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EASO publishes a new COI report on Afghanistan: "Criminal law, customary justice and informal dispute resolution"



On 22 July 2020, the European Asylum Support Office (EASO) published a Country of Origin Information (COI) report titled 'Afghanistan - Criminal law, customary justice and informal dispute resolution'.

The newly released report provides an overview of the pluralistic legal system of codified and uncodified, formal and informal (customary) norms which govern Afghan society. The report also focusses on the topic of land dispute as one of the main sources of conflict in Afghanistan, providing information on formal and informal mechanism of dispute resolution, including Taliban's involvement in resolving land disputes. Finally, it describes the practices of blood feuds and revenge killing, including customary blood feud resolution and compensation, and prosecution by the state.

In Afghanistan, justice is administered on the basis of a mixture of overlapping and sometimes contradictory legal codes, which include the 2004 Constitution, international law, statutory law, *sharia* law, and customary (informal, traditional) law. Many disputes, ranging from disagreements over land to criminal acts, are settled outside of the formal court system, in informal institution such as local *jirgas* and *shuras*. Punishment is largely based on the concept of retribution and the type of punishment can differ significantly, but typically it is decided in a manner that is equal to how the perpetrator injured the victim. In territories under their control, the Taliban continued to operate a parallel judicial system, based on a strict interpretation of *sharia*.

In the past years, Taliban courts have become significantly widespread and they are also reported to reach far beyond Taliban-held areas.

The report was drafted by EASO COI Sector in accordance with the EASO COI Report Methodology. It was reviewed by experts from The Netherlands, Office for Country Information and Language Analysis, Ministry of Justice.

At the end of 2019, with 2.7 million refugees, Afghanistan was the third largest country of origin of refugees in the world. Afghan continued to be the second most common citizenship of asylum applicants in the EU+ as of May 2020.

The EASO COI report 'Afghanistan - Criminal law, customary justice and informal dispute resolution' is the first in a series of reports on Afghanistan due to be published between July and September 2020.

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