



## **The Judiciary Committee Procedures**

**"BEHOLD, Allah bids you to deliver all that you have been entrusted with unto those who are entitled thereto, and whenever you judge between people, to judge with justice. Verily, most excellent is what Allah exhorts you to do: verily, Allah is all-hearing, all-seeing!" Soorat Annisaa (4), verse 58.**

The following procedure should be followed by any Judiciary Committee formed by the ISD to resolve any conflict and/or dispute among:

- ISD members
  - ISD members and the ISD Executive committee
  - ISD members and employees of ISD including the Imam
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- that cannot be resolved through other mutually agreed to means.

In choosing a Judiciary Committee to adjudicate a particular conflict, the ISD MUST observe the following:

1. The Judiciary Committee members must be pious, fair, and acceptable to all the parties in the conflict.
2. Each party to the conflict MUST sign a written statement stating that they have full confidence in the fairness of the Judiciary Committee members and its procedures and that they will abide by its decisions.
3. The Judiciary Committee members must be sworn in before the ISD, given all the documents relating to the dispute (including the signed statements by the parties in conflict that state their commitment to abide by the committee ruling), and asked to resolve the problem in a timely manner.
4. The Judiciary Committee will abide by the Quran and Sunnah, constitute ISD and the Law of the land.
5. In the event that the committee does not possess the adequate knowledge of religious jurisdictions, in terms of conflict resolution, ISD in consultants with the Judiciary Committee will appoint a person who is knowledgeable in religious affairs. This person can be externally appointed.

The Judiciary Committee should follow the following procedure in resolving the issue at hand:

1. All the proceedings of the Judiciary Committee must be conducted in confidence and all records of its activities must be protected from all others except the Judiciary Committee



members. The contents of any session held with any party to the conflict and/or witness must not be divulged to any other party and/or witness.

2. All the proceedings of the Judiciary Committee must be written while they are taking place.
3. Initially the **Judiciary Committee** must meet with every party and witness to the conflict/dispute separately; inform each participant of the purpose; and ask each to give a complete, accurate, and written report of what has happened. The statement by each person must be signed and dated by that person with the members of the Judiciary Committee signing as witnesses.
4. The **Judiciary Committee** must then study in detail all the documents handed to it by the ISD and the signed statements of the previous step.
5. The Judiciary Committee must then meet with every party and witness to the conflict/dispute separately to depose each in detail in light of the study of the previous step. Every deposed party must take a testimony oath in the traditional Islamic manner. In this deposition process questions must be asked of the deposed to clarify and ascertain the facts in view of what others (parties and/or witnesses) have said. During this process everything must be written. At the end of each session the deposed must be given the chance to thoroughly read what is recorded and change anything that does not accurately state what he/she has said. Then the deposed must sign the record testifying that it is accurate. The record must also state the time, place, and the people in attendance.
6. The **Judiciary Committee** must then conduct study sessions to analyse the case and determine the course of action it needs to take. It may be necessary to depose some or all of the parties and/or witnesses again on new or previously covered issues, in which case the deposition must be conducted as outlined above. The process can be iteratively repeated until all the facts are ascertained.
7. The **Judiciary Committee** must then summarize the case and determine who, if any, is at fault and decide the course of action that needs to be taken to remedy the situation. The **Judiciary Committee** could take an arbitration route to settle the issue unless all or some of the parties refuse such course of action. As a final resort it should render its judgment in writing and in the presence of all the disputing parties.
8. The **Judiciary Committee** must then submit a written report to the **ISD** that summarizes what it did and attach all the interim documents that it generated.
9. The **ISD** must then take any necessary action that needs to be done and file the Judiciary Committee report and its attachment in a secure and confidential venue.