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Blood feuds in Albania

The US Department of State report states under the heading 'Respect for the Integrity of the Person, Including Freedom From: a. Arbitrary or Unlawful Deprivation of Life':

"Societal killings continued during the year, resulting from vigilante action (including both generational "blood feud" killings and revenge killings), criminal gangs, and organized crime.

Statistics varied on blood feud activity. According to the Interior Ministry, there were four blood feud related killings, out of a total of 85 murders during the year, a decrease from previous years. According to the Ministry of the Interior, this is the lowest number in 18 years. Police restarted investigations in some older cases, and uncovered the perpetrators of 81 murder cases from previous years. Nongovernmental organizations (NGOs) cited higher levels of blood feud activity and numbers of families effectively imprisoned in their homes out of fear of blood feud reprisals. The tradition of blood feuds stems from a traditional code of honor that is followed in only a few isolated communities. In 2007 the parliament amended the criminal code to criminalize blood feuds and make them punishable by a three-year sentence. The Court of Serious Crimes tried blood feud cases. The law punishes premeditated murder, when committed for revenge or a blood feud, with 20 years' or life imprisonment." (US Department of State (25 February 2009) *2008 Country Report on Human Rights Practices – Albania*)

This report states under the heading 'Discrimination, Societal Abuses, and Trafficking in Persons:

"As in previous years, some children were unable to leave their homes, including for school, due to fear of reprisal from blood feuds. Figures on the numbers of affected children varied; the latest figures of the Ministry of Interior indicate an estimated 20 children permanently sequestered, while NGOs cite a figure as high as a few hundred. According to the National Reconciliation Committee, nearly 1,000 children were deprived of schooling due to self-imprisonment. As many as 182 children remained endangered by blood feuds involving their families; 86 of these were in particularly dangerous circumstances. Parents generally homeschooled these children. In September the government began offering home-based schooling to 52 children of the self-imprisoned families in the district of Shkoder." (Ibid)

Under Section 2.1, Definitions, an Issue Paper from the Immigration and Refugee Board of Canada states:

"The Albanian blood feud is a centuries-old custom that draws on tribal tradition and customary law (BBC 23 Sept. 2005; IMIR 2004, 2). In a report by the International Centre for Minority Studies and Intercultural Relations (IMIR) in Sofia, Bulgaria, blood feud, or *gjakmarrja*, is defined as "a system of reciprocal 'honour killings'" (2004, 2). The Albanian Institute for International Studies (AIIS), an independent policy research institute (n.d.), refers to blood feud as a self-governing practice that 'exist[s] parallel to the state authority' (2007, 5; see also IHF 24 June 2003, 4). Stéphane Voell, a professor specializing in Albania at Philipps Universität (Germany), stated that 'blood feud is a culturally embedded action of groups, contrar[y] to vengeance, where individuals take [the] law in their own hands' (12 Jan. 2008).

Alex Standish, Honorary Research Associate in the Department of Anthropology at Durham University (UK) and recognized expert on blood feuds (Durham University 21 Mar. 2007), stated in a telephone interview with the Research Directorate that a distinguishing feature of blood feuds that differentiates them from other crimes is that the perpetrators of blood feud killings want people in their community to know they are responsible (20 Nov. 2007). Standish explained that, in ethnic Albanian society, it is extremely important that blood feuds be carried out publicly and not privately (20 Nov. 2007). Professor Roland Littlewood of University College London's (UCL) Centre for Behavioural and Social Sciences in Medicine and the Department of Anthropology states the following on the UCL website: 'However the feud starts, from quarrels over boundaries or insults to women, its continuation has an almost inexorable public form. The blood feud is a collective concept involving the whole community' " (Oct. 2004).' (Immigration and Refugee Board of Canada (May 2008) *Issue Paper: Albania – Blood Feuds*)

Under Section 2.4, Causes, this Issue Paper states:

"Blood does not have to be spilled in order to trigger a blood feud (Fischer 19 Dec. 2007; Pano 20 Nov. 2007; Young 18 Dec. 2007). Causes of blood feuds include:

insults (Marku 7 Dec. 2007; Pano 20 Nov. 2007; Standish 20 Nov. 2007; Young 18 Dec. 2007);

issues regarding property (Fischer 19 Dec. 2007; Marku 7 Dec. 2007; Standish 20 Nov. 2007);

trafficking of persons (Marku 7 Dec. 2007; Standish 20 Nov. 2007);

accidental killing (Marku 7 Dec. 2007; Standish 20 Nov. 2007);

murder (Fischer 19 Dec. 2007; Marku 7 Dec. 2007);

conflicts over water rights (Fischer 19 Dec. 2007; Young 18 Dec. 2007);

being disrespectful of a woman (Fischer 19 Dec. 2007; Standish 20 Nov. 2007); and

accusing a person of lying (Fischer 19 Dec. 2007).

Gjin Marku, Chairman of the Committee for Nationwide Reconciliation (CNR), also cited the following incidents as potential causes of blood feuds: "love connection without the permission of the parents, ... divorce without any betrayal

causes, betrayal by [a] woman, unjust imprisonment of a person or hostage taken... [and] theft followed by death" (7 Dec. 2007)." (Ibid)

Under Section 2.6, Modern blood feud, this Issue Paper states:

"Following the collapse of communism, the modern type of blood feud emerged in addition to the classic blood feud (Fischer 19 Dec. 2007). Due to economic hardship, Northern Albanians relocated to other parts of the country and subsequently transplanted their traditions elsewhere (ibid.). In this manner, blood feud rules and traditions evolved and changed (ibid.). In modern blood feuds, people no longer firmly adhere to strict rules such as the minimum age requirement of 16 years to be involved (ibid.; see also Standish 20 Nov. 2007; AIIIS 2007, 22). Another feature of modern blood feuds is that women, traditionally exempt from blood feuds, have become targets of killings (US 6 Mar. 2007, Sec. 1a; AIIIS 2007, 22; Pano 20 Nov. 2007). According to Fischer, individuals are interpreting the Kanun in new ways and, for example, taking two or three lives for one life taken (19 Dec. 2007; see also AIIIS 2007, 22). The Kanun has also been used to justify acts of revenge beyond the traditional blood feud (Fischer 19 Dec. 2007; Standish 20 Nov. 2007), such as instances of common criminality (Fischer 19 Dec. 2007).

With respect to modern versions of the blood feud, Standish made specific reference to two 'mutations' from the classic blood feud: the pre-emptive strike and the paid blood feud assassin (20 Nov. 2007). The concept of pre-emptive strike, which has been practised since 1997, allows an individual who believes a rival family is looking to take blood from his family to strike first by killing a male member of the rival family (Standish 20 Nov. 2007). In doing so, the individual eliminates risk to himself and his family (ibid.).

In the case of the paid blood feud assassin (Fischer 19 Dec. 2007; Sunday Telegraph 3 June 2007), an individual deems that honour is extremely important but does not want to commit the actual murder (Standish 20 Nov. 2007). The individual will therefore pay a third party to carry out the killing (ibid.). Standish compared killing by means of a paid blood feud assassin to organized crime activities but emphasized that the purpose of employing a paid blood feud assassin is still to restore and 'clean' one's honour (ibid.). The hiring of a third party to carry out blood feuds was approved at a meeting of clan elders in 2006 (Sunday Telegraph 3 June 2007; Fischer 19 Dec. 2007), leading to an increase in the severity and number of blood feuds (Sunday Telegraph 3 June 2007)." (Ibid)

Under Section 2.7, Property-related conflict, this Issue Paper states:

"A considerable number of blood feuds are related to property issues, such as problems related to the post-communism privatization of land (Standish 20 Nov. 2007; see also Albania 5 Feb. 2008; UCL Oct. 2004). Standish explained that, normally, a civil court would be the appropriate venue in which to deal with property issues, but because of the weakness of the Albanian judicial system, 'people tend to take the law into their own hands' and engage in a blood feud (20 Nov. 2007; see also CNR 1 Nov. 2007; AIIIS 2007, 8).

Law 7501 'On the Ownership of Land' contributed to the evolution of property-related blood feuds (AIIS 2007, 35-36; see also Marku 7 Dec. 2007) because, in northern Albania, the law was not implemented in the same manner as it was throughout the rest of the country (AIIS 2007, 35-36). The AIIS states the following:

The distribution of land ownership certificates lagged far behind the process of land distribution and only by 1996 did seventy percent of the land become legally titled. This situation caused many conflicts on the right to land ownership to arise. ... In some extreme cases, new owners who were newcomers to the village were evicted by force or the threat of force. (2007, 36)" (Ibid)

Under Section 3, Statistics this Issue Paper states:

"Blood feud statistics varied widely among the sources consulted by the Research Directorate. Albanian Ambassador to Bulgaria Bujar Skendo explained in an interview with the *Sofia Echo* that, with respect to the number of families in blood feuds, 'some say that the number is 2000, others say it is 1000' (9 Oct. 2006). Voell stated that 'there are no official statistics on blood feud[s]' and added that the sources of media and NGO statistics 'are mostly unknown' (12 Jan. 2008). The following is a compilation of blood feud statistics gathered from among the sources consulted by the Research Directorate.

According to the *Sunday Telegraph*, more than 20,000 people 'live under an ever-present death sentence' due to blood feuds (3 June 2007; see also CNR 1 Nov. 2007). In a letter to the Commissioner for Human Rights in Europe, the CNR Chair states that 9,500 lives have been claimed by self-justice in 17 years (CNR 1 Nov. 2007). A 21 June 2006 document on the CNR's website states that 5,000 lives were claimed by self-justice in 15 years. An article on the UCL website states that, in 2001, blood feuds caused roughly 73 percent of violent deaths in Albania (Oct. 2004).

An official from the Embassy of Albania in Ottawa provided the following statistics on deaths caused by blood feuds from 1998 to 2007:

Year:	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Blood feud deaths:	45	41	41	32	13	12	11	6	5	0

(Albania 5 Feb. 2008)

In a 25 November 2004 news article based on police data, the Albanian Telegraphic Agency (ATA) provided the following statistics on the total number of murders per year and the number of those that related to blood feuds:

Year:	1999	2000	2001	2002	2003	2004
Total murders:	496	275	208	179	144	88
Murders related to blood feuds:	41	24	19	13	12	8

(ATA 25 Nov. 2004)

The ATA article also reports that 184 families with 306 members, of which 27 are children, were said to be confined due to blood feuds (25 Nov. 2004).

Country Reports 2006 states that, according to the CNR, there were roughly 78 blood feud deaths in the country in 2006 and

[a]pproximately 860 families [that] were effectively self-imprisoned during the year due to blood feuds. Property disputes accounted for four-fifths of formally declared blood feuds, with the remainder pertaining to issues of honor or violations of the home (e.g. thefts, trespassing, etc.). The NRC [CNR] estimated that there were several hundred additional blood feuds stemming from trafficking, which are typically not formally declared out of shame. Of the 738 families reported effectively self-imprisoned in 2005, 166 left the country, including 93 families that sought formal political asylum in other countries.

...

The NRC claimed that fear of revenge prevented approximately 182 children from attending school, 86 of whom were permanently confined to their houses. (US 6 Mar. 2007, Sec. 1.a)

According to the CNR, from 2003 to 2006, 1,270 men left Albania to go into hiding due to blood feuds (1 Nov. 2007). A CNR research mission from 20 May to 8 July 2005 revealed that 1,460 families were in conflict, of which 738 were isolated and 722 willing to abandon the feud if the original murderer was sentenced by the state (27 July 2005). According to the EU, the number of children confined and deprived of education due to blood feuds was 104 in 2005, 95 in 2006, and 87 in 2007 (6 Nov. 2007, 14)." (Ibid)

Under Section 4.1, Albanian legislation, this Issue Paper states:

"Article 78 of the 1995 Criminal Code of the Republic of Albania, which was amended on 24 January 2001, states the following: 'Premeditated homicide is punished by fifteen to twenty-five years of imprisonment. Homicide committed for interest, retaliation or blood feud is punished by not less than twenty-five years or life imprisonment' (Albania 27 Jan. 1995). Article 83/a states that '[s]erious threat of revenge or blood feud to a person or minor [causing them] to stay isolated is punished by fine or up to three years of imprisonment' (ibid.).

A 28 June 2006 article published by the ATA indicates that a draft law on changes to the Criminal Code was approved by the Parliamentary Law Commission. The article states that the proposed amendments to the Code deal with fines and imprisonment for involvement in blood feuds (ATA 28 June 2006). In its 2007 report, the AIIIS discusses four amendments to the Criminal Code that attempt to prevent blood feuds by fining those people who induce a person to commit a blood feud-related act and those who induce 'the confinement of the relatives affected by blood feud' (39; see also EU 6 Nov. 2007, 15). A copy of these latest amendments to the Criminal Code could not be found among the sources consulted by the Research Directorate.

In March 1999, the law 'On Mediation and Reconciliation of Disputes' came into effect (Voell 12 Jan. 2008). This law reportedly forms the framework for resolving disputes outside the court system (ibid.). In correspondence with the Research Directorate, Voell writes the following about the law: '[t]he goal is the laying aside of the point of struggle in accordance with existing laws and the "good tradition" - the mediation of blood feud is not mentioned in this act' (12 Jan. 2008). A copy of

the law could not be found among the sources consulted by the Research Directorate.

According to a 21 June 2006 report by the CNR, the Albanian civil and criminal codes contain 21 laws and 73 articles that deal with 'self-justice.' Beyond the information mentioned above, specifics on the 21 laws and 73 articles could not be found among the sources consulted by the Research Directorate. However, Fischer stated that in the last three or four years, a number of statutes have been proclaimed, emphasizing the illegal nature of blood feuds and the importance of arresting and trying perpetrators (19 Dec. 2007; see also Pano 20 Nov. 2007; ATA 25 Nov. 2005). In 2005, the Albanian parliament 'approved a law establishing a coordination council, chaired by the president, to develop a national strategy against blood feuds and to coordinate activities of government agencies' (US 6 Mar. 2007, Sec. 1.a; see also Albania 5 Feb. 2008). Country Reports 2006 also indicates that there is a serious crimes court that deals with blood feuds (ibid.; see also AP 5 Jan. 2004)." (Ibid)

Under Section 4.3, Resolving blood feuds, this Issue Paper states:

"According to Standish, it is extremely difficult to resolve blood feuds (20 Nov. 2007). A third party, usually an elder, can be approached by families in blood and asked to organize a reconciliation meeting. Individuals and representatives of the family that has incurred blood can attend this meeting under a truce (besa). The reconciliation meeting takes place on neutral territory. Each side of the blood feud gives its account of events and, through the mediator, tries to broker a settlement (Standish 20 Nov. 2007).

The 2004 IMIR report offers the following description of reconciliation:

In the course of reconciliation, an agreement is signed between the two feuding sides, as well as by the warrant group, affirming that no one [will] break the arrangement. No compensation is paid for the victims. The people involved in blood feuds stay confined within their homes, but after a certain period the peace-maker group allow[s] them to go out, in order to work on their land plots, for example, but without leaving the village or the town. (IMIR 2004, 5)

One way to resolve a blood feud by mediation is to arrange a marriage of two members of the rival families, creating a blood link, which is evidence that the feud is settled (Standish 20 Nov. 2007; Young 18 Dec. 2007). Standish noted that using marriage to end a blood feud is now uncommon (20 Nov. 2007). A blood feud can also be resolved through monetary compensation (Standish 20 Nov. 2007; Young 18 Dec. 2007). Standish noted, however, that in keeping with the Kanun tradition that stipulates that money itself cannot settle a feud, the feud will be resolved first and a symbolic compensation will be paid afterward (20 Nov. 2007; see also Kanuni 1989, Arts. 597-598). Young noted that an 'agreement of the offending party to move away' and 'total forgiveness without any compensation' are other ways to resolve blood feuds (18 Dec. 2007). Fischer indicated that blood feuds end either through reconciliation or by 'wiping out' the male line of a family (19 Dec. 2007; see also Pano 20 Nov. 2007). In contrast, Marku stated that unless the injured party in a blood feud initiates forgiveness, calling on the services of a reconciliation committee is the only way to resolve a feud (7 Dec. 2007).

Under Chapter 18 of the Kanun, articles 668 and 669 state respectively that '[a] mediator is one who intercedes to resolve a dispute which may cause killing or some other disaster among the contending parties' and that '[a] mediator may be a man or a woman, a boy or a girl, or even a priest' (Kanuni 1989). There is no formal course to become a mediator and any elder in good standing, not only a reconciliation committee, can broker a settlement (Standish 20 Nov. 2007). Young states that 'there are many individuals who set themselves up as mediators' even though, traditionally, community elders would act as mediators (18 Dec. 2007)." (Ibid)

Under Section 5, Protection, this Issue Paper states:

"5.1 State protection

The extent of protection offered by the Albanian government to citizens who are involved in blood feuds is 'rather little' (Young 18 Dec. 2007) and 'marginal' (Austin 10 Dec. 2007). While the government is not in favour of blood feuds, it is unable to deal with blood feuds effectively or offer significant protection to affected citizens (Fischer 19 Dec. 2007; Marku 7 Dec. 2007; see also Pano 20 Nov. 2007). Albanian legislators have acknowledged that, in Albania, there is an 'absence of the rule of law' (ATA 25 Nov. 2005). According to the AIIS, the existence of blood feuds 'undermine[s] the very functioning of Albanian state institutions, public security and state legitimacy' (2007, 7). Pesha stated that although legislation exists to deal with people who commit blood feuds, there is no special law to protect victims of blood feuds (4 Jan. 2008).

5.1.1 Effectiveness of laws and prosecution

According to Pesha and Standish, there is corruption in the Albanian judiciary (Pesha 4 Jan. 2008; Standish 20 Nov. 2007; see also Austin 10 Dec. 2007). A 2003 IHF report stated that 'one reason for the prevalence of the blood feud was the failure of the judicial system to operate appropriately' (24 June 2003). In a 2006 interview with the Sofia Echo, Albanian Ambassador to Bulgaria Bujar Skendo stated that the Kanun has experienced a resurgence of popularity because of 'people's mistrust of state institutions and their disappointment with the implementation of laws' (9 Oct. 2006; see also Standish 20 Nov. 2007). On a similar note, decisions made by local Albanian councils regarding blood feuds often carry more weight than do pronouncements made by the government (Sunday Telegraph 3 June 2007).

Furthermore, people involved in blood feuds tend to work outside the legal system, despite formal efforts made by legal authorities to address the issue (Pano 20 Nov. 2007; see also Voell 12 Jan. 2008). According to Fischer, people may avoid contacting authorities because they fear that the person they are targeting will be prosecuted and sent to jail, hindering their ability to carry out the blood feud (19 Dec. 2007).

At the time of writing of this Issue Paper, a national coordination council [also known as the Coordinating Council in Combating Blood Feud (Albania 2007)] that was established in February 2005 to address blood feuds was not yet active (US 6 Mar. 2007, Sec 1.a; EU 6 Nov. 2007, 13; Fischer 19 Dec. 2007). Fischer noted that certain pieces of legislation regarding blood feuds have not been implemented (19 Dec. 2007). While the government has made efforts with the introduction of a special crimes court and a witness protection program, the

Albanian government requires increased financial resources, and perhaps, stronger political will (Fischer 19 Dec. 2007; see also US 6 Mar. 2007, Sec. 1.a).

5.1.2 Effectiveness of prosecutions

According to Standish, relatively few blood feud cases go to court and the sentences for the cases that do are 'particularly derisory' (20 Nov. 2007). In slight contrast, Pesha noted that people involved in blood feud murders receive harsher sentences than those who commit 'normal murders' but end up being released from jail after only two to three, or at most, five years (4 Jan. 2008). The AIIS states the following with respect to prosecution and sentencing:

The Prosecutor's Office ... encounters problems with regard to the testimonies of the witnesses in blood feud murder cases. The witnesses would testify to the judicial police officers or the prosecutor that a murder was committed by someone in order to take the blood of a relative. However, before the court, the witnesses change their testimony, denying that the murder was motivated by blood feud. This change, however, is not a result of threats made on the witnesses by the defendant (or his relatives). Rather, it is a solidarity attitude of the community against state/legal solutions. ... The testimonies change in the presence of the judge because the role of the state as an arbiter is unwelcome Solutions given by the court are not seen as a restoration of justice, but a postponement of justice. Thus, blood feud murderers, who in accordance with the Criminal Code of the Republic of Albania shall be sentenced to over 20 years in jail, go to prison for 4 - 5 years because the witnesses change their testimonies. When a blood feud murderer gets out of prison after a short period of time, he is usually executed right away by the relatives of the victim. (2007, 40-41).

Other sources also state that imprisoned blood feud murderers are often targeted and killed upon release from prison (Young 18 Dec. 2007; Fischer 19 Dec. 2007). Fischer added that when a person is prosecuted and sent to jail because of a blood feud, the person's family members may be targeted (19 Dec. 2007).

According to the AIIS, the Albanian state 'has shown itself unable to punish those guilty for murder due to conflicts on issues such as land, water, honour, jealousy, and therefore these murders bring about blood feud' (AIIS 2007, 37). Young stated that, generally, the prosecution of people who engage in blood feuds has not been effective (18 Dec. 2007)." (Ibid)

Under Section 5.2, Protection provided by reconciliation committees this Issue Paper states:

"Reconciliation committees can offer little to no protection to citizens involved in blood feuds (Young 18 Dec. 2007; Standish 20 Nov. 2007; Fischer 19 Dec. 2007) beyond working to resolve the feud itself (ibid.). There have been instances of blood feud negotiators themselves being targeted (Standish 20 Nov. 2007; US 6 Mar. 2007, Sec. 1.a).

In contrast, Marku listed a number of protection-related services that reconciliation committees offer: hiding confined people and securing safe transit to other locations, securing a temporary permit from a damaged family for a confined person to move to another location, advocating for the rights of people

involved in blood feuds in the courts of hosting countries, protecting the location of persons hosted in other countries, and escorting persons internally in Albania in times of emergency (7 Dec. 2007)." (Ibid)

Under Section 6, Non-Governmental Organisations this Issue Paper states:

Aside from reconciliation committees, there are other NGOs and religious organizations that work in the field of blood feuds (Standish 20 Dec. 2007; Marku 7 Dec. 2007), including Catholic peace ambassadors and priests, and the Albanian Human Rights Group (ibid.). According to Marku, these groups "mainly give reconciliation messages via publication" (ibid.). According to Standish, NGOs tend to be Roman Catholic groups based in northwestern Albania that provide charitable support to confined families (20 Nov. 2007). Other examples of NGOs include the following: Reconciliation Mission Mother Theresa (Voell Feb. 2003; CNR n.d.a; Standish 20 Nov. 2007), the Association of Peace Missionaries (also mentioned in Section 4.4.4) (ibid.), and Foundation, Peace and Justice (CNR n.d.a; Standish 20 Nov. 2007). The CNR states on its website that the Association of Mothers with Orphans in Puka and the Mission of Nationwide Reconciliation in Shkoder also work in the realm of blood feuds (n.d.a).

Catholic Relief Services (CRS), based in Maryland, is a Catholic NGO that gives support to a Peace and Justice Center in Shkoder (n.d.). The centre 'documents incidents of violence, offers assistance to families, and provides conflict resolution training in schools for youth, NGOs and parent councils' (CRS n.d.; see also Young 18 Dec. 2007). In 2001, the centre devoted several days for community members to hand in weapons (CRS n.d.).

In 1999, an Albanian NGO called 'To the Benefit of Puka Women' started a food-for-training program that offers classes to women on employment skills (WFP 28 Aug. 2003). Women participating in the class receive portions of flour, oil and salt as encouragement to attend the classes (ibid.). Women are often the only income generators in the family as a result of the impact of blood feuds (ibid.; Standish 20 Nov. 2007) and often bear the majority of economic burden in the family (ibid.).

MJAFT!, which means 'Enough!' (Albanian New Digest 28 May 2003), is an Albanian movement that seeks to "achieve a well-governed Albania with active citizens, strong communities and a positive image in the world" (MJAFT! n.d.). The initial catalyst for the MJAFT! movement was a four-month awareness campaign related to blood feuds (ibid.; Albanian News Digest 28 May 2003; Pesha 4 Jan. 2008).

According to Pesha, NGOs 'don't do much' with respect to blood feuds and blood feuds are "more about traditions and the state" (4 Jan. 2008). (Ibid)

A Response to an Information Request from the Immigration and Refugee Board of Canada states:

"In April 2006, the Albanian Ombudsman told a visiting delegation of Norwegian immigration authorities that, despite some improvements in Albania's overall level of governance, Albanian authorities were unable to protect victims of blood feuds (ATA 25 Apr. 2006). The Director of the Tirana-based non-governmental

organization (NGO) Human Rights in Democracy Center (HRDC) also stated that blood feuds continue, regardless of improvements, because the Albanian state remains somewhat ineffective (26 June 2006). Similarly, in correspondence sent to the Research Directorate, the Justice and Home Affairs Coordinator of the European Commission's delegation in Albania stated that the "very fragile" Albanian state had failed to control the blood feud phenomenon (EU 13 June 2006). In addition, a professor of History at Indiana University who is considered an expert witness in political asylum cases from the Balkans and who has authored several publications on twentieth-century Albanian history told the Research Directorate that the Albanian government has not taken any effective measures to combat blood feuds (14 June 2006). The Professor explained that government officials may be reluctant to become involved in blood feud cases for fear of becoming targets themselves (14 June 2006)." (Immigration and Refugee Board of Canada (22 September 2006) *Albania: Protection available to persons targeted in blood feuds from the government, police, judiciary and non-governmental organizations; effectiveness of protection measures (2005 - 2006)*)

Another Response to an Information Request from the Immigration and Refugee Board of Canada states:

"In written correspondence with the Research Directorate, representatives from the European Commission and the Tirana-based Human Rights in Democracy Center (HRDC) stated that persons targeted by blood feuds could not safely relocate within the country (EU 13 July 2006; HRDC 26 June 2006). Although the HRDC admitted that the situation surrounding blood feuds had improved, it claimed that avengers would be able to find their target within Albania, especially in the north of the country (ibid.). Similarly, the Justice and Home Affairs Coordinator for the European Commission delegation in Albania and the Representative of the Tirana-based Committee of Nationwide Reconciliation (CNR) stated that Albania is small enough that avengers would be capable of finding their targets (EU 13 July 2006; CNR 18 June 2006).

The CNR Representative added that those targeted in blood feuds 'are obliged to confine themselves [to their homes] or leave Albania,' after which the threat against them supposedly decreases (ibid.). A professor of History at Indiana University, who is considered an expert witness in political asylum cases from the Balkans and who has authored several publications on twentieth-century Albanian history, also explained that often the only option available to those targeted in blood feuds is to never leave their home (14 June 2006).

Other sources indicated that relocating within Albania was a viable option for those targeted in blood feuds in order to escape the threat against them (UK 12 Jan. 2006, para. 3.6.7; AHC 20 June 2006). According to the United Kingdom Home Office, internal relocation for those fearing revenge against them would not be 'unduly harsh,' although the effectiveness of relocation depends on the persistence of the avenger (UK 12 Jan. 2006, para. 3.6.7). Similarly, in correspondence with the Research Directorate, the non-governmental human rights organization Albanian Helsinki Committee (AHC) wrote that internal relocation is a possibility for individuals targeted in blood feuds provided that the police protect the identity of the person who relocates (AHC 20 June 2006). However, information on the effectiveness of police protection for persons

targeted by blood feuds could not be found among the sources consulted by the Research Directorate. ” (Immigration and Refugee Board of Canada (13 September 2006) *Albania: Possibility for those targeted in blood feuds to relocate within Albania; whether avengers can locate targeted individuals who have relocated in other areas of Albania (2005 - 2006)*)

The UK Home Office Operational Guidance Note states under Section 3.6.8, Sufficiency of protection:

“Local police units report to the Ministry of the Interior and are the main force responsible for internal security. As noted above, the law provides for 20 years to life imprisonment for killing linked to a blood feud and blood feuds are punishable by a 3-year sentence. The government has set up a special crimes court and a witness protection programme. There have been prosecutions in blood feud murder cases. The Commissioner for Human Rights in Europe stated that police managers have supported reconciliation activities and the CNR. Despite formal efforts made by the authorities to address the issue, some involved in blood feuds may not report the matter to the authorities because of mistrust of state institutions and/or because they choose to execute retribution outside of the legal system. There is no evidence to indicate that individual Albanians fearing the actions of those seeking to carry out a blood feud cannot access protection from the Albanian police and pursue these through the legal mechanisms that have been set up to deal with blood feuds.” (United Kingdom Home Office (December 2008) *Operational Guidance Note – Albania*)

This Guidance Note states under Section, 3.6.9, Internal relocation:

“The law provides freedom of movement within Albania and the Government generally respected this right in practice. Internal migrants must transfer their civil registration to their new community to be entitled to government services, and must prove they are legally domiciled either through property ownerships, a property rental agreement or utility bills. Many cannot provide this proof and thus lack access to essential services. Whilst there may be some difficulties accessing local services internal relocation to escape the localised threat of a blood feud will not generally be unduly harsh. Whether internal relocation would enable an individual to avoid a threat in an individual case will depend on the commitment of those attempting to enforce the blood feud.” (Ibid)

Section 6 of a *UNHCR* paper from March 2006 states the following should be considered when dealing with a blood feud refugee applicant:

“Among the factors relevant to determining the nature of the risk if the applicant were to be returned are:

- (a) whether the dispute can be characterized as a blood feud;
- (b) if it can, the extent to which its origins and development (if any) can be regarded by the society concerned as conforming to the classic principles of blood feuds, as opposed, for instance, to revenge for common criminal acts carried out for other motives;

- (c) the history of the feud, including the notoriety of the original killings and numbers of people killed;
- (d) the past and likely future attitude of the police and other authorities towards the feud;
- (e) the degree of commitment shown by the opposing family towards continuing the feud;
- (f) the time that has elapsed since the last killing;
- (g) the ability of the opposing family to locate the alleged potential victim anywhere in the country of origin;
- (h) that person's position within the family as a potential target for the blood feud; and
- (i) the prospects for eliminating the feud, whether by recourse to the payment of money, a reconciliation organization or otherwise" (UHNCR, (17 March 2006), *UNHCR position on claims for refugee status under the 1951 Convention relating to the Status of Refugees based on a fear of persecution due to an individual's membership of a family or clan engaged in a blood feud*).

Section 20 of this UNHCR document states:

"In blood feud cases, it would be possible to define the particular social group, for instance, as "family members involved in a blood feud" or "family members targeted because of an ancient code", or "male members of a family targeted under a traditional blood feud canon" or, more specifically still, "male members of the XXX family threatened with death as a result of a blood feud with the YYY family". In this way, the group is not defined solely by the persecution feared as a result of the blood feud but also by its kinship ties." (Ibid)

Section 21 of this UNHCR document states under the heading 'Internal flight or relocation':

"Where a well-founded fear of persecution for a Convention reason has been established, it may also be that the decision-maker needs to examine if the persecution can be avoided by relocation elsewhere within the country of origin. This may be particularly relevant in blood feud cases where the agent of persecution is not the state, but it would still be necessary for the proposed area of relocation to be practically, safely, and legally accessible to the individual, for him or her not to be exposed to a risk of being persecuted or other serious harm there and for him or her to be able, in the context of the country concerned, to lead a relatively normal life there without facing undue hardship" (Ibid)

The Irish Times reports:

"The EU is anxious that Albania stamps out the kanun, the exacting of revenge, before it can be seriously assessed as an EU applicant... Two months ago, Albania lodged its formal application for EU membership and suddenly the two ends of Europe fall into place: when Albania is enfolded into the EU, it will bring with it the concept of the kanun, or blood-feud, which seems to be an ineradicable element in Albanian social culture" (The Irish Times (26 June 2009) *Albania's deadly tradition of blood feuds as pervasive as ever*)

This report also states:

“Leading Albanian novelist Ismail Kadaré has described its origins and current practices in *Broken April* (Vintage Books). It is a chilling as well as a gripping read how the kanun affects every aspect of life from the cradle to the grave.

With existing deaths for family dishonour among Muslims throughout Europe, whose perpetrators regard themselves as obeying a law higher than that of the host country, the EU is especially anxious that Albania stamps out the blood feud before it can be seriously assessed as an EU applicant.

Albania has established the Committee of Nationwide Reconciliation to address the phenomenon, but its pervasiveness, especially in remote rural areas in the north of the country, where tribal customs still predominate over national laws, makes it almost impossible to suppress entirely.

As a team of Serbian sociologists reported in 2004, it is difficult to comprehend the character, mentality and pattern of behaviour of Albanians without taking into account the kanun. Not only is it far from being eradicated but, down to the present day, its norms continue to regulate many of the Albanians daily life matters.

Although the kanun does not appear in any part of the Albanian constitution, it is an integral part of Albanian life (and death) and MPs are at the forefront of finding ways to minimise its impact.

Outlawed under Enver Hoxha's communist regime, it has found new acceptance not only in Albania but in Albanian enclaves in Kosovo and Montenegro.

Recent legislation imposes stiff penalties not only for feud-related killings but for the very existence of a feud, in a desperate attempt to end the practice, but local traditions weigh much more heavily than laws passed in Tirana.

Reconciliation seems to have a much greater potential, since it is locally based, with the besa or temporary suspension of the feud becoming the preferred solution, since it is itself embedded in the code. As one MP put it, people don't trust justice and that's why they return to the kanun. They lack confidence in their problems being solved by legal means.

The kanun, or code, principally governs the revenge that must be exacted by one family when one of its members has been killed by another. Traditionally, a blood-feud would be initiated over dishonour by one family to another or in a dispute over land ownership.

Not unlike an Italian vendetta, it requires that if I kill you, your family must kill me. Then one of my family must avenge me and so on ad infinitum. More seriously, the kanun has taken on a new lease of life with the advent of drugs gangs operating under cover of the kanun.

From 1998-2003, official figures put the number of feud-related deaths at 330; today it is approximately 10 per cent or less of all murders in the country. In one southern town, 28 deaths have been directly identified with a single blood-feud over a seven-year period.

The only place where a potential feud victim is safe is in his own home. Some of those living in fear have not left the immediate environs of their homes for over 50 years. It is officially reckoned that more than 1,000 families throughout

Albania are living in isolation for fear of feud reprisals that is a drop of more than 50 per cent in four years, due to the reconciliation process.

The children of these families are home-educated, their numbers estimated variously at between 200 and 800 across the country.

Many years ago, the late Paul Adamidi-Frascheri, chamberlain to King Zog and son of Zog's minister for education, explained to me the rigorous rules which even extend to hospitality: if someone you are supposed to kill comes to your house, you must give him bed and board for as long as he wants to stay and you may not touch a hair of his head.

But, as Paul explained with what I can only describe as a mixture of relish and sang-froid: My dear chap, as soon as he left my property, I simply blew his head off. So much for a Cambridge education.

This week Club Méditerranée announced that it has dropped its plan for a resort near Albania's southern provincial capital, Saranda, due to disputes over land ownership. I wonder why." (Ibid)

The New York Times reports:

"The National Reconciliation Committee, an Albanian nonprofit organization that works to eliminate the practice of blood feuds, estimates that 20,000 people have been ensnared by blood feuds since they resurfaced after the collapse of Communism in 1991, with 9,500 people killed and nearly 1,000 children deprived of schooling because they are locked indoors.

By tradition, any man old enough to wield a hunting rifle is considered a fair target for vengeance, making 17 male members of Christian's family vulnerable. They, too, are stuck in their homes. The sole restriction is that the boundaries of the family home must not be breached. Women and children also have immunity, though some, like Christian, who physically matured at an early age, begin their confinement as boys. Family members of the victim are usually the avengers, though some families outsource the killing to professional contract killers.

Blood feuds have been prevalent in other societies, like mafia vendettas in southern Italy and retaliatory violence between Shiite and Sunni families in Iraq. Appalachian bootleggers in the 19th century also took up arms to defend family honor.

But the phenomenon has been particularly pronounced in Albania, a desperately poor country that is struggling to uphold the rule of law after decades of Stalinist dictatorship.

Blood feuds all but disappeared here during the 40-year rule of Enver Hoxha, Albania's Communist dictator, who outlawed the practice, sometimes burying alive those who disobeyed in the coffins of their victims. But legal experts in Albania say the feuds erupted again after the fall of Communism ushered in a new period of lawlessness.

Nearly a thousand men involved in feuds have escaped abroad, some of them applying for asylum. But even then, dozens of people have been hunted down outside Albania and killed by avenging families.

Ismet Elezi, a professor of criminal law at the University of Tirana, who advises the government and the police on how to tackle the problem, said recent

changes to Albania's penal code — including sentences of 25 years to life in prison for those who kill in a blood feud and stiff penalties for individuals who threaten to retaliate — had helped diminish the practice. Yet he noted that some still gave greater credence to the Kanun than to the criminal justice system, often with devastating social consequences.

'The younger generation is no longer looking to the older generation's codes of behavior,' he said. 'But blood feuds are still causing misery because the men stuck inside their homes can't work, the children can't go to school and entire families are cut off from the outside world.'

Alexander Kola, a mediator who works to resolve blood feuds, said the most common cause of feuds was disputes over property or land. He noted that feuds could also erupt from seemingly minor affronts. He recalled a recent case in which a dozen men had been forced indoors after a male family member killed a shopkeeper who refused to sell his child an ice cream cone. In another case, a feud exploded when a sheep grazed on a neighbor's land, precipitating a deadly fight.

Sociologists here said the feuds had inverted traditional gender roles in rural Albania, as the women became the breadwinners of the family while the men were forced to stay home and do the housework." (New York Times (10 July 2008) *In Albanian Feuds, Isolation Engulfs Families*)

The Daily Telegraph reports:

"By rights, medieval customs such as blood feuds should be a thing of the past. While Albania remains a clan-based society, today's younger generation are generally much more reluctant than their ancestors were to spill blood in defence of family honour. Yet recently, the problem has got much worse - after clan chiefs, in a bizarre adaptation to 21st century ways, ruled that families could 'outsource' blood feuds to professional contract killers.

The ruling, last year, has seen blood feuds being pursued with far more ruthless efficiency than before, resulting in an explosion in the number of the killings. The government is desperately trying to curb the problem by setting up a database of families affected by blood feuds in an attempt to provide monitoring and protection.

'Times have changed,' said Edmond Dragoti, a sociologist based in the capital, Tirana, who has studied the history of blood feuds. 'We no longer see men saying proudly "I am the avenger"; on the contrary, the executors are anonymous, hired killers.'

The blood feuds are regulated by a set of harsh tribal laws called the Kanun - The Code - drafted by Lek Dukagjini, a feudal lord who fought against the Ottoman invaders in the 15th century. It served as the country's constitution for centuries and was upheld by the council of elders, a tribal legislative body consisting of the oldest males from prominent families of each village or region.

The Kanun was banned during the totalitarian rule of the Stalinist dictator Enver Hoxha, whose hard-line communist regime held an iron grip on the country until

1991. But during the chaos that followed the fall of communism, it was reinstated as a way of dealing with disputes. The councils of elders were re-established and now exist parallel to state institutions. In some conservative rural areas, where distrust of the police lingers, the councils' pronouncements effectively outweigh those of government.

Since the decision was made in mid-2006, the number of feud-related killings has doubled, confirming the government's suspicions that people find it far easier to hire a hit man than to commit a murder themselves.

According to the National Reconciliation Committee (NRC), a government body that deals with blood feuds, a total of 78 people died as a result of them in 2006. The real figure may be much higher, as many murders are not reported as blood feud killings, or not reported at all.

The new freedom to hire contract killers has spread to all Albanian-populated areas, including the western part of neighbouring Macedonia, Kosovo and southern Serbia, where the number of killings has also risen." (Daily Telegraph (3 June 2007) *Thousands fear as blood feuds sweep Albania*)

References

Daily Telegraph (3 June 2007) *Thousands fear as blood feuds sweep Albania*
<http://www.telegraph.co.uk/news/worldnews/1553480/Thousands-fear-as-blood-feuds-sweep-Albania.html>

(Accessed 17 July 2009)

Immigration and Refugee Board of Canada (May 2008) *Issue Paper: Albania – Blood Feuds*

http://www2.irb-cisr.gc.ca/en/research/publications/index_e.htm?docid=381&cid=14&version=printable&disclaimer=show

(Accessed 17 July 2009)

Immigration and Refugee Board of Canada (22 September 2006) *Albania: Protection available to persons targeted in blood feuds from the government, police, judiciary and non-governmental organizations; effectiveness of protection measures (2005 - 2006)*

http://www2.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=450550

(Accessed 17 July 2009)

Immigration and Refugee Board of Canada (13 September 2006) *Albania: Possibility for those targeted in blood feuds to relocate within Albania; whether avengers can locate targeted individuals who have relocated in other areas of Albania (2005 - 2006)*

<http://www.unhcr.org/refworld/docid/45f147db2d.html>

(Accessed 17 July 2009)

New York Times (10 July 2008) *In Albanian Feuds, Isolation Engulfs Families*
http://www.nytimes.com/2008/07/10/world/europe/10feuds.html?_r=1&oref=slogin&pagewanted=print
(Accessed 17 July 2009)

UHNCR (17 March 2006) *UNHCR position on claims for refugee status under the 1951 Convention relating to the Status of Refugees based on a fear of persecution due to an individual's membership of a family or clan engaged in a blood feud*
<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=44201a574>
(Accessed 17 July 2009)

The Irish Times (26 June 2009) *Albania's deadly tradition of blood feuds as pervasive as ever*
<http://www.lexisnexis.com/uk/nexis/>
(Accessed 17 July 2009)

United Kingdom Home Office (December 2008) *Operational Guidance Note – Albania*
<http://www.unhcr.org/refworld/docid/4935161e2.html>
(Accessed 17 July 2009)

US Department of State (25 February 2009) *2008 Country Report on Human Rights Practices – Albania*
<http://www.unhcr.org/refworld/country,...ALB.,49a8f1afa4,0.html>
(Accessed 17 July 2009)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources consulted

Amnesty International
Google
Human Rights Watch
LexisNexis
Refugee Documentation Centre
Refworld
UK Home Office
US State Department