has also consulted an expert on Syrian extremist organizations who concurs with this assessment.

SJAC reviewed each of the 277 documents, observing the appearance of the Bureau of Justice and Grievances ("the Bureau") along the headers of 24 of the documents. Due to the prevalence of the Bureau's name across

various documents, SJAC conducted a deeper analysis of this subset to extract an understanding of the role, function, and jurisdiction of the Bureau. Cognizant of the danger of selection bias, SJAC cross-referenced its collection with other publicly and privately available archives of ISIS documents, including through consultation with George Washington University's Program on Extremism as well as review of documents or reports on documents from Enab Baladi, The Associated Press, The New York Times, and Aymenn Jawad al-Tamimi, an independent researcher. Additionally, SJAC consulted two experts on Shari'a law.

The selected set of documents detail routine administrative and judicial tasks and include: arrest documents, sentencing documents, confessions, witness statements, marriage certificates, case summaries, information on detainees, interrogation reports, orders for the release of prisoners, and defendant statements.

Five of the documents have been selected for publication with this report with appropriate redactions to protect the safety of potential victims.

# Historical Background



Table 1. ISIS' detailed explanation of its administrative structure, including the Bureau, as published in "The Edifice of the Caliphate."<sup>8</sup>

ISIS's judicial system, including its Bureau of Justice and Grievances (ديوان القضاء والمظالم), or Diwan al-Qada wa al-Mazalim, and even its use of the term "diwan"<sup>5</sup> within its organizational structure, has its roots in seventh century institutions of the Umayyad Caliphate, where Umayyad Caliph Abd al-Malik b. Marwan established the Court of Redress of Grievances as an administrative court under the jurisdiction of the

Caliph.<sup>6</sup> The Court addressed grievances against state officials for issues of public funds, land laws, endowments, complaints, and all other matters the government chose to define as a complaint, known collectively as Mazalim jurisdiction.<sup>7</sup>

Many analysts, including journalists, military specialists, academics, and international NGOs, have described

<sup>5</sup> Rukmini Callimachi, The ISIS Files, N.Y. TIMES (April 4, 2018), <https://www.nytimes.com/interactive/201804/04/world/middleeast/isis-documents-mosul-iraq.html> (access in Arabic: <https://daraj.com/%D986%D98A%D988%D98A%D988%D81%D983-%D8%AA%D8%A7%D98A%D985%D8%B2-%D8%AA%D986%D8%B4%D8%B1-%D8%A2%D984%D8%A7%D981-%D8%A7%D984%D988%D8%AB%D8%A7%D8%A6%D982-%D8%A7%D984%D8%AA%D98A/>).

<sup>6</sup> REVKIN, *supra* note 1, at 5; THE PRINCETON ENCYCLOPEDIA OF ISLAMIC POLITICAL THOUGHT 204 (Gerhard Bowering, Patricia Crone, Mahan Mirza, Wadad Kadi, Muhammad Qasim Zaman, Devin J. Stewart, eds., 2012); Martin Shaprio, Islam & Appeal, 68 CALI. L. REV. 350, 366 (1980).

<sup>7</sup> *Id.*

<sup>8</sup> Chart excerpt accessed in: "الدولة" يشرح للمرة الأولى هيكلته الإدارية للمزيد: [Translation: The Caliphate State Explained for the First Time its Administrative Structure], ENABBALADI (July 7, 2016), <https://www.enabbaladi.net/archives/89976>.

a top-down, organizational structure of the ISIS judiciary, as well as its interpretation and application of Shari'a law.<sup>9</sup>

The Bureau, along with the Islamic Courts and the Hisba Court, or Diwan al-Hisba, are described collectively as the central judiciary, falling under the control of the Caliph and the Shura Council within the ISIS administrative hierarchy.<sup>10</sup> Most understand the Bureau of Justice and Grievances in Syria as merely a complaints office (located in Raqqa and Aleppo) which heard the grievances of those living within ISIS-controlled territories, including against ISIS officials, fighters, and local emirs.<sup>11</sup>

However, much of this knowledge stems from ISIS' own dissemination of information. In July 2016, for example, the group published a fifteen-minute promotional video entitled "The Edifice of the Caliphate,"

detailing and unmasking its organizational structure to the world and listing the Bureau of Justice and Grievances as simply one of fourteen bureaus that comprise the "State" organization.<sup>12</sup>

Documents obtained by SJAC suggest that, in line with its seventh century predecessor of an administrative court with broad oversight, the Bureau's jurisdiction was quite expansive. But the historical precedent never included criminal or civil jurisdiction or administrative control of the lives of citizens. Therefore, the present-day resurrection of the Bureau under ISIS illustrates an ultimate break with tradition when it expanded its name from Bureau of Grievances to Bureau of Justice and Grievances, a name signifying an increase in its power and control, including criminal and civil jurisdiction and administrative regulation of life under ISIS.

<sup>9</sup> See supra note 3 and accompanying text

<sup>10</sup> EKMAN, supra note 3, at 133; REVKIN, supra note 1, at 26.

<sup>11</sup> See supra note 3 and accompanying text.

<sup>12</sup> صرح الخلافة.. تنظيم "الدولة" يشرح للمرة الأولى هيكلته الإدارية للمزيد [Translation: The Caliphate State Explained for the First Time its Administrative Structure], ENAB BALADI (July 7, 2016), <https://www.enabbaladi.net/archives/89976>.



# The Bureau of Justice and Grievances' Centrality to Decision-Making

**B**ased upon the documents, it is clear that the Bureau of Justice and Grievances retained broad jurisdiction to determine the fate of individuals who were living under the "Islamic State." The prevalence of this Bureau's name across a wide-range of uniform judicial and administrative documents is indicative of the Bureau's expansive responsibilities and oversight in Raqqa and beyond,<sup>13</sup> suggesting the Bureau was more than a complaints office.

The wide array of documents and decisions illustrates its de facto position beyond the previously understood de jure functions, lying somewhere below the Shura Council, but above the rest of the judiciary, with the ability to assume responsibilities above those of judges or judiciary members, considering complaints and disputes, controlling decisions and judgments, and ultimately the legal rights of those living in ISIS-controlled territory.

## Examples of documents carrying the Bureau's name include:

- (1) Various arrest warrants and reports, including by the Islamic Police (See Annex 1);
- (2) Sentencing documents, including death sentences (See Annexes 2, 3 and 5),
- (3) Confession statements;
- (4) Shari'a and Islamic court documents (See Annex 4);
- (5) Marriage certificates;
- (6) Case and charges summaries;
- (7) Information on detained persons;
- (8) Prisoner release statements; and
- (9) Interrogation reports.

The Bureau's name appears in some documents (See Annex 1 & 4) above those of the Shari'a and Islamic court names, as well as the Islamic Police, suggesting it had hierarchical prominence over certain branches of the ISIS judiciary. In Annex 1, the name of the Bureau

appears on an arrest warrant issued by the Islamic Police on January 1, 2015 in Tabqa. The warrant is a standardized form with entries for case number, Islamic police jurisdiction, name, family members' name, phone number and title of the arrestee. It notes the head of the Islamic police in the jurisdiction where the individual is registered and imprisoned in accordance with standard procedures (in this case, the city of Tabqa). At the bottom, the form indicates the name of the author of the arrest warrant, under which appears the blue stamp of the Islamic State, specifically for the President of the Court of Tabqa.

In Annex 4, the name of the Bureau appears on top of a different standardized form for a witness statement. The form is dated 2016 and comes from the Shari'a court in regards to a case of confiscated goods. The form indicates jurisdictional information, the name of the judge, detailed personal information of the witness, as well as a full transcribed statement. The bureaucratic nature of the documents is striking, supporting the findings of some journalists that ISIS was administratively complex and well-organized. But the breadth of the documentation under review here suggests that, beyond<sup>14</sup> merely administrative tasks, the Bureau had a central role in regulating daily life and civil activities as well as imposing and executing criminal penalties.

<sup>13</sup> Evidence shows the Bureau also carried out its responsibilities in Aleppo, as well as in Mosul. See, e.g. EKMAN, *supra* note 3, at 133; أعداد الدواعش ومسميات فصائل التنظيم في الموصل [Translation: Numbers and Names of ISIS Organization Factions in Mosul], AL-AKHBAAR (Oct. 20, 2016), <https://www.akhbaar.org/home/2016219174/10/>.html.

<sup>14</sup> See, e.g., Callimachi, *supra* note 5.

# Corroboration from Other Sources

**T**his conclusion is bolstered by a review of publicly-available ISIS documents from Syria as well as Iraq.

A public archive published by Aymenn Jawad al-Tamimi, a British-Iraqi researcher, contains over 20 documents exhibiting the hierarchical prominence of the Bureau over the Shari'a Courts and Islamic Police in Raqqa and Deir ez-Zor, as well as the Security Court.<sup>15</sup> Amongst Al-Tamimi's documents, a Bureau stamp appears on transaction reports and regulations for the sale of sabaya, ISIS' term referring to slaves.<sup>16</sup> A red stamp on the top of one such document reads: Internal Oversight Verified, a possible indication that the Bureau exercised oversight over sex trafficking and slavery operations.

A common theme amongst these Bureau documents is discrimination against<sup>17</sup> religious minorities. One document evidences the Bureau's collection of taxes (jizya) and other discriminatory conditions imposed on Christians or Jewish people (dhimmi) living under the authority of the Islamic State.<sup>18</sup>

Other examples include a document obtained by the news organization Enab Baladi from a video report published on September 3, 2015 by ISIS entitled "Establishing the Rule of God in Christians in the Villages of al-Qaryatayn."<sup>19</sup> The Bureau's name appears on a "Dhimma Contract" (عقد الذمة), declaring the rule of ISIS over Christians in the city of al-Qaryatayn, Homs Governorate.<sup>20</sup>

<sup>15</sup> Strong support for the centrality of the Bureau to ISIS' rule comes from twenty-two ISIS documents compiled by Ayman Jawad al-Tamimi into a raw archive of administrative documents which were gathered from online sources as well as by al-Tamimi himself from ISIS' zone of control in Northern Syria. See AYMENN JAWAD AL-TAMIMI'S BLOG, <https://www.aymennjawad.org/about/>; see also Aymenn Jawad al-Tamimi, The Middle East Studies Association and Islamic State Documents- Complaining About What?, AYMENN JAWAD AL-TAMIMI BLOG (Oct. 8, 2018), <http://www.aymennjawad.org/21677/the-middle-east-studies-association-and-islamic> ("The approach of this paper is to rely not only on broader open-source data and collected testimony but also hundreds of internal Islamic State documents that have been compiled by this author over time. Many of these internal documents were first collected from the realms of social media, posted by sources of a variety of orientations both pro- and anti-Islamic State, such as personal accounts run by Islamic State members and supporters within the entity's territories, as well as media activist pages dedicated to coverage of a particular area under Islamic State control."); Aymenn al-Tamimi, A Caliphate under Strain: The Documentary Evidence, 9 CTC SENTINEL 1 (APRIL 2016), <https://ctc.usma.edu/app/uploads/201604/CTC-SENTINEL-Vol9Iss421.pdf> ("In my case, I collected as many ISIS documents as possible from the group's former zone of control in the North Aleppo countryside in Northern Syria."). In regards to the documentary evidence mentioned, see Specimens 41T, 12W, 17S and 17T, which can be found at Aymenn Jawad al-Tamimi, Archive of Islamic State Administrative Documents (cont.-IV), AYMENN JAWAD AL-TAMIMI'S BLOG (Aug. 28, 2017), <http://www.aymennjawad.org/201708/archive-of-islamic-state-administrative-documents-3> [hereinafter al-Tamimi IV]; Aymenn Jawad al-Tamimi, Archive of Islamic State Administrative Documents (cont.), AYMENN JAWAD AL-TAMIMI'S BLOG (Jan. 11, 2016), <http://www.aymennjawad.org/201601/archive-of-islamic-state-administrative-documents-1> [hereinafter al-Tamimi II]. Documents such as Specimen 42H and 43A also show this structure is identical within the Iraqi administration of ISIS, as these documents are related to the Islamic Police in Rutba, Iraq, for example. Id.

<sup>16</sup> Al-Tamimi II, supra note 15 (as depicted in Specimen 44B & C); see also Rukmini Callimachi, ISIS Enshrines a Theology of Rape, N.Y. Times (Aug. 13, 2015), <https://www.nytimes.com/2015/14/08/world/middleeast/isis-enshrines-a-theology-of-rape.html>.

<sup>17</sup> Al-Tamimi II, supra note 15.

<sup>18</sup> Id.; see also Aymenn Jawad al-Tamimi, The Islamic State of Iraq and Ash-Sham's Dhimmi Pact for the Christians of Raqqa Province, SYRIA COMMENT (Feb. 26, 2014), <http://www.aymennjawad.org/14472/the-islamic-state-of-iraq-and-ash-sham-dhimmi>.

<sup>19</sup> الدّولة الإسلامية "تقيم" حكم الله "في مسيحيي القريتين للمزيد" [Translation: The Islamic State Establishes the Rule of God in Two Christian Villages], ENAB BALADI (March 9, 2015), <https://www.enabbaladi.net/archives/43953>.

<sup>20</sup> Id.



Another document obtained by the New York Times introduces a 27-page manual outlining ISIS' plan for seizing properties from minority religious groups.<sup>21</sup> It references an order issued by the Bureau authorizing the confiscation of property belonging to non-Sunnis living in ISIS-controlled territory, including Shi'as, apostates, Christians, Nusayris, and Yazidis.<sup>22</sup>

Additionally, the Bureau's name appears on death certificates such as one published by the Associated Press in June 2015.<sup>23</sup> On the death certificate of Buthaina Ibrahim, the name of the Bureau sits above that of the Islamic Court of the State of Nineveh.<sup>24</sup> After being arrested for her government ties, her husband sought out the

local militant who was commander of ISIS forces in the area to have her released.<sup>25</sup> Rather, he received her death certificate—a standardized document which merely verifies her death to the Islamic court, but provides no further explanation—a phenomenon all too similar to the practices of the Syrian Government.<sup>26</sup>

The Bureau also regulated more prosaic matters such as the use of phones and satellite TV apparatuses.<sup>27</sup> Other matters regulated by the Bureau are included in separate communiqués recognizing the official date of Eid al-Fitr and fixing the price of bread in Aleppo.<sup>28</sup>

<sup>21</sup> Callimachi, *supra* note 5.

<sup>22</sup> *Id.*

<sup>23</sup> Bram Jansen, et al., Life Under the Islamic State, ASSOCIATED PRESS (June 4, 2015), <http://interactives.ap.org/2015/inside-islamic-state/>; see also أوراق الموصليين [Translation: Mosul Identification Documents Issued by ISIS, Who recognizes Them?], AL-MADINA (Sept. 11, 2016), <https://www.al-madina.com/article/477985> (discussing marriage certificates and identity cards and referring to the Bureau's issuance of such documents).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*; see also WALLS HAVE EARS, *supra* note 4, at 17.

<sup>27</sup> Al-Tamimi II, *supra* note 15 (as depicted in Specimen 15J and 18G); Aymenn Jawad al-Tamimi, Aspects of Islamic State (IS) Administration in Ninawa Province: Part II, AYMENN JAWAD A-TAMIMI BLOG (Jan. 20, 2015), <http://www.aymennjawad.org/15952/aspects-of-islamic-state-is-administration-in> [hereinafter al-Tamimi Ninawa Part II]. Additionally, working with the Diwan al-Siha, or Bureau of Health, the Bureau issued an ultimatum in the Ninawa Province of Iraq for doctors and medical professors to return to ISIS-held areas within ten days. *Id.* (as depicted in Specimen D).

<sup>28</sup> يعلن غداً الثلاثاء أول أيام عيد الفطر [Translation: ISIS Will Announce Tomorrow the First Day of Eid al-Fitr], AL-SHARQ (July 13, 2015), <https://www.al-sharq.com/article/132015/07/%D8%AF%D8%A7%D8%B9%D8%B4-%D98%A%D8%B9%D984%D986-%D8%BA%D8%AF%D8%A7%D98%B-%D8%A7%D984%D8%AB%D984%D8%A7%D8%AB%D8%A7%D8%A1-%D8%A3%D988%D984-%D8%A3%D98%A%D8%A7%D985-%D8%B9%D98%A%D8%AF-%D8%A7%D984%D981%D8%B7%D8%B1>; Aymenn Jawad al-Tamimi, Archive of Islamic State Administrative Documents, AYMENN JAWAD AL-TAMIMI'S BLOG (Jan. 27, 2015), <http://www.aymennjawad.org/201501/archive-of-islamic-state-administrative-documents> [hereinafter al-Tamimi I] (Specimen 9S announcing the Bureau's observations regarding the new moon to mark the end of Ramadan 2014). Price control of real estate property and bread can also sometimes fall under the purview of the Bureau as illustrated in Specimen 1J on rent regulations for owners of residential and business real estate in al-Anbar province in Iraq and Specimen 100 on regulations of bread prices in Aleppo. Al-Tamimi I, *supra* note 28.

# The Bureau's Imposition of Penalties

Not only did the Bureau of Justice and Grievances expand its jurisdiction, it wielded that resulting power in a heavy-handed way. Under Shari'a law, crimes mentioned in the Qur'an are known as hudud crimes with predetermined punishments.<sup>29</sup> As noted in Table 2, ISIS declared in its Announcement of the Hudud in Aleppo in December 2014 that eight hudud crimes were subject to the imposition of the punishments ranging from stoning, to lashes, to amputation, to the death penalty.<sup>30</sup> Whereas crimes not mentioned in the Qu'ran are subject to ta'zir penalties, which judges and other ISIS officials have the discretion to independently decide.<sup>31</sup>

ISIS imposed these penalties liberally through judicial and administrative bodies such as the Bureau. For example, Annex 2 is a standardized form imposing a death sentence by the Bureau on a man who was accused of cursing God during an altercation with his wife. It is embossed with the stamp of the Islamic Court in the Governorate of Raqqa. This judgement and imposition of sentence was in accordance with a declaration by ISIS that the death penalty would be

imposed for blasphemy.<sup>32</sup> Within the collection of documents reviewed, another death sentence carrying the header of the Bureau and the stamp of an Islamic Court was handed down in a very similar case where the defendant was charged with cursing God during a fight with a child (see Annex 5).

The documentary evidence obtained by Aymenn Jawad al-Tamimi provides further evidence of such punishments.<sup>33</sup> One document is a certified judgement for the execution of a defendant dictated by a judge within the State of Raqqa, upholding the sentence issued by another judge of hudud punishments and criminal offences. Another document shows the Bureau imposed the death penalty for blasphemy. The case was brought before the Bureau by the Public Security (Diwan al-Amn al-Aam) for blasphemy against the Prophet. The defendant, Abu Ahmad al-Lubnani, was eventually executed by his son, a Lebanese national member of ISIS.<sup>34</sup>

Annex 3 is another standardized judgement form, in this case imposing a punishment of 50 public lashings (alongside instructions to

<sup>29</sup> RAQEB Report, supra note 3; REVKIN, supra note 1, at 30-31; CHARLES C. CARIS & SAMUEL REYNOLDS, MIDDLE EAST SECURITY REPORT 22 : ISIS GOVERNANCE IN SYRIA (Institute for the Study of War, July 2014), accessed at: [http://www.understandingwar.org/sites/default/files/ISIS\\_Governance.pdf](http://www.understandingwar.org/sites/default/files/ISIS_Governance.pdf); Office Français de Protection des Réfugiés et Apatrides, La Justice Dans Les Territoires Hors du Contrôle Gouvernemental (June 1, 2016), [https://www.ofpra.gouv.fr/sites/default/files/atoms/files/6\\_didr\\_syrie\\_la\\_justice\\_dans\\_les\\_territoires\\_hors\\_du\\_controle\\_gouvernemental\\_ofpra\\_01062016.pdf](https://www.ofpra.gouv.fr/sites/default/files/atoms/files/6_didr_syrie_la_justice_dans_les_territoires_hors_du_controle_gouvernemental_ofpra_01062016.pdf); Had, OXFORD ISLAMIC STUDIES ONLINE, <http://www.oxfordislamicstudies.com/article/opr/t125/e757>

<sup>30</sup> Infra note 35 and accompanying text.

<sup>31</sup> Supra note 29 and accompanying text.

<sup>32</sup> See al-Tamimi I, supra note 28 (Specimen 1D is the ISIS "Introduction of Death Penalty for Blasphemy," issued in The State of Aleppo in what al-Tamimi refers to as the "pre-caliphate" era). The documents reviewed by SJAC included one issued by Diwan al-Hisba which contained a pledge by an arrestee not to repeat the "offense" of "cursing religion" although this «offense» is punishable by death. While this Report has focused on unveiling the truth of two out of the purported three branches of the ISIS judiciary, more research is required to understand the seemingly concurrent jurisdiction of the Diwan al-Hisba over issues of "morality" and religion, such as the enforcement and punishment of hudud crimes. This ambiguity of jurisdiction and control mirrors the overlapping tasks and duties of Syrian government security agencies.

<sup>33</sup> Aymenn Jawad al-Tamimi again provides further evidence of such punishments in Specimen 42X and 14D. Al-Tamimi IV, supra note 15; Al-Tamimi II, supra note 15; see also <http://www.worldakhbar.com/middle-east/lebanon/39378.html> [Translation: Lebanon: ISIS Lebanese Executes his Father for Blasphemy in the Syrian City of Raqqa after an Ambush], WORLD AKHBAR (Oct. 20, 2015), <http://www.worldakhbar.com/middle-east/lebanon/39378.html>.

<sup>34</sup> Id. See more on this story at: <http://www.worldakhbar.com/middle-east/lebanon/39378.html> [Translation: Lebanon: ISIS Lebanese Executes his Father for Blasphemy in the Syrian City of Raqqa after an Ambush], WORLD AKHBAR (Oct. 20, 2015), <http://www.worldakhbar.com/middle-east/lebanon/39378.html>.

Crime	Punishment
Blasphemy of God	Death
Blasphemy of the Prophet	Death, even if the accused repents
Blasphemy of Islam	Death
Adultery	Stoning until death if the adulterer was married and 100 lashes and exile if he or she were unmarried
Sodomy (homosexuality)	Death for the person committing the act, as well as for the one receiving it
Theft	Cutting off the hand
Drinking alcohol	80 lashes
Spying for the unbelievers	Death
Apostasy	Death
<i>Hirābah</i> (armed robbery <sup>74</sup> )	<ol style="list-style-type: none"> <li>1. Murder and theft: Death and crucifixion</li> <li>2. Murder only: Death</li> <li>3. Armed robbery: Cutting off the right hand and the left leg</li> <li>4. Terrorizing the people: Exile</li> </ol>

**Table 2.** A translation of hudud crimes issued by ISIS in the Syrian province of Aleppo in December 2014. <sup>35</sup>

return goods to their rightful owner, pay a fine, and be jailed for one and a half months) on three individuals accused of stealing in Tabqa. While the penalty for theft is hand amputation, the alternative punishment of lashes may be imposed as a ta'zir penalty where evidence is insufficient to prove the crime.<sup>36</sup> Another document shows that a suspected thief was publicly whipped as a ta'zir punishment in the Iraqi city of Anah.<sup>37</sup> Although the men in these cases were spared their hands, it cannot be said that the documents evidence leniency on the part of the Bureau. A former ISIS enforcer has provided

a vivid account of this type of punishment, stating that lashings were delivered with a metal-studded leather belt leaving the victim covered in blood and the enforcer exhausted from the force of the effort.<sup>38</sup>

These examples illustrate that the harsh penalties executed by ISIS enforcers originated in orders issued by the Bureau. While ISIS may be known for its brutality, it is the Bureau of Justice and Grievances that played a key role in legitimizing violence by the imposition of such penalties.

<sup>35</sup> REVKIN, supra note 1, at 17 (this chart is a graphical representation of the translation of the following document: <https://web.archive.org/web/20160323231702/http://www.vetogate.com/upload/photo/gallery/79560/7/x1000921/.jpg>); see also al-Tamimi I, supra note 28 (Specimen 1C provides an English translation of the original document).

<sup>36</sup> REVKIN, supra note 1, at 17 (citing Islamic State, Furat Province, "Ta'zir of a Thief Who Did Not Meet the Conditions for Cutting Off the Hand in the City of Anah," February 28, 2016, <https://web.archive.org/web/20160615182022/https://1.bp.blogspot.com/-6KdLS7jFE4I/VtMeopbBPSI/AAAAAABZ0o/mTuGa5IAOCw/s16003/.jpg>).

<sup>37</sup> Id.

<sup>38</sup> See, e.g., Rukmini Callimachi, The Caliphate: Chapter 3: The Arrival, N.Y. Times (Sept. 20, 2018), <https://www.nytimes.com/201820/09/podcasts/caliphate-transcript-chapter-three-the-arrival.html> (in an episode of the N.Y. Times podcast "The Caliphate," journalist Rukmini Callimachi speaks with Huzayfah, a former member of ISIS about the punishment of lashes).

# Internal Purges

Some reports indicate that the Bureau punished ISIS members in addition to civilians.<sup>39</sup> One ISIS-produced video depicts a civilian grievance being heard against an ISIS official leading to imprisonment by the Bureau. Another report describes weekly community meetings held in Tal Abyad where the Bureau heard grievances.<sup>40</sup> However, there are conflicting reports as to the fairness of this mechanism for the hearing of grievances.

Some claim there were no punishments imposed in response to civilian grievances as to the abuse of authority and that any action was limited to the transfer of offenders to different ISIS-controlled areas.<sup>41</sup> Other Syrians in ISIS-controlled areas thought that the Bureau was selectively punishing ISIS members as a means of appeasing public demands for accountability, but only in truly heinous circumstances.<sup>42</sup>

Alternatively, there is some evidence that the Bureau used the grievance mechanism as a means of eliminating potential threats. For example, ISIS executed jurists it deemed "too radical" such as in a case of a jurist spreading strife and discord (fitna), by advocating excessive punishments (takfir), or declaring that other Muslim jihadists were apostate.<sup>43</sup> In another account, a Yemeni captor of ISIS reported that numerous ISIS members were arrested during his detention because they had lodged complaints about corruption or misuse of authority by fellow ISIS commanders.<sup>44</sup>

The documents obtained by SJAC do not indicate whether the various accused are civilians or ISIS members. Therefore, with this data set it is difficult to make definitive conclusions on these points. But there is reason to doubt the impartiality and independence of the Bureau for resolving civilian grievances.

<sup>39</sup> REVKIN, *supra* note 1, at 31.

<sup>40</sup> REVKIN, *supra* note 1, at 31.

<sup>41</sup> EKMAN, *supra* note 3, at 133.

<sup>42</sup> REVKIN, *supra* note 1, at 31.

<sup>43</sup> *Id.* at 27.

<sup>44</sup> FAWAZ A. GERGES, *A HISTORY OF ISIS 200* (Princeton University Press 2016).

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# Areas for further investigation

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**T**he documents presently available do not fully elucidate the inner workings of the ISIS judiciary. In particular, while hierarchical oversight is a possible interpretation of these documents and the reality they depict of the ISIS judicial structure, it is not the only interpretation. Thus, further research is required on this point to fully understand how the Bureau of Justice and Grievances relates to the Islamic Courts, the Hisba Court, and the Shura Council within the ISIS administrative hierarchy. For example, it would be helpful to understand in what direction documents were

communicated, allowing for the possible dispelling of alternative interpretations of these documents' structure.

Another area for further inquiry is what organs executed the orders issued by the Bureau. Was it the Hisbah police, ISIS fighters, or some other group who were responsible for implementing the Bureau's directives? It will also be important to identify the particular individuals holding positions within these entities to ascertain criminal responsibility for violations.

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# Conclusion & Implications for Accountability

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Ultimately, the centralization of the powers of governance under the Bureau of Justice and Grievances, indicates that ISIS may have adopted the Syrian Government's system of repression and control which it claimed to reject.<sup>45</sup> For example, the Syrian Security Sector illusively operated above many ministries and other sectors of the Syrian Government to consolidate control and power in itself.<sup>46</sup> Based upon SJAC's review of these documents, it appears that ISIS, intentionally or not, mimicked this consolidation of power within the Bureau of Justice and Grievances.

While more research is required to understand whether the Bureau's role was truly judicial or executive in nature, these documents show that it had a hand in all manner of decision making, strengthening the authoritarian regime within which it worked. In discussions of accountability for international crimes in Syria, high-level ISIS leaders from the Caliph, to the Shura Council, to military commanders are the first to arise. However, within the heart of the ISIS administrative hierarchy sat the Bureau of Justice and

Grievances, overseeing and unifying across ISIS-held territory major aspects of the judiciary and its violation of the human rights of Syrian citizens living under ISIS control.

As foreign ISIS fighters are returned to their home countries, war crimes units should prioritize, as part of their prosecutorial strategy, the investigation of individuals who worked with the Bureau of Justice and Grievances. To this end, SJAC is compiling the names of Bureau members found within the documents to help further such accountability efforts.

The documents obtained by SJAC suggest that the Bureau held substantially more power than was previously suggested by earlier research or professed by ISIS itself. Thus, those seeking to understand ISIS's systems of governance, and to identify those most responsible for violations committed by ISIS, should focus on the role of the Bureau of Justice and Grievances and the individuals working within it. The leadership and members of the Bureau had significant responsibility for systems of mistreatment under ISIS and therefore merit further investigation and prosecution.

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<sup>45</sup> Id. at 169.

<sup>46</sup> See generally WALLS HAVE EARS, *supra* note 4.

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# Annexes

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## Annex 1

"And judge between them by what Allah has revealed"

Islamic State

**Bureau of Justice and Grievances**

Lawsuit Number: 941

Page Number:

### Detention Order

To the director of the Islamic Police in: Tabqa

It is requested that you arrest the named: [REDACTED] His mother's name: ..... Phone No.: .....

Address: .....

And to be held in prison until he's presented before whomever necessary, and to be recorded in the prisoners' record according to the procedures followed duly, and provide us with a memo confirming implementation.

Issued: Tuesday

Date (Islamic): 22/3/1436

Date: 13/1/2015

Name and stamp of issuer

ISLAMIC STATE STAMP

Tabqa Court

President of the Court



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## Annex 2

“And judge between them by what Allah has revealed”

Bureau of Justice and Grievances

Islamic State

Lawsuit Number: 599

Page Number:

In the Name of Allah, the Merciful, the Compassionate

{And judge between them by what Allah has revealed and don't follow their inclinations}

### Sentencing Document

The honorable judge Abu Suhaib Al-Ansari, the judge in the Islamic Court in Tabqa.

Lawsuit No. 599

Type: Hudud

Type: Cursing Allah

A sentence against:

The Commission: The Hisbah in Tabqa

#### Judgment:

The person named [REDACTED] had cursed Allah after a fight with his wife saying “Damn your God”—beg Allah’s forgiveness—and for that we, with the help of Allah, sentence him to death, a fair penalty for his deeds.

STAMP

The State of Ar-Raqqa

The Islamic Court – The Western Region

دِيَوَانُ الْقَضَاءِ وَالْمَظَالِمِ  
 رقم الدعوى : ٥٩٩  
 رقم الصفحة : ١

وَإِنِ احْتَكَمْتُمْ بَيْنَهُمْ يَمَّا أَتَى اللَّهَ  
 الدَّوْلَةُ الْإِسْلَامِيَّةُ

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
 ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَلَا تَطِيعُوا الْوَوَائِدَ﴾

ونسبته حكم

وهو القاضي في المحكمة  
 رقم ٥٩٩  
 في سنة ١٤٢٩  
 في شهر ربيع الأول  
 في يوم الاثنين  
 في الساعة الخامسة

القاضي  
 نازح المكي  
 في سنة ١٤٢٩  
 في شهر ربيع الأول  
 في يوم الاثنين  
 في الساعة الخامسة

ولاية الوفاة  
 المحكمة الإسلامية - الكويت

## Annex 3

“And judge between them by what Allah has revealed”

**Bureau of Justice and Grievances**

**Islamic State**

Lawsuit Number: 641

Page Number:

In the Name of Allah, the Merciful, the Compassionate

{And judge between them by what Allah has revealed and don't follow their inclinations}

### Document of Final Sentencing

The honorable judge Abu Suhaib Al-Ansari, the judge in the Islamic Court in Tabqa.

Lawsuit No. 641

Type: Criminal

Referred to him by: Al Mansourah Police

A sentence against:

-----: Almansourah Police

#### **Judgment:**

The value of the stolen [goods] to be determined, and where is the rightful owner is known, it should be returned to them, and where is the rightful owner is unknown, the value to be returned to the Islamic State's treasury.

To fine [redacted] and [redacted] and [redacted] each the amount of 15,000 Syrian Pounds Tazira [discretionary] and to be each whipped 50 times in front of the people and to be humiliated.

[redacted] and [redacted] and [redacted] To be jailed for one and a half months, including the duration of the detention.

STAMP

The State of Ar-Raqqa

The Islamic Court – The Western Region

20



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## Annex 4

### Bureau of Justice and Grievances

The Shariyah Court in:

Lawsuit Number:

Number of Pages:

Page Number:

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#### Statement: Witness

At hour: 10.00 from day: Monday date (Islamic Calendar): 25/6/1437 Date: 4/2/2016

Presented before us, we: Abu Musaab Al-Azhari (Judge/Judge Clerk/Detective)

In: the Shariah Treasury in the General Police and that's under a note by:.....

Category (Plaintiff / Defendant / Witness / Al Hisbah Witness)

Family Name/Full Name		Mother's Name	
ID Number		Source of ID	
Detailed Address	Manbej-	Phone Number	
Occupation	Aluminum Worker	Affiliation	
Place of Work		Phone Number	

Statement text:

After questioning about the source of the goods that was in the vehicle /the Jac/ that is confiscated at the General Police, he swore that the source of the aluminum is coming from Cola cans, and there's no electricity cables of any type whatsoever.

Witness Fingerprint

## Annex 4

رقم الدفتر  
عدد الصفحات  
رقم الصفحة

إفادة

في الساعة ١٠ من يوم الاثنين الموافق ١٤٤٧/٥/٢١  
حضر أمامنا نحن السيد محمد بن علي (القاضي / كاتب القاضي / المحقق)  
الشريعة بدر بن محمد وذلك بموجب مذكرة  
وصفته (المدعي / المدعى عليه / الشاهد / شاهد الحسبة / المهود عليه شهادة حسبة).

الكنية / الاسم الثلاثي	اسم الأم	رقم الهوية
العنوان التفصيلي	مصدرها	
العمل	الهاتف	
عنوان العمل	التبعية	
	الهاتف	

نص الإفادة:

سبب السؤال عدم صحة السيرة التجارية / الجارية  
المجوزة لدى السلطة العامة قسم بانه صدرها هي عبارة  
عن علي المقيم طلبة لا حول (أو شيء من الأعيان)  
سواء من أنواع الزكبات الكهربائية

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## Annex 5

"And judge between them by what Allah has revealed"

**Bureau of Justice and Grievances**

**Islamic State**

Lawsuit Number: 598

Page Number:

In the Name of Allah, the Merciful, the Compassionate

{And judge between them by what Allah has revealed and don't follow their inclinations}

### Sentencing Document

This is what the honorable judge Abu Suhaib Al-Ansari, the judge in the Islamic Court in Tabqa, has judged.

Lawsuit No. 598

Type: Hudud

Type: Cursing Allah

A sentence against:

Plaintiff: The Islamic State. The Hisbah in Tabqa

#### Judgment:

After the confession of the defendant [REDACTED] that he had cursed Allah after a fight with a child saying "Damn Allah"—beg Allah's forgiveness—and for that we, with the help of Allah, sentence him to death, a fair penalty for his deeds.

STAMP

The State of Ar-Raqqa

The Islamic Court – The Western Region

## Annex 5

[illegible]

## **Syria Justice and Accountability Centre (SJAC)**

**January 2020**

The Syria Justice and Accountability Centre (SJAC) is a Syrian-led, multilaterally supported non-profit that envisions a Syria defined by justice, respect for human rights, and rule of law — where citizens from all components of Syrian society live in peace. SJAC promotes transitional justice and accountability processes in Syria by collecting and preserving documentation, analyzing and cataloging data, and promoting public discourse on transitional justice — within Syria and beyond. Learn more at [www.syriaaccountability.org](http://www.syriaaccountability.org).

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### Cover Photo

An ISIS sign reads,  
“The Islamic State- Al Baraka Province.  
The Islamic Police in Ash Shaddadi.”

Al-Shaddadah, Syria. 2019. Zana Omar (VOA) [Public domain]

Syria Justice and  
Accountability Centre

